

**The Corporation of the Town of Essex**

**Drainage Board**

**Consideration of Report Minutes**

July 29, 2025, 5:00 pm

Harrow and Colchester South Community Centre, 243 McAfee Street

4th Concession Drain South Side

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: Chair - Sauve, Danny  
Vice Chair - Dufour, Percy  
Member - Dougherty, Janice  
Member - Pocock, Tiffany

Regrets: Member - Bezaire Arevalo, Daniel

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

Present for 4th Concession Drain South Side:

Rob Shepley, Deputy Mayor, Town of Essex  
Brad Allard, Councillor, Town of Essex  
Larry Snively, 4739 4th Concession Road  
Scott and Terri Waters, 4741 4th Concession Road  
Joseph Borg, 4743 4th Concession Road  
Charles Soulliere, 4715 4th Concession Road

**1. Call to Order**

The Chair called meeting to order at 5:02 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**

There were no declarations of conflict of interest noted at this time.

**4. Adoption of Published Agenda**

**4.1 Drainage Board Meeting Agenda for July 29, 2025**

**DB-25-07-01**

Moved By Janice Dougherty, Member  
Seconded By Percy Dufour, Vice Chair

**That** the published agenda for the July 29<sup>th</sup>, 2025, Drainage Board be adopted as presented.

**Carried**

**5. Adoption of Minutes**

**5.1 Adoption of Minutes for May 15, 2025**

**DB-25-07-02**

Moved By Janice Dougherty, Member

Seconded By Tiffany Pocock, Member

**That** the minutes of the Drainage Board Meeting held the May 15<sup>th</sup>, 2025, be adopted as circulated.

**Carried**

**6. Presentation by Drainage Superintendent**

Lindsay Dean, Drainage Superintendent, explained the process under the Drainage Act. Ms. Dean also explained the purpose of the Consideration of Report meeting. Ms. Dean explained the responsibilities of the property owners during the project and outlined the next steps in the process. Ms. Dean explained appeal options, billing process, and debenture options. Ms. Dean noted that agricultural grant should be available for the properties with Farm Tax class.

**DB-25-07-03**

Moved By Janice Dougherty, Member

Seconded By Tiffany Pocock, Member

**That** the presentation by Lindsay Dean, Drainage Superintendent, be adopted as presented.

**Carried**

**7. 4th Concession Drain South Side**

**7.1 Written Appeals Received by the Due Date**

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

**7.3 Verbal Report by David Moores, Certified Engineering Technologist, R. Dobbin Engineering Inc.**

Mr. Moores provided a brief review of the report.

**DB-25-07-04**

Moved By Percy Dufour, Vice Chair

Seconded By Janice Dougherty, Member

**That** the verbal report provided by David Moores, Certified Engineering Technologist, R. Dobbin Engineering Inc., regarding the 4th Concession Road Drain South Side, report dated June 23, 2025, Project No.2024-1677, Town of Essex, be received.

**Carried**

#### **7.4 Public Presentations**

Larry Snively, 4739 4<sup>th</sup> Concession Road, asked if he can hire a company of his choice to replace his own culvert.

Lindsay Dean, Drainage Superintendent, explained that based on the estimated project cost, the project will be quoted or tendered by the Town. Ms. Dean added that property owners can not hire their own contractors and that a contractor will be hired in accordance with the Town of Essex Procurement Policy. Ms. Dean added that if the tender comes in more than 133% higher than the estimate, that a meeting to consider the contract price will be held to discuss the construction cost.

David Moores, Certified Engineering Technologist, R. Dobbin Engineering Inc., further explained that the cost of construction is estimated at \$133,100.00, therefore if the tender amount comes in under \$177,023, the Town will proceed with construction without further consultations, but if the cost comes over that amount, a subsequent meeting to consider the contract price will be held.

Scott Waters, 4741 4<sup>th</sup> Concession Road, expressed concern that the final cost to the property owners may be substantially increased.

Tiffany Pocock, Drainage Board member, noted that the Consideration of Report meeting is to discuss the technical design of the culverts and asked if there are any questions about the culvert design.

There were no questions about the technical design of the culverts.

