

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

---



**MINUTES**

---

**MEETING DATE:** Thursday, February 10, 2011

**TIME:** 2:00 p.m.

**LOCATION:** Frank Jonkman Meeting Room, S.S.P.S. Bldg, 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  
Steve Pellegrini, Mayor – TOK  
Gary Lamb, Ward 3 Councilor - BWG

**REGRETS:** Cleve Mortelliti, Deputy Mayor – TOK

**STAFF PRESENT:** Frank Jonkman, Drainage Superintendent  
Sarah Murray, Secretary  
Ian Goodfellow, Treasurer – BWG  
Rob Flindall, Dir. Engineering – TOK

**REGRETS:** Jeff Schmidt, Treasurer - TOK  
Jay Currier, CAO – BWG

**OTHERS:** Jim Verkaik, Resident

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

1.	<b><u>Call to Order</u></b>	<i>Dan Sopuch</i>
1.1	<b>HM-2011-011</b> Moved by: G. Lamb Seconded by: G. Hoving  "That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board come to order at 2:05 p.m." CARRIED.	
2.	<b><u>Declaration of Pecuniary Interest</u></b>	<i>Dan Sopuch</i>
2.1	Interim 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>  Interim Chairman Sopuch asked if there were any errors or omissions to the Agenda. The Drainage Superintendent requested that the order change in an effort to accommodate the drainage engineer, here to present the Board with status of the project to-date.  Accordingly, the sequence of Agenda items noted as 8.1 through to 8.4 were re-ordered. Mr. Smart would commence his presentation first which included the cash flow projections. The Treasurer would then speak to the MIII funds report followed by the Dr. Supt. on Board Member Orientation. A motion was drafted to adopt this amended schedule.	<i>Dan Sopuch</i>
3.1	<b>HM-2011-012</b> Moved by: D. White Seconded by: B. Eek  "That the Board approve the Agenda, dated Thursday, February 10, 2011, as amended." CARRIED.	
4.	<b><u>Adoption of Board Minutes</u></b>	<i>Dan Sopuch</i>
4.1	Interim Chairman Sopuch asked if there were any errors or omissions to the Minutes and there were none  <b>HM-2011-013</b> Moved by: B. Visser Seconded by: G. Lamb  "That the Minutes of the Holland Marsh Drainage System Joint Municipal Services Board meeting held on Wednesday, January	

26, 2011, be approved, as printed and circulated.”  
CARRIED.

5. **Comments by the Chairman**

*Dan Sopuch*

Interim Chairman Sopuch commented on the appointment of the member-at-large, as this appointment has not occurred yet.

6. **Governance Issues**

6.1 **Appointment of Board Chair  
(pending appointment bylaws)**

As the Township of King has yet to ratify the Appointment Bylaw declaring Jim Verkaik as the Board's Member-at-large and accordingly, the Board is not fully constituted until this takes place, a motion was tabled to defer the election of the seat of Chairman and consequently, the seat of Vice Chairman.

**HM-2011-014**

Moved by: G. Lamb

Seconded by: G. Hoving

“That the Board defers the election of Chairman until the next meeting date.”

CARRIED.

7. **Presentations / Deputations**

8. **Correspondence / Reports**

8.1 **Verbal Report to Kenn Smart, P. Eng., of K Smart Associates Ltd. on the HMDSCIP**

The engineer began the presentation by distributing an updated engineers drawing of the HMDS CIP as well as the cash flow projections, noted on the Agenda as item 8.4.

Mr. Smart noted that the table distributed is not complete however, to compensate for this; he has built in a 10% contingency into the final estimated totals until the table can be completed as accurately as is possible.

Mr. Smart then pointed out on the engineers drawing the areas completed, in progress and scheduled to commence in the future as well as the components of work required for each. This information coincided with the cash flow projections.

Mr. Smart noted the working relationship between the contractors, the engineering firm and Board staff is more than we could have hoped for. In addition, the contractors are ahead of

schedule. Mr. Smart had estimated for completion date for 10A to be September 2012. Now the Contractors and Mr. Smart each suspect the completion date to be somewhere closer to the end of 2011 or the spring of 2012. It was noted to the Board that this is a very good thing.

