

# HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

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## MINUTES

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**MEETING DATE:** Thursday, May 26, 2011

**TIME:** 7:00 p.m.

**LOCATION:** S.S.P.S. 81 Melbourne Avenue, Bradford ON

ATTENDANCE RECORD:

MEMBERS PRESENT: Doug White, Mayor – BWG  
William Eek, Appointee  
Dan Sopuch, Appointee  
George Hoving, Appointee  
Brian Visser, Appointee  
Cleve Mortelliti, Deputy Mayor – TOK  
Steve Pellegrini, Mayor – TOK

REGRETS: Jim Verkaik, Member-at-large  
Gary Lamb, Ward 3 Councilor - BWG

STAFF PRESENT: Frank Jonkman, Drainage Superintendent  
Sarah Murray, Secretary  
Nathalie Carrier, Deputy Treasurer – BWG  
Dave Van Veen, Eng. Project Manager – TOK  
Kevin Gallant, Fire Chief – BWG

REGRETS: Ian Goodfellow, Treasurer – BWG  
Jeff Schmidt, Treasurer – TOK  
Rob Flindall, Dir. Of Engineering – TOK  
Jay Currier, Town Manager – BWG

OTHERS: Sue Bragg, Gaviller & Company  
Brad Cerswell Gaviller & Company

# HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

1.	<b><u>Call to Order</u></b>	<i>Dan Sopuch</i>
1.1	<b>HM-2011-034</b> Moved by: B. Eek Seconded by: D. White  "That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board come to order at 7:04 p.m." CARRIED.	
2.	<b><u>Declaration of Pecuniary Interest</u></b>	<i>Dan Sopuch</i>
2.1	Chairman Sopuch reminded Members of the Board of the Municipal Conflict of Interest legislation and requirements thereunder.	
3.	<b><u>Approval of Agenda / Changes</u></b>	<i>Dan Sopuch</i>
	Chairman Sopuch asked if there were any errors or omissions to the Agenda and there were none.	
3.1	<b>HM-2011-035</b> Moved by: G. Hoving Seconded by: S. Pellegrini  "That the Board approve the Agenda, dated Thursday, May 26, 2011, as printed and circulated." CARRIED.	
4.	<b><u>Adoption of Board Minutes</u></b>	<i>Dan Sopuch</i>
4.1	Chairman Sopuch asked if there were any errors or omissions to the Minutes and there were none  <b>HM-2011-036</b> Moved by: D. White Seconded by: G. Hoving  "That the Minutes of the Holland Marsh Drainage System Joint Municipal Services Board meeting held on Thursday, April 7, 2011, be approved, as printed and circulated." CARRIED.	
5.	<b><u>Comments by the Chairman</u></b>  Chairman Sopuch commented on the impact that recent inclement weather has had on the agricultural community as well as the Project.  The Project Manager is working with contractors to remedy these	<i>Dan Sopuch</i>

circumstances as soon as possible.

6. **Presentations / Deputations**

7. **Correspondence / Reports**

7.1 **Draft 2010 Financial Statements  
Gaviller & Company**

*Sue Bragg &  
Brad Cerswell*

Sue Bragg began by introducing her colleague and the accountant who undertook the work of completing the audit file; Brad Cerswell and then commenced walking the Board and staff through the draft Financial Statements.

Sue made a point to note the annual audit this year looks very different from previous years because of new Canadian auditing standards as well as the Public Sector Accounting Board's regulations on reporting on tangible capital assets.

The MIII funds are noted as a deferred liability until the funds are realized in capital works completed. This figure will continue to reduce until the funds have been consumed in full by the Canal Improvement Project (CIP).

It was also reiterated that the MIII funds are restricted to use on the CIP only. As is the interest earned on the MIII funds.

The costs associated with the Section 78 report has been levied out which has improved the appearance of the Board's financial statements and financial position from 2009 to 2010.

It was at this time that Sue Bragg advised the members that should they adopt the statements now, she would require the Chairman's signature approving same. As there were no corrections or editions required in order to approve and adopt the 2010 statements the Board followed through with a resolution for same.

**HM-2011-037**

Moved by: B. Visser

Seconded by: D. White

"That the draft 2010 Financial Statements, prepared by Gaviller & Company for the Holland Marsh Drainage System Joint Municipal Services Board, be approved, as printed and circulated."

CARRIED.

The Chairman signed off on the statements, and Sue Bragg advised she would forward bound copies for all members shortly.

Sue Bragg and Brad Cerswell vacated the meeting at approximately 7:30 p.m.

Chairman Sopuch welcomed both David Van Veen of TOK Engineering Dept who is sitting in for Rob Flindall, Dir of Eng. for TOK and BWG's Fire Chief Kevin Gallant who both entered shortly after the meeting came to order.

Chairman Sopuch prefaced the Fire Chief's presentation today by stating that he and Holland Marsh Growers' Association Chairman Alex Makarenko approached BWG Council a year ago requesting that the Town consider revising its existing Burn Bylaw. He is eager to hear the proposed revisions.

