



Drainage Board
Consideration of Report Agenda

December 9, 2020, 5:00 pm

Location: <https://www.youtube.com/user/EssexOntario>

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.

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

The Clerk to confirm that all notices have been sent in accordance with the Drainage Act.

Pages

1. Call to Order

2. Declarations of Conflict of Interest

3. Adoption of Published Agenda

3.1. Drainage Board Agenda for December 9, 2020

Moved by _____

Seconded by _____

That the published agenda for the December 9, 2020 Drainage Board be adopted as presented.

4. Adoption of Minutes

4.1. Adoption of Minutes for November 25, 2020

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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 _____

Seconded by _____

That the minutes of the Drainage Board Meeting held November 25, 2020, be adopted as circulated.

5. List of Written Appeals

6. Public Presentations

6.1. Gerard Rood, Professional Engineer

7

Consideration of the Contract Price for Crystal Beach Drain: Repair and Improvement of Covered Drains, Geographic Township of Colchester South, Project REI2018D012, Town of Essex, County of Essex.

Moved by _____

Seconded by _____

That the tender received Sterling Ridge Infrastructure Inc. for the **Crystal Beach Drain: Repair and Improvement of Covered Drains, Geographic Township of Colchester South, Project REI2018D012, Town of Essex, County of Essex** be awarded.

6.2. Other Public Presentations (if any)

7. Adjournment

Moved by _____

Seconded by _____

That the meeting be adjourned at [TIME].



Drainage Board
Consideration of Reports
Minutes

November 25, 2020 5:30 p.m.

Location: Zoom Video Conferencing

Shepley Drain: Bridge Replacement for Gorski Landings Inc.

Geographic Township of Colchester South, Town of Essex,

County of Essex, Project REI2020D012

Szakacs Drain: Repair and Improvement

Geographic Township of Colchester South, Town of Essex,

County of Essex, Project REI2016D004

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: | Elwood Defour, 2245 Roseborough Road, Harrow
Joe Gorski, PO Box 283, Harrow
Arlene & John Welzel, 1500 Ferris Drive, Harrow
Mary & Romano Quintigliani, 1485 Ridge Road, Harrow |

1. Roll Call

The Chair called the meeting to order at 5:30 pm.

2. Declarations of Conflict of Interest

Board Member Weigt-Bienzle declared a conflict of interest since his property is in the watershed area of the Shepley Drain project.

Board Member Carter also declared a conflict of interest since his immediate family member has a property in the watershed area of the Shepley Drain.

The Chair asked Deputy Clerk if the Drainage Board still has a quorum.

Deputy Clerk advised that it does not affect the quorum and Board Members Carter and Weigt-Bienzle may rejoin the meeting for Szakacs Drain.

3. Adoption of Published Agenda

Drainage Board Meeting Agenda

Moved by Board Member Martin

Seconded by Board Member Dufour

(DB20-11-001) That the published agenda for the November 25, 2020 Drainage Board Meeting be adopted as presented. **Carried**

4. Adoption of Minutes

North Rear Road Drain South Side (New Bridge for Grondin) held on October 21, 2020.

Moved by Board Member Dufour

Seconded by Board Member Martin

(DB20-11-002) That the minutes of the Drainage Board Meeting held on October 21, 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

6.1 Gerard Rood, Professional Engineer

Re: Report from Rood Engineering Incorporated dated October 27th, 2020 regarding Shepley Drain Replacement Bridge for Gorski Land Holdings Inc., Geographic Township of Colchester South, Project REI2020D012

Mr. Rood informed that he was appointed to provide for the construction of a replacement access bridge for Gorski Land Holdings Inc., parcel# 710-02700 in the Shepley Drain to provide for a safer access for the agricultural lands. Mr. Rood summarized his report in detail that was circulated to all affected landowners.

Board Member Dufour asked Mr. Rood to explain how the estimated cost of construction supervision was calculated.

Mr. Rood replied that the estimated cost is based on the anticipated time of construction supervision and includes the time spend by a person on site and office administration.

The Chair asked if property owner Mr. Gorski has any questions.

Mr. Gorski replied that he is fine with the report and would like to replace the bridge sooner since it is in a bad disrepair.

