

May 21, 2023 OLRA AGM Minutes

## OTTER LAKE RATEPAYERS' ASSOCIATION ("OLRA")

### ANNUAL GENERAL MEETING

MAY 21, 2023

#### QUORUM

The meeting was called to order by Kerry Mueller, OLRA Board President, at 9:00 AM. A quorum of members and Board Directors was present. There were 42 locations logged into the meeting, with some having more than one participant.

#### WELCOME

Kerry Mueller, OLRA Board President introduced speakers and guests:

- Ann MacDiarmid, Mayor of Seguin Township, Speaker
- Ken Adams, Ward 1 Councilor, Speaker
- Mario Buszynski, Ward 2 Councilor, Speaker
- Wolfgang Mersch, representing the Rankin Lake Property Owners' Association, Guest
- George Kostiuk, President, Salmon Lake Ratepayers' Association, Guest

The OLRA Board of Directors were introduced to the membership.

#### 2023 ANNUAL GENERAL MEETING AGENDA

**Motion:** To approve the Agenda for this AGM.

**Moved by:** Elliott Schwartz

**Seconded by:** Douglas Whitman

**Motion Carried:** 100% of electronic voters in favour

#### 2021 ANNUAL GENERAL MEETING MINUTES

**Motion:** To approve the 2021 AGM Minutes as posted on the OLRA website (olra.ca).

**Moved by:** Mario Buszynski

**Seconded by:** Robert Cribbie

**Motion Carried:** 100% of electronic voters in favour

#### 2022 ANNUAL GENERAL MEETING MINUTES

**Motion:** To approve the 2022 AGM Minutes as posted on the OLRA website (olra.ca).

**Moved by:** Tony Buszynski

**Seconded by:** Elliott Schwartz

**Motion Carried:** 100% of electronic voters in favour

**2022 Financial Year End Report:** AJ Mueller, OLRA Board Treasurer, presented the 2022 Financial Statements. 2022 Retained Earnings were \$76,447. Financial Assets were \$78,157. Liabilities were \$1,710, which included \$1,105 of 2022 eDNA fees yet to be invoiced and \$605 for prepaid memberships. Net Income was \$1,063. Highlights included:

- **Assets:** Operating Funds were \$18,683, the Reserve Fund was \$41,746 and the Environmental Fund was \$17,728 for Total Financial Assets of \$78,157 as at December 31, 2022. Total Financial assets have increased year over year since 2018.
- **Revenue:** Membership Revenue was \$7,120, Reserve Fund Donations were \$1,264, Environmental Fund Donations were \$2,205, BBQ Ticket Sales was \$1,342, Newsletter Advertising was \$2,355 and Interest Income was \$950 for Total Revenues of \$15,136 as at December 31, 2022, which was higher than in previous years.
- **Expenses:** BBQ expenses totalled \$1,710. Other Expenses were \$12,363 for Total Expenses of \$14,073.

**Membership Highlights:** AJ Mueller, OLRA Board Treasurer presented Membership Highlights:

- As at December 31, 2022, there were 185 Primary Members and 309 Additional Family Members for a Total Membership of 494.
- As at May 20, 2023, there were 144 Primary Members and 230 Additional Family Members for a Total Membership of 374. This represents 76% of the 2022 total numbers and more are expected.

**Approval of 2022 Financial Statements:**

**Motion:** To approve 2022 Financials

**Moved by:** Elliott Schwartz

**Seconded by:** Robert Cribbie

**Motion Carried:** 100% of electronic voters in favour

**2023 Key Metrics, as at May 19th:** The Treasurer presented highlights of Key 2023 Metrics. The anticipated Year End Loss as per the 2023 Budget is estimated to be \$-1,344.

