



## Drainage Board Meeting

### Minutes

December 9, 2020, 5:00 pm

Location: Electronic Virtual Meeting via Zoom Video Conferencing

**Re: Consideration of Contract Price for Crystal Beach Drain:  
Repair & Improvement of Covered Drains,  
Geographic Township of Colchester South, Project REI2018D012,  
Town of Essex, County of Essex**

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

Present: Dan Boudreau

Kirk Carter

Percy Dufour

Luke Martin

Felix Weigt-Bienzle

Regrets: None

Also Present: Shelley Brown, Deputy Clerk

Norm Nussio, Manager, Operations and Drainage

Lindsay Dean, Drainage Superintendent

Tanya Tuzlova, Operations/Drainage Clerk

Gerard Rood, Professional Engineer, Rood Engineering Inc.

General Public: Per attached Attendance Sheet

### 1. Call to Order

The Chair called the meeting to order at 5:00 pm.

### 2. Declarations of Conflict of Interest

None declared.

### 3. Adoption of Published Agenda

Drainage Board Meeting Agenda

Moved by Board Member Weigt-Bienzle

Seconded by Board Member Martin

**(DB20-12-001) That** the published agenda for the December 9, 2020 Drainage Board Meeting be adopted as presented. **Carried**

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

Consideration of Report for Shepley Drain Bridge Replacement for Gorski Land Holdings and Szakacs Drain Repair and Improvement held on November 25, 2020.

Moved by Board Member Martin

Seconded by Board Member Dufour

**(DB20-12-002) That** the minutes of the Drainage Board Meeting held on November 25, 2020, 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. Mr. Rood added that he has not received any appeals either.

#### **6. Public Presentations**

Gerard Rood, Professional Engineer

##### **Consideration of Contract Price for Crystal Beach Drain: Repair & Improvement of Covered Drains, Geographic Township of Colchester South, Project REI2018D012, Town of Essex, County of Essex**

Mr. Rood informed that he has reviewed tender results and that the three lowest bidders were fairly tendered with generally balanced prices. The lowest bidder Sterling Ridge Infrastructure Inc. was at \$449,300 excluding HST. Unfortunately the lowest bid came at 147.6% over the drainage report estimate. Mr. Rood added that the review showed that the main difference was in the items 37-39 and explained that his estimate was based on the cost of recent projects. It was estimated that the temporary wall at the outlet would cost \$25,000 and the tender prices came in approximately three times higher which was the highest contributing factor.

Mr. Rood apologized for underestimating the cost and added that unfortunately the cost of materials and labour keeps increasing. Mr. Rood concluded that it does not appear that a better cost can be obtained if the project is retendered. Mr. Rood recommended to proceed with awarding the tender to the lowest bidder Sterling Ridge Infrastructure Inc. at \$449,300.00.

Board Member Dufour asked Mr. Rood to clarify his recommendation.

Mr. Rood replied that he recommends to accept the lowest bid since it does not look like the better price will be received if the project is retendered.

The Chair advised that he will ask if the audience has questions as per the attendance list.

The Chair asked if Eric and Allison Campbell have any questions.

Mrs. Campbell, 120 Crystal Beach Road, replied that they do not have questions.

The Chair asked if Jill and Ron Kennedy have any questions.

Ms. Kennedy, 709 County Rd 50 West, asked if the works at the outlet can be done now and the rest of the project can be delayed until after COVID is over.

The Chair advised that the project should go in its full entirety since if the works are broken into parts the overall cost will increase.

Mr. Rood added that if the project is broken into parts, the cost may increase by \$20,000-\$30,000 for mobilization and finalizing works. Mr. Rood added that there has been a constant increase in price for materials and labour in the past 6-12 months and he does not see that the situation will improve during the next 6-12 months.

The Chair asked if Tamara Deneau and John Kay have any questions.

John Kay, 155 Crystal Beach Road, stated that two catch basins and the end of the drain should be fixed and there no problems anywhere else. Mr. Kay commented that he does not understand why the money should be spent on engineering the whole system.

Mr. Rood replied that when the Town of Essex investigated the state of the drain it was not possible to pass the cameras due to the deterioration of the drain. Mr. Rood added that in its current state the drain cannot provide the level of service needed for adequate drainage and should therefore be replaced to eliminate the risk of the liability to the Town and the other owners.

Mr. Kay commented that if the outlet is repaired, it will work for 20 more years.

The Chair commented that the Town was notified about the necessity to repair the drain and they have moved forward to replace the entire system as that was the consensus of the Consideration Meeting.

Mr. Kay commented that at the on-site meeting it was agreed to fix the end of the pipe.

Mr. Rood explained that since he was notified that he is appointed to this drainage project he is obligated under the Drainage Act to ensure that the drain provides the proper level of service and it is necessary to restore any deficiencies to eliminate the risk of any liabilities, accidents and damages to the Town and to the adjacent owners.

Mr. Kay asked how much additional cost the owners will have to pay since the lowest bid came over the estimate.

Mr. Rood explained that since the tender came 147% over the estimate the final assessment to each affected owner will be about 45% more for the construction component of the project. Mr. Rood added that the incidentals will not increase.