Mr. Defour, 2245 Roseborough Road, asked if the cost is estimated at \$41,200.00.

Mr. Rood has replied that he has provided the best estimate for the bridge cost.

Mr. Defour, 2245 Roseborough Road, asked why his bridge which is located close by costs \$15,000 more.

Mr. Rood explained that Mr. Gorski's bridge is utilizing sloped end option as most effective method and Mr. Defour's bridge uses concrete headwalls and requires more work and therefore Mr. Defour's bridge is more expensive.

Mr. Defour commented that the cost of his bridge was estimated at \$51,000 and now it is \$60,000. Mr. Defour has agreed that his bridge has better blocks at the end and more work is required, but he does not believe that headwalls should be \$15,000 more expensive.

Mr. Rood replied that installation of headwalls could require more work and therefore the cost could be very significant.

Mr. Defour stated that since Mr. Gorski's bridge is located downstream than more blocks could be required.

Mr. Rood explained that for this reason the sloped end option was utilized for Mr. Gorski's bridge as the most cost effective method.

Ms. Dean, Drainage Superintendent added that a different type of pipe was installed for the upstream bridge than for this bridge and this is one of the contributing factors to the cost difference on that project.

Mr. Defour asked if the aluminium pipe was installed at Mr. Gorski's bridge as well.

Ms. Dean replied that the Ultra Flo pipe at Mr. Defour's bridge is up to 3 times more the cost than this type of pipe.

Moved by Board Member Dufour

Seconded by Board Member Martin

(DB20-11-003) That the presentation by Gerard Rood be received and that the Report for the

Shepley Drain Replacement Bridge for Gorski Land Holdings Inc., Geographic Township of Colchester South, Project REI2020D012 as prepared by Gerard Rood, Professional Engineer dated October 27th, 2020 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

6.2 Gerard Rood, Professional Engineer

Re: Report from Rood Engineering Incorporated dated October 20th, 2020 regarding Szakacs Drain Repair and Improvement, Geographic Township of Colchester South, Project REI2016D004

The Chair asked if any written appeals were received by the Town.

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

Mr. Rood informed that he was appointed to provide for the repair and improvement of the Szakacs Drain. Mr. Rood advised that investigation, instructions and the report is accordance with Section 78 of the Drainage Act.

Mr. Rood provided a detailed summary of the report he prepared that was circulated to all the affected owners.

The Chair asked Ms. Dean to summarize what has happened at the on-site meeting since some Drainage Board members were not present.

Ms. Dean, Drainage Superintendent, explained that at the on-site meeting two options were discussed: to finalize the report under Section 78 or to prepare a report under Section 40 to stop the project. Ms. Dean added that a report should be prepared either way and the cost for both options will be similar. In conclusion Ms. Dean said that the general consensus was to continue with the report under Section 78 and not to proceed with construction at this time. Ms. Dean added that at this meeting the property owners may change their mind on whether to proceed to construction, but that was the consensus at that time.

The Chair asked if Board Members have any questions.

Board Member Dufour commented that at the on-site meeting the owners were told that the debenture could be 10 years instead of 5 years since the cost of the project is high. Mr. Dufour asked Ms. Dean to clarify the debenture option.

Ms. Dean replied that the debenture threshold is based on the assessment values so if the project does not proceed with construction than probably the assessments would be in a 5 year debenture range and if the construction is

done than the assessment could be in a 10 year threshold. Ms. Dean added that this could be discussed if the project proceeded to construction.

Board Member Dufour asked if the debenture option is written in the report or it is reflected in the Drainage Act.

Ms. Dean replied that the debenture option details and thresholds will be contained in the provisional by-law which would be sent with the notice for the Court of Revision which will follow this meeting.

The Chair asked Ms. Dean that if the construction part does not happen for 10 years from now, shouldn't the debentures bear the current interest rate.

Ms. Dean replied that she is not sure at this time if the debentures will be allowed in the future. Ms. Dean added that she assumes that if this drainage works are constructed at a later date that it would be undertaken as drain maintenance, therefore, the land owners will be responsible for the full cost at that time and no debentures will be issued.

The Chair asked if the assessed property owners have any questions.

Inaudible background sounds.

