

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD



AGENDA

MEETING DATE: Thursday, July 28th, 2011
TIME: 7:00 p.m.
LOCATION: S.S.P.S. 81 Melbourne Drive, Bradford ON

		<i>Action by:</i>
1.	<u>Call to Order</u> "That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board come to order at _____ p.m."	<i>Dan Sopuch</i>
2.	<u>Declaration of Pecuniary Interest</u> Interim Chairman Sopuch to remind Members of the Board of the Municipal Conflict of Interest legislation and requirements thereunder.	<i>Dan Sopuch</i>
3.	<u>Approval of Agenda / Changes</u>	<i>Dan Sopuch</i>
3.1	"That the Board approve the Agenda dated Thursday, July 26, 2011, as printed and circulated." Pgs 1 - 2	
4.	<u>Adoption of Board Minutes</u>	<i>Dan Sopuch</i>
4.1	"That the Minutes of the Holland Marsh Drainage System Joint Municipal Services Board meeting held Thursday, May 26, 2011 at 7:00 p.m., be approved, as printed and circulated." Pgs 3 - 11	
5.	<u>Comments by the Chairman</u>	<i>Dan Sopuch</i>
6.	<u>Presentations / Deputations</u>	
7.	<u>Correspondence / Reports</u>	
7.1	HMDSJMSB Financial Report as at July 15, 2011 "That the financial report of the Board as at July 15, 2011 be received, for information." Pgs 12 - 13	<i>Ian Goodfellow</i>
7.2	Report of the Drainage Superintendent/Project Manager dated March 2, 2011	<i>Frank Jonkman</i>

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

	<p>“That Report #HMDSJMSB-2011-007 of the Drainage Superintendent/Project Manager dated July 22, 2011, be received, for information.”</p>	
7.3	<p>Pages 14 - 33</p> <p>Written Report of Kenn Smart of KSAL Contract 10.1B.1 – Tender Results and Recommendations</p>	<p><i>Frank Jonkman</i></p>
	<p>“That the written report of Kenn Smart of KSAL , dated _____, be received, for information.”</p>	
7.4	<p>To be distributed at meeting</p> <p>In-Camera item</p>	<p><i>Dan Sopuch</i></p>
	<p>“That the board now move in-camera under the provisions of the Municipal Act, 2001, Subsection 239(2)(d) at _____ to discuss labour relations/employee negotiations.”</p>	
8.	<p><u>New Business</u></p>	
9.	<p><u>Future Meeting Schedule</u></p>	
9.1	<p>“The next meeting of the Holland Marsh Drainage System Joint Municipal Services Board be scheduled for: Thursday _____ at _____, _____”</p>	<p><i>Dan Sopuch</i></p>
10.	<p><u>Adjournment</u></p>	
10.1	<p>“That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board adjourn at _____ p.m.”</p>	<p><i>Dan Sopuch</i></p>

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

1.	<u>Call to Order</u>	<i>Dan Sopuch</i>
1.1	HM-2011-034 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.	<u>Declaration of Pecuniary Interest</u>	<i>Dan Sopuch</i>
2.1	Chairman Sopuch reminded Members of the Board of the Municipal Conflict of Interest legislation and requirements thereunder.	
3.	<u>Approval of Agenda / Changes</u>	<i>Dan Sopuch</i>
	Interim Chairman Sopuch asked if there were any errors or omissions to the Agenda and there were none.	
3.1	HM-2011-035 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.	<u>Adoption of Board Minutes</u>	<i>Dan Sopuch</i>
4.1	Interim Chairman Sopuch asked if there were any errors or omissions to the Minutes and there were none HM-2011-036 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.	<u>Comments by the Chairman</u> Interim 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.

<p>7.3</p>	<p>HMDSJMSB Financial Report as at April 30, 2011</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>HM-2011-039 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>	<p><i>Nathalie Carrier</i></p>
<p>7.4</p>	<p>Financial Impact of Leasing a Vehicle for the Drainage Superintendent</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>HM-2011-040 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>	<p><i>Sarah Murray</i></p>
<p>7.5</p>	<p>Report of the Drainage Superintendent / Project Manager</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>	<p><i>Frank Jonkman</i></p>

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>BWG Annual Levy</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>HM-2011-043 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>	<i>Nathalie Carrier</i>
8.4	<p>In-Camera Item</p> <p>HM-2011-044 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>HM-2011-045 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>	<i>Frank Jonkman</i>
8.	<p><u>New Business</u></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>	<i>Frank Jonkman</i>

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

Sarah Murray, Secretary

Dan Sopuch, Chairman

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICE BOARD
2011 Budget by Program/Activity
as at July 15, 2011

