



## **Drainage Board Meeting Minutes**

**March 17, 2021, 5:15 PM**

**Location: Electronic Meeting**

**Long Marsh Drain Replacement & Future Bridge, Geographic Township of  
Colchester South, Project REI2020D022, Town of Essex, County of Essex  
Barrette Drain Repair and Improvements, Geographic Township of Colchester  
North, Project REI2020D009, Town of Essex, County of Essex**

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

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

Present:	Percy Dufour, Vice-Chair Kirk Carter, Drainage Board Member Luke Martin, Drainage Board Member Felix Weigt-Bienzle, Drainage Board Member
Also Present:	Shelley Brown, Deputy Clerk, Legal and Legislative Services Norm Nussio, Manager, Operations and Drainage Lindsay Dean, Drainage Superintendent Tanya Tuzlova, Operations/Drainage Clerk Gerard Rood, Professional Engineer, Rood Engineering Inc.
Regrets:	None
Absent:	None

General Public for Long Marsh Drain:

Joe Grondin, 1152 South Malden Road, Amherstburg

Allen Rogers, 5150 Smith Road, Amherstburg

General Public for Barrette Drain:

Natalie Tetler, 13506 13th Concession Road, Essex

Lynn Tetler, 13496 13th Concession Road, Essex

Justin Pulleyblank, 13516 13th Concession Road, Essex

Annette Giles, 13007 Hyland Side Road, Essex

Marg Malenfant-Bosse, 13490 13th Concession Road, Essex

## **1. Call to Order**

The Chair called the meeting to order at 5:15 PM

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

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

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

### **3.1 Drainage Board Agenda for March 17, 2021**

#### **DB21-03-001**

Moved by Board Member Carter

Seconded by Board Member Martin

**That** the published agenda for the March 17, 2021 Drainage Board Meeting be adopted as presented.

**Carried**

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

##### **4.1 Consideration of Report for the 13<sup>th</sup> Concession West Drain Martin Bridge held on February 3, 2021**

###### **DB21-03-002**

Moved by Board Member Carter

Seconded by Board Member Martin

**That** the minutes of the Drainage Board Meeting held on February 3, 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 Gerard Rood, Professional Engineer**

Re: Report from Rood Engineering Incorporated dated January 29, 2021 regarding the Long Marsh Drain Replacement & Future Bridge, Geographic Township of Colchester South, Project REI2020D022, Town of Essex, County of Essex

Mr. Rood presented a detailed review of the Long Marsh Drain Replacement & Future Bridge report.

Mr. Rood informed that the Essex Region Conservation Authority requested confirmation of sizing for Replacement Bridge #5, at the property owned by Mr. Rogers. Mr. Rood added that he has sent the calculations and design information used to prepare the report to Essex Region Conservation Authority. Mr. Rood informed that the Essex Region Conservation Authority replied that they request modeling for the high water level during 1:100 year storm. Mr. Rood explained that he was not able to prepare this information by the time of this meeting. Mr. Rood added that that the Essex Region Conservation Authority will not provide their final approval until the requested modelling is presented.

Mr. Rood advised that Drainage Board may consider returning the report to the engineer for review to incorporate the Essex Region Conservation Authority's requirements.

Drainage Board Member Carter asked if the delay in receiving the approval by the Essex Region Conservation Authority will delay the project.

Mr. Rood replied that to avoid any delay, the report may be approved as presented, but it would be still conditional upon the Essex Region Conservation Authority's permit approval.

Lindsay Dean, Drainage Superintendent, informed that she spoke with Mr. Rogers and he is not in a rush to move forward with the project. Ms. Dean recommended to send the report back to the engineer to review whether the Essex Region Conservation Authority's requirements have been satisfied.

**Joe Grondin, 1152 South Malden Road**, informed that he is not in a rush and has no questions or concerns.

**Allen Rogers, 5150 Smith Road**, informed that he is not in a hurry either. Mr. Rogers added that he did not expect that the assessment cost would be so high for his bridge.

## **6.2 Drainage Board Decision**

### **DB21-03-003**

Moved by Board Member Martin

Seconded by Board Member Carter

**That** the presentation by Gerard Rood be received and that the Report for the Long Marsh Drain Replacement & Future Bridge, in Geographic Township of Colchester South, Project REI2020D022, in Town of Essex, the County of Essex as prepared by Gerard Rood, Professional Engineer dated January 29, 2021 be received and that said report be referred back to the engineer to review and reconsider.

**Carried**

### **6.3 Gerard Rood, Professional Engineer**

Re: Report from Rood Engineering Incorporated dated January 25, 2021 regarding the Barrette Drain Repair and Improvements, Geographic Township of Colchester North, Project REI2020D009, Town of Essex, County of Essex.

Mr. Rood presented a detailed review of the Barrette Drain Repair and Improvements report.

**Natalie Tetler, 13506 13th Concession Road**, asked what the initial inquiry to open this report was.

Lindsay Dean, Drainage Superintendent, informed that she has received an inquiry about doing work on one of the culverts. Ms. Dean added that during the report review it was discovered that several issues should be addressed, therefore, it was decided to prepare the report under Section 78 of the Drainage Act to update the report and to address all issues, such as cost sharing and legalizing culverts.

Ms. Tetler asked if all the alternatives were evaluated to make this process more cost effective.

Mr. Rood explained that he reviewed the report to restore the drain to its original parameters and capacity. Mr. Rood added that he also observed accumulation of debris obstructing the drain flow in some areas and proposed flushing to restore the drain to its original capacity to eliminate potential liability to the Town and to the property owners.

Ms. Tetler asked if the proposed works are optional.

Mr. Rood explained that since the engineer became aware of the risk of potential flooding he has to inform the Town and the liability is now on the Town to restore the drain to the original capacity to eliminate this risk of liability to the Town due to drain disrepair.

