

The Corporation of the Town of Essex

Drainage Board

Consideration of Report Minutes

September 5, 2024, 5:00 pm

Shaheen Room, Essex Centre Sports Complex, 60 Fairview Avenue West

Present: Chair - Dougherty, Janice
Vice Chair - Bezaire Arevalo, Daniel
Member - Dufour, Percy
Member - Pocock, Tiffany

Regrets: Member - Sauve, Danny

Also Present: Lindsay Dean, Drainage Superintendent
Tanya Tuzlova, Recording Secretary
Shelley Brown, Deputy Clerk, Legal and Legislative Services

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at clerks@essex.ca or 519-776-7336 extension 1100 or 1101.

Adams Sweet Drain, Section 76 Assessment Schedule, Geographic Township of Colchester North, Project REI2024D018, Town of Essex, County of Essex, dated July 23rd, 2024, East Townline Drain- North and South Branches, Repair and Improvements, Geographic Township of Colchester North, Project REI2024D019, Town of Essex, County of Essex, dated July 18th, 2024

Present for Adams Sweet Drain:

Terance Byrne, 1524 Naylor S/R
John Mailloux, 2567 County Road 12
Robert Mailloux, 2575 County Road 12
Philip Mailloux, 2600 County Road 12
Henry Schuurman, 4770 Concession 9

Present for East Townline Drain:

Neil Summerfield, 299 Gosfield Townline

1. Call to Order

The Chair called meeting to order at 5:00 PM.

2. Land Acknowledgement

We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial.

3. Declarations of Conflict of Interest

4. Adoption of Published Agenda

4.1 Drainage Board Meeting Agenda for September 5, 2024

DB-24-09-001

Moved By Daniel Bezaire Arevalo, Vice-Chair

Seconded By Percy Dufour

That the published agenda for the September 5, 2024, Drainage Board be adopted as presented.

Carried

5. Adoption of Minutes

5.1 Adoption of Minutes for May 15, 2024

DB-24-09-002

Moved By Daniel Bezaire Arevalo, Vice-Chair

Seconded By Percy Dufour

That the minutes of the Drainage Board Meeting held May 15, 2024, be adopted as circulated.

Carried

6. Presentation by Drainage Superintendent

Lindsay Dean, Drainage Superintendent, explained the procedure under the Drainage Act and the opportunities for the appeal. Ms. Dean also explained the scope of each project and the purpose of the meeting. Ms. Dean explained that the maintenance of the Adams Sweet Drain will be done after this report is adopted and maintenance schedule and future cost sharing is approved. Ms. Dean explained the next step in the process is the Court of Revision meeting to discuss the assessments.

DB-24-09-003

Moved By Daniel Bezaire Arevalo, Vice-Chair

Seconded By Tiffany Pocock

That the presentation by the Drainage Superintendent be adopted as presented.

Carried

7. Adams Sweet Drain

Adams Sweet Drain, Section 76 Assessment Schedule, Geographic Township of Colchester North, Project REI2024D018, Town of Essex, County of Essex, dated July 23rd, 2024

7.1 Written Appeals Received by the Due Date

Shelley Brown, Deputy Clerk, has informed that no written appeals were received by the Clerk's Office by the due date.

7.2 Written Appeals Received after the Due Date

Shelley Brown, Deputy Clerk, has informed that no written appeals were received by the Clerk's Office after the due date.

7.3 Verbal Report by Gerard Rood, Professional Engineer

Mr. Rood presented the detailed review of the report. Mr. Rood explained that this report is to establish cost sharing for bridges and the assessment schedule for the future maintenance of the drain.

DB-24-09-004

Moved By Percy Dufour

Seconded By Tiffany Pocock

That the verbal report by Gerard Rood, Professional Engineer, be received.

Carried

7.4 Public Presentations

John Mailloux, 2567 County Rd 12, noted that there are two line ditches that run from the roadside ditch back to the Canard that are the same grade as the Adams Sweet Drain. Mr. Mailloux further noted that those ditches bring water directly to the Canard River, and therefore he requested to remove the assessment to his parcel from this report.

Mr. Rood explained that he investigated previous reports related to this area and they show that portions of that parcel bring water to Adams Sweet Drain.

Mr. Mailloux has noted that these two dishes are not maintained by the Town.

Ms. Dean explained that the ditches are private and therefore are not maintained by the Town.

Mr. Mailloux reiterated that the water is not getting into the Adams Sweet Drain due to the slope of land and function of the line ditches and therefore his assessment should be removed.

Mr. Rood advised that he could investigate the parcel with the Drainage Superintendent to confirm the watershed area.

Ms. Dougherty, Drainage Board Chair, proposed that Mr. Rood and Ms. Dean review Mr. Mailloux's request to investigate the watershed of the parcel.

Mr. Rood and Ms. Dean confirmed that they will investigate this concern.

Mr. Schuurman, 4770 Concession 9, noted that the drain needs maintenance. Mr. Schuurman noted that he does not have drainage issues at his property.

Mr. Byrne, 1524 Naylor, noted that phragmites needs to be cleaned and that there are overgrown trees in the Drain.