	2011 Actual (unaudited)	2011 Budget	Variance 2011 Actual / 2011 Budget \$
HMDSJMSB BOARD			
Surplus / (Deficit)	15,473	-	15,473
Cost recovered	(165,000)	(165,000)	-
Wages & Benefits	56,753	80,000	(23,247)
Material & Supplies	52,877	85,000	(32,123)
Net Cost (Contribution)	(39,896)	-	(39,896)
DRAINAGE SUPERINTENDENT			
Surplus / (Deficit)	-	-	-
Cost recovered	-	(60,020)	60,020
Grants	-	(60,030)	60,030
Wages & Benefits	61,845	110,000	(48,155)
Material & Supplies	2,054	10,050	(7,996)
Net Cost (Contribution)	63,898	-	63,898
HOLLAND MARSH DRAINAGE SYSTEM			
Surplus / (Deficit)	(794,102)	-	(794,102)
Levies - (BWG & King)	(180,344)	(198,150)	17,806
Levies - (MTO & County)	-	(6,320)	6,320
Grants	895	(37,170)	38,065
Perimeter Canal Maintenance	2,594	16,000	(13,406)
Main Canal Maintenance	36,804	29,600	7,204
Pumping Station Operation	7,992	59,300	(51,308)
Equipment Operations	10,158	51,000	(40,842)
Net Cost (Contribution)	(916,003)	(85,740)	(830,263)
BWG Small Scheme			
Prior years surplus/deficit	(11,646)	-	(11,646)
BWG Levies	(8,835)	(4,470)	(4,365)
Grants	-	(2,230)	2,230
Repair & Maintenance	15,190	6,700	8,490
Net Cost (Contribution)	(5,291)	-	(5,291)

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICE BOARD
2011 Budget by Program/Activity
as at July 15, 2011

	2011 Actual (unaudited)	2011 Budget	Variance 2011 Actual / 2011 Budget \$
BWG Drains			
Prior years surplus/deficit	8,117	-	8,117
BWG Levies	(8,117)	(7,430)	(687)
Grants	-	(3,700)	3,700
Repair & Maintenance	-	11,130	(11,130)
Net Cost (Contribution)	(0)	-	-
King Drains			
Prior years surplus/deficit	32,287	-	32,287
King Levies	(32,287)	(7,110)	(25,177)
Grants	-	(3,530)	3,530
Repair & Maintenance	1,018	10,640	(9,622)
Net Cost (Contribution)	1,018	-	1,018
CAPITAL PROJECTS			
Prior years surplus/deficit	24,072	-	24,072
Debenture	-	-	-
Other revenues	(1,756,189)	(632,000)	(1,124,189)
Grants	650,864	(2,568,140)	3,219,004
Canal Reconstruction - Construction	1,468,779	3,337,500	(1,868,721)
Canal Reconstruction - Engineering	-	-	-
Canal Reconstruction - Interest	483	-	483
Maintenance Equipment	18,305	-	18,305
Net Cost (Contribution)	406,314	137,360	268,954
(SURPLUS) / DEFICIT			(536,290)



**REPORT OF THE
HOLLAND MARSH DRAINAGE SYSTEM
JOINT MUNICIPAL SERVICES BOARD**

REPORT #: HMDSJMSB-2011-007
DATE: July 22, 2011
SUBJECT: Drainage Superintendent Report
SUBMITTED BY: Frank Jonkman

Drainage Superintendent Activities

1. Main Drain
 - a. River levels are being maintained at seasonal levels.
 - i. Daily inspection and adjustment of inlets / sluice gates.
 - b. Dredger has been transported back to the Davis Road ramp.
 - i. Action list for repair / maintenance undertaken.
 - c. Zweep inlet.
 - i. Working as planned, more gabion stone will be placed around the inlet to protect the area.

2. Art Janse Pumphouse.
 - a. Electrical deficiencies noted during inspections have been repaired.
 - b. Continued removal of trash and organic material from the Main Drain.
 - c. Leveling and stone placement required in the area to the south of the Pumphouse.

3. Small Scheme
 - a. Electrical deficiencies noted during inspections have been repaired.
 - b. Levels in the small drain have been adjusted for the spring/summer season and are being maintained to this elevation.
 - c. New fencing and safety railing will be required at the Professor Day Pumphouse, installation to be complete this season.

- d. Continued complaints from abutting landowners along the Morris Rd. Drain, regarding the present conditions including stagnant water, weed growth and offensive odors.
 - i. The drain is in poor condition due to encroachment issues and excessive weed / algae growth, while this has little impact related to the agricultural community, it has been expressed as a concern by the urban properties that abut the drain.
 - ii. Research is currently being done to obtain the original plan / profile of the drain.
 - iii. Several options are being considered moving forward to allow for maintenance, if work is to be done under the Drainage Act, a Section 76 (Varying original assessments for maintenance) report will have to be initiated.