Mr. Smart described some of the challenges of carrying out this work which includes the Lake Simcoe water levels and coordinating the tributary needs with the system overall, while undergoing relocation, deep cleanouts, etc.

Mr. Smart pointed out that in relation to the challenges, the clearing work in interval 9 is crucial to continue with the other works necessary, the works prescribed in his report.

As well, Interval 18 requires cleanout sooner than anticipated in his report, At the least, 'spot cleanouts' will be required prior to the anticipated full cleanout was originally scheduled as there has been a continued build-up of sediment than anticipated since the report was submitted in early 2009.

Therefore, in view of these challenges, Mr. Smart cautioned the Board that there is a great urgency for extending 10A to cover intervals 9 and 18 at the very least.

Mr. Smart completed his presentation and accepted questions at this time.

A member inquired about bridge replacement not coinciding with the relocation/cleanout schedules; will the bridges undergo cleanouts since the reconstruction will take place later?

Mr. Smart indicated that yes cleanout will be undertaken in some areas however, he noted that his report not require all the bridges be replaced. In the case minor improvements are necessary, the bridge may be left alone until reconstruction.

A member inquired as to why Intervals 9 & 18 were not included in Contract 10A originally?

Mr. Smart advised that prior to submitting the report, the soundings taken at these locations showed sufficient capacity and were deemed adequate for the time being. However, since the activity along the south canal at Intervals 9 & 18 have deteriorated at a higher rate than anticipated.

A member inquired as to what sediment mitigation strategies have been established to compensate for the runoff coming from the MTO structures into the north and south canals.

Mr. Smart advised that his report calls for the replacement of both

structures in order to improve the overall drainage system. In fact, MTO is planning and budgeting for the reconstructions of these bridges. When this takes place, they will ensure the sediment is redirected to separate and specific Highway 400 sediment pools.

Furthermore, the Department of Fisheries and Oceans, in response to the HADD of fish habitat, a direct result of this relocation work of the HMDS, requires the project install many fish features to compensate for this HADD, including deep pools which will also benefit the system, acting as sediment traps. This fish feature will help with the maintenance of the system and sediment build up going forward.

A member inquired about collaboration with the local restoration groups about plantings along the tributaries to discourage sediment build up. Board staff is continually working with the local CA and other groups to achieve this.

The question and answer period winded down. Mr. Smart departed shortly thereafter.

**HM-2011-015**

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

"That the verbal Report of Kenn Smart, P. Eng., of K Smart Associates Ltd. on the HMDS CIP with cash flow projections table, be received, for information."  
CARRIED.

8.2

**Report of BWG Treasurer on MIII Funds**

*Ian Goodfellow*

The Treasurer provided the Board with a brief history of the MIII funds from application to receipt and use of funds to-date.

As well The Treasurer distributed a continuity schedule documenting the transfer of MIII funds to-date from the two municipalities to the Board.

On behalf of the Board, the Treasurer then encouraged the Township of King to transfer the remainder of the MIII funds being withheld to the Board to deter further carrying costs for this project.

Mayor Pellegrini advised he would raise the issue with staff at TOK to determine why the remainder portion of the MIII funds withheld have not been transferred yet.

**HM-2011-016**

Moved by: B. Eek

Seconded by: B. Visser

"That the Report of BWG Treasurer on the Mill grant funds dated February 10, 2011, be received, for information."

CARRIED.

At 3:15 p.m. the Board broke for a brief recess, resuming at 3:25 p.m.

8.3

**Board Member Orientation Manual and Presentation**

*Frank Jonkman*

The Drainage Superintendent began with pointing out specific tabs in the manual beginning with the *Drainage Act* which included the following specific clauses:

- (17) Bridges and Culverts on Roads
- (18) Construction of Bridges, etc.
- (26) Increased cost, how borne (speaking to public utilities)
- (59) Meeting to consider contract price
- (60) Municipalities required to raise cost
- (61) Imposition of special assessment
- (73) Costs to be deemed part of the drainage works

Tab 2, the Dr. Supt. pointed out is not the updated version of the act but provides the reader with notes and comments on the Act.

Tab 3 refers to municipal drains and general information on Petition Drains, the appeal process and the legal process of petition drains.