Ms. Dean confirmed that the drain needs maintenance since it has not been cleaned for the last 25 years. Ms. Dean noted that the scope of the meeting is to address the report, and the maintenance of the drain will be done by the Drainage Superintendent when the report is approved.

Tiffany Pocock, Drainage Board member, asked what the next step in the process would be.

Ms. Dean replied that Mr. Rood and Drainage Superintendent will review Mr. Mailloux request to investigate the watershed are of roll#430-01700. If the investigation reveals that changes to the schedule are required, Mr. Rood will prepare the updated schedule and the letter which will be circulated to all property owners with the notice for the Court of Revision.

Mr. Rood has confirmed that he will prepare the letter regarding the requested investigation.

Mr. Schuurman has asked if grants are available for the project.

Ms. Dean replied that grant is not available for the development of the updated assessment schedule, but it will be available for maintenance works.

Percy Dufour, Drainage Board member, said that he thinks that the Drainage Board should wait until the engineer provides his review regarding John Mailloux's request and that another public meeting should be held to discuss the updated report.

7.5 Decision

DB-24-09-005

Moved By Percy Dufour

Seconded By Tiffany Pocock

That the report provided by Gerard Rood, Professional Engineer, Rood Engineering Inc. regarding Adams Sweet Drain, Section 76 Assessment Schedule, Geographic Township of Colchester North, Project REI2024D018, Town of Essex, County of Essex, dated July 23rd, 2024, be deferred and another Drainage Board meeting be held to consider the updated report.

Defeated

DB-24-09-006

Moved By Daniel Bezaire Arevalo, Vice-Chair

Seconded By Janice Dougherty, Chair

That the report provided by Gerard Rood, Professional Engineer, Rood Engineering Inc. regarding Adams Sweet Drain, Section 76 Assessment Schedule, Geographic Township of Colchester North, Project REI2024D018, Town of Essex, County of Essex, dated July 23rd, 2024, be recommended for adoption and that the provisional by-law be prepared for Council's consideration.

Percy Dufour, Drainage Board Member, requested a recorded vote.

	Support	Against	Conflict
Janice Dougherty, Chair	X		
Daniel Bezaire Arevalo, Vice-Chair	X		
Percy Dufour		X	
Tiffany Pocock		X	
Results	2	2	0

Defeated (2 to 2)

Ms. Dean confirmed the purpose of the different meetings under the Drainage Act and how concerns with watershed boundaries, area, and assessments are handled. She also explained the appeal process.

DB-24-09-007

Moved By Daniel Bezaire Arevalo, Vice-Chair

Seconded By Janice Dougherty, Chair

That the report provided by Gerard Rood, Professional Engineer, Rood Engineering Inc. regarding Adams Sweet Drain, Section 76 Assessment Schedule, Geographic Township of Colchester North, Project REI2024D018, Town of Essex, County of Essex, dated July 23rd, 2024, be recommended for adoption and that the provisional by-law be prepared for Council's consideration.

Carried

8. East Townline Drain

East Townline Drain- North and South Branches, Repair and Improvements, Geographic Township of Colchester North, Project REI2024D019, Town of Essex, County of Essex, dated July 18th, 2024

8.1 Written Appeals Received by the Due Date

Shelley Brown, Deputy Clerk, has informed that no written appeals were received by the Clerk's Office by the due date.

8.2 Written Appeals Received after the Due Date

Shelley Brown, Deputy Clerk, has informed that no written appeals were received by the Clerk's Office after the due date.

8.3 Verbal Report by Gerard Rood, Professional Engineer

Mr. Rood presented the detailed review of the report.

DB-24-09-008

Moved By Daniel Bezaire Arevalo, Vice-Chair

Seconded By Tiffany Pocock

That the verbal report by Gerard Rood, Professional Engineer, be received.

Carried

8.4 Public Presentations

Mr. Summerfield, 299 Gosfield Townline, asked what the cost of the project to his property would be.

Mr. Rood replied that there will be no cost to Mr. Summerfield's property under this report.

Ms. Dean added that the report will be utilized in the future if Mr. Summerfield requires repairs to his bridge. Ms. Dean referred to the Bridge Cost Sharing Schedule which indicates that for bridge repairs the owner of roll 320-00200 is assessed 26.9% of the total cost of repairs.

Tiffany Pocock, Drainage Board member, noted that there are two property lines at the drawing of the Pepsi Bottling Group bridge.

Mr. Rood replied that he will review the drawing and prepare an amendment to be distributed with the Court of Revision notice.

8.5 Decision

Recommended Action:

DB-24-09-009

Moved By Daniel Bezaire Arevalo, Vice-Chair

Seconded By Tiffany Pocock

That the report provided by Gerard Rood, Professional Engineer, Rood Engineering Inc. regarding East Townline Drain- North and South Branches, Repair and Improvements, Geographic Township of Colchester North, Project REI2024D019, Town of Essex, County of Essex, dated July 18th, 2024, be recommended for adoption and that the provisional by-law be prepared for Council's consideration.

Carried

9. Adjournment

DB-24-09-010

Moved By Tiffany Pocock

Seconded By Daniel Bezaire Arevalo, Vice-Chair

That the meeting be adjourned at 6:12 pm.

Carried

Chair

Recording Secretary