4. Holland River Drain

- a. Continued discussions with a consultant regarding the approach required in order to perform the tree removal within the drain.
- b. Site visit with LSRCA staff and DFO staff scheduled for early August.
- c. MNR representatives attended site for review and discussion.

5. General

- a. Continued discussions are underway to engage in Section 76 (Varying original assessments for maintenance) of the Drainage Act. The assessment schedules are not current and require to be updated to reflect current land use and ownership changes. The S.76 reports will greatly reduce administrative costs. The following Bradford West Gwillimbury drains will be subject to review:
 - i. Duga Drain
 - ii. Wanda Street Drain
 - iii. Scotch Drain
 - iv. Saczowski Drain
 - v. Cullingham Drain
- b. It is recommended that the HMDSJMSB appoint an engineer under Section 76(1) of the Drainage Act in order to proceed with the undertaking of varying the original assessment schedule.
 - i. Activities under Section 76 are not eligible for grant through OMAFRA.
- c. There have been several attempts undertaken in order to obtain competitive pricing on the Section 76 reports for the BWG drains, it is the consensus of engineering firms that they will not be competitive with KSAL. (Attachment 2)

6. Drain 9, TOK

- a. Continued conversations / meetings regarding a property within the watershed of Drain 9.
 - i. Condition surveys performed.
 - ii. Culvert adjustment performed.

- iii. Further work required on a property where the drain has not been maintained to its design profile.
 - iv. A report, including the original engineering report for Drain 9 has been submitted to the Township of King for their consideration. (Attachment 1)
- 7. Continued assistance with TOK and BWG Bylaw enforcement regarding several properties abutting the Main Drain and possible violations.
- 8. LSRCA
 - a. Continued conversations / meetings regarding the continuation of tree planting along the Main Drain and areas of the HMDSCIP.
 - b. Continued conversations / meetings with LSRCA regarding a PHOSLOCK application in the Holland River.

Project Management Activities

- 1. Project
 - a. Interval 17 through Interval 13 have been graded to the final profile.
 - i. Benchmarks have been established along the berm area and will be monitored for continued settlement and the possible addition of material at future dates.
 - ii. Catch basins are currently being installed in these project locations to deal with road drainage.
 - b. Gates have been installed at various locations to deal with illegal dumping along the dyke areas.
 - i. Signage has also been ordered and will be posted throughout these locations.
 - c. Tree clearing has been suspended to comply with the requirements of the CEAA recommendations.
 - i. Tree clearing was finished to Station 7+200 +/-, Interval 3.
 - ii. Tree clearing will continue as / when required.
 - d. Cofferdams have been placed at 4+225 and 11+150.
 - i. Water levels are being mechanically controlled, maintaining the South Canal levels through this area.
 - e. Continued Project meetings
 - i. Attachment 2.
 - f. Guide rail installation along 7+250 to 7+700 is complete.
 - i. Further installation has been scheduled to follow excavation contract.
- 2. KSAL
 - a. Continued meetings to discuss direction of future work.

3. MNAL
 - a. Five Butternut trees have been located within the construction limits of the Project.
 - i. Fencing has been installed around the Butternut trees in order to protect the root systems from compaction.
4. DFO
 - a. The project has received the HADD authorization for the balance of the work.
5. Riverstone / Fish Shocking
 - a. Riverstone has completed fish shocking / removal that is required to date.
 - b. Riverstone will be notified when further services are required.
6. Irrigation
 - a. Continued work.
 - i. Bauer type connections for the canal side application have been installed as required / applicable.
 - ii. Power primers as provided by the Board are being distributed to the appropriate landowners.
 - iii. A second irrigation pump has been ordered to provide the expected service to landowners, several delays in providing irrigation due to the lack of equipment available has driven this decision.
 - b. County Road Agreement for irrigation work.
 - i. The Board has retained counsel to represent the interest of the Engineers Report as it relates to the irrigation requirements of the project.
 - ii. No further information.
7. Utilities
 - a. Hydro One
 - i. No current issues.
 - b. Bell
 - i. No current issues.
 - c. Enbridge
 - i. No current issues.
8. Jane Street Bridge
 - a. Construction progressing.
9. 5 Sideroad and 5th Line Bridges
 - a. No further information provided by consultant.
10. Hwy 400
 - a. Continued meetings with MTO and KSAL to discuss requirements and scheduling of the bridge replacement for the Hwy 400 structures.

- i. Design for the South bridge is underway, several modifications to the canal; design have been implemented to reduce the required spans.
- ii. Preliminary design is occurring on the North bridge and will likely include the closure of North Canal Road and alternating Service Roads for the duration of construction.