**LAKE STEWARDSHIP REPORT**

Brian Hindley, OLRA Board Lake Steward, presented the stewardship program. Highlights included:

- **2021 Lake Partner Program Water Quality Results:** Lake Partnership Program (LPP) water sampling results for 2022 were not available from the MoECP as of this date. While the overall 2021 results were generally good, there is a need to remain vigilant. The average Total Phosphorus (TP) ( $\mu\text{g/L}$ ) possibly decreased slightly in Little Otter Lake and remained stable in Otter Lake. Both have levels of TP below  $<10 \mu\text{g/L}$ , which is the limit typical of an oligotrophic lake. Calcium levels ( $\text{mg/L}$ ) are stable and low, which is typical of lakes on the Precambrian Shield. Water clarity Secchi disk measurements, which measures water transparency, remained generally stable. Dissolved Oxygen (DO) is generally good, but there are some concerns over low DO in embayments.
- **Dissolved Oxygen sampling:** OLRA is planning to conduct sampling for DO in six embayments. Sampling will occur in late summer or early fall before the lake stratification turns.
- **2022 Benthic Report Highlights:** Benthic results for Otter Lake and Little Otter Lake are typical of lakes in the Muskoka area. There is a slight downward trend in the number of total benthic macroinvertebrates found in Little Otter Lake and mixed results in Otter Lake. Sampling will continue to identify trends over time. “Bugs in the mud” or benthic macroinvertebrates are diverse small and microscopic animals with no backbones which live on the bottom of the lake. The type of species and numbers are key indicators of a lake’s health, “canaries in the mine”, and are an indispensable part of the food chain for fish, reptiles, amphibians, birds, etc.
- **Final Thoughts: Need to Remain Vigilant and Help Keep Our Lakes Healthy:**
  - Keep nutrients, sediments and contaminants from entering the lakes.
  - Maintain/restore natural shorelines and nearshore properties. See GBBR for native plant list. Remove non-native invasive plants and ornamentals.
  - Minimize your ecological footprint. See GBBR Life on the Bay Stewardship Guide and Seguin Township Stewardship Guide.
  - Get involved in FrogWatch, IceWatch, Canadian Loon Survey, invasive species reporting.

**Discussion:** Questions were raised followed by discussion. Key points included:

- Phosphorus levels should not be high or low. In between is best.
- What is the plan should phosphorus levels become an issue? Education is what OLRA could do, but the best way to mitigate phosphorus levels is to reduce input into the lake from organic matters (from animal waste, septic systems, run off over hard surfaces especially during heavy rains). All of us have an impact. Septic systems checks should become mandatory. Paved roads should be built to mitigate run off of organic matter and salt into the lakes.
- Why did we not see leeches in the results? Program may not catch everything. A couple of attendees said they see leeches in the lake.
- Is it better to have high or low Dissolved Oxygen (DO)? It’s better to have high DO, particularly to ensure the survival of fish, including lake trout.

- Should we be doing benthic sampling every year? We have four years of data that show we are similar to other lakes in Muskoka, so we could sample less frequently. However, if we missed a year, sudden extreme changes relating to “climate change”, may not be captured. If the operating budget was short, we do have the environmental fund as a reserve. The benthic program is part of a larger program monitoring benthic invertebrates in many Muskoka area lakes; there is value in continuous monitoring as part of this larger database.
- **2022 Biodiversity Study of Otter Lake using eDNA Analyses:**
  - Cameron von Bratt, MSc. Environmental Consultant led the project and a workshop to train OLRA volunteers to do the sampling.
  - Total budget for 6 samples was \$6,000 + HST + \$700 for additional samples.
  - Since analysis can only detect organism eDNA that is <72 hours old, the absence of eDNA of any organism does not mean it's absent.
  - Locations were selected to maximize the number of organisms identified by pooling lake samples with nearby tributaries: Sunny Point Bay/Broking Lind Tributary (153 species), Little Otter Bay/Rankin Lake Tributary (136 species), Link Shore/Link Property Tributary (61 species), Sand Bay/Blue Lake Road Beaver Pond (104 species), Salmon Lake Bay/Salmon Lake Bay/Salmon Lake Tributary (139 species), Mud Bay/Sovereign Lake Tributary (139 species).

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- Clifford Vankoughnett, MNRF, was asking a member if smelt are seen in Otter Lake since smelt have a symbiotic relationship with Lake Trout.
- A member comment - Between the 60's and early 2000's cisco could be seen breaching in the west end of Long Arm but are not seen as often now.
- Read the comprehensive report on OLRA's website!

