

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD



MINUTES

MEETING DATE: Wednesday, January 26, 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
Cleve Mortelliti, Deputy Mayor – TOK
Gary Lamb, Ward 3 Councilor - BWG

REGRETS:

STAFF PRESENT: Frank Jonkman, Drainage Superintendent
Sarah Murray, Secretary
Jay Currier, CAO – BWG
Ian Goodfellow, Treasurer – BWG
Rob Flindall, Dir. Engineering – TOK
Jeff Schmidt, Treasurer - TOK

REGRETS:

OTHERS:

1.	<u>Call to Order</u> As the Town Manager for BWG, Jay Currier took the position of Chair in order to commence the meeting.	<i>Jay Currier</i>
1.1	HM-2011-001 Moved by: S. Pellegrini Seconded by: D. Sopuch "That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board come to order at 2:05 p.m." CARRIED.	
2.	<u>Introduction of the Board Pending Administrative Decisions</u>	<i>Jay Currier</i>
2.1	Mr. Currier took this opportunity to allow members and staff to introduce themselves and state their role.	
3.	<u>Declaration of Pecuniary Interest</u>	
3.1	Mr. Currier reminded Members of the Board of the Municipal Conflict of Interest legislation and requirements thereunder.	
4.	<u>Approval of Agenda / Changes</u>	<i>Jay Currier</i>
4.1	HM-2011-002 Moved by: B. Visser Seconded by: B. Eek "That the Board approve the Agenda, dated Monday, December 13, 2010, as printed and circulated." CARRIED.	
5.	<u>How the Joint Municipal Services Board Operates</u> At this time Mr. Currier began advising the newly appointed Board members and associated staff on the governance structure of the Board. Mr. Currier referenced the agreement entered into by each municipality in 2007, in regard to the Holland Marsh Drainage System Joint Municipal Services Board. Members had been provided a copy of the agreement prior to the meeting. Specific articles within the agreement that were reference included: Article 3.1 which refers to the Board as a body corporate, operating separate from either council but as a joint municipal services board, in accordance with the Municipal Act, 2001 R.S.O.. Article 3.2 speaks to the authority of the Board, and its mandate of	<i>Jay Currier</i>

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

carrying out all obligations of the Drainage Act, in the geographic area of the Holland Marsh on behalf of each municipality.

Article 3.2(h) refers to the Board's responsibilities in terms of its administrative policies, practices and procedures and controllership are implemented in order to carry out the decisions of the board.

Article 4.3 refers to the monetary composition of the Board for attendance at meetings, etc.

Article 4.5 speaks to the method of appointing a chairman, once all 9 members have been appointed by the respective council and the Board is fully constituted.

Article 4.7 refers to the act of ceasing to hold office, and the agreement lists the clauses which shall initiate this process.

Article 5 states the Board shall operate in accordance with the Township of King's Procedural bylaw, in those cases where it does not conflict with this agreement.

Article 5.3 speaks to the method and practice of the calling of Board meetings. Mr. Currier referred to the prior term's practice whereby the members were often canvassed for meeting dates.

When it wasn't possible to predict a best meeting date, often the meeting date would be set at the call of Chair. The Board often did not have regular meetings but they occurred every four weeks or so.

Mr. Currier then went on to further advise that in accordance with Article 5.3, members may call meetings at whatever time of day so long as the members are in compliance with Article 5.3, It is often the case that dates are set by canvassing for best times per members.

The summer months are typically demanding for the grower side of this Board and accordingly, meetings often occurred in the evening while the winter months are more flexible for the these members and as such, meetings often take place during the day time. Members can decide on a best time for meetings.

Article 6.1 speaks to the records and accounts of the Board. Mr. Currier took this opportunity to advise members and staff of the Board's office location and how the accounting activities have been contracted to BWG finance for the purposes of keeping the Board's financial records.

Article 6.3(f) speaks to the Board's responsibility to submit financial statements and audited financial statements to both councils.

Article 7.1 requires the Board prepare an annual business plan.

Article 7.1(a) Requires the Board report on its activities in previous years. This process of approval of the Board's Business Plan is

normally completed by the end of the calendar year however, this year the process occurred in early January, and King Township is in the process of approving the Business Plan.

Article 7.2 speaks to restrictions of the Board which includes such items as the Board cannot sell or dispose of real property and it may only borrow money in accordance with approved of the annually approved business plan. If an activity is not identified in the annually approved Business Plan the Board needs to seek the approval of each council in order to carry out that activity.