7.2

**Verbal Report of the Fire Chief, Town of BWG  
Proposed Fire Bylaw**

*Fire Chief  
Kevin Gallant*

Fire Chief Kevin Gallant advised members and staff present that the Fire Dept is in the process of updating and amending the existing open fire burn bylaw.

Chief Gallant referenced burn bylaws from abutting and geographically similar municipalities, advising that the fire dept is cognizant of the agricultural community's needs relating to open air burning. The Chief advised his presence this evening was to obtain verbal feedback from the Board to ensure the needs of the Holland Marsh are received and considered during the amendment process of this bylaw.

Some items to note included the preference to impose less stringent restrictions on setbacks for open air burning as well as a larger diameter of burn pile. Currently, the BWG bylaw has a 5 meter(m) setback from property lines/structures, and a 1 cubic meter size acceptance.

Chief Gallant stated his main concern is public safety and for this reason, he is hesitant to reduce these burning restrictions but is seeking to increase them. Burn drums/bins are also under consideration in the burn bylaw revisions.

The other topic discussed was annual open air permit restrictions. Mayor Pellegrini advised that the Township of King (TOK) operates slightly different to BWG in this area and it was recommended to Chief Gallant that BWG accept similar parameters for annual open air fire permit for consistency as well as compliance.

Again, due to public safety and Chief Gallant's obligation to respond to each and every fire call, it is of the best interests of the municipality to adhere to a shorter term permit window instead of an annual permit. Furthermore, the Chief's preference

is to smaller fires as a result of the visibility of these lands to the provincial highway traffic and the highly trafficked Canal Road.

Occurrences of burning at properties abutting these lands may result in a higher chance of calls concerning smoke and fires visible to the traffic and public.

The Drainage Superintendent requested that the road allowance be considered restricted from the burning area for the purposes of preserving the municipal drains which often run adjacent.

As well the Drainage Superintendent requested that the berm of the newly constructed perimeter municipal drain be restricted from burning, and again, to maintain the integrity of the municipal drain. The river also requires a setback to maintain the integrity of the main drain/Holland River.

Chairman Sopuch expressed a preference to annual permits in BWG and increased cubic size, and setback preferences closer to 5m. This figure is not acceptable to Chief Gallant. The minimum that Chief Gallant is willing to accept for the safety of the public is a 15m setback, 2m cubic size. These restrictions coincide with TOK's policy on open burning. Chairman Sopuch reiterated that BWG should mirror TOK's burn bylaw in an effort to gain compliance.

Chief Gallant concluded by confirming that he will go forward with a 15m setback and a 2m cubic restriction. For those having trouble adhering to these restrictions, the Fire Dept. can accommodate with a site inspection on a case by case basis.

Chief Gallant reiterated that smaller fires are better to avoid high visibility and a mandatory fire call attendance.

Discussions concluded and Chief Gallant thanked all those present for their input. He advised that the Fire Dept will take the Board's recommendations into consideration. The Chief also advised that a draft amended bylaw will be going to council no sooner than the Fall of 2011.

**HM-2011-038**

Moved by: B. Eek

Seconded by: B. Visser

"That the verbal report of BWG Fire Chief on the proposed regulations of burning in agricultural areas within the municipal boundaries of Bradford West Gwillimbury, be received, for information."

CARRIED.

Chief Gallant vacated the meeting at approximately 8:00 p.m.

7.3	<p><b>HMDSJMSB Financial Report as at April 30, 2011</b></p> <p>The Deputy Treasurer began by running through the monthly statements of the Board.</p> <p>There were no questions or editions to the report.</p> <p><b>HM-2011-039</b>                  Moved by: B. Eek                  Seconded by: B. Visser</p> <p>“That the financial report of the Board as at April 30, 2011, be received, for information.”                  CARRIED.</p>	<i>Nathalie Carrier</i>
7.4	<p><b>Financial Impact of Leasing a Vehicle for the Drainage Superintendent</b></p> <p>The report focused on the leasing aspect as opposed to the outright purchase. As a result, certain members recommended the purchase option be explored instead to avoid future incidental fees being incurred for overages on mileage, etc.</p> <p>It was further recommended that the Board pass a resolution to authorize the purchase of an adequate vehicle for use by the Drainage Superintendent but to assign an upset limit to the cost of the vehicle.</p> <p><b>HM-2011-040</b>                  Moved by: D. White                  Seconded by: S. Pellegrini</p> <p>“That Report no. HMDSJMSB 2011 006, dated May 16, 2011, regarding the Financial Impact of Leasing a Vehicle for the Drainage Superintendent, be received, for information;</p> <p>AND THAT staff be directed to purchase a vehicle to the upset limit of \$35,000 for the drainage superintendent for the purposes of carrying out the role and duties of the drainage superintendent.”                  CARRIED.</p>	<i>Sarah Murray</i>
7.5	<p><b>Report of the Drainage Superintendent / Project Manager</b></p> <p>A few key points discussed from the written report included the following:</p> <p>Two capital structures have been replaced with upgraded mechanisms; the Zweep inlet, which is now underground and the Highway 400 sluice gate.</p>	<i>Frank Jonkman</i>

Interior Drain 6 underwent unscheduled cleaning to mitigate impact to land owners due to all the rain received recently. This same landowner has been noted recently as trenching a ditch to the drain from the private lands which is causing some of the sedimentation in Drain 6. The preference would be to pump the water from the lands instead of trenching to avoid sedimentation.