Mr. Waters stated that he prefers to do construction himself rather than going through the public tender process.

Janice Dougherty, Drainage Board member, explained that final assessed project costs are usually higher since they also include permit fees, engineering fees and other incidentals in addition to construction costs.

Mr. Snively stated that he believes that he should be able to hire his own contractor to do the works. Mr. Snively explained that he received a lower quote from a qualified contractor which includes engineering and all permits.

Dan Sauve, Drainage Board Chair, noted that assessments will be discussed at the Court of Revision meeting.

Joseph Borg, 4743 4<sup>th</sup> Concession Road, advised that his bridge had not been previously included in the engineer's reports and as a result, has to pay the full cost for his bridge. Mr. Borg noted that if the bridge was previously included in the reports, he would only be required to pay a share of the cost.

Ms. Dean explained that at this time she is managing the project under the current legislation to ensure that all culverts are properly addressed and

incorporated into the report, therefore, if future maintenance is needed, she will refer to this report to do the works.

Mr. Borg reiterated that he believes he should not pay the full cost for his bridge.

Ms. Dean stated that incorporating the culvert into a drainage report is the correct process to address their replacement and future maintenance. Ms. Dean suggested that he address the assessment question to the Court of Revision.

Charles Soulliere, 4715 4<sup>th</sup> Concession Road, stated that he was unable to attend previous meetings and inquired about his assessment.

Mr. Moores advised Mr. Soulliere that he is available after the meeting to review his assessment.

Ms. Pocock asked if it is possible to look for documentation regarding the driveway permit from the Building Department.

Ms. Dean explained that culverts should be incorporated under the Drainage Act and previous reports do not have them incorporated, therefore, it should be done under the current report. Ms. Dean noted that she anticipates that any investigation into paperwork from other departments will not help to alter the rationale for culvert cost sharing if it was not completed under the Drainage Act.

Mr. Moores explained that he reviewed the report dated 1968 by Armstrong, which identifies Culvert 8 and the 1996 report by N. J. Peralta Engineering Ltd, which provided for the installation of Culvert 10. There are 2012 engineering specifications by Crozier Baird Engineers for the private culvert replacement of Culvert 11. Mr. Moores further explained that incorporation of the first culvert is assessed 100% to the property owner.

Rob Shepley, Essex Deputy Mayor, asked how the properties prior to the legalization of the culverts were assessed compared to the current report if drainage works were required.

Ms. Dean explained that the 1968 report established the drain and under that report, drain maintenance could be done. Ms. Dean added that the culverts established through that report and by the other report could be repaired as per those specifications. Ms. Dean noted that the previous reports do not have cost sharing provisions and design for all culverts. Therefore, the current report will provide specifications for culverts built outside of the *Drainage Act* and cost sharing provisions for the future culvert repairs.

Mr. Snively asked if he is allowed to install his culvert tomorrow using a reliable contractor of his choice.

Ms. Dean explained the *Drainage Act* process and the Town's procurement policies and reiterated that the report is to be approved by a By-Law in accordance with the Town's procurement policies.

Mr. Snively reiterated that he believes that he must be allowed to hire his own contractor.

Mr. Soulliere noted that he believes that there should be more consultations with property owners and more clarification.

Ms. Dean stated that the process under the *Drainage Act* is fully transparent and that the current meeting is to discuss technical design of the culverts and the

next meeting will discuss assessments. Ms. Dean added that appeal options are available if property owners feel that the assessments are not fair.

There were no further questions.

**7.5 Decision**

**DB-25-07-05**

Moved By Janice Dougherty, Member

Seconded By Tiffany Pocock, Member

**That** the report provided by Josh H. Warner, Professional Engineer, R. Dobbin Engineering Inc., regarding the 4th Concession Road Drain South Side, report dated June 23, 2025, Project No.2024-1677, Town of Essex, be recommended for adoption and that the provisional by-law be prepared for Council’s consideration.

**Carried**

**8. Adjournment**

**DB-25-07-06**

Moved By Tiffany Pocock, Member

Seconded By Janice Dougherty, Member

**That** the meeting be adjourned at 5:45 pm.

**Carried**

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Chair

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Recording Secretary