

**HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD**

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**MINUTES**

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**MEETING DATE:** Thursday, May 7, 2009

**TIME:** 8:00 p.m.

**LOCATION:** Courthouse, 57 Holland Street East, Bradford, ON

**ATTENDANCE RECORD:**

**MEMBERS PRESENT:** John McCallum, Councillor - BWG  
William Eek, Appointee  
Michael Brinkos, Appointee - BWG  
Dan Sopuch, Appointee - BWG  
Brian Visser, Appointee - King - BWG  
Jack Rupke, Councillor - King

**REGRETS:** Margaret Black, Mayor - King  
Jim Verkaik, Member-at-Large  
Doug White, Mayor BWG

**STAFF PRESENT:** Chris Somerville, Clerk  
Scott Somerville, CAO - King  
Frank Jonkman, Drainage Superintendent  
Sarah Murray, Secretary Treasurer

**REGRETS:** Jay Currier, Town Manager - BWG- King

**OTHERS:**

- |     |   |                      |
|-----|---|----------------------|
| 1.  | <b><u>Call to Order</u></b>   | <i>John McCallum</i> |
| 1.1 | <b>HM-2009-031</b><br>Moved by: B. Visser<br>Seconded by: J. Rupke<br><br>"That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board come to order at 8:03 p.m."<br>CARRIED.  |                      |
| 2.  | <b><u>Declaration of Pecuniary Interest</u></b>   | <i>John McCallum</i> |
| 2.1 | Chairman McCallum reminded Members of the Board of the Municipal Conflict of Interest legislation and requirements thereunder.<br><br>There were no declarations of Municipal Conflict of Interest declared.  |                      |
| 3.  | <b><u>Approval of Agenda / Changes</u></b>  | <i>John McCallum</i> |
| 3.1 | <b>HM-2009-032</b><br>Moved by: B. Visser<br>Seconded by: B. Eek<br><br>"That the Board approve the agenda, dated Thursday, May 7, 2009, as amended."<br>CARRIED.   |                      |
| 4.  | <b><u>Adoption of Board Minutes</u></b>   | <i>John McCallum</i> |
| 4.1 | Chairman McCallum asked if there were any errors or omissions to the minutes. There were no changes and declared the minutes adopted and signed same.<br><br><b>HM-2009-033</b><br>Moved by: B. Eek<br>Seconded by: B. Visser<br><br>"That the Minutes of the Holland Marsh Drainage System Joint Municipal Services Board meeting held on Thursday, March 12, 2009, be approved, as printed and circulated."<br>CARRIED.   |                      |
| 5.  | <b><u>Comments by the Chairman</u></b><br><br>The Chairman commented on the Engineer's Open House and the Special Meeting of Council to Consider the Engineer's Report on April 22, 2009. Arranging for both events to take place at Cardinal Golf Club in Kettleby was very appropriate given the turnout of landowners who attended. The owner of Cardinal Golf Club has continued to extend his generosity in accommodating this Board. It was very generous to provide the space and both meetings went | <i>John McCallum</i> |

