



## **Drainage Board Meeting Minutes**

July 9, 2020 5:00 p.m.

**Location: Zoom Video Conferencing**

**Crystal Beach Drain: Repair and Improvement of Covered Drains**

**Geographic Township of Colchester South, Town of Essex,**

**County of Essex, Project REI2018D012**

### **1. Roll Call**

Present: Dan Boudreau  
Kirk Carter  
Percy Dufour  
Felix Weigt-Bienzle

Regrets: Luke Martin

Also Present: Kevin Girard, Director, Infrastructure Services  
Shelley Brown, Deputy Clerk  
Norm Nussio, Manager, Operations and Drainage  
Lindsay Dean, Drainage Superintendent  
Tanya Tuzlova, Operations/Drainage Clerk  
Gerard Rood, Professional Engineer, Rood Engineering Inc.

General Public: As per attached Delegation List

The Deputy Clerk confirmed that all notices have been sent in accordance with The Drainage Act.

### **2. Declarations of Conflict of Interest**

None declared.

### **3. Adoption of Published Agenda**

i) Drainage Board Meeting Agenda

Moved by Board Member Weigt-Bienzle

Seconded by Board Member Dufour

**(DB20-07-001)** That the published agenda for the July 9, 2020 Drainage Board Meeting be adopted as presented.

**Carried**

#### **4. Adoption of Minutes**

- i) Consideration of Contract Price for Shepley Drain: Replacement Bridges for Elwood Dufour and Garry & Bonny Quick (Part of Lots 6 & 7, Gore Concession), Geographic Township of Colchester South, Project REI2018D024, Town of Essex, County of Essex held on June 24, 2020.

Moved by Board Member Dufour

Seconded by Board Member Weigt-Bienze

**(DB20-07-002) That** the minutes of the Drainage Board Meeting held on June 24, 2020, be adopted as circulated. **Carried**

#### **5. List of Written Appeals**

Lindsay Dean, Drainage Superintendent, has informed that a letter was received by the Town from the owners of the Crystal Beach Road to review the scope of works.

#### **6. Public Presentations**

- i) Lindsay Dean, Drainage Superintendent

Re: Crystal Beach Drain: Repair and Improvement of Covered Drains project

Lindsay Dean, Drainage Superintendent, presented the overview of the Drainage Act procedures, Crystal Beach System historic information and current concerns, pipe condition, and current project costs. Ms. Dean presented the options to proceed with this report:

- Option 1: Replace the Crystal Beach South System and Legalize future replacement of the North System
- Option 2: Complete replacement of North and South Systems.

Ms. Dean also explained the next steps for each Option and the appeal process.

- ii) Other public presentations.

##### **Ian Wright, 134 Crystal Beach Road**

Mr. Wright asked what the price of \$15,000 represented and if it is in addition to the incurred expenses.

Lindsay Dean, Drainage Superintendent, explained that this amount is the part of incidental costs that are incorporated in the report and represents the costs spent to date for the North part of the Drain.

Mr. Wright also asked if the big trees along the drain can be kept during repairs.

Mr. Rood explained that typically contractors try to avoid damaging trees during drainage works and he does not anticipate damage to trees. Mr. Rood added that small trees located on the road allowance may be restored.

Mr. Wright asked how the residents will be able to access their properties during construction.

Mr. Rood explained that the access to the properties will be restored as quickly as possible and that access will be provided by the contractor to ensure that emergency vehicles and residents have access to their properties.

Mr. Wright advised that he prefers Option 1, to replace the South System and to legalize the future replacement of the North System.

Mr. Wright also asked if the property owners will be liable for damages to the neighbours if Option 1 is chosen.

Lindsay Dean, Drainage Superintendent, explained that the Town of Essex Solicitor has advised that the private landowners should not be exposed to liability for the property damages since the Drainage Board (Town) will make the decision regarding this project.

The Chair has asked what liability levels would be to do nothing versus choosing Options 1 or 2.

Lindsay Dean, Drainage Superintendent, explained that the liability with not completing the drainage works would be high since the Town determined that the system is out of repair. Ms. Dean added that the Town may also be liable for damages under Option 1 if the repairs are not done on the North Part of the Drainage System as this may impact the South System.

Board Member Dufour commented that the drainage system should be repaired in whole and that the needs of all residents should be taken into consideration including those not present at this meeting.

**Eric Card, 130 Crystal Beach Road**

Mr. Card stated that he feels the problem is that the sand blocks the outlet into the lake and suggested that repairs be done to the outlet on the South part of the Drain.

