

The Corporation of the Town of Essex

Drainage Board

Consideration of Report Minutes

May 15, 2025, 5:00 pm

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

Present: Member - Bezaire Arevalo, Daniel
Chair - Sauve, Danny
Vice Chair - Dufour, Percy
Member - Pocock, Tiffany

Regrets: Member - Dougherty, Janice

Also Present: Lindsay Dean, Drainage Superintendent
Tanya Tuzlova, Recording Secretary
Norm Nussio, Manager, Operations and Drainage
Joseph Malandrucolo, Director, Legal and Legislative Services/Clerk
Kevin Girard, Director, Infrastructure Services

Delegations: Mark D. Hernandez, Professional Engineer, Dillon Consulting Limited
Scott Pitsch, Professional Geoscientist, RDWI Consulting Engineers and Scientists

Rush Drain Relocation Amendments

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.

Present from Essex Town Centre Ltd.: Peter Valente, Amy Valente-Sarkis, Andrew Colautti

Present from Sturgeon Woods: Mike and Sam Mazella

1. Call to Order

The Chair called meeting to order at 5:01 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 May 15, 2025

DB-25-05-06

Moved By Daniel Bezaire Arevalo, Member

Seconded By Tiffany Pocock, Member

That the published agenda for the May 15th, 2025, Drainage Board be adopted as presented.

Carried

5. Adoption of Minutes

5.1 Adoption of Minutes for April 30, 2025

DB-25-05-07

Moved By Percy Dufour, Vice Chair

Seconded By Tiffany Pocock, Member

That the minutes of the Drainage Board Meeting held April 30th, 2025, be adopted as circulated.

Carried

5.2 Adoption of Minutes for May 7, 2025

DB-25-05-08

Moved By Daniel Bezaire Arevalo, Member

Seconded By Percy Dufour, Vice Chair

That the minutes of the Drainage Board Meeting held May 7th, 2025, be adopted as circulated.

Carried

6. Rush Drain

6.1 Written Appeals Received by the Due Date

Joseph A. Malandrucolo, Director, Legal & Legislative Services/Clerk, informed that no written appeals were received by the Clerk’s Office by the due date.

6.2 Written Appeals Received after the Due Date

Joseph A. Malandrucolo, Director, Legal & Legislative Services/Clerk, informed that no written appeals were received by the Clerk’s Office after the due date.

6.3 Verbal Report by Mark D. Hernandez

Mark D. Hernandez, Professional Engineer, Dillon Consulting Limited, presented a detailed review of the report. Mr. Hernandez noted that two roll numbers in schedule C-2 were flipped, therefore, he will prepare a revised copy of the schedule to be distributed with the Court of Revision notice.

Percy Dufour, Drainage Board Member, asked if it is known to which site the contaminated soil will be disposed of.

Mr. Hernandez replied that the contaminated soil will be disposed of at a licensed landfill.

Tiffany Pocock, Drainage Board Member, asked if the source of contamination is known.

Mr. Hernandez replied that finding the source of contamination is not within the scope of this report.

Kevin Girard, Director, Infrastructure Services, noted that the scope of this project is to prepare a supplemental report to complete the Rush Drain relocation. Mr. Girard added that the Town is working on a supplemental study to investigate the contamination.

DB-25-05-09

Moved By Percy Dufour, Vice Chair

Seconded By Daniel Bezaire Arevalo, Member

That the verbal report from Mark D. Hernandez, Professional Engineer, Dillon Consulting Limited, be received.

Carried

6.4 Public Delegations/Presentations

Andrew Colautti, lawyer for Essex Town Centre Ltd., asked questions related to the assessment of the cost of the drain, including whether the source and direction of the contamination was considered while assessing the project cost, noting that the assessment of his client has increased significantly from that in the initial report

Joseph A. Malandrucolo, Director, Legal & Legislative Services/Clerk, noted that the purpose of this meeting is to discuss the technical merits of the report and assessments will be discussed at the Court of Revision meeting.

Peter Valente, Essex Town Centre, noted that it is important to find the source of contamination to protect the property owners of adjacent lands. Mr. Valente asked if finding the source of contamination may help in addressing the contamination for the Rush Drain.

Scott Pitsch, Professional Geoscientist, RDWI Consulting Engineers, noted that the scope of his report is to provide the remediation plan for the drain and that does not include searching for the source of contamination.

Danny Sauve, Drainage Board Chair, asked if finding the source of contamination was in the scope of this report.

Mr. Girard noted that the scope of this project under Section 78 was to facilitate the development of Essex Town Centre. He added that an additional report will be prepared in relation to the adjacent lands outside of this process.

Tiffany Pocock, Drainage Board Member, asked how the proposed design will address the contamination issue.

Mr. Hernandez explained the technical details of the proposed design to address the contamination.

Ms. Pocock further asked about the timeline of the additional report in relation to the Rush Drain report.

Mr. Girard replied that a consultant will address the lands outside of Rush Drain, but there is no timeline or specifics of that additional report at this time. Mr. Girard added that Rush Drain report will provide a functioning and protected watercourse which provides drainage for the subdivision. Mr. Girard further noted that the report will provide for a clear delineation between contaminated and non-contaminated lands and that will help to address the lands outside of

the contaminated area through a separate report that is outside of the Drainage Act.

There were no further questions.

DB-25-05-10

Moved By Daniel Bezair Arevalo, Member
Seconded By Tiffany Pocock, Member

That the public presentations be received.

Carried

6.5 Decision

DB-25-05-11

Moved By Daniel Bezair Arevalo, Member
Seconded By Tiffany Pocock, Member

That the report provided by Mark D. Hernandez, Professional Engineer, Dillon Consulting Limited, regarding Rush Drain Relocation Amendments, dated May 2nd, 2025, File No.19-1023, in the Town of Essex, be recommended for adoption and that the provisional by-law be prepared for Council’s consideration.

Carried

7. Adjournment

DB-25-05-12

Moved By Daniel Bezair Arevalo, Member
Seconded By Tiffany Pocock, Member

That the meeting be adjourned at 5:29PM.

Carried

Chair

Recording Secretary