

Minutes of the Otter Lake Ratepayers' Association (OLRA) Board Meeting

Wednesday, May 5, 2021

Attendees: David Amy, Martin Chepesiuk, Brad Chittick, Denise Exler, Brian Hindley, Gerry McDole, Nicole Mailloux, AJ Mueller, Kerry Mueller, John Roberts

Regrets: none

1. Welcome and Open Meeting:

The Zoom meeting was started by Kerry Mueller at 6:35 pm.

2. Declaration of any Pecuniary Interests:

None were declared.

Denise Exler informed the Board that she has not been commenting or voting on any OLRA Board matters relating to Seguin Township, because of a Seguin Township matter she is currently dealing with concerning her property. She confirmed that her Seguin Township matter does not conflict with or relate to any matters that OLRA is or may be dealing with. However, she feels more comfortable excluding herself from any OLRA Board discussions relating to Seguin Township matters at this time.

Item #6 will be moved to the end of the Agenda to accommodate her request.

3. Approval of February 8, 2021 Board Minutes:

The Minutes are amended, under Item # 4, Actions, to clarify that AJ's investigation into liability aspects of the boat parade proposal will be directly communicated to the Board and the Boat Parade Committee (Denise Exler, Brad Chittick and John Roberts). The Minutes are also amended to remove "021" after "Mueller" in the second bullet of New Business Item #1.

Motion: Approve the minutes of the February 8, 2021 board meeting, as amended.

- Moved by Gerry McDole
- Seconded by John Roberts
- **Motion Carried**

4. Treasurer's Report:

a) 2021 membership renewals/new members:

AJ Mueller reviewed the April 30, 2021 Actuals against the 2021 Budget. Two cheques totalling about \$350.00 are expected under Revenue. Interest Income from GIC's paid out \$776.91. We are currently 25 members higher at this time when compared to last year.

Expenses relating to an FOI request approved by the Board are reflected under Legal and Professional Expenses. Boat Parade expenses are not reflected yet and will be once approved.

b) Insurance policy renewal with CADA:

Insurance Expense is not reflected in Actuals at this time. Because all Insurances exclude COVID-19 related risks, attendees at any OLRA event need to follow all protocols in place at the time of the event.

5. Boat Parade Planning and Messaging Discussion:

Denise Exler reviewed the written Boat Parade Committee's Plan submitted in the Board Package, in detail.

Discussion followed relating to risks e.g. boat safety, etc. Also as previously noted, Insurance will not cover COVID-19 risks. The Board reviewed best approaches to mitigate risks and determined that attendants can't join the boat parade unless they have registered. Registration will require that each Boat Captain take responsibility for and sign off a document that explains that the Captain and Crew must follow all COVID-19 protocols in place at the time and must follow all Ontario boat operation and safety rules and regulations. A signed copy will be provided to the Boat Captain and a signed copy will be retained by the Board for their records. There will be a clear "opening" and "closing" of the Boat Parade event to mitigate any risks outside the event.

Actions: Denise Exler volunteered to develop the document as described above.

John Roberts volunteered to carry in his boat Accident Insurance Reporting documents from the Insurance Bureau of Canada in the event of an incident.

Call for Volunteers: A Boat Captain and Crew are required to lead the parade in their boat.

Motion: That the OLRA Board approve the purchase of two megaphones at a cost of about \$85.00 each.

- Moved by Kerry Mueller
- Seconded by Brian Hindley
- **Motion Carried**

Brad Chittick joined the zoom meeting at 7:47 pm.

Discussion continued relating to prizes and costs. It is felt that, while prizes are a great idea, they are not the main motivator for entering the parade.

Brad informed the Board that Deb Smith from the Otter Lake Marina will donate two sweatshirts. The Board discussed adding a third sweatshirt and all three sweatshirts could

be prizes for each award. Gift certificates for all three sweatshirts from the Marina could be prizes presented in mugs. Sweatshirts should not exceed \$50.00 each.

It was decided that the Grand Prize be a trophy and a \$100.00 Otter Lake Marina gift certificate presented in a mug; and that the other three prizes, each, be an up to \$50.00 Otter Lake Marina sweatshirt gift certificate presented in a mug.

Actions: Once Brad Chittick confirms the price of the sweatshirts from the Marina, an email will be sent to the Board to move, second and approve the motion.

Motion: That one mug for up to \$30.00 be added to the budget.

- Moved by Brian Hindley
- Seconded by Denise Exler
- **Motion Carried.** Brad Chittick abstained.

Brad Chittick left the meeting at 8:08 pm.