## **GUESTS**

### **Ann MacDiarmid – Mayor of Seguin Township:** Highlights:

- Applauds and respects OLRA for its environmental work.
- MZO has been approved by the province to develop over 700 acres behind the Canadian Tire on Seguin Township lands. One developer owns over 300 acres. The goal is to fix the housing crisis and build attainable dwellings, including mixed rentals and low-rise apartments, to be sold for about \$300,000 to \$350,000. Seguin will not short-cut the planning process. Development will pay for development and taxes will not be raised to pay for this development.
- West Parry Sound pool and recreation centre is funded by the province and local governments. Fundraising will need to cover the additional two pool lanes.
- Two new provincial Bills, 23 and 97, may affect the draft Seguin Official Plan now being worked on.
- Strategic Plan review is underway and due in July.
- Shoreline alteration bylaws are now being reviewed.
- Seguin made improvements to the By-Law Department
- Council voted unanimously on approving resolution 2023-153 on Short Term Rentals. Good Neighbourhood By-Laws will be monitored. Other By-Laws are a "wait and see". OLRA only represents 40% of Otter Lake property owners and she needs to represent everyone. It costs \$100,000 or 1% tax increase to take STR issues to court. The mayor's interpretation of resolution 2023-153 is that STRs are "absolutely allowed" and that Seguin land-use zoning by-law can't be defended in court. Seguin will only take STRs on if they repeatedly violate the Good Neighbourhood By-laws.
- Regarding Sunny Point development. The current provincial government allows back lot development, and is encouraged. Currently there is no application from Sunny Point.

**Commented [BC1]:** I think that needs to read; Fundraising will need to occur in order to open the additional two pool lanes.

### **Ken Adams - Ward 1 Councillor:** Highlights:

- Thanked Kerry for the invitation and is happy to represent ward 1.
- Thanked the Seguin staff for all their hard and tireless work.
- Has been busy serving on council dealing with the MZO and other issues.
- People could take advantage of many Seguin services and programs such as the learn to swim program for kids.
- Indicated he was pleased to see more action on road improvements like Ferris Road and Horseshoe Road.

- Stated he was opposed to short term rentals and when asked, disagreed with the mayor's interpretation of resolution 2023-153.

**Mario Buszynski – Ward 2 Councillor:** Highlights:

- Campaigned on 1) decreasing taxes, 2) environmental responsibility, and 3) transparent township.
- MZO will result in over 2,000 units with over 6,000 additional people requiring more services. He will make sure taxes don't go up. Developers need to submit a draft plan with parks, etc. It's still not clear how Seguin will provide the additional services such as water, sewage, waste, recycling, curb side pickup, schools, etc. Nothing is final yet.
- The existing Official Plan is now still the law, and the proposed Official Plan is not final. Can't see that further development at Sunny Point is attainable, as no new lots are allowed on Otter Lake including lots which are a distance from shore.
- When asked, he disagreed with the mayor's interpretation of resolution 2023-153. Council is unanimous in that nothing says we are open to STRs. 5 councillors said they don't want STRs. Commercial use such as STRs is NOT allowed. Legal interpretations from lawyers are not simple. Don't want to spend money while monitoring what is happening in other townships. If noise, etc. are objectionable, then will take the "behaviour" by-laws on.
- The existing website is OK but we need more notifications to people via Associations, etc.