Article 8.3 requires that the Board establish a bank account and operate from that bank account. The Board is in compliance as it has established an account with the Royal Bank of Canada.

Article 11 speaks to dispute mechanisms through arbitration.

Article 12.3 refers to the liability of board members acknowledging that each municipality indemnifies the appointed members from legal actions as long as members are performing the tasks required by the appointment bylaw.

Article 12.5 requires the Board take out and maintain appropriate insurance policies the public liability and insurance for any improvements used to maintain the drainage system.

At this time Mr. Currier completed his summary of the Board's agreement.

Mr. Currier then advised those present of the reason for an interim chair. As the Board is currently without its 9th member, it is not considered fully constituted and therefore cannot vote on the seat of chair and vice chair until this 9th member is present to vote as well. Once the 9th member is appointed by the respective councils, the seat of chair and vice chair can be opened for nomination and voted on accordingly.

The process has been that the Acting Chair opened the floor to nominations by members for the interim chair seat and once called for a third time, nominations close. If there is more than one nomination, an election is held.

6. Appointment of Interim Chair

Jay Currier

6.1 Mr. Currier then called for nominations on the Interim-Chair seat.

Nominations commenced and Councilor Gary Lamb nominated member Dan Sopuch. Mr. Currier then made a second and third call for nominations. Hearing none, the nominations were declared closed and Dan Sopuch took the seat as Interim-Chair.

Interim Chair Sopuch thanked his fellow members stating this is the first time a grower has held the seat of Chairman.

7.

Initial Operation of the Board Pending Administrative Decisions

Jay Currier

The Initial Operation of the Board Pending Administrative Decisions was discussed and addressed in item #5.

Interim-Chair Sopuch noted that Agenda Item #8, the in-camera item will be deferred until later in the meeting

Furthermore, the Report of the Drainage Superintendent will also be deferred, the Board will now address Agenda Item #7.1.

7.1

Financial Report as at December 31, 2010

Ian Goodfellow

The Board then addressed the Report of BWG Finance on the Board's financial activity as at December 31, 2010, and a paper copy of same was distributed.

The Interim-Chairman asked if there were any questions or comments on the report of the Board's finances. Hearing none, a motion was made to receive the report for information.

HM-2011-003

Moved by: G. Hoving

Seconded by: D. White

"That the Holland Marsh Drainage System Joint Municipal Services Board financial report as at December 31, 2010, be received, for information."

CARRIED.

8.

In-Camera Item

Dan Sopuch

In order to commence voting on the 9th member of the Board, the application for same required review by the Board. Accordingly, the Board motioned to move in-camera to discuss and review the applications for same.

HM-2011-004

Moved by: D. White

Seconded by: G. Hoving

"That the Board now move in-camera under the provisions of the Municipal Act, 2001, Subsection 239(1)(b) at 2:35 p.m. to discuss the personal matters about an identifiable individual, including municipal staff or local board employees."

CARRIED.

HM-2011-005

Moved by: D. White
Seconded by: G. Lamb

"That the Board now rise from in-camera at 2:45 p.m. and report progress."
CARRIED.

The Board decided on its 9th member, referred to as the member-at-large and a recommendation to each municipal council followed for the recommendation of the appointment of member voted in:

HM-2011-006

Moved by: D. White
Seconded by: S. Pellegrini

"That the Board recommend to the councils of the Town of Bradford West Gwillimbury and the Township of King that the member-at-large position be filed by Jim Verkaik."
CARRIED.

9. Adoption of Board Minutes

Dan Sopuch

9.1 Interim-Chair Sopuch asked if there were any errors or omissions to the Minutes and there were none

HM-2011-007

Moved by: G. Lamb
Seconded by: B. Eek

"That the Minutes of the Holland Marsh Drainage System Joint Municipal Services Board meeting held on Monday, December 13, 2010, be approved, as printed and circulated."
CARRIED.

10. Presentations / Deputations

11. Correspondence / Reports

11.1 The Drainage Superintendent advised the normal practice in past, when the Board receives his report, that he does not make a habit of reading through the report in its entirety. However, for the ease of the new Board, the Drainage Superintendent pointed out some key points today which included:

Frank Jonkman

Possible sighting of Asian Carp in the Holland River, which is considered an invasive species by the DFO. If this is the case, the DFO's intent is have all fish removed from the river and will fund this operation in an effort to eradicate this species from the river entirely eliminating the possibility of migration of this species into the lake system.

The Art Janse Pumphouse underwent another pump failure and is being repaired shortly.

Small Scheme pump failure has been corrected.

