



Drainage Board Meeting Minutes

February 3, 2022, 5:00 PM

Location: Electronic Meeting

**Brooks Drain Maintenance Schedule,
Geographic Township of Colchester South,
Project REI2020D026, Town of Essex, County of Essex**

**Brush Drain Repair and Improvements
Geographic Township of Colchester North,
Project REI2020D030, 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 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: Janice Dougherty, Vice-Chair
Luke Martin, Drainage Board Member
Felix Weigt-Bienzele, Drainage Board Member

Also Present: Shelley Brown, Deputy Clerk, Legal and Legislative Services
Lindsay Dean, Drainage Superintendent
Norm Nussio, Manager, Operations and Drainage
Tanya Tuzlova, Operations/Drainage Clerk
Gerard Rood, Professional Engineer, Rood Engineering Inc.

Regrets: Kirk Carter, Drainage Board Member

Absent: Percy Dufour, Chair

General Public for Brooks Drain Maintenance Schedule:

George Salter, 3215 Drummond Road, Harrow

Ethelda Wilson, 4093 Drummond Road, Harrow

General Public for Brush Drain Repair and Improvement:

Holly and Matthew Roy, 2314 County Road 12, RR 2 Essex

James and Hollis Boyle, 2316 County Road 12, RR2, Essex

Michelle Johnson, 2302 County Road 12, Essex

Marlene Ann-Marie and Bryan Dunn, 2340 County Road 12, Essex

Kurt Rivest, 1912 Lakeshore Rd 21, South Woodslee

1. Call to Order

The Chair called the meeting to order at 5:00 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 February 3, 2022

DB22-02-001

Moved by Board Member Weigt-Bienzele

Seconded by Board Member Martin

That the published agenda for the February 3, 2022 Drainage Board Meeting be adopted as presented.

Carried

4. Election of Committee Chair

Election of Drainage Board Chair and Vice-Chair for the period from February 3, 2022 to November 15, 2022.

Deputy Clerk informed that Kirk Carter has nominated himself as a Chair or Vice Chair of the Drainage Board and will accept the nomination if elected.

4.1 Election of Chair

DB22-02-002

Moved by Board Member Weigt-Bienzle

Seconded by Board Member Martin

That Kirk Carter be elected as the Chair of the Drainage Board.

Carried

4.2 Election of Vice-Chair

DB22-02-003

Moved by Board Member Weigt-Bienzle

Seconded by Board Member Martin

That Janice Dougherty be elected as the Vice-Chair of the Drainage Board.

Carried

5. Adoption of Minutes

5.1 Consideration of Report for the Bassett Drain Replacement Bridge & Enclosure for 730-01300 and 10-11 Sideroad Drain Replacement Bridges for Rivest & Campbell held on December 16, 2021

DB22-02-004

Moved by Board Member Weigt-Bienzle

Seconded by Board Member Martin

That the minutes of the Drainage Board Meeting held on December 16, 2021 be adopted as circulated.

Carried

6. List of Written Appeals

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

7. Public Presentations

7.1 Gerard Rood, Professional Engineer

Re: Report from Rood Engineering Incorporated dated December 21, 2021 regarding the Brooks Drain Maintenance Schedule, Geographic Township of Colchester South, Project REI2020D026, Town of Essex, County of Essex.

Mr. Rood presented a detailed review of the report and asked if there are any questions.

The Chair asked if there are any questions from the Drainage Board Members.

Drainage Board Chair Dougherty noted that the cost to prepare the assessment is rather high at \$19,800.00 and asked Mr. Rood to explain the cost.

Mr. Rood replied that the cost is related to the research, investigations, and field survey done to establish cost sharing of eleven bridges on the Drain and for the preparation of the report.

The Chair asked if there are any questions from the public.

George Salter, 3215 Drummond Road, asked if the maintenance of the drain will be done under this report.

Lindsay Dean, Drainage Superintendent replied that there will be culvert replacements completed after this report, but there is no drain maintenance planned at this time.

The Chair asked if Ms. Wilson has any questions.

Ms. Wilson replied that she had the same question as Mr. Salter, and it has been answered.