**Discussion:** Questions were raised followed by discussion. Key points included:

- It was asked if Councillors Mario Buszynski and Ken Adams shared the Mayor's interpretation that "short terms rentals were "absolutely allowed". Both Ken and Mario said they do not agree with the Mayor's interpretation, and that Short Term Rentals are not allowed. The Mayor responded that she was disappointed with the statements by Councillors Adams and Buszynski since resolution 2023-153 was unanimously supported by Council.
- It was asked if the Mayor's opinion is that the Zoning By-Law is not defensible in court and therefore enforcing the Good Neighbours By-Law approach was being taken while monitoring other court decisions. The Mayor responded she is hesitant to defend Seguin against Short Term Rentals until there is a precedent. Three lawyers have told her the Seguin By-Law is not defensible. She said that OLRA is taking an "evangelical" and "passionate" stance on this issue. AJ Mueller said he found her comment offensive.
- It was asked in the chat box to everyone, "Mayor MacDiarmid, can you please clarify if I am understanding your statements on STRs correctly: Short Term rentals are banned in Seguin Township, but Seguin Township is not enforcing the ban. Is that the essence of your comments?" Ann MacDiarmid responded to everyone in the chat box "Our zoning bylaw is not

defensible in a court of law. We willingly enforce our “good neighbour bylaws” but we will not be shutting down any properties that are not a nuisance to the neighbourhoods. We will take action against owners AND renters that have repeated infractions against noise, nuisance, parking, waste disposal, burning and fireworks.”

- It was asked if there is a Sunny Point application to develop and the Mayor confirmed there was not.
- It was asked of the status of road improvements in Wards 1 and 2. Mario said all roads are to be improved, including Blue Lake Road and Oastler Lake. There is an Engineering Study on roads to determine if the base should be redone, or just patching, etc. People who live permanently on roads need to get fire and ambulances in. Results from the Study are expected in late summer, early fall. Ken Adams said that Ferris Road, Horseshoe Road, Jacklin Road, Black Road, are all being looked at for improvements first. Ann said that electronic road signs will appear on Rankin Lake Road and Oastler Park Drive.
- It was asked if the 2023 increase in Sequin’s property tax rate was due to the hiring of additional By-law officers. Mayor MacDiarmid stated that it was not and that the blended 5% increase for 2023 was due to inflation.

### LOON REPORT

Kerry Mueller, OLRA Board President, noted that 3 pairs of loons have returned (2 on Otter and 1 on Little Otter). The 2 nesting platforms on Otter have not been used in over 5 years and will be dismantled. The platform on Little Otter is used and we thank Allan Campbell for maintaining it. In 2022, 5 chicks hatched but 2, maybe 3 were lost. ***Boat watchfully with low wakes because small loon chicks cannot dive and escape!***

### CANADA DAY BOAT PARADE

Rob Cribbie, OLRA Board Director, provided highlights on the upcoming Canada Day Boat Parade on July 1 (rain date July 2), from 2 to 4 pm. Prizes worth over \$50 each will be awarded for the Most Patriotic, Most Creative over 14 feet, Most Creative under or equal to 14 feet, and Most Otter Lake Spirit. The best overall winner will be awarded with a Trophy and a \$100 Marina Gift Certificate. Prizes are awarded to OLRA members only. This event is free to all Otter Lake and Little Otter Lake cottagers and property owners and is only open to motorized boats. More details will be sent by email to all OLRA members. A WhatsApp group will be created for communications during the parade. To register send an email with your phone number, boat length/colour/make, whether you are an OLRA member, and whether you want to add your name to the WhatsApp group to Rob at [otterlakeboatparade@gmail.com](mailto:otterlakeboatparade@gmail.com). ***Boat Captains are responsible for adherence to safe boat operation regulations and will be asked to return a signed/witnessed waiver.*** More details and the waiver will be sent by email soon. If you are interested in volunteering as one of the three judges,



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please send an email to Rob at [otterlakeboatparade@gmail.com](mailto:otterlakeboatparade@gmail.com). Also check out the OLRA website!

### **ANNUAL OLRA BBQ**

Rob Cribbie, OLRA Board Director, advised that the BBQ will take place on August 12 from 5 to 8 pm, rain or shine, at Grand Tappattoo Resort. More details to come!

### **ANNUAL OLRA PHOTO CONTEST**

Kerry Mueller, OLRA Board President, stepped in for Catherine Rakosy who runs this event but could not attend. The goal for the 2023 contest is to engage more young photographers (aged 16 and under) and increase the total entries in all categories. The contest opens on May 20th and closes on October 10th. Send email with photos (6 MB or smaller) taken on or around Otter or Little Otter Lakes to [otterlakephotocontest@gmail.com](mailto:otterlakephotocontest@gmail.com) and indicate category, phone number, mailing address, email address and OLRA membership name. Details will be sent by email to all OLRA members. Also check out the OLRA website!