Mr. Kay asked how much the contingency is in the tender price.

Mr. Rood replied that the tender cost does not include the contingency.

Mr. Kay asked when the works will happen.

Mr. Rood replied that after the tender is approved the works will start somewhere in January and the target is to finish by June 30<sup>th</sup> of the next year.

Mr. Kay commented that there are many neighbours who are against this project.

The Chair asked if Jean and John Stewart have any questions.

Jean Stewart, 161 Crystal Beach Road, replied that they do not have questions.

The Chair asked if Barbara and William Ross have any questions.

Barbara Ross, 104 Crystal Beach Road, asked when they will be advised of what the difference will be for the payment and if there will be a consideration given to pay over a longer term.

Lindsay Dean, Drainage Superintendent, explained that there will be no further notifications about the cost. Ms. Dean added that debenture thresholds are indicated in the by-law and advised Ms. Ross to call her regarding the payment amount.

The Chair advised Ms. Ross to call Ms. Dean regarding the debenture procedure.

Ms. Ross asked if she will get a notice about how much her final cost will be.

The Chair advised that the cost will be prorated as per report. Mr. Rood has confirmed that it is correct.

The Chair asked if Carol MacPherson has any questions.

Ms. MacPherson, 107 Crystal Beach Road, replied that she does not have questions.

The Chair asked if Bart Scott and Frankie Ouimette have any questions.

Bart Scott, 108 Crystal Beach Road, commented that he would prefer a 10 year debenture.

The Chair asked if Marybeth Hernandez has any questions.

Ms. Hernandez, 111 Crystal Beach Road, stated that she believes that if the cost of the project is over by 31%, then the Town should pay the difference.

The Chair commented that he has never heard of this rule.

Mr. Rood explained that as per Drainage Act if the tender price came over 133%, then a meeting should be held to explain why the cost came higher than estimated. The reason this meeting is taking place is for the Drainage Board to make a decision and recommend to Council whether to award the tender or to retender. Mr. Rood added that the property owners continue to be responsible for their proportionate cost of the project whatever that final cost will be.

John O'Neil, 117 Crystal Beach Road, stated that the drain works well and it is enough to replace only the outlet pipe.

Mr. Rood reiterated that once he was appointed and the drain was investigated it become evident that drainage works are deficient and there is a risk of liability and damages. Mr. Rood added that the report recommends that all deficient works are to be repaired and improved and the entire system should be improved now. Mr. Rood added that once repaired the drain will have over 75 years of life expectancy and that is a good investment which will help to avoid cost of maintenance and repairs and further works in the future at a higher cost.

The Chair advised Mr. O'Neil to contact Town staff regarding the appeal process.

The Chair asked if William Young has any questions.

William Young, 136 Crystal Beach Road, commented that he would like to appeal as well.

The Chair advised that appeal is a separate process and advised Mr. Young to file the application with the Town Staff.

Board Member Dufour commented that if there will be an appeal, then the appeal cost will be added to the project cost.

The Chair confirmed that the cost of appeal will be added to the overall cost of the project and will be paid by the community of users of this drain.

Board Member Weigt-Bienzle suggested that the estimates should be more carefully prepared and be closer to reality.

Board Member Carter advised that his connection was lost and asked to clarify the recommendation.

The Chair advised that the recommendation is to go with the lowest bidder Sterling Ridge Infrastructure Inc. since their tender was reasonably priced.

Mr. Rood summarized his recommendation for Mr. Carter.

Board Member Carter commented that his opinion is to retender the project to get more competitive price.

Mr. Rood advised that he believes that the tender should be awarded to the lowest bidder since all the 3 lowest bidders have provided similar prices and the other 5 bidders provided the cost up to and over a million dollars, which is three times higher than the lowest bid. In conclusion Mr. Rood recommended to go with the lowest bidder to avoid incurring retender costs. Also Mr. Rood stated that if retendered the cost may come higher since the lowest bidders may not submit their proposals again.

Board Member Martin commented that the drain is in a poor condition and he would recommend to repair it at this time. Mr. Martin also added that retendering may result in a worse situation.

Mr. Ross stated that he believes that those who want to appeal should pay the cost related to the appeal.

The Chair advised that when there is an appeal on the project, the appeal cost will be added to the overall cost of the project.

Mr. Ross commented that delaying the project is making it worse since the costs are increasing. Mr. Ross added that he would like the project to move forward quickly.

Moved by Board Member Martin

Seconded by Board Member Weigt-Bienzle

**(DB20-12-003) Recommendation to Council that** the tender received from Sterling Ridge Infrastructure Inc. for the **Crystal Beach Drain: Repair & Improvement of Covered Drains, Geographic Township of Colchester South, Project REI2018D012, Town of Essex, County of Essex** be awarded.

**Carried**

## **7. Adjournment**

Moved by Board Member Dufour

Seconded by Board Member Weigt-Bienzle

**(DB20-12-004) That** the meeting be adjourned at 5:37 PM.

**Carried**

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Chair

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Recording Secretary

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Date