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

	very well.	
6.	<b><u>Presentations / Deputations</u></b>	<i>John McCallum</i>
7.	<b><u>Correspondence / Reports</u></b>	<i>John McCallum</i>
7.1	<b>HM-2009-034</b> Moved by: B. Visser Seconded by: J. Rupke  "WHEREAS the Councils of the Town of Bradford West Gwillimbury and the Township of King have established the Holland Marsh Drainage System Joint Municipal Services Board to have control and manage the Holland Marsh Drainage System;  AND WHEREAS it is necessary for the Council of the Corporation of the Town of Bradford West Gwillimbury to establish levies for 2009 with respect to the cost of drainage works and the maintenance and repair thereof;  AND WHEREAS the Drainage Act, R.S.O. 1990, D.17, as amended, provides for the imposition of levies in relation to the cost of drainage works and the maintenance and repair of drainage works;  NOW THEREFORE, this Board hereby recommends to the Council of the Corporation of the Town of Bradford West Gwillimbury that the annual drain maintenance levy for the Holland Marsh Drainage System, including Small Scheme, and interior drains, remain unchanged for 2009, as set out in By-Law #2008-056, enacted on May 20, 2009." CARRIED.	
7.2	<b>HM-2009-035</b> Moved by: B. Visser Seconded by: J. Rupke  "That the Town of Bradford West Gwillimbury Council Resolution #2009/25-004 dated April 14, 2009, be received, for information." CARRIED.	<i>John McCallum</i>
7.3	<b>HM-2009-036</b> Moved by: J. Rupke Seconded by: B. Visser  "That the Town of Bradford West Gwillimbury Provisional By-Law #2009-043, be received, for information."	<i>John McCallum</i>
7.4	The Drainage Superintendent then went through his written report of May 1, 2009 to the Board.  Questions were raised surrounding the Trent Severn Waterway and current Lake Simcoe water levels. While the Drainage	<i>Frank Jonkman</i>

Superintendent could not recall peak lake level data at the time, he did confirm that the levels are still very high and as a result continues to impact the Holland Marsh significantly.

There was further clarification on the issue surrounding the County of Simcoe and concerns of the section 78 report. Meetings have been scheduled in the near future to address their concerns.

In regards to a future meeting with some residents of New Tecumseth the Drainage Superintendent elaborated that due to extenuating circumstances for some landowners they have requested an additional meeting with the engineer to discuss how this drainage project will impact them. A meeting has been scheduled for this to occur.

Clarification was provided when a question was raised regarding the purpose of a meeting that took place with the Director of Planning and Development. It was advised that this meeting initially occurred to establish the process to which permanent setback requirements are to be obtained for any new development abutting the canal system and to review the process to which easements, setbacks and block assessments had been established in the past.

Concerns were raised surrounding the notification to landowners of the provisional By-Law and sitting of the court of revision: s. 46 of the *Drainage Act*, R.S.O. 1990, wherein discussions with OMAFRA took place. Through correspondence with OMAFRA and the perceived support of the Ministry, the Board would prefer not to send a cd copy of the Schedule of Assessment with the Notice of Provisional By-Law. This requirement has already been met by the initially notification of Report to landowners.

It was established through discussion that the Board would address this matter in detail under New Business and carry on with the Agenda.

Issues pertaining to bridges in relation to the Jane Street structure arose. Accordingly, it was disclosed by King Township staff that a meeting occurred recently with the engineer, town staff and the Drainage Superintendent. The meeting took place to ensure all in attendance were equally informed. Accordingly, the engineer advised he will commence with designing the bridge at Jane Street. It has been confirmed the new bridge structure will be designed to accommodate the barge, and to discourage pedestrian and recreational use of the bridge.

Concerns were brought up relating to the local Conservation Authority and alleged violations at Interval 1 and Interval 15, trial work areas. The issues have since been addressed and a meeting has been scheduled with the CA in the near future. Additionally, staff

at the Department of Fisheries and Oceans holds no concerns in the matter. It was relayed that the environmental consultant; Michalski Nielson Assoc. Ltd and the engineer have both contacted the CA advising that there is no reason for concern at this time.

Furthermore, comments were made relating to attendance at the Enbridge open house meetings on gas line routes and the servicing of the Peaker plant on Dufferin Street. Since this meeting occurred it was established that Enbridge is proceeding with the intention to route the gas lines following the road allowances.

Further to the comments on the Jane Street structure, it is important to note that from this meeting with the engineer, that inflation was not taken into consideration when establishing the costs and accordingly, all fees estimated in the report are based on present day values. This being said, this Board may find itself having to further strategize to ensure this project moves quickly.