### **NEW BUSINESS**

#### **ONCA – Updating OLRA’s By-Laws as per the Ontario Not-for-Profit Corporations Act (ONCA)**

Kerry Mueller, OLRA President, presented the proposed updated By-Law, which was emailed to all members for review on May 4th and on May 20th. ONCA came into force on October 19, 2021. OLRA needs to comply by October 18, 2024. A Board Committee updated the existing By-Law to comply and it was approved by more than 2/3 of the Board. Members now need to vote on it. Key changes to the By-Law included:

- Section 1.01 Definitions.
- The need to have a Chair. The By-law allows for one person to be in the role of Chair and President.
- A new Conflict of Interest clause.
- Deleting proxy voting. However, voting can occur by email.
- One OLRA member (in good standing and over the age of 18) from each property on Otter Lake may vote at an OLRA meeting on issues raised.

**Motion:** To adopt the OLRA Updated By-law – May 2023

**Moved by:** Brad Chittick

**Seconded by:** Mario Buszynski

**Motion Carried:** 100% of electronic voters in favour

#### **2023 PROPOSAL TO CONTINUE THE BIODIVERSITY STUDY OF OTTER LAKE USING eDNA ANALYSES**

Brian Hindley, OLRA Board Lake Steward, presented OLRA's proposal. Key points were:

- Government support of the environment is lacking while development continues.
- MNRF is undertaking a Fisheries Broadscale Netting Program in 2023 to document fish species present and sample fish for contaminants.
- 2022 eDNA results showed that it is better than just benthic sampling programs for monitoring lake biodiversity. It complements OLRA's water testing and benthic monitoring programs.
- In 2022 we sampled 6 locations, and sampling in 2023 is expected to expand our biodiversity list. Options include 1) resampling same locations at a different time in the year, 2) sampling new habitats that support Species at Risk or of Concern such as Lake Trout, 3) sampling a single habitat in multiple seasons, etc. The Board will develop the details of the 2023 program.
- Cost for 2023 for 6 samples is expected to be \$4,410 + HST + shipping. Additional samples are estimated to be \$735 each + HST + shipping. The Budget now includes \$4,700 for eDNA. Funds would come from the 2023 Operating Budget and the Environmental Fund.

**Motion:** That the OLRA membership approve the proposal to undertake an eDNA project in 2023 with a budget of up to \$5,200.

**Moved by:** Tony Buszynski

**Seconded by:** Brad Chittick

**Motion Carried:** 92% (23) of electronic voters in favour (8% or 2 were against)

#### **OTTER LAKE FISHERIES STUDY AND LAKE TROUT UPDATE:**

Martin Chepesiuk, OLRA Board Vice President, provided an update on the 2023 Otter Lake MNRF Program, which is researching how to best sample fish. Trap nets have already been set, 3 meters deep. Fish will be tagged and released. There is information on the tags and also at the Otter Lake Marina on what to report e.g., length, weight, where caught, etc. MNRF is not looking for lake trout. Some fish tissue will be taken to analyze for contaminants.

**Discussion:** Questions were raised followed by discussion. Key points included:

- Small populations of lake trout are more susceptible to negative impacts.
- MNRF are not planning to do any lake trout studies in the foreseeable future.
- Generally, the larger the fish, the higher the contaminant levels.
- Mario Buszynski noted that opening a Winter Fishery as the MNRF plans to do on Otter Lake, would be harmful to the lake trout population.

#### **OLRA SURVEY COMING SOON:**

Gerry Doyle, OLRA Board member, introduced the 2023 OLRA survey that will assess the goals and wishes of Otter Lake people. Each member of the household and family

is encouraged to fill it out. Share the survey and tell us how to improve the Otter Lake experience by sharing your vision, activities, events, etc. and if you are interested in joining committees and the Board, and more.