11. Contract 10.1B.1

- a. The tender process closed on July 12, 2011.
- b. Three tenders were received, currently under review by KSAL.
- c. KSAL will submit a recommendation to award.

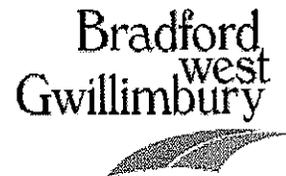
Attachments

Attachment 1:

TOK report, Drain 9 (excluding referenced attachments)

Attachment 2:

Minutes from project meeting June 23, 2011



**REPORT OF THE
HOLLAND MARSH DRAINAGE SYSTEM
JOINT MUNICIPAL SERVICES BOARD**

REPORT #: HMDSJMSB-2011-004

DATE: April 14, 2011

SUBJECT: Landowner complaint regarding drainage
King Roll No. 1949-000-173-99000

SUBMITTED BY: Frank Jonkman

Preamble

1. RECOMMENDATIONS

It is respectfully recommended that:

- (a) Report HMDSJMSB-2011-004 be received, for information.

2. BACKGROUND

Ward 6 Councilor Avia Eek had contacted the HMDSJMSB (the Board) with a complaint she had received from a landowner at Roll No. 173-99000 regarding flooding and poor drainage of the property.

This property lies to the west of Keele Street and to the south of Strawberry Lane and is considered to be within the sub watershed for King Township Drain 9. (Attachment 1, Drawing 1) While the property is included in the watershed of Drain 9, it does not benefit from being directly connected to any municipal drains. Instead, the property relies on a series of private ditches that ultimately outlet into municipal drains.

A report for the Township of King, Drain 9 was authored in September 1999 and subsequently was adopted by TOK council under By-law No. 99-157. This process was

undertaken in accordance with Sections 4 and 8 of the Drainage Act, and includes statements taken during site meetings that had been conducted at the time. It further documents concerns that had been expressed by the complainant. (Attachment 1, Page 4)

On April 15, 2011 the site was attended to determine the drainage issues expressed to the Ward Councilor and the validity of pursuing options contained as part of the engineering report pertaining to branch drains being constructed as part of Drain 9.

There is currently a private ditch that runs to the back of the properties that front on Keele Street. The ditch runs in a northerly direction and outlets into Drain 9. This ditch was surveyed and found to have minimal, but positive fall towards Drain 9. The ditch is in relatively good repair. (Attachment 2)

A second private ditch is situated between 173-99000 and 173-98500 and was found to have sufficient fall towards Drain 10E. While the landowner claims that this ditch has been maintained as recently as two years ago, it is evident that this area has not been maintained for a period of time either by the landowner of 173-99000 or the neighbouring property of 173-98500 (Attachment 3). Once the ditch reaches the boundary limits of 173-99000 it continues along 173-98500 and is in good repair along its length where it outlets into Drain 10E.

3. ANALYSIS & PROPOSALS

During discussions with the complainant, it was indicated that it is his desire to have a culvert installed at the east end of Drain 9 providing outlet into Drain 8. This was identified in the engineering report as an option (Attachment 1, Page 1, paragraph 2) described as Contract No. 2 (Attachment 1, Page 17, Contract No. 2).

A third option (Attachment 1, Page 18, Contract No. 3) was also identified in the engineering report which would extend the upper limits of Drain 10E and would cross Strawberry Lane, and outlet first into another private ditch then into the Main Drain.

The report summarizes the recommended work (Attachment 1, Page 14, Recommended Work) and further suggests that the decision to implement Contract 2 or 3 would be that of the Township but should be considered if and when a written request for such is made by any affected landowners on the south side of Strawberry lane in this portion of the Drain.

While it is not currently known that a written request has been submitted by the landowner, discussions indicate that this issue has been an ongoing matter; that the Board, TOK Road Authority and TOK Clerks Department have been well aware of the landowners concerns for some time now. Based on this fact, the concerns of the landowner could be considered as valid notification.

It would be the recommendation that the landowner first address the issue of the poorly maintained, private ditch between 173-99000 and 173-98500. Any work done on this ditch would prove an immediate benefit to the landowner.

Any work along this ditch would be the responsibility of the landowner(s) and the landowner(s) would be required to absorb any costs, including permits that may need to be obtained from the Lake Simcoe Region Conservation Authority, any authorization that may be required for works required that would constitute a Harmful Alteration Disruption Destruction (HADD) of fish habitat and any authorization from the Ministry of Natural Resources that may be required under the Endangered Species Act. The initial action would be the responsibility of the landowner(s) and would have no impact to the TOK or to the Board.

After the remedial work has been performed in this area, further cooperation would be required with the complainant and the landowners of 173-33000, 173-34000 and 173-35000. This private ditch runs in a westerly direction and outlets into the limits of Drain 10E.