New Business

6. Safe Quiet Lakes (SQL) Initiatives:

a) No Wake signs:

Kerry Mueller asked who wanted to purchase a “No Wake” sign for about \$20.00 to \$25.00. Four Board members wanted to buy: Brian Hindley, John Roberts, Denise Exler and Kerry Mueller.

b) Decibel Coalition:

Martin Chepesiuk reviewed the Safe Quiet Lakes’ national “Decibel Coalition” document in detail. The Coalition’s objective is to have the Transport Canada Small Vessel Regulation SOR-2010-91 enhanced by the Federal Government/Transport Canada to include limits on the amount of noise from boat motors and include enforcement procedures. Should OLRA join the Coalition?

Discussion followed. Generally, it was felt that there was not sufficient information to make an informed decision at this time, with regards to, for example decibel levels, etc.

Action: Martin Chepesiuk will get more information on the limits and restrictions on boats and motors. A vote could take place at the AGM. (A subsequent conference call meeting with the Decibel Coalition took place and notes from that meeting are in the Addendum).

7. OLRA Box at Narrows with Maps of the Lake/Watch Your Wake:

Martin Chepesiuk provided a copy of the map that is currently provided in a box at the boat launch near the narrows between Little Otter Lake and Otter Lake.

Motion: That a second box be re-installed at the Otter Lake Marina boat launch.

- Moved by Martin Chepesiuk
- Seconded by AJ Mueller
- **Motion Carried.**

Action: For insurance purposes, Martin Chepesiuk will ensure that maps have a disclaimer on them that says they are not intended for navigational purposes and who created them.

8. Revise 2021 Budget considering the above discussions and initiatives.

The 2021 Budget needs to be revised to reflect Insurance Coverage for Cyber Security, Boat Parade expenses and FOI requests.

Motion: That the 2021 Budget reflect an additional line for the Boat Parade with a budget of \$1,100 and an additional \$1,100 under Legal and Professional expenses.

- Moved by AJ Mueller
- Seconded by Gerry McDole
- **Motion Carried**

9. Proposed Agenda for AGM:

Action: Denise Exler will talk to Grand Tappattoo regarding the possibility of having to cancel the BBQ.

Denise Exler left the meeting at 8:45 pm

Return to Main Agenda

10. Discussion by all re: contents of documents/information received via:

- FOI Request of MNRF
- FOI Request of Seguin Township
- Response from MOECP
- Summary of Research on “Where does the lake begin and private property end.”

Discussion: Brian Hindley informed the Board that Chris Martin, MOECP, Endangered Species Act Specialist, verbally confirmed that the previous Landowner did not consult with MOECP or apply to get an Endangered Species Act Permit, as he was advised to do by MNRF. Chris Martin informed Brian Hindley that the case was now with the MOECP Enforcement Branch.

Brian Hindley informed the Board that the wetland in question might arguably be Type 2 habitat for the Blanding’s Turtle, as was explained in the Hutchison peer review of Riverstone Consultants, and this report was not commented on at the Council meeting. If the Habitat is Type 2 habitat, then the causeway could be in violation of the Endangered Species Act.

There was an extended discussion regarding where a lake begins, and where private property ends and if the waters in the wetland are “navigable waters” as per the Navigable Waters Act. If so, then the causeway is a “major work”, requiring an application for a permit, the neighbour’s approvals, etc. Discussion also took place regarding Seguin Township approving a causeway in an EP Zone.

Motion: To forward drone pictures of the causeway to the Navigable Waters Protection Program and ask if the causeway is in navigable waters and if so if the causeway permissible.

- Moved by AJ Mueller
- Seconded by Martin Chepesiuk
- **Motion Carried.**

John Roberts left the meeting at 9:39 pm

Actions: Brian Hindley will follow up with the MOECP Enforcement Branch.

Once the Board has had the opportunity to review the above outstanding information from MOECP Enforcement Branch and the Navigable Waters Protection Program, Kerry Mueller will ask for a zoom meeting with the OP Committee for the purpose of sharing learning to ensure that the approval of this causeway does not set a precedent in the Township.

Adjournment: Kerry Mueller called the meeting to a close at 9:48 pm.

ADDENDUM

Motions Carried by email from February 8, 2021 to May 5, 2021

Further to the February 8, 2021 OLRA Board Meeting, and Seguin Council’s decision to approve, in a divided vote, a “recreational trail” in a wetland on Otter Lake, here are 5 finalized motions, which were moved, seconded, and adopted prior to the May 5, 2021 OLRA Board Meeting:

1) Motion (Request 2021-006): That the Board proceed with the FOI request of Seguin Township at an estimated cost of \$170.00 plus HST.

- Moved by Kerry Mueller by email on March 3, 2021
- Seconded by Martin Chepesiuk on March 3, 2021
- **Motion Carried by email on March 3, 2021**

2) Motion: That the Board send the attached letter dated March 9, 2021 regarding Recreational Trails and amendments to OP and By-law 2006-125.