Intervals 1 & 15 trial areas need to be finalized soon and restoration work completed. In Interval 15 work including area clean up, removal of debris, berm creation and seeding should be completed this spring/summer. With Interval 1, the area is not quite ready for similar restoration work due to the saturation of the area at present. This is due to the levels of Lake Simcoe and the Trent Severn Waterway. However, the Engineer's Report stipulates that each interval requires up to one full year of settling prior to restoration taking place.

Some of the work could be done with the long reach excavator but also, some of the work may be completed more efficiently by bulldozer. There is a local company with said equipment who may be interested and the excavator is being delivered next week.

The Zweep inlet needs to be completed as soon as possible, at least prior to the farming community's need for irrigation in that area. There are other options in the meantime however, there are no guarantees.

Cleaning of the canals is complete and prepared for the annual Marsh Mash activities set to commence Victoria Day long weekend.

There was a complaint received on Drain 1C, which runs north of Graham Sideroad, and drains west. Pictures have been taken to document the issue. Measures have been taken to ensure the drain is cleaned promptly.

**HM-2009-037**

Moved by: D. Sopuch  
Seconded by: J. Rupke

# HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

	<p>"That the written report of the Drainage Superintendent, dated May 1, 2009, be received for information." CARRIED.</p>	
7.5	<p><b>HM-2009-038</b> Moved by: B. Eek Seconded by: B. Visser</p>	Scott Somerville
	<p>"That correspondence from the Municipality of Middlesex Centre, dated March 4, 2009, be received, for information." CARRIED.</p>	
8.	<p><b><u>New Business</u></b></p>	
8.1	<p>Discussions continued from earlier regarding the logistics surrounding distribution of the Notice of Provisional By-Law and sitting of the Court of Revision.</p> <p>All members present were in agreement that since the Ministry of Agriculture, Food and Rural Affairs were in support of the method in which this Board proposed that s. 46 of the <i>Drainage Act</i> be carried out it seemed appropriate to follow through.</p> <p>The By-Law as it stands is being mailed to all residents with a cd copy of the Schedule of Assessment, as a paper copy would be yet more costly than this method and the Board is of the opinion, with the stakeholders best interests in mind, that the By-Law should be sent without the Schedule of Assessment with an effort to control the costs as much as possible.</p> <p>There were concerns raised given that criticisms by the marsh farming community, the larger stakeholders in this project many of which received duplicate, triplicate or in some cases many more copies of the report as prescribed under s. 41 of the <i>Act</i>. This Board is anticipating additional criticisms as a result of the method currently proposed for further notification as prescribed under s. 46 of the <i>Act</i>.</p> <p>The costs of the additional cd reproduction and mailing thereof, would only increase the costs borne of the landowners impacted by the project, increasing each assessment proportionately. Given that another mailing would occur at the time the By-Law was ratified and a copy of said By-Law with cd would be mailed again at that time the costs will quickly and unnecessarily rise.</p> <p>The Board has support of OMAFRA to provide by regular mail a copy of the provisional By-Law, exclusive of the attachment of the Schedule of Assessment, along with the Notice of Court of Revision. It is perceived that in the Board's attempts to save the farming community additional costs, unnecessarily, any contravention to the <i>Act</i> in this instance only would be seen as a decision for the people</p>	John McCallum

in the best interests of the people who are affected by this project. The Board as a result of the current method proposed under s. 46 of the *Act*, passed the following resolution, recommending to the Council of the Town of Bradford West Gwillimbury the following:

**HM-2009-039**

Moved by: B. Eek

Seconded by: D. Sopuch

"WHEREAS Section 46 of the *Drainage Act* R.S.O. 1990 does require the initiating municipality, the Town of Bradford West Gwillimbury, to send the Notice of Provisional By-Law re: adoption of the engineer's report to all affected landowners, the *Act* prescribes said Notice be sent "exclusive of the engineer's report";

AND WHEREAS all costs related to the mailings do contribute to the total cost of the Project. It has been the intent of this Board from the outset, to contain all related costs as much as possible as these costs will directly, financially impact all landowners in question;

NOW THEREFORE, this Board hereby recommends to the Council of the Corporation of the Town of Bradford West Gwillimbury, that the *Act* be adhered to by sending the Notice "exclusive of the engineer's report" to all landowners affected by the Holland Marsh Drainage system Canal Improvement Project."