Any work along this ditch would be the responsibility of the landowner(s) and the landowner(s) would be required to absorb any costs, including permits that may need to be obtained from the Lake Simcoe Region Conservation Authority and any authorizations that may be required for works required that would constitute a HADD of fish habitat.

Further authorizations may be required from the Ministry of Natural Resources concerning compliance in accordance with Endangered Species Act. The above noted actions would be the responsibility of the landowner(s) and would have no impact to TOK or to the Board.

4. CONCLUSIONS

While the initial issue is an ongoing concern between the complainant and TOK, it should be recommended to the landowner that the first course of action to correct drainage issues on the property be that of his own and that improvement to the private ditches that provide drainage to the property are required.

It is not felt that Contract 2 would be of benefit to the landowner as the area to the south west of the intersection of Keele Street and Strawberry Lane is a low lying area and that the installation of a culvert which would outlet into Drain 8 may allow for the backflow of water during the spring freshet or at times of heavy rain events, which may compound any problems related to this property.

Once the remedial work along the private ditches has been completed it may be determined that Contract 3 be necessary in order to provide sufficient outlet for any additional waters that may travel through this network of private ditches.

If it is determined by TOK that the drain be modified once work has been completed on private ditches, the assessment schedule associated with the Drain Report would be require revisions. Accordingly, TOK Bylaw No. 99-157 would require amendments in order to reflect the revisions produced in the engineering report for the municipal drain extension and contract choice; addressing future maintenance assessments to properties.

5. ATTACHMENTS

Attachment 1 – KSAL Drainage Report on Drain 9 (By-Law No. 99-157)

Attachment 2 – Photo of Drain 9

Attachment 3 – Photo of Private ditch in question

MEETING MINUTES
HOLLAND MARSH DRAINAGE SYSTEM
 Construction Meeting
 23-Jun-11

AGENDA
HOLLAND MARSH DRAINAGE SYSTEM
 Construction Meeting
 19-Jul-11

<p>1. Meeting with Frank, Art, Sarah, Pam and Kenn at 1:00 p.m.</p> <p>2. Meeting with Frank, Art, Sarah, Dan, Pam, Kenn, Al Shaw, and Michael Michalski at 2:00 p.m.</p> <p>3. <u>Paperwork</u></p> <ul style="list-style-type: none"> - PPC #11 - Holdback Reduction - It is being processed by Bank. - Will be here within a few days <p>- PPC #13 - May Payment</p> <ul style="list-style-type: none"> - Just received - Still to be processed. <p>- Data used for Engineering estimate of \$2.2 million in first billing</p> <ul style="list-style-type: none"> - No change - Sarah still pursuing it. <p>- Condition Survey Work</p> <ul style="list-style-type: none"> - To go to people within 15m of centreline of road - To add 1 paragraph re liability - Consult Paul Coursey <p>- Licence agreement with County re irrigation</p> <ul style="list-style-type: none"> - Paul and Tom are negotiating with an attempt to do an agreement - Paul has advised Tom if agreement doesn't work, it will go to Referee. 	<p>1. Meeting with Frank, Art, Sarah, Pam and Kenn at 1:00 p.m.</p> <p>2. Meeting with Frank, Art, Sarah, Dan, Pam, Kenn, Al Shaw, and Michael Michalski at 2:00 p.m.</p> <p>3. <u>Paperwork</u></p> <ul style="list-style-type: none"> - PPC #11 - Holdback Reduction - - <p>- PPC #13 - May Payment</p> <ul style="list-style-type: none"> - - <p>- Data used for Engineering estimate of \$2.2 million in first billing</p> <ul style="list-style-type: none"> - - <p>- Condition Survey Work</p> <ul style="list-style-type: none"> - - <p>- Licence agreement with County re irrigation</p> <ul style="list-style-type: none"> -
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<p>4. <u>Environmental</u></p> <ul style="list-style-type: none"> - Re turbidity curtains <ul style="list-style-type: none"> - I mentioned to try to put first one by pumphouse back in place when pump not working - Try to put the second curtain in place - The two downstream of Interval 17 pumps are okay 	<p>4. <u>Environmental</u></p> <ul style="list-style-type: none"> - Re turbidity curtains <ul style="list-style-type: none"> - - -
<ul style="list-style-type: none"> - Re Authorization Status <ul style="list-style-type: none"> - Being reviewed by C. Strand's superiors - Chris has signed off. 	<ul style="list-style-type: none"> - Re Authorization Status <ul style="list-style-type: none"> - -
<ul style="list-style-type: none"> - Update of sampling from MNAL <ul style="list-style-type: none"> - Pre-development is finished in South Canal - To be done in Intervals 1 and 2 by Highway 400 as soon as possible - Balance in North Canal to be done sooner rather than later. - 	<ul style="list-style-type: none"> - Update of sampling from MNAL <ul style="list-style-type: none"> - - - -
<ul style="list-style-type: none"> - Update of reporting by Michael and AI and Table of Contents of Sampling/Monitoring <ul style="list-style-type: none"> - AI is filling it out as he goes - AI will talk to Michael re him doing his part 	<ul style="list-style-type: none"> - Update of reporting by Michael and AI and Table of Contents of Sampling/Monitoring <ul style="list-style-type: none"> - -
<ul style="list-style-type: none"> - Sediment analysis report in Interval 18 by Chung/MNAL and Encroachment Permit for Interval 18 <ul style="list-style-type: none"> - Encroachment permit is here - No traffic plan is needed - No "rush hour work" - Mike L to return and resample once beds are done 	<ul style="list-style-type: none"> - Sediment analysis report in Interval 18 by Chung/MNAL and Encroachment Permit for Interval 18 <ul style="list-style-type: none"> - - - -
<ul style="list-style-type: none"> - Fish Shocking <ul style="list-style-type: none"> - Interval 9 is done - Will do by Seymours (Interval 11) very shortly - Interval 10 not needed if its done in wet 	<ul style="list-style-type: none"> - Fish Shocking <ul style="list-style-type: none"> - - -
<ul style="list-style-type: none"> - Chris Strand Site Review <ul style="list-style-type: none"> - No Change - <i>We will invite him after "green side up" and floods have passed.</i> 	<ul style="list-style-type: none"> - Chris Strand Site Review <ul style="list-style-type: none"> - -

