



Drainage Board Meeting

Minutes

January 21, 2021, 5:00 pm

Location: Electronic Virtual Meeting via Zoom Video Conferencing

Relocation of the Rush Drain

**Geographic Township of Colchester North, File No. 19-1023,
Town of Essex, County of Essex**

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

Present: Present: Dan Boudreau

Kirk Carter

Percy Dufour

Luke Martin

Felix Weigt-Bienzle

Regrets: None

Also Present: Shelley Brown, Deputy Clerk, Legal and Legislative Services
Kevin Girard, Director, Infrastructure Services
Norm Nussio, Manager, Operations and Drainage
Lindsay Dean, Drainage Superintendent
Tanya Tuzlova, Operations/Drainage Clerk
Tim R. Oliver, Professional Engineer, Dillon Consulting Limited

General Public: Lena Bidawid/Troup Group of Companies
320 South Talbot Road, Essex ON

David Ross/CL Benninger Equipment (1995) Ltd.
330 South Talbot Road, Essex ON
Graydon Botsford, Ministry of Transportation Ontario
Geddes Mahabir, Ministry of Transportation Ontario

1. Call to Order

The Chair called meeting to order at 5:01 pm.

2. Declarations of Conflict of Interest

None declared.

3. Adoption of Published Agenda

3.1. Drainage Board Meeting Agenda

Moved by Board Member Weigt-Bienzle

Seconded by Board Member Martin

(DB21-01-001) That the published agenda for the January 21, 2021 Drainage Board Meeting be adopted as presented. **Carried**

4. Adoption of Minutes

4.1. Consideration of Report meeting for 13th Concession West Drain: New Bridge for Martin held on January 6, 2021.

Moved by Board Member Weigt-Bienzle

Seconded by Board Member Dufour

(DB21-01-002) That the minutes of the Drainage Board Meeting held on January 6, 2021, be adopted as circulated. **Carried**

5. List of Written Appeals

The Deputy Clerk informed that no written appeals were received by the Clerk's Office.

6. Public Presentations

6.1. Tim R. Oliver, Professional Engineer

Re: Report from Dillon Consulting dated January 8, 2021, regarding the Relocation of the Rush Drain, Former Township of Colchester North Now in Town of Essex, File No. 19-1023.

Mr. Oliver presented the overview of the report.

Board Member Carter asked if there are any provisions in the drain design to protect the drain from being contaminated in the area where it is going through industrial properties on Allen Avenue.

Mr. Oliver explained that there is an existing pipe that is going along Allen Avenue between two industrial lots and outlets into a Rush Drain. Mr. Oliver added that the report provides for the extension of the existing pipe.

Board Member Carter expressed a concern that the contaminated soil from No Name Drain may be used to fill in the existing Rush Drain.

Mr. Oliver explained that the excavation material from new construction of the Rush Drain will be used to fill in the existing Rush Drain. Mr. Oliver added that there will be no excavations on the industrial lands, only installation of catch basins.

Board Member Weigt-Bienzle asked how the future storm water pond will be working to manage the overflow of the storm water from Block "B" area.

Mr. Oliver explained that a new pond will be constructed to capture water from the future residential area then the water will be pumped out of the pond into a new Rush Drain.

Board Member Weigt-Bienzle asked if the updated cost of the gabion stone is used in the calculation of the cost. Mr. Weigt-Bienzle commented that a couple recent drainage projects had underestimated cost.

Mr. Oliver explained that he based his cost calculation on the recent contractor cost estimates.

Board Member Martin asked who owns the lands in Block "B".

Mr. Oliver explained that all lands in Block "B" are owned by the development company "Essex Town Centre Ltd", which consists of 19 tax roll assessment lots which were identified in the report.

Mr. Martin asked if the relevant agencies were contacted regarding the permits which are necessary to complete the works.

Mr. Oliver replied that the application for a permit was submitted to the Department of Fisheries and Oceans and there was a telephone conversation with the agency and they were satisfied with the report and that they have confirmed that the approval letter will be provided soon.

Board Member Dufour commented that typically drainage reports provide for 1 in 2 year storm capacity.

Mr. Oliver explained that for the drains in rural areas a report needs to meet a standard of 1 in 2 year storm capacity. Mr. Oliver added that in the case with the Rush Drain there is no agricultural lots in the drainage area. The relocated Rush Drain will serve commercial, industrial and residential lands and therefore the storm standards are higher such as 1 in 5 or 1 in 10 year storm capacity. Mr. Oliver added that the Conservation Authority has updated the standards for the drains in the developed areas to meet 1 in 100 year storm drain capacity and therefore this requirement was incorporated in this report.

The Chair commented that usually the Ministry does not provide grants for the works on drains with higher capacity than 1 in 2 year storm.