Mr. Rood replied that repairs to the outlet only may help reduce levels of standing water during high lake levels. Mr. Rood explained that the problem is in the overall capacity of the drainage system to carry the flows to the repaired outlet. Mr. Rood added that the whole system needs to be improved to increase drain capacity and decrease maintenance costs and advised that the whole system should be improved since this option eliminates the liability to the Town and provides the most cost effective solution.

Mr. Card commented that, in his opinion, the system is functioning well and he believes that the replacement of the whole system is not necessary.

**Barbara Ross, 104 Crystal Beach Road**

Ms. Ross expressed concern that doing partial repairs such as attaching new pipes to the old pipes of different sizes would not solve the problem and the repairs to the whole street would be necessary later.

Ms. Ross also expressed concerns regarding the standing water on the road causing odour, algae and bacteria growth.

Norm Nussio, Manager, Operations and Drainage, explained that the asphalt repairs to the road will be done to minimize that problem.

Ms. Ross concluded that she would like the job to be done right the first time.

**Jean and John Stewart, 161 Crystal Beach Road**

Mr. and Mrs. Stewart advised that they do not have any questions.

**Travis Miller, 131 Crystal Beach Road**

Mr. Miller advised that he does not have any questions.

**William Young, 136 Crystal Beach Road**

Mr. Young asked how old the original drain was.

Lindsay Dean, Drainage Superintendent, explained that the majority of the system was installed in 1968 and South System on the east side of the road and the road crossings were installed prior to that.

**Terry Hodgins, 116 Crystal Beach Road**

Mr. Hodgins commented that there was a problem with flooding on the both sides of the road for many years and asked if the system will handle it.

Mr. Rood explained the current standard design requirements to the drainage system and explained that it is designed to handle a 1 in 10 year storm event. Mr. Rood added that a larger storm capacity system would be very costly and not practical and that the proposed system will provide an adequate level of service to the adjacent lands and roads.

Mr. Hodgins asked if the system would handle the water coming in during storms.

Mr. Rood explained that the water may stand for a couple hours and then go through the outlet which will be protected from waves and sand by the baffle system. Mr. Rood advised that there are about 5-6 baffle systems along the lake in the Town of Essex and they are working well.

Mr. Hodgins asked why there is \$2,500.00 extra charge on the assessment schedule to his property.

Mr. Rood explained that special benefit assessments are for the properties with hard surface driveways or special features that need to be repaired or replaced and this charge is included as per standard OMAFRA policies.

Mr. Hodgins asked if there is a possibility to remove that cost and repair the driveways themselves.

The Chair advised that there is an option for home owners to replace their driveways themselves.

Mr. Hodgins asked if jetties could be installed on the beach.

Mr. Rood explained that this can be an environmental issue and contradict requirements from ERCA, Department of Fisheries and Oceans and other authorities to complete construction in the lake. Mr. Rood advised that jetties obstruct movement of sand on shore lines and could cause damages to the adjacent properties.

**Carol MacPherson, 105 Crystal Beach Road**

Ms. MacPherson stated that there were damages to her property caused by standing water on the driveway that would not allow her to exit her home. Ms. MacPherson also has stated that she had water in her crawl space as well as an odour she believed was coming from the catch basins.

**Mark Hernandez, 111 Crystal Beach Road**

Mr. Hernandez asked about the location of North and South Parts of the Crystal Beach Drain.

Mr. Rood explained the division of the system into North and South parts based on the map provided in the report as per the change of water direction.

Mr. Hernandez advised that he prefers Option 1.

Mr. Rood advised that work relating to Option 1 would impact municipal addresses from 137 to 142 as they are adjacent to the South System.

**Jill Kennedy, 709 County Road 50**

Ms. Kennedy stated that water covers the road when it is windy. Ms. Kennedy asked if the Town would mail out a survey, so all the residents could vote on their preferred option.

Ms. Kennedy also asked what the interest rate is and when bills will be due.

Norm Nussio, Manager of Operations and Drainage, informed that debenture terms are 5 and 10 years.

Lindsay Dean, Drainage Superintendent, advised that Finance Department will consider special requests regarding the debenture thresholds and the payment term for this project.

The Deputy Clerk advised that the interest rate would depend on the timing of the debenture and the rate may change when the work is completed.

The Chair advised that the rate is determined when the debenture is sold.

The Chair asked Board Member Dufour about the survey that was proposed by Ms. Kennedy.