The Chair commented that he could not hear Ms. Welzel's questions.

Ms. Dean commented that we will try to connect with Ms. Welzel on the other line.

Romano Quintigliani, 1485 Ridge Road, said that they do not want to go with the expense of replacing the drain right now.

The Chair commented that any land owner could contact the Town of Essex when they need the drain repairs to be done.

Ms. Welzel said that at the meeting it was decided that all the owners agreed that they do not want the construction part to go through as it is not needed. Ms. Welzel added that she spoke with Monica Zavaros today and they are against the construction as well.

The Chair concluded that the consensus of the on-site meeting which was held about a month ago that the landowners want to move forward with the report to be adopted by Council so they have a mechanism to repair the drain at a future date. Therefore we are going through the procedure of adopting the report so the report can be utilized in the future to do proper repairs and improvements to the Szakacs Drain.

The Chair asked if there are any further questions.

Board Member Dufour asked if this a direction the landowners want to go or to put a hold to this project right now.

The Chair has commented that under Section 78 the project cannot be hold and there is a procedure that we should follow and asked Ms. Dean to clarify.

Ms. Dean replied that Section 78 appointment has been initiated through Council to get this project going and once it started we cannot simply stop it. The mechanism to stop it would be to prepare Section 40 report to end the Section 78 process. The land owners expressed that they would like to continue with this process so they have this report if they wish to replace this drain in the future.

The Chair added that the cost has already been incurred so rather than quashing the report and lose the engineering cost and surveying that would need to be completed again at the later date. This mechanism allows us to keep the report for the future repairs.

Moved by Board Member Carter

Seconded by Board Member Weight-Bienzle

(DB20-11-004) That the presentation by Gerard Rood be received and that the Report for the Szakacs Drain Repair and Improvement, Geographic Township of Colchester South, Project REI2016D004 as prepared by Gerard Rood, Professional Engineer dated October 20th, 2020 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 Weight-Bienzle

Seconded by Board Member Carter

(COR20-11-005) That the meeting be adjourned at 6:17 pm. **Carried**

Chair

Recording Secretary

Date



Meeting to Consider Contract Price

Meeting Time: December 9, 2020, 5:00 pm

Location: Electronic Virtual Meeting via Zoom Video Conferencing

**RE: Crystal Beach Drain: Repair & Improvement of Covered Drains,
Geographic Township of Colchester South, Project REI2018D012,
Town of Essex, County of Essex**

In accordance with Section 78 of the Drainage Act R.S.O. 1990, c. D.17 as amended and pursuant to Town of Essex By-Law 1920, the above referenced project was tendered and received eight (8) bid submissions with the lowest tender price of \$449,300 (excluding all taxes) having been received from Sterling Ridge Infrastructure Inc. but which tender price is more than 133% over the engineer's estimate of \$304,436 (excluding all taxes). The purpose of this meeting is to consider the contract price pursuant to Section 59 of the Drainage Act which states as follows:

59 (1) Where the contract price exceeds 133 per cent of the engineer's estimate of the contract price, the council of the initiating municipality shall call a meeting in the manner prescribed by section 41, and sections 42 and 43 apply with necessary modifications. R.S.O. 1990, c. D.17, s. 59 (1).

Accordingly in accordance with The Drainage Act the Council of the Town of Essex will consider the contract price at a meeting to be held **electronically via Zoom on December 9, 2020 at the hour of 5:00 pm.**

To participate at this meeting as a delegate you must register as a electronic delegation , please provide your contact information (name, address, email and phone number) to the Drainage Board Recording Secretary via email ttuzlova@essex.ca or phone

519-776-6476 ext 1407 by Tuesday, December 8th no later than 12:00 pm. Delegates will be contacted directly with registration details prior to the meeting.

To register as an attendee for the meeting, please provide your contact information (name, address, email and phone number) to the Drainage Board Recording Secretary via email ttuzlova@essex.ca or phone 519-776-6476 ext 1407 by Tuesday, December 8th no later than 12:00 pm. Attendees will be contacted directly with registration details prior to the meeting.

A handwritten signature in black ink, appearing to read 'R. Auger', written over a horizontal line.

Robert W Auger, Clerk, Town of Essex

Date of Notice: November 16, 2020