- Moved by Kerry Mueller by email on March 8, 2021
- Seconded by AJ Mueller by email on March 8, 2021

- **Motion Carried by email on March 9, 2021**
- 3) Motion (Request 2021-006): That the Board proceed with the FOI request of Seguin Township with the updated estimated cost from Seguin Township of \$483.00 plus HST, due to the emails exchanged between members of Council and 915 copies.**
- Moved by Kerry Mueller by email on March 9, 2021
 - Seconded by AJ Mueller by email on March 9, 2021
 - **Motion Carried by email on March 10, 2021**
- 4) Motion: That the Board hire an aerial photographer to legally obtain aerial drone photographs of the causeway at an estimated cost of \$100.00 plus tax.**
- Moved by Kerry Mueller by email on April 21, 2021
 - Seconded by Gerry McDole by email on April 21, 2021
 - **Motion Carried by email on April 24, 2021**
- 5) Motion (MNRF FIPPA Request A-2020-00077): That the Board request copies of any and all records or documents, internal and external, in the possession of the MNRF dated from Sept. 1, 2020 to the present that are associated with any complaints and/ or responses to complaints, including onsite visits, related to the construction of a driveway or trail at 202 Blue Lake Road, Seguin ON. (Estimated cost is \$207.50.)**
- Moved by Kerry Mueller by email on April 30, 2021
 - Seconded by Brian Hindley by email on April 30, 2021
 - **Motion Carried by email on May 1, 2021**
- 6) Motion: That the Board send the attached May 3, 2021 Letter regarding DPS-PL-2021-035, Shore Road Allowance and Deeming By-law Applications.**
- Moved by Kerry Mueller by email on May 3, 2021
 - Seconded by AJ Mueller by email on May 3, 2021
 - **Motion Carried by email on May 3, 2021**

May 19, 2021 Decibel Coalition and No Wake Signs Conference Call Notes

Decibel Coalition Attendees: Rob Bosomworth, Chairman and Nancy Croitoru

OLRA: David Amy, Martin Chepesiuk, Denise Exler, Brian Hindley, Nicole Mailloux, Kerry Mueller, John Roberts

Decibel Coalition Notes:

- The Decibel Coalition started in November 2019 with a Committee of 6-7 people and is funded by Safe Quiet Lakes.
- In the USA, excessive noise from boats on lakes started in the 1980's.
- A 2017 SQL survey from 3300 respondents concluded that 70% want legislation and 61% want decibel limits.
- The current Canadian small vessel legislation is non-enforceable. It's hard for police to lay charges.
- National legislation is the best option to control boat motor noise and Transport Canada needs to enact this. Municipalities bylaws are for noise on land.
- 30 Lake Associations in Canada have supported the decibel coalition. There are some in BC and one in Alberta. The rest are in Ontario: Muskoka Lakes Association, Georgian Bay Association, FOCA, St Lawrence River, Rideau Lake.
- The solution is simple. Put noise performance standards on mufflers.
- Transport Canada has recognized that noise is a problem.
- Current legislation just requires that all boats have a muffler. There are two proposed noise limit standards: 1) 75 dB limit drive by when measured from shore and 2) 88 dB limit when measured at idle and standing still.
- 30 US states and the EU have boat motor noise standards as measured in decibels.
- All major boat manufacturers already meet US standards. It's the outliers that cause the noise problems.
- Aware of two Apps that measure Decibels: "niosh" and "decibel X". The latter can also take a picture at the same time.
- If OLRA was a member their obligation would be: 1) providing the Coalition with the ability to use the OLRA logo to promote their objectives on social media and in their newsletter and lobby Transport Canada 2) communicating to OLRA members, 3) support by letters, not funding. If funding was requested, OLRA would communicate to their members.

No Wake Signs Notes:

- There are two types of "No Wake" signs: 1) 10 km/hr is in most channels is a Transport Canada Regulation, and 2) 10 km within 30 meters from shore is a regulation in most provinces.
- Can't violate Transport Canada signs. Guidance is needed on where to put them.

Action: John Roberts will follow up with Colleen Kennedy on where to put "no wake" signs.

Acronyms

AGM: Annual General Meeting
dB: Decibel

EP: Environmental Protection
FOCA: Federation of Ontario Cottagers Association
FOI: Freedom of Information
GBB: Georgian Bay Biosphere
LPP: Lake Protection Program
MNRF: Ministry of Natural Resources and Forestry
MOECP: Ministry of the Environment, Conservation and Parks
OLRA: Otter Lake Ratepayers' Association
OP: Seguin Township Official Plan
SAR: Species at Risk
STCR: Short Term Cottage Rentals
SRA: Shore Road Allowance