Ms. Tetler commented that no work is required on her culvert and yet her property was assessed \$2,255. Ms. Tetler stated that she believes that at this time only some spot cleaning and debris removal are required to make the project less costly.

Ms. Dean explained that the scope of work is to address all the identified problem areas, such as drain cleaning, and replacement of number of structures that are out of repair. Ms. Dean added that Mr. Rood has done his due diligence to identify the problems and to ensure proper drain passage. Ms. Dean added that all identified issues should be addressed.

Mr. Rood commented that the full replacement of all bridges may not be done at this time and he has included in the report only the replacement of the bridges that require immediate repairs and are at risk of collapsing and obstructing the drainage. Mr. Rood added that the report will also provide for the future maintenance and replacement when those works are need to be done. Mr. Rood added that there is no cost to Ms. Tetler related to bridge #8, however she is responsible for the repairs downstream of her property and for the part of the report related to the future maintenance.

The Chair commented that Ms. Tetler will have the opportunity to further discuss her assessment at the Court of Revision.

**Lynn Tetler, 13496 13th Concession Road**, commented that all her questions were answered by Mrs. Dean during their phone conversation.

**Justin Pulleyblank, 13516 13th Concession Road**, commented that there were some illegal structures replaced on the drain and asked if there is an opportunity to recover some of the costs.

Mr. Rood explained that he has to follow Drainage Act procedures and therefore Mr. Pulleyblank is responsible for his fair share of the cost as per current report. Mr. Rood added that he has no ability to adjust the report for any works that were done in the past. Mr. Rood explained that Mr. Pulleyblank should contact the Town if he has any concerns, but he cannot address any previous issues in this report.

Mr. Pulleyblank commented that in the past the Town has not kept up the drain properly and therefore some ownership should be on the Town in regards to the illegal structures.

Mr. Pulleyblank added that the Town should provide some assistance with the project cost.

Mr. Rood reiterated that every property owner has a financial responsibility for their fair share of the project cost and cannot make adjustments for the previous works.

Mr. Pulleyblank stated that since the drain has not been repaired to the standard by the Town and that there are some illegal structures he believes that the Town has to provide some help or assistance for the part of the report cost.

The Chair commented that the debenture options will be available.

Mr. Pulleyblank stated that he believes that the cost of \$14,209.00 to his property is excessive.

Mr. Norm Nussio, Manager of Operations and Drainage, explained that the Drainage Act has a process in place. Mr. Nussio added that one of the bridges on the drain was replaced about 7 years ago and the cost to replace was much less at that time. During the last 7 years the construction cost has increased drastically. One of the bridges was repaired under the existing report due to the emergency situation. Mr. Nussio added that the Town has about 350 drains and cannot look after each on a daily basis due to the cost of maintenance. Mr. Nussio added that the Town cannot inflict those costs on residents unless that was requested by the drain owners. Mr. Nussio explained that all these issues are addressed now and the Town does not have authority to pay for an increased part of the report costs.

**Annette Giles, 13007 Hyland Side Road**, commented that she has financial concerns and she believes that the cost to her property is very high. Ms. Giles asked what payment options the Town can offer to help with payment for this project.

Lindsay Dean, Drainage Superintendent informed that the by-law for this project will be circulated and debenture options will be available. The thresholds would be 5 years debenture for assessments from \$1,500 to \$7,500 and 10 years debenture for assessments

over \$7,500. The interest rate will be determined at the time of debenture. Mrs. Dean added that the Giles property should be eligible for the 1/3 agricultural grant.

**Margaret Malenfant-Bosse, 13490 13th Concession Road,** commented that she believes that some responsibility for the project cost should be on the Town rather than on the taxpayers since the drain was not properly repaired and there are some illegal structures on it.

Lindsay Dean, Drainage Superintendent, replied that she agrees that the cost is significant. Ms. Dean added that the Drainage Act allowing for debenture options. Ms. Dean added that infrastructure deteriorates and many are coming to the end of its life span. Ms. Dean added that she believes that Mr. Rood captured the structures that should be replaced.

Ms. Malenfant-Bosse commented that she does not understand why 100% of the infrastructure cost is assessed to the taxpayers.

Norm Nussio, Manager of Operations and Drainage, explained that the drain was requested by the property owners who needed drainage in 1966. Since that time there were severances and new culverts were put in and some were not legal. There is a procedure in place to avoid this from happening in the future. Mr. Nussio added that the Town is responsible for the part of the project cost.

Lindsay Dean, Drainage Superintendent, explained that undertaking one report to deal with all issues is more cost effective than to deal with issues one by one as they arise. Mr. Dean added that each culvert that experiences a failure opens up an engineer's report which costs approximately \$10,000 and therefore preparing one report to address all issues at once is the most cost effective approach rather than opening a report each time when an issue arises.

Mrs. Tetler commented that she believes that this is not fair that she will receive a bill for the proposed works since the residents in the city do not receive bills for drainage. Mrs.

Tetler added that she did not notice any obstruction to water flow and asked to reconsider the project due to its high cost.

#### **6.4 Drainage Board Decision**

##### **DB21-03-004**

Moved by Board Member Martin

Seconded by Board Member Weigt-Bienzle

**That** the presentation by Gerard Rood be received and that the Report for Barrette Drain Repair and Improvements, Geographic Township of Colchester North, Project REI2020D009, Town of Essex, County of Essex as prepared by Gerard Rood, Professional Engineer dated January 25, 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**

##### **DB21-03-005**

Moved by Board Member Martin

Seconded by Board Member Carter

**That** the meeting be adjourned at 6:26 PM.

**Carried**

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Chair

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Recording Secretary