Morris Road Drain – conditions are a growing concern with local residents. It is highly recommended a new assessment schedule be prepared, undergoing a Section 76 report.

Another drain which requires this Board's attention is the Holland River Drain which originates in New Tecumseth, and is the boundary line between King, New Tecumseth and Bradford West Gwillimbury. Accordingly, each municipality will require involvement in this process.

This drain will also require a Section 76 report should any work be done on it in future, which may be the case due to the lack of maintenance undertaken in past.

Small drains have been cleaned that were scheduled for cleaning in 2010.

CSS program assessed the pumping stations and there is work required in each of them in order to comply with the Electrical Code.

Purchase of an ATV was made as directed by the engineer for the project to assist the staff and contractors involved in the HMDS CIP.

Five more butternut trees have been identified and formal approval for the project to work around and protect these trees is in the process.

RiverStone Environmental have been retained to undertake the fish and environmental monitoring / reporting for the project. MNAL will no longer be involved with these activities.

Utilities relocates are going smoothly.

MTO Hwy 400 structure issues ongoing. Installation of ice bubblers to inhibit ice formation under the bridge has been completed as well as other precautionary measures.

A member raised the issue of ensuring access to the marsh should MTO commence its bridge reconstruction concurrently with municipal structure reconstruction. There have been no discussions as to a plan for traffic with MTO yet.

A member inquired as to the duration of time the shoring will be in place at the south canal structure of the Hwy 400 bridge. The Ministry has not made any specific indication as to how long the shoring will be required. The MTO also wants ice booms as well to inhibit the flow of ice driving into the piers.

Extensive discussions were carried out in regard to the HMDS CIP and the possible truncating of the proposed schedule that has been set in the engineers report raised concerns with regard to transparency for the municipalities.

It was confirmed that each of the TOK and BWG bridges required to be replaced will be taken out consecutively, not concurrently.

At the time of the Graham Sideroad bridge, will there be a traffic plan to ensure access for harvest loads? The suggestion was tabled to have a set of traffic signals installed at Bridge Street and Canal Road in an effort to ease the detour process.

Report of the Drainage Superintendent and Project Manager

HM-2011-008

Moved by: G. Lamb

Seconded by: B. Visser

"That the Report of the Drainage Superintendent and Project Manager dated January 24, 2011, be received, for information."

CARRIED.

12.

New Business

12.1

The Drainage Superintendent raised the discussion of condensing the construction schedule originally set out at 7 years through a series of contracts down to approx 4 years. The idea is that moving the project forward with this truncated schedule is intended to save money and save time; including complying with migrating birds and fish spawning regulations.

A board member expressed concerns re the transparency of this activity. Staffs' primary concerns are with the environmental timing windows which will impact the progress and scheduled timelines as well as the costs that will be incurred as a result of these delays. Accordingly, in preparation of this discussion at the Board level, staff has obtained a legal opinion on the matter and the intent is possible.

Further education on the scope of the HMDS CIP is required in order for new members and returning members can fully understand the truncated schedule and the components that this truncated schedule of activity will entail.

The engineer will also prepare a few cash flow scenarios for costs for project in future to be received at the next meeting date of the Board

The engineers drawing of the HMDS CIP will be made available at the next meeting as well.

10.2

It was confirmed by a TOK member that this board operated in

accordance with the TOK Procedural Bylaw.

10.3

Mr. Flindall advised Board members that TOK has discovered that a portion of South Canal Bank Road is not in possession by the municipality and that the municipality is in the process of acquiring title of this portion of the road.

Furthermore Mr. Flindall reported on the planned bridge improvements / replacement requirements as per the HMDS CIP engineers report, and that TOK is budgeting for same in upcoming years, beginning with Jane Street which is currently at the engineering phase,

11.

Future Meeting Schedule

HM-2011-009

Moved by: S. Pellegrini

Seconded by: C. Mortelitti

"That the next meeting of the Board be scheduled for Thursday, February 10, 2011 at 2pm."

CARRIED.

Notice will be sent to all members and staff once the location of this meeting is confirmed.

Dan Sopuch

12.

Adjournment

12.1

HM-2011-010

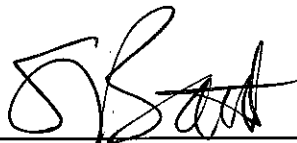
Moved by: C. Mortelitti

Seconded by: G. Hoving

"That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board adjourn at 3:44 p.m."

CARRIED.

Dan Sopuch



Sarah Murray, Secretary



Dan Sopuch, Interim Chairman