#### **SEGUIN OFFICIAL PLAN (OP) REVIEW UPDATE:**

Kerry Mueller, OLRA Board President, informed that Seguin's Draft OP approval by the Ministry of Municipal Affairs and Housing (MMAH) is on hold until a new 2023 Draft Provincial Policy Statement (PPS) is approved by the Province. At the May 15<sup>th</sup> 2023 council meeting, it was reported that several changes are expected to affect the Seguin MZO development, environment protection policies, rural lot development, settlement boundaries, site plan controls, etc. Stay tuned!

#### **SHORT TERM RENTALS (STRs) UPDATE:**

Kerry Mueller, OLRA Board President, indicated that on May 15<sup>th</sup>, 2023, Seguin Council passed a STR Resolution 2023-153 which states: *".....the Township of Seguin will be taking a more proactive approach effective immediately with enforcement of by-laws to address issues related to short term rentals and noise nuisance, parking, waste disposal, burning, fireworks, etc. and that **the township will continue to enforce the zoning by-law for those operating a commercial operation and may take action against the property owners for repeated infractions.**"* Oro-Medonte is also stepping up enforcing its zoning by-law against STAs/STRs. The Oro-Medonte appeal of their OLT case begins on May 23<sup>rd</sup>, 2023. When Oro-Medonte updated their zoning by-law to define commercial to include rentals of 28 days or less, they were taken to the OLT. As that case is decided, Oro-Medonte is defending its zoning by-law without that amendment against STA/STR use of residential property. In the Blue Mountains, which has licensed STRs, it was reported that the OPP was called 11 times more often with regards to STRs vs other residential properties.

#### **Concern raised:**

James Lapointe considered it a financial risk for OLRA to allow 2 people from the same household to sign cheques. Kerry Mueller said other Directors don't have access to bank accounts, but that there are 3 Board positions (any two of President, Vice President & Treasurer) allowed to sign cheques. Kerry Mueller, President and AJ Mueller, Treasurer are in the same household. Marty Chepesiuk, Vice President, said he was the third co-signer. Directors David Amy and Rob Cribbie said they have no concerns. Member Douglas Whitman said he had no concerns with Kerry Mueller, AJ Mueller and other Board Directors.

#### **ELECTING OLRA BOARD MEMBERS**

3 Board Directors have terms ending and will stand for re-election: Brian Hindley, AJ Mueller, and Kerry Mueller. Kerry Mueller asked if there are any nominations from the floor. There were no further nominations.

**Motion:** Doug Whitman moved that the 3 Board Directors return and to close the nominations.

**Seconded by:** Mario Buszynski

**Motion Carried:** 100% of electronic voters in favour

## **ADJOURNMENT**

There being no further business, Kerry Mueller, OLRA Board President, closed the meeting at 11: 43 am.

### **Acronyms**

- AGM: Annual General Meeting
- ATV: All-Terrain Vehicle
- dB: decibel
- DC: Decibel Coalition
- DFO: Department of Fisheries and Oceans
- DO: Dissolved Oxygen
- EP: Environmental Protection
- FOCA: Federation of Ontario Cottagers Association
- FOI: Freedom of Information
- GBB: Georgian Bay Biosphere
- LPP: Lake Protection Program
- MECP: Ministry of the Environment, Conservation and Parks
- MMAH: Ministry of Municipal Affairs and Housing (MMAH)
- MNRF: Ministry of Natural Resources and Forestry
- MZO: Ministerial Zoning Order
- OLRA: Otter Lake Ratepayers' Association
- OLT: Ontario Land Tribunal
- ONCA: Ontario Not-for-Profit Corporations Act
- OP: Seguin Township Official Plan
- OPP: Ontario Provincial Police
- PCOC: Pleasure Craft Operator Card
- PFD: Personal Floatation Device
- PPS: Provincial Policy Statement
- PWC: Power Water Craft
- SAR: Species at Risk
- SQL: Safe Quiet Lakes
- SRA: Shoreline Allowance
- STA: Short Term Accommodation
- STR: Short Term Rental
- TC: Transport Canada
- WDALB: Where Does a Lake Begin

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