15896443/03003 023/Consent/Informational Meeting with Regent 02-15-09 Mike & Amy 09:04:20 11/24

<p>7. <u>Cleaning</u> - Present work - No change from May meeting. - Nothing is occurring now until the end of July (see previous minutes) - Frank said Curtis is complaining re Report and I suggested to Frank that he tell Curtis to write out his thoughts re Report error and I will respond in writing.</p>	<p>7. <u>Cleaning</u> - Present work - - -</p>
<p>- Short term - No change from May meeting</p>	<p>- Short term -</p>
<p>- Long term - No change from May meeting. - All clearing in Interval 18 and downstream of Pumphouse Road opposite P. Day pumping station to be done as part of current contract. - Only the dyke side clearing in Intervals 3 to 7 will be in new contract.</p>	<p>- Long term - - -</p>
<p>7. <u>Miscellaneous</u> Note: Most Miscellaneous Items were not discussed so these minutes have repeats from last meeting.</p>	<p>7. <u>Miscellaneous</u> -</p>
<p>- Philips well still needs repair.</p>	<p>- Philips well still needs repair.</p>
<p>- Garbage etc. on dyke - No change from May meeting. - There is a septic tank in shed in Interval 10 (just north of Ansonweid) therefore we will build a berm around it and leave it. - This is the shed that was discussed last month.</p>	<p>- Garbage etc. on dyke - - -</p>
<p>- Unpassable Areas in Interval 13 - No change from May meeting. - Frank will have Trison's dozer regrade dyke in Intervals 13 to 15</p>	<p>- Unpassable Areas in Interval 13 - -</p>

<ul style="list-style-type: none"> - Washouts at Dyke Edge in Interval 12 <ul style="list-style-type: none"> - No change from May meeting: - Fern will fill the holes in Interval 12 with a topsoil material - Such should then be seeded. - Levelling of the spot on inside of dyke should assist in preventing future washouts. - After meeting, Ken asked Dan to try to get a good clay material in these washouts. 	<ul style="list-style-type: none"> - Washouts at Dyke Edge in Interval 12 <ul style="list-style-type: none"> - - - -
<ul style="list-style-type: none"> - Status of work in Interval 17 <ul style="list-style-type: none"> - No change from May meeting: - Will be raising road versus sheet piling - Art has spoken to landowners and both agree - There was thought of getting ToK to build Road up now with gravel but it may be too late. 	<ul style="list-style-type: none"> - Status of work in Interval 17 <ul style="list-style-type: none"> - - - -
<ul style="list-style-type: none"> - Access to private lands in Interval 18 re Cleanup Work <ul style="list-style-type: none"> - Art will talk to owner as soon as date of Higgs entry to clean bridge is known. 	<ul style="list-style-type: none"> - Access to private lands in Interval 18 re Cleanup Work <ul style="list-style-type: none"> -
<ul style="list-style-type: none"> - Tunno/Gorzo <ul style="list-style-type: none"> - No change - Rick has advised (after the meeting) that, based on Nef's survey in February, there is 38,000m³ of fill on Tunno and there is 8,800m³ on the Gorzo site. 	<ul style="list-style-type: none"> - Tunno/Gorzo <ul style="list-style-type: none"> - -
<ul style="list-style-type: none"> - Dam and pipe at Tunno's <ul style="list-style-type: none"> - No change - The dam has now been notched. - We will pay the flood time as per Change Order 21-11 (\$1,000H) - We will pay the balance of this dam removal at the hourly rate for hauling once the rest of the dam is removed. Disposal is to be to the west. - We may leave the dam as it is there until we're sure we don't have to use it. - We will pay \$5,00 for hauling plus \$109/m for new canal excavation at this dam site. 	<ul style="list-style-type: none"> - Dam and pipe at Tunno's <ul style="list-style-type: none"> - - - - -
<ul style="list-style-type: none"> - Borsok <ul style="list-style-type: none"> - No change - The work at Borsok is done except at the mother's house. Even there the leak is repaired but the pipe has to be extended to canal. No rush. 	<ul style="list-style-type: none"> - Borsok <ul style="list-style-type: none"> - -