Tab 4 is an OMAFRA published document on Understanding Drainage Assessments

Tab 5 appeals specifically to Section 26 of the Drainage Act, and how increased costs due to roads and public utilities are borne.

Tab 6 is a paper on Drainage Assessments by two reputable drainage engineers.

Tab 7 is a paper on Drainage and the law.

Tab 8 is the Board's 2011 Business Plan

Tab 9 is where the Board's Minutes can be kept. Included here is the past quarter of same.

Tab 10 is TOK's Procedural Bylaw which this board is required to follow per its agreement.

The remainder of tabs includes the Statutory Powers and Procedures Act, the Municipal Conflict of Interest Act, the Board's

governance agreement, information on the Board's website, login details, and Board & staff contact information.

The back sleeve holds a printed copy of a PowerPoint presentation made by MNR at the Drainage Superintendent's Association of Ontario's last conference titled "Overview of the Agreements for Drainage Act activities under the Endangered Species Act."

Overview of the Manual was completed at this time.

A PowerPoint presentation began which provided members and staff a brief outline and history of the Holland Marsh, the drainage system and the drainage report on the Holland Marsh Drainage System Canal Improvement Project; its hurdles and successes to-date.

The presentation also covered the legal process for the report's ultimate adoption and the efforts made to disclose to stakeholders the information available to them.

After additional information on the work completed to-date accompanied by some photography was provided, the presentation concluded.

9. **New Business**

9.1 **Draft Procurement Policy**

*Frank Jonkman*

The Dr. Supt. began by advising the Board that in accordance with the Municipal Act, 2001, the Board is required to adopt a Procurement Policy and accordingly, a draft policy was created by the Board's solicitor and distributed to the members at the table.

The Dr. Supt. expressed that this policy is in draft form only and began pointing out specific clauses for the Board.

There was some discussion on specific items lacking or otherwise in the document.

Some members commented on particular clauses however, there were no motions made to revise the document as it stood.

A member requested the Board receive the Board's cheque register on a monthly basis. Another member countered with the micromanagement of this request suggesting that as an alternative, a more detailed monthly financial report be prepared for the members instead.

A lot of discussion was had on the subject and accessing

particular internal financial reports such as cheque registers and invoices payable. The public is required to go through a Freedom of Information process in order to see these documents and reports.

This process of reviewing cheque registers and such a the council level is now considered antiquated due to the fact that the information provided in these types of historical documents is not effective in managing the financial status of a municipality or board thereunder. It is more effective for council and board members to review the financial budget v. actual reporting methods to maintain fiscal responsibility.

Discussion then arose regarding the canal work going forward. How much work is going to be done through change orders while the procurement policy is being drafted and by which method to and for how much work? It was decided a motion would be made to authorize the Dr. Supt. to move forward with the work required in Interval 9 according to the report, and that this work be completed through the process of a Change Order.

**HM-2011-017**

Moved by: D. White

Seconded by: S. Pellegrini

"That the Drainage Superintendent/Project Manager be directed to issue a Change Order for Contract 10.1A.1 to proceed with the work required for Interval 9 of the Holland Marsh Canal Improvement Project."

CARRIED.

**HM-2011-018**

Moved by: B. Eek

Seconded by: B. Visser

"That the draft Procurement Policy be received, for information."

CARRIED.

A Board member confirmed at this time that the Board is responsible for sending in comments to the board office on the draft Policy well in advance of the next meeting date and the financial reporting.

It was requested members and staff return any comments on the draft policy in writing to Ms. Murray by March 11, 2011 in order to be considered and to ensure any comments are documented.

10.

**Future Meeting Schedule**

**HM-2011-019**

Moved by: B. Visser

*Dan Sopuch*

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

Seconded by: B. Eek

"That the next scheduled board meeting be set for April 7, 2011 at 2pm."

CARRIED.

11.

**Adjournment**

*Dan Sopuch*

11.1

**HM-2011-020**

Moved by: B. Visser

Seconded by: G. Hoving

"That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board adjourn at 4:56 p.m."

CARRIED.



Sarah Murray, Secretary



Dan Sopuch, Interim Chairman