Mr. Oliver confirmed that he does not expect that agricultural grant will be available due to the high capacity of the proposed drain and since the parcels are mostly assessed at residential, commercial, and industrial tax rate.

Mr. Dufour expressed a concern about the flooding at the 14th Concession Drain.

Mr. Dufour explained that the deepening of the excavation on the 14th Concession Drain may cause potential flooding problems to downstream lands.

Mr. Oliver explained that the future pond and controlled pump are designed to manage the flooding in the area.

Mr. Dufour expressed a concern that the flooding may occur when the ground is frozen.

Mr. Oliver explained that usually strong storms are happening during the summer period and the designed pond should be able to handle the flooding.

6.2. Other Public Presentations

The Chair asked Lena Bidawid if she has any questions and if her concerns were addressed.

Lena Bidawid, Troup Group of Companies, 320 South Talbot Road

Ms. Bidawid replied that she has no questions and that she has received explanations regarding her concerns.

The Chair asked Mr. Ross if he has any questions.

David Ross, CL Benninger Equipment (1995) Limited, 330 South Talbot Road

Mr. Ross replied that he has no questions.

The Chair asked if representatives of utilities companies have any questions.

The Deputy Clerk advised that notified representatives of Hydro One, ELK Energy, Cogeco, Enbridge, and Bell are not in attendance.

The Chair asked if Graydon Botsford from the Ministry of Transportation Ontario has any questions.

Graydon Botsford, Ministry of Transportation Ontario

Mr. Botsford presented the overview of the work done by the Ministry of Transportation Ontario regarding the report. Mr. Botsford stated that in principle the Ministry of Transportation Ontario approved the report. Mr. Botsford added that the Ministry of Transportation Ontario has some concerns regarding the details of some parts of the drain design which were provided to the engineer. Mr. Botsford added that the Ministry of Transportation Ontario will be contributing to the construction of the drain. He noted that if the Ministry of Transportation Ontario can revise the design if necessary meet the Provincial standards then he does not foresee any issues from the Ministry of Transportation Ontario standpoint.

Mr. Oliver confirmed that he has received the correspondence which highlights the design issues, which should be brought up to the Ministry of Transportation Ontario standards. Mr. Oliver noted that early in 2020 the design options were submitted to the Ministry of Transportation Ontario for comment. The final design details by the Ministry of Transportation Ontario were completed within the last several months, therefore there could be some slight modifications to the design of some locations and slopes to meet those standards. Mr. Oliver added that these concerns will be addressed before the construction.

Board Member Dufour asked if those modifications will change the cost of the project.

The Chair commented that the cost of modifications should be assessed to the Ministry of Transportation Ontario.

Mr. Oliver confirmed that the cost of modification to bridge structures along the highway will be attributed only to the highway assessment and not to the other land owners.

The Chair commented that in addition to the project cost there will be a contingency amount for the construction part.

The Chair asked if Mr. Mahabir from the Ministry of Transportation Ontario has any questions.

Geddes Mahabir, Ministry of Transportation Ontario

Mr. Mahabir commented that he does not expect that the minor adjustments to the design will significantly impact the cost.

Board Member Martin commented that it seems that the main beneficiaries of this project are the developer of Block “B” lands and the owner of an industrial area. Mr. Martin added that the other parties contribute into the project, but do not seem to receive the same benefit.

Mr. Oliver confirmed that there is a larger cost due to the larger channel and higher storm requirements. Mr. Oliver added that the larger channel and higher requirements were needed to be implemented since the area is developed and that was required by the Conservation Authority.

Mr. Oliver added that since the drain is relocated around Blocks “B” and “C”, it is longer which also contributes to the cost. Mr. Oliver explained that the cost to these two blocks is assessed as a benefit assessment and the greater portion of

the assessment is allocated to these two blocks. Mr. Oliver confirmed that the project was driven by the land development, but design standards also have contributed to the cost.

Mr. Oliver added that the higher drain capacity is achieved and therefore the portion of assessment is allocated to the other properties as well.

6.3. Drainage Board Decision

Moved by Board Member Carter

Seconded by Board Member Weigt-Bienzle

(DB21-01-003) That the presentation by Tim R. Oliver be received and that the Report for the **Relocation of the Rush Drain** Former Township of Colchester North Now in Town of Essex, File No. 19-1023 as prepared by Tim R. Oliver, Professional Engineer dated January 8, 2021 be received and recommended for adoption, and that it be recommended that a provisional by-law be prepared for Council's consideration and that the Report proceed to a Court of Revision to be scheduled.

Carried

7. Adjournment

Moved by Board Member Weigt-Bienzle

Seconded by Board Member Dufour

(DB21-01-004) That the meeting be adjourned at 6:06 pm.

Carried

Chair

Recording Secretary

_____ Date