Due to the heavy rainfall, the project has been on hold for about 3-4 weeks in total. Pumps have been ordered to begin dewatering in work areas.

A Board member inquired about the issue at Woodchoppers Lane in regards to TOK's allowance for the road. Onetime lumps sum for road restoration. TOK would prefer to have possession of this money as TOK would prefer to undertake this restoration on its own so long as the Board is removed from liability for fixing the roads in TOK.

Dave Van Veen inquired about the stretch of road recently pulverized by TOK; when will the project be able to install the swales? The Dr. Supt. advised this installation work has been delayed due to the recent rainfall. As soon the ground conditions permit, the swales and will be installed.

**HM-2011-041**

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

"That the written report of the Drainage Superintendent and Project Manager, dated May 4, 2011, be received, for information."

CARRIED.

7.5

**Memo from K Smart Associates Ltd re: Private Wells**

*Frank Jonkman*

Kenn Smart recommends that the Board/Project undertake to replace the wells required to be relocated. There are 17 wells identified on the project specifications. There are 12-13 that will be required to be relocated. Drilling of wells will begin shortly.

The Chairman inquired about funding from the local CA on decommissioning. There is funding and the Board/Project will seek this funding out at the time of decommissioning.

"That the K Smart memo dated May 11, 2011 re private wells on canal/dyke interface in Intervals 1, 2 & 3, be received, for information."

CARRIED.

**HM-2011-042**

Moved by: C. Mortelliti

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

	Seconded by: B. Visser	
7.6	<p><b>BWG Annual Levy</b></p> <p>The Deputy Treasurer is seeking a recommendation from the Board on the annual marsh maintenance levy for the interior and big scheme municipal drains.</p> <p>The last time the Board recommended an increase was in 2008.</p> <p><b>HM-2011-043</b> Moved by: D. White Seconded by: B. Eek</p> <p>“That the HMDSJMSB recommend to TOK and BWG Council that the rate for the HMDS remains at \$64.25/hectare for agricultural land for the purpose of the maintenance and operation of the canal;</p> <p>And That the HMDSJMSB recommend to BWG Council that the rate for the Bradford Small Scheme remains at \$92.66/hectare for agricultural land for the purpose of the maintenance and operation of the canal.” CARRIED.</p> <p>Nathalie Carrier then vacated the meeting at 9:45 p.m.</p>	Nathalie Carrier
8.4	<p><b>In-Camera Item</b></p> <p><b>HM-2011-044</b> Moved by: G. Lamb Seconded by: B. Eek</p> <p>“That the Board now move in-camera under the provisions of the Municipal Act, 2001, Subsection 239(2)(e) at 8:58 p.m. to discuss potential litigation matters.” CARRIED.</p> <p><b>HM-2011-045</b> Moved by: D. White Seconded by: G. Hoving</p> <p>“That the Board now rise from in-camera at 9:12 p.m. without report.” CARRIED.</p>	Frank Jonkman
8.	<p><b><u>New Business</u></b></p>	
8.1	<p>The discussions moved to Section 76 reports which are required for the BWG interior drains due to the urban development. In accordance with the Drainage Act, appointment of an engineer</p>	Frank Jonkman

needs to occur in order to carry out these Section 76 reports.

This activity will assist tremendously in levying out the annual maintenance costs of the respective drains.

The Morris Road drain is also a matter of concern, and does warrant a need for appointment of an engineer to complete a section 76 report which will enable this board to carry out maintenance of this drain.

**HM-2011-046**

Moved by: S. Pellegrini

Seconded by: D. White

"WHEREAS the Councils of the Town of Bradford West Gwillimbury (BWG) and the Township of King (King) have established the Holland Marsh Drainage System Joint Municipal Services Board (the Board) to have control and manage the Holland Marsh Drainage System;

AND WHEREAS section 3.2(b) of the Board's Agreement states the "Board shall have the authority and be responsible (b) to carry out and fulfill all of the obligations of the Municipalities under the Drainage Act as such obligations may relate to their responsibilities within the geographic area of the Holland Marsh located within King and Bradford West Gwillimbury";

NOW THEREFORE this Board gives Board staff the authority to investigate costs, and move forward with the process necessary to undertake a section 76 and/or section 78 report for the municipal drains in Bradford West Gwillimbury."

CARRIED.

9.

**Future Meeting Schedule**

*Dan Sopuch*

**HM-2011-047**

Moved by: B. Visser

Seconded by: B. Eek

"That the next meeting of the HMDSJMSB be scheduled for July 7, 2011 at 7pm."

CARRIED.

10.

**Adjournment**

*Dan Sopuch*

10.1

**HM-2011-048**

Moved by: D, White

Seconded by: B. Visser

"That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board adjourn at 9:36 p.m."

CARRIED.

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

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Sarah Murray, Secretary



Dan Sepuch, Chairman