Board Member Dufour replied that the surveys are usually not a part of the Drainage Act.

The Deputy Clerk advised that the survey is not a part of the Procedural By-Law.

**John Kay, 155 Crystal Beach Road**

Mr. Kay said he received a drain bill for sand removal while he was told at the last meeting that there will be no more drain bills.

Norm Nussio, Manager, Operations and Drainage, replied that the recent drain bill was for cleaning out the pipe that was completely blocked.

Mr. Kay asked what improvements he will get and if he will get a catch basin.

Mr. Rood replied that he does not see a catch basin in front of 155 Crystal Beach Road and added that the owners have the right to connect as long as it is done through the Drainage Department or the owner may ask the contractor doing the drainage works to connect and this would be the most cost effective method.

Mr. Kay asked why the catch basin was not put in front of his property and why he has to pay extra to install the catch basin.

Mr. Rood replied that he investigated and there is a slope to direct water to the next catch basin. Mr. Rood explained that he tried to keep the project cost down by providing the minimum amount of catch basins. Mr. Rood added that every property owner has the right to connect to the system themselves.

Mr. Kay asked if the connection will be provided.

The Chair clarified that Mr. Kay may ask the contractor directly to install the connection during the works.

Mr. Kay commented that Mr. Rood should have provided the catch basins for all properties.

Mr. Rood explained that he has no responsibility to extend the scope of work by providing additional features and thus increasing the cost of the project.

Mr. Rood explained that the drain was designed to divert the water and if a property owner wants a catch basin, they may connect during the project.

**Laura Hasulo, 145 Crystal beach Road**

Ms. Hasulo advised that all her questions were addressed.

**Allison Van Geest, 120 Crystal Beach Road**

Ms. Van Geest asked if this project was already approved by ERCA.

Mr. Rood replied that the report was circulated to ERCA and they provided input regarding restrictions and limitations. Mr. Rood informed that ERCA has confirmed the permit will be granted when the project is approved by Council.

Ms. Van Geest expressed concern that the changes to the drainage system will not solve the flooding problem at the end of the road because flooding is caused by high lake levels.

Mr. Rood advised that there is no control over the lake levels and by doing this project the water will be able to go back to the lake. There is no other mechanisms that could be put in place to protect against the lake levels other than raising the properties and the road and this cannot be done under the Drainage Act. The project provides for the sufficient outlet, so water can get to the open outlet at the lake.

**Tamara Deneau on behalf of Ken Chapman, 139 Crystal Beach Road**

Ms. Deneau asked if the property owners will be compensated for their properties being dug up.

Mr. Rood advised that proposed works provide for the full restoration of the properties therefore no allowances are provided. Allowances are provided only for a property in the North part of the drain since the works may affect crops.

Ms. Deneau asked how long it will take to repair the road and how much that would be.

Norm Nussio, Manager, Operations and Drainage, advised that there will not be any cost assigned to residents for road repairs.

Ms. Deneau asked why a parcel on a Crystal Beach Lane is not connected to the Drain.



Mr. Rood advised that he has reviewed the previous reports and he did not see any additional connections to the drain.

**John Kay, 155 Crystal Beach Road**

Mr. Kay asked about if those in neighbouring parcels who have beach rights would share in the cost and if the Town has authority to perform work on the lake.

Mr. Rood replied that the drainage works under the current report have the right to work across the beach since that was done in the initial report by C.G.R. Armstrong. Mr. Rood explained that the Value of Outlet charges on the assessment schedule are assessed to the property owners who have the benefit of Drainage Outlet and the charges related to the beach rights should be addressed to the Town administration.

Moved by Board Member Carter  
Seconded by Board Member Dufour

**(DB20-07-004) That** the presentation be received and that the Drainage Board’s previous resolution on Item 6 from its May 21, 2020 meeting directing that a provisional by-law be prepared for Council’s consideration and that the Report proceed to a Court of Revision for the **Crystal Beach Drain: Repair and Improvement of Covered Drains, Geographic Township of Colchester South, Town of Essex, County of Essex, Project REI2018D012** as prepared by Gerard Rood, Professional Engineer dated April 15<sup>th</sup>, 2020, be re-affirmed accordingly. **Carried**

**7. Adjournment**

Moved by Board Member Dufour  
Seconded by Board Member Weigt-Bienzle

**(DB20-07-005) That** the meeting be adjourned at 6:23 pm “Carried”.

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Chair

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Recording Secretary

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Date