<ul style="list-style-type: none"> - Buys and Bray - No change - Done - stumps are out on Bray's. - Still to level/fill in the holes. - (Has to be finished and graded) - Will be Change Order for 8 hours of work. 	<ul style="list-style-type: none"> - Buys and Bray - - - -
<ul style="list-style-type: none"> - Verkaik/Gleason bridge - No change - Nothing new - Gleason has been trying to sneak a few bills in. - He has now paid Dan for his work. 	<ul style="list-style-type: none"> - Verkaik/Gleason bridge - - - -
<ul style="list-style-type: none"> - Graham Sideroad and Dufferin Street re Bridge - No change - K. Smart have been retained now to do bridge design. 	<ul style="list-style-type: none"> - Graham Sideroad and Dufferin Street re Bridge - -
<ul style="list-style-type: none"> - Impacts on Woodchoppers Road - No change - King has backed off on request as per last month's notes re requesting money for road repair. 	<ul style="list-style-type: none"> - Impacts on Woodchoppers Road - -
<ul style="list-style-type: none"> - Ainley work at 5 Sideroad and 5th Line bridge - No change - Ainley plans to do 5th Line Bridge first 	<ul style="list-style-type: none"> - Ainley work at 5 Sideroad and 5th Line bridge - -
<ul style="list-style-type: none"> - Fallen trees debris cleanup - No change - Done 	<ul style="list-style-type: none"> - Fallen trees debris cleanup - -
<ul style="list-style-type: none"> - Slope seeding in cleanout sections - No change: - Still to be done - Also see earlier notes herein re this 	<ul style="list-style-type: none"> - Slope seeding in cleanout sections - - -
<ul style="list-style-type: none"> - Jane Street Bridge - No change: - Working on North Bridge abutment 	<ul style="list-style-type: none"> - Jane Street Bridge - -

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<ul style="list-style-type: none"> - Replacing Wells <ul style="list-style-type: none"> - No change: - My letter to Frank re doing 12 new wells and abandoning the 17 existing wells will be discussed with Board this week 	<ul style="list-style-type: none"> - Replacing Wells <ul style="list-style-type: none"> - -
<ul style="list-style-type: none"> - Guide Rail in Interval 13 on Woodchoppers Road <ul style="list-style-type: none"> - No change: - Underway 	<ul style="list-style-type: none"> - Guide Rail in Interval 13 on Woodchoppers Road <ul style="list-style-type: none"> - -
<ul style="list-style-type: none"> - Future guidemall work <ul style="list-style-type: none"> - No change: - Will be like Interval 8 guide rail work 	<ul style="list-style-type: none"> - Future guidemall work <ul style="list-style-type: none"> - -
<ul style="list-style-type: none"> - Signage/Work on King Street (west of Dufferin) <ul style="list-style-type: none"> - No change from last meeting. - It was agreed that the Jersey barriers would be done to reduce impacts on Higgs not on the landowner's. - We have to consider what effect Higgs work will have when we're there re effect on spraying equipment travelling on the road - Higgs were asked if they could occupy a lane and a half maximum so farm traffic can get through. - Dan wondered if road could be built up on one edge to facilitate this and Frank will consider. - At night dragline would move to allow for farm access in single lane. 	<ul style="list-style-type: none"> - Signage/Work on King Street (west of Dufferin) <ul style="list-style-type: none"> - - - - - -
<ul style="list-style-type: none"> - Train irrigation issue <ul style="list-style-type: none"> - No change: - Resolved: Pipe has been removed by Northbound and will now go down road 	<ul style="list-style-type: none"> - Train irrigation issue <ul style="list-style-type: none"> - -
<ul style="list-style-type: none"> - Restoration of irrigation line damaged by excavation <ul style="list-style-type: none"> - No Change: - Northbound fixed the damaged section. 	<ul style="list-style-type: none"> - Restoration of irrigation line damaged by excavation <ul style="list-style-type: none"> - -
<ul style="list-style-type: none"> - Power Primers <ul style="list-style-type: none"> - No change - A dozen have been distributed so far 	<ul style="list-style-type: none"> - Power Primers <ul style="list-style-type: none"> - -

