

**Minutes of an Amherstburg Municipal Council
Special Meeting
Monday, August 8, 2011 at 7:00 p.m.
United Communities Credit Union complex**

PRESENT

Deputy Mayor Ron Sutherland
Councillor Carolyn Davies
Councillor Bart DiPasquale
Councillor Robert (Bob) Pillon
Councillor Diane Pouget

Ed Dries, P.Eng. Dillon Consulting
Eric Chamberlain, Engineering Coordinator/
Drainage Superintendent
Lou Zarlenga, Director, Engineering and Infrastructure

ABSENT WITH NOTICE

Mayor Wayne Hurst
Councillor John Sutton

CALL TO ORDER

The Deputy Mayor called the meeting to order.

The Deputy Mayor extended condolences

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest.

REPORT

A report by Lou Zarlenga regarding Public Meeting for the Consideration of the Preliminary Report for the Morgan Municipal Main and South Branch Drains Ed Dries, P.Eng. Dillon Consulting provided an overview of the preliminary report for the Morgan Drain. He noted that there was a site meeting to gather preliminary information. The meeting was well attended and those issues raised at the site meeting are included in the report. Purpose of the meeting is to gather public comments and receive Council direction.

The Deputy Mayor invited members of the public to address Council.

Those members of the public that addressed Council were:

John Laing, 317 White Crescent addressed Council and questioned whether the trenching will help the flow and eliminate the standing water in the open drain behind

his property. He commented on the large number of mosquitos present. Ed Dries confirmed that yes, the work would provide an improved outlet and the open drain will function better removing standing water in the drain. Mr. Laing noted his concern of having to address the standing water again in the future. Mr. Dries advised it would not be the perfect solution and that this is an open channel and will convey water from time to time. Council may wish to consider enclosing the drain however, there are costs associated.

Dominic Savo, 376 Texas Road addressed Council and asked why it is being pro-rated on the value of the property and not just the frontage of the property. Ed Dries advised that the methodology is defined within the Drainage Act under Section 25. It forms part of the legislation and there is no option or flexibility. Mr. Savo noted that when he first built the property, he shared in the cost to enclose drains by Texas Road. Mr. Dries advised that these are private drains, not municipal drains. The Morgan Drain is a municipal drain and the Town has certain obligations under the Drainage Act.

Mike Wirag, 333 White Crescent questioned how access would be gained by the Town to backyards to complete the maintenance work. Ed Dries advised that access would not be needed to backyards. He clarified that nothing is being done on the Main Branch from the junction of the South Branch, upstream.

David DeThomasis, 407 Old Colony Trail noted his parents had submitted a letter as they are not able to be present. He asked that Council review same. Mr. Dries commented on the letter and advised that further to the suggestion to enclose the Main and South Branch adjacent to his parent's house. He noted that should this work be included in the report, his parents would be assessed for it under the Drainage Act. Mr. DeThomasis advised that this would need to be discussed with his parents. Mr. Dries advised that he would meet with his parents to discuss same.

Mr. Dries commented on the recommendation by Mr. DeThomasis' parents to enclose the drain at Pettypiece Drive. Mr. Dries advised that this may be part of a future development. At that point and time, Administration may require that this be part of the funding of any future development.

Mr. Dries advised that regardless of whether people think that the developer should have paid, it was not included in the agreement and the meeting is to determine the appropriate action and payment of same.

Councillor Pouget asked that Lou Zarlenga address the mosquito issue in the standing water. Lou Zarlenga advised that the Board of Health treats areas and he would provide information on those areas treated already.

Michel Ducharme, 325 White Crescent addressed Council and sought an explanation as to why he is required to pay under the Act. He also noted that there is an obstruction in the drain that should be removed. Mr. Dries explained the provisions within the Act regarding assessment and advised that the blockage would be investigated and if there is an obstruction, the Drainage Superintendent will

address it. In response to a question from Mr. Ducharme, Mr. Dries explained that assessments against roads are levied against the authority that owns the road.

Councillor Pillon referred to the comment regarding the upper portion of the drain being blocked and if anyone had experienced flooding. Eric Chamberlain advised that it might be prudent to do maintenance to the main branch at the back of the lots to allow work done in the overgrown area. The cost would increase if this was done. Mr. Dries advised that no comments were received at the site meeting regarding this issue. Eric Chamberlain advised that the work would be difficult due to access and that there would need to be access to remove the debris.