DB22-02-005

Moved by Board Member Weigt-Bienze

Seconded by Board Member Martin

That the presentation by Gerard Rood be received and that the Report for the Brooks Drain Maintenance Schedule, Geographic Township of Colchester South, Project REI2020D026, Town of Essex, County of Essex 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

7.2 Gerard Rood, Professional Engineer

Re: Report from Rood Engineering Incorporated dated December 23, 2021 regarding the Brush Drain Repair and Improvements, Geographic Township of Colchester North, Project REI2020D030, Town of Essex, County of Essex.

Mr. Rood presented a detailed review of the report. Mr. Rood added that he was informed that Michelle Johnson has concerns about the assessment to her property and advised that this concern should be brought forward at the Court of Revision Meeting. Mr. Rood added that the replaced pipe will provide 75-100 years of life expectancy to the bridge and that is a good investment and adds value to the property. Mr. Rood also informed that he has received a call from Jeffrey Siefker regarding his assessment. Mr. Rood recommended to Ms. Johnson and Mr. Siefker to submit written appeals to the Court of Revision regarding their assessments with justifications of their position.

The Chair asked if there are any questions from the Drainage Board Members.

Board Member Weigt-Bienze asked what the purpose of the structure on 520-00510 property is if it does not support a driveway.

Mr. Rood explained that the property is allowed to have the access over the drain even if it does not support a driveway.

Lindsay Dean, Drainage Superintendent, explained that the crossing on Mr. Roy's property is a lawn enclosure.

The Chair asked if there are any questions from the public.

Mr. Roy asked to explain him the cost sharing for his bridge and cost to his property for the future maintenance.

Mr. Rood explained that the specific assessments will be discussed at the Court of Revision. Mr. Rood added that cost sharing for bridges is located at page 13 of the report.

Ms. Johnson expressed her concern about the high cost to her property and noted that the works are overpriced.

Lindsay Dean, Drainage Superintendent noted that agricultural grant and debenture option is available to help residents with the payments for the works.

Ms. Johnson asked why her bridge was not maintained by the Township since 1950.

Mr. Rood replied that under the Drainage Act residents should inform the Town about deficiencies on municipal drains and request repairs to their bridges. The Town can not impose charges to the residents if the works are not requested.

Ms. Johnson noted that the flooding on both sides of the bridge is caused by the River Canard and advised to clean River Canard.

Mr. Rood replied that the scope of work for this appointment is to restore the Brush Drain and to put it into the initial state of repair.

Ms. Johnson said that the cost of the works will put her in a hardship.

Mr. Rood reminded Ms. Johnson that debenture option will be available.

Lindsay Dean, Drainage Superintendent, added that a 10-year debenture will be available for this project and debenture thresholds and payment options will be provided with the Court of Revision Notice.

Ms. Johnson complained about the cost to her property and suggested that she repairs the bridge herself.

Mr. Rood advised that the owners are not allowed to perform works on municipal drains themselves since it may cause damages and impose liability. Mr. Rood advised that as per Drainage Act the municipality is responsible to perform repairs. Mr. Rood added that the best price for the works will be ensured through the tender process.

Mr. Dunn asked when the next meeting will be.

The Chair advised that the Notice regarding the meeting will be mailed out before the meeting.

Mr. Rivest commented that the cost is extremely high.

Mr. Rood explained that the cost of construction has doubled during the last couple years.

Lindsay Dean, Drainage Superintendent, noted that the Court of Revision is scheduled for March 22nd.

DB22-02-006

Moved by Board Member Weigt-Bienze

Seconded by Board Member Martin

That the presentation by Gerard Rood be received and that the Report for Brush Drain Repair and Improvements, Geographic Township of Colchester North, Project REI2020D030, Town of Essex, County of Essex prepared by Gerard Rood, Professional

Engineer dated December 23, 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

8. Adjournment

DB22-02-007

Moved by Board Member Martin

Seconded by Board Member Weigt-Bienze

That the meeting be adjourned at 5:52 PM.

Carried

Chair

Recording Secretary