CARRIED.

8.2

Discussion arose on improving the Board's efforts in communicating with residents by the development of a website. Background research has been undertaken to ensure the best approach is taken. There is plenty of content available for the proposed website, including history and current events. In order to move ahead, a motion was proposed.

*John McCallum*

Additionally, the Board should continue to provide the media and press with relevant information in an effort to educate those communities with an interest.

**HM-2009-040**

Moved by: J. Rupke

Seconded by: B. Visser

"That staff be directed to begin the process of establishing a website for the Board and the Project."

CARRIED.

8.3

**HM-2009-041**

Moved by: J. Rupke

Seconded by: D. Sopuch

*John McCallum*

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

8.4	<p>"That this Holland Marsh Drainage System Joint Municipal Services Board now move in-camera under the provisions of the Municipal Act 2001, Subsection 239(2)(b) at 9:32 p.m." CARRIED.</p> <p><b>HM-2009-042</b> Moved by: D. Sopuch</p> <p>"That the Board rise from in-camera at 9:50 p.m. and report progress." CARRIED.</p> <p><b>HM-2009-043</b> Moved by: D. Sopuch Seconded by: B. Visser</p> <p>"That the resignation letter of Michael Brinkos, dated April 6, 2009, be received, and accepted." CARRIED.</p> <p><b>HM-2009-044</b> Moved by: B. Visser Seconded by: D. Sopuch</p> <p>"WHEREAS this Board has recently had a voting member put forth his resignation;</p> <p>AND WHEREAS Section 4.3 of the Holland Marsh Drainage System Joint Municipal Services Board Agreement ("agreement"), sets out that this Board shall consist of nine (9) voting members;</p> <p>AND WHEREAS Section 4.9 of the same agreement sets out the manner in which such a vacancy must be filled;</p> <p>NOW THEREFORE, the Board ask the Council of the Town of Bradford West Gwillimbury to go through the procedures of appointing a Marsh farmer to the HMDSJMSB, as prescribed in the Board's agreement." CARRIED.</p>	<i>John McCallum</i>
8.5	<p><b>HM-2009-045</b> Moved by: B. Eek Seconded by: B. Visser</p> <p>"That the Bradford Wes Gwillimbury Times news article issued April 30, 2009, entitled "Moving forward with Holland Marsh drainage system improvements" be received, for information." CARRIED.</p>	<i>John McCallum</i>
8.6	<p><b>HM-2009-046</b></p>	<i>John McCallum</i>

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

Moved by: B. Eek  
Seconded by: B. Visser

"That 'The Grower' April 2009 article entitled "Drainage of the Holland Marsh canals gets closer", be received, for information."  
CARRIED.

9. **Future Meeting Schedule**

*John McCallum*

9.1 **HM-2009-047**

Moved by: D. Sopuch  
Seconded by: J. Rupke

"The next meeting of the Holland Marsh Drainage System Joint Municipal Services Board be scheduled for Thursday June 11, 2009 at 8 p.m."  
CARRIED.

The location to which has yet to be established but notification will be sent once available.

10. **Adjournment**

*John McCallum*

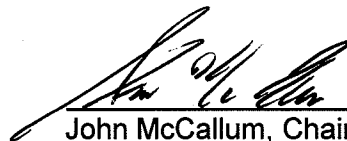
10.1 **HM-2009-048**

Moved by: B. Visser  
Seconded by: D. Sopuch

"That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board adjourn at 10:03 p.m."  
CARRIED.



Sarah Murray, Secretary Treasurer



John McCallum, Chairman