Robert Young, 145 Higgins addressed Council and asked how any future work will be assessed. He noted that the Town has responsibility and that the developer should have paid a portion of the costs incurred. He felt that the residents are left with the cost. He also questioned future development and assessment of vacant undeveloped lots. There was discussion with regard to the development agreement entered into years ago and the developer's responsibility for the drain.

Councillor Davies questioned what the developer was responsible for and if it was an oversight. Mr. Dries noted that the report comments on future works. Councillor Davies questioned if it would be feasible to look at the one beaver or willow dam to see if that could be fixed without affecting whole drain. How would the residents feel about fixing the one damn block.

John Laing asked that Council, in the future, investigate enclosing the upper portion of the Morgan Drain and that the project be considered for any future funding opportunities.

Joanne DiPierdomenico, 402 Texas Road addressed Council and sought clarification as to which lands are assessed and required to pay and which are not.

Councillor DiPasquale sought clarification of how long the work would last. Ed Dries advised that open drainage systems require maintenance and a typical interval is about 14 to 17 years.

Mario Parete, 774 Texas Road addressed Council and advised that he has not seen the drain more than half full. His home is located at the bottom of the drain and he felt that the problem with the drain originates at the top end of the drain. Ed Dries explained the reason why the entire drain is being included in the work. Mr. Parete felt that his mother should not be assessed.

Robert Young sought clarification of the area of work and asked how his property would be assessed in comparison to the developer's remaining land. Ed Dries advised that the developer will pay for his undeveloped land at north of the drain in proportion to that assessed land. Mr. Young felt that there should be an average given of what the land would be valued when developed and the developer will pay based on that amount.

Kay Mastrodicasa, 378 Texas Road addressed Council and noted that the Morgan Drain was fine before the development occurred. Homeowners who bought the houses knew the drain was there. The lots on Texas Road are privately owned. Lots south of the Morgan Drain are privately owned. Ms. Mastrodicasa felt that the developer should be responsible as the drain was fine until development occurred. She suggested that the work be done in stages and reviewed to see if the problem is resolved versus completing work on the entire drain. She reiterated that the developer should have been responsible.

Tony English, 408 Texas Road addressed Council and asked what protection there is in place to ensure that the costs don't drastically exceed that which was estimated. Mr. Dries explained the process of estimating the cost and what could impact the cost. Mr. English questioned the condition of the Big Creek Drain as these same owners would be responsible for those costs also. Eric Chamberlain advised that Big Creek is watershed and not a municipal drain.

Mr. Dmytro Kosyk, 3875 Concession 3 N addressed Council noted that his property is not draining properly. The drain is not serving him well currently. Mr. Dries noted that this is contrary to comments by others. It was noted that there are issues on the 3rd Concession due to the culvert. Mr. Dries advised that this is not within the scope of this project.

Sean Gazdig, 401 White Crescent addressed Council and noted that this matter originated three years ago and asked that a timeline be placed on the project so it does not delay another 3 years. Ed Dries advised that a final report would follow within 6 weeks.

Dave Fox, 824 Texas Road addressed Council and advised that his property is at the eastern end of the drain. Part of Mr. Fox's property is designated as a flood zone by ERCA. Mr. Fox expressed concern of additional standing water on his property. He further questioned why the Town is not required to put in a culvert on Texas Road. Mr. Dries clarified that the culvert at Texas Road is in the same situation as access culverts to Mr. Fox's neighbours to the west. It is slightly deficient in capacity but in a structural condition that doesn't necessitate immediate replacement and as such, may be left as is. When it is time to replace the culvert, he recommends that it be replaced with a properly sized culvert. Mr. Dries noted that his property is designated flood area currently and will continue to receive water. There should be no more standing water than what typically has occurred.

Councillor Pillon moved, Councillor DiPasquale seconded:

That Council receive the report from Lou Zarlenga dated July 5, 2011 concerning the Morgan Municipal Drain public meeting for the consideration of the preliminary report prepared by Ed Dries, P. Eng. from Dillon Consulting dated June 10, 2011;

And further that Council directs the engineer to prepare a final engineer's report based on the discussion and information provided by the landowners benefiting from the Morgan Drain Project.

It was noted that the report will return in 6 weeks.

The Deputy Mayor put the Motion.

Motion Carried

ADJOURNMENT

Councillor DiPasquale moved, Councillor Pouget seconded:

That Council rise and adjourn at 9:05 p.m.

The Deputy Mayor put the Motion.

Motion Carried

MAYOR - WAYNE HURST

CLERK – BRENDA M. PERCY