

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

SPECIAL COUNCIL MINUTES

MEETING NO. NINE

May 31, 2021, 6:15 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Mayor Dave Bylsma
Councillor Shelley Bradaric
Councillor Cheryl Ganann
Councillor Harold Jonker
Councillor Mike Rehner
Councillor William Reilly
Councillor Jason Trombetta

Staff: Joanne Scime, Clerk
Bev Hendry, CAO
Donna DeFilippis, Treasurer/Director of Finance*
Mike DiPaola, Director of Public Works and Recreation
Roberta Keith, IT Manager*
Ray Vachon, Project Manager

Others: Ed DeLay, R.J. Burnside & Associates Ltd.
Sid Vander Veen, R.J. Burnside & Associates Ltd.
Frank Svob*
Danielle Anders, Township Drainage Superintendent - GM Blue Plan*

*** IN ATTENDANCE PART-TIME**

1. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST (CONFIDENTIAL MATTERS):

There were no Members of Council that declared a pecuniary interest and/or conflict of interest with respect to the closed session item.

2. CONFIDENTIAL MATTERS

All Members of Committee noted as present as well as Mr. Ed DeLay and Mr. Sid Vander Veen of R.J. Burnside & Associates, the CAO, the Project Manager, the

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Director of Public Works & Engineering and the Clerk were in attendance during discussion of the above noted closed session item.

NOTE: Before proceeding into closed session deliberations, all members in attendance including the Mr. DeLay and Mr. Vander Veen, the CAO, the Project Manager and the Director of Public Works & Engineering stated their name and confirmed that they understood and affirmed to the following statement: "You understand and will ensure that all matters discussed in the confidential portion of this meeting will be and will remain confidential; there is no one else present with you; and, that there is no one else who can hear the closed session discussion. Also, please confirm that you are not using any electronic devices other than your tablet or computer and that it is being used for the purpose of the video conferencing only and not to record any portion of this meeting. As well you have not shared or forwarded the link to the confidential ZOOM invitation to anyone."

Moved By Councillor Shelley Bradaric

Seconded By Councillor Harold Jonker

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001:

2.1 Sid Vander Veen & Ed DeLay, Project Engineer, R.J. Burnside & Associates Limited

Re: Council Members Training - Drainage Act

Applicable closed session exemption:

- Purpose of educating or training the members.

Carried

Moved By Councillor Cheryl Ganann

Seconded By Councillor William Reilly

That, this Special Council meeting does now resume in open session at the hour of 7:15 p.m.

Carried

2.1 Sid Vander Veen & Ed DeLay, Project Engineer, R.J. Burnside & Associates Limited

Re: Council Members Training - Drainage Act

Council rose without reporting.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

There were no Members of Council that declared a pecuniary interest and/or conflict of interest.

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4. PURPOSE OF THE MEETING

This meeting is held in accordance with Section 42 of the Drainage Act to consider the Engineer's Preliminary Report for the Mill Creek Drainage Petition. This report was filed with the Clerk on April 14, 2021 and notice of the meeting was sent to those persons and agencies as required by the Act on May 18, 2021.

5. MILL CREEK DRAIN

5.1 TOWNSHIP STAFF REPORT FROM PROJECT MANAGER

Project Manager (Ray Vachon) & Director of Public Works & Recreation (Mike DiPaola)

Re: Recommendation Report PW-15-2021 - Mill Creek Drain Preliminary Report - Meeting to Consider

Mr. Ed DeLay, R.J. Burnside & Associates reviewed a PowerPoint Presentation which is attached to the minutes as Schedule "A" which provides a review of what a municipal drain is, what is the watershed boundary, the purpose of this evening's meeting, the background and overview of the Mill Creek Drain petition, the existing conditions, the proposed solution and the next steps as it relates to the drainage petition process.

In response to Councillor Ganann's inquiry regarding the approximate length of a drainage petition project, Mr. DeLay stated that the length of time can vary but in most cases once a final report has been completed the project is completed in about 2 years but this can be less or more.

In response to Councillor Reilly's inquiry, Mr. DeLay advised that if Council approves the Drainage Engineer to proceed with preparation of a Final Report with respect to the Mill Creek Drain, another onsite meeting would be held with the stakeholders which is a more detailed part of the process. Mr. DeLay noted that it was also common practice for the engineer to hold information meetings with the stakeholders and municipal staff to review information in the draft report and address any outstanding issues before finalizing the Final Report for Council's consideration. Mr. DeLay noted that the information meetings are very beneficial as they allow for clear communication lines between all parties. Mr. DeLay noted that depending on the situation, the engineer may need to make many of the decisions with respect to the drain as the stakeholders are not always in agreement.

The resolution with respect to Township Staff's Recommendation Report No. PW-15-2021 was addressed following Section 5.4 (Withdrawal or Addition of Names to Petition) - see below.

5.2 REVIEW OF DRAINAGE ENGINEER'S PRELIMINARY REPORT

Drainage Engineer (Ed Delay, R.J. Burnside & Associates Ltd.)

Re: Preliminary Report - Mill Creek Drainage Petition

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(See Item 5.1 Report PW-15-2021 Appendix A - Preliminary Report)

Mr. DeLay reviewed his Preliminary Report for the Mill Creek Drainage Petition as part of his PowerPoint Presentation as noted under Item 5.1 of the meeting.

5.3 COMMENTS/QUESTIONS

Mayor Bylsma asked if there was anyone present who would like to provide any comments or ask any questions regarding the Engineer's Preliminary Report for the Mill Creek Drainage Petition.

Mr. Frank Svob advised that he would like his petition for drainage work to proceed to a final report using either Scenario 2 (channel cleanout and bank stabilization only) at an approximate cost of \$410,000 or Scenario 3 (Channel Deepening & Widening - Full Treatment) at a cost of \$555,000, with Scenario 3 being his preferred drainage solution.

5.4 WITHDRAWAL OR ADDITION OF NAMES TO PETITION

The Engineer, Mr. Ed Delay, R.J. Burnside & Associates Ltd., explained that Mr. Frank Svob, being the petitioner for the Mill Creek Drain, could withdraw his name; however, he would be responsible for all costs incurred to date. Additionally, Mr. Delay explained that there was also an opportunity at this time for other members of the public, in the area of the drain, that were in support of the drain, to add their name(s) to the petition.

The Clerk confirmed that Mr. Svob was the only person from the public in attendance therefore there would be no one to add their name to the petition.

At the request of Mayor Bylsma as to whether Mr. Svob wished to withdraw his name from the petition, Mr. Svob confirmed by replying that he did not.

At this point in the meeting, Mayor Bylsma put the motion forward for consideration of Recommendation Report PW-15-2021 (Mill Creek Drain Preliminary Report - Meeting to Consider) the was provided under Section 5.1 the agenda.

Moved By Councillor Harold Jonker

Seconded By Councillor Shelley Bradaric

1. THAT, Report PW-15-2021, dated May 31, 2021 regarding "Mill Creek Drain Preliminary Report – Meeting to Consider", be received; and,
2. THAT, Council directs the Engineer to proceed with a Final Report; and,
3. THAT, Council directs the Engineer to proceed with Scenario No. 2.

Carried

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- 5.5 CONSIDERATION OF DRAINAGE ENGINEER'S PRELIMINARY REPORT
Drainage Engineer (Ed Delay, R.J. Burnside & Associates Ltd.
Re: Consideration of Preliminary Report - Mill Creek Drainage Petition

Moved By Councillor Shelley Bradaric

Seconded By Councillor Harold Jonker

1. That, the Engineer's Preliminary Report for the Mill Creek Drainage Petition, dated April 2021, as prepared by R.J. Burnside & Associates Limited, be accepted and approved; and,
2. That, R.J. Burnside & Associates Limited be and is hereby authorized to proceed with preparation of a Final Report with respect to the Mill Creek Drain; and,
3. That, Scenario #2 as recommended by Report No. PW-15-2021 (Mill Creek Drain Preliminary Report - Meeting to Consider) be recommended for implementation.

Carried

6. ADJOURNMENT

That, this Special Council meeting does now adjourn at the hour of 8:17 p.m.



JOANNE SCIME, CLERK

MAYOR DAVE BYLSMA



BURNSIDE

Mill Creek Drainage Petition Preliminary Report

Meeting to Consider

May 31, 2021

Overview

1. Introduction
2. Meeting Purpose
3. Existing Conditions
4. Proposed Solutions
5. Next Steps & Other Information

1.0 Introduction

What is a Municipal Drain?

- **Drainage Act, R.S.O. 1990**
 - **Previous experience with Municipal Drains?**
 - Typically channel or piped systems used for sub-surface drainage and overland runoff.
 - Provincial legislation which provides a **system/framework/process** for landowners to gain a **legal or sufficient outlet** for surface and subsurface water from their property through private lands.
 - Process is administered through the Municipality and the Engineer, with Agency review.