Holland Marsh Drainage System

Page 9

File No. 03-023

<ul style="list-style-type: none"> - Bauer attachments - No change - They have been supplied to those who need them now. - Balance to be supplied as shipments come in. 	<ul style="list-style-type: none"> - Bauer attachments - -
<ul style="list-style-type: none"> - New pump purchase - No change: - Two 8000 gpm P.T.O. pumps have been purchased and should be here within the week - Coming in convoy from Montana. Chiefly is supplier. (16" humpbacks) PTO. - Will have 24" dia. collapsible rubber discharge line. - Will use tractor from Delt Hicks and other tractor from Vern or Dan. 	<ul style="list-style-type: none"> - New pump purchase - - -
<ul style="list-style-type: none"> - Cleanout in canal by Art Janse Pumphouse - No change: - Still to be done and by barge 	<ul style="list-style-type: none"> - Cleanout in canal by Art Janse Pumphouse - -
<ul style="list-style-type: none"> - Gates at Woodchoppers and for Tomasso - No change: - Landowners were going to do them - It's a landowner dispute and my comments re researching liability of doing such still apply 	<ul style="list-style-type: none"> - Gates at Woodchoppers and for Tomasso - - - doing such still apply
<ul style="list-style-type: none"> - Levelling in Interval 12 - No change: - Higgs to work on it tomorrow 	<ul style="list-style-type: none"> - Levelling in Interval 12 - -
<ul style="list-style-type: none"> - Additional Payment to Vern Higgs for work in Interval 12 & 13 - See new notes under New Business - Pan will do as per previous minutes which is repeated here: - Naf has now confirmed Interval 13 canal sections are okay except in front of Turno's where the water width is 19m. - Our proposal, to be confirmed in the field, is to go in with a long reach and widen by the 1 metre. Turno has apparently levelled this area so such widening will be possible. Only the upper part of the canal needs work. - Accordingly we are now recommending that Vern invoice for the extra excavation in Interval 12 for 5000 cubic metres extra (1200m @ 4m³/m). Since the original rate of \$60/lineal metre in Interval 12 provided for 18.8 cubic metres/m excavation, then the rate per cubic metre as per the tender was \$3.20 and the additional payment to Vern should therefore be 5000 x \$3.20 = \$16,000. This could be done by Change Order. 	<ul style="list-style-type: none"> - Additional Payment to Vern Higgs for work in Interval 12 & 13 - - - - -

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<p>b) Tour by Melanie and Geoff A.</p> <ul style="list-style-type: none"> - Main purpose is to review Holland River Drain - Will not be combined with C. Strand's visit - Date to be decided <p>c) MNAL Priority</p> <ul style="list-style-type: none"> - Pre-construction sampling 1 & 2 - 3rd visit re birds <p>d) Holiday Schedule</p> <ul style="list-style-type: none"> - Frank first week of July - Kern 2nd week - Art last week - MNAL August 13 to 29 and tied up 3 next weeks - All 1st week of August <p>e) Payment for Bern Work Intervals 13 to 17</p> <ul style="list-style-type: none"> - Either to be volume or by hours - Golf course machine used for levelling will be paid per hour. <p>f) Pipes Through new Bern to Drain New Swale</p> <ul style="list-style-type: none"> - To be done by Northbound with in line valves - Stone sump at outlet with rock swale to canal and with Yerner CB at road <p>g) Fish Net (Seine Net)</p> <ul style="list-style-type: none"> - Is on west side of framing in bridge - Sarah bought it, Dan installed it - Next one will have rope border and weights - Existing doesn't need weights <p>10. Next Meeting Date?</p> <ul style="list-style-type: none"> - July 19 (Tuesday) - Call Higgs ½ hour ahead of Contractor's meeting time (Vern call 519-872-6763 and Dan at 519-671-9657) <p>11. New Agenda Items for July</p>	<p>b)</p> <p>c)</p> <p>d)</p> <p>e)</p> <p>f)</p> <p>g)</p> <p>10. Next Meeting Date?</p> <ul style="list-style-type: none"> - August _____ - Call Higgs ½ hour ahead of Contractor's meeting time (Vern call 519-872-6763 and Dan at 519-671-9657) <p>11. New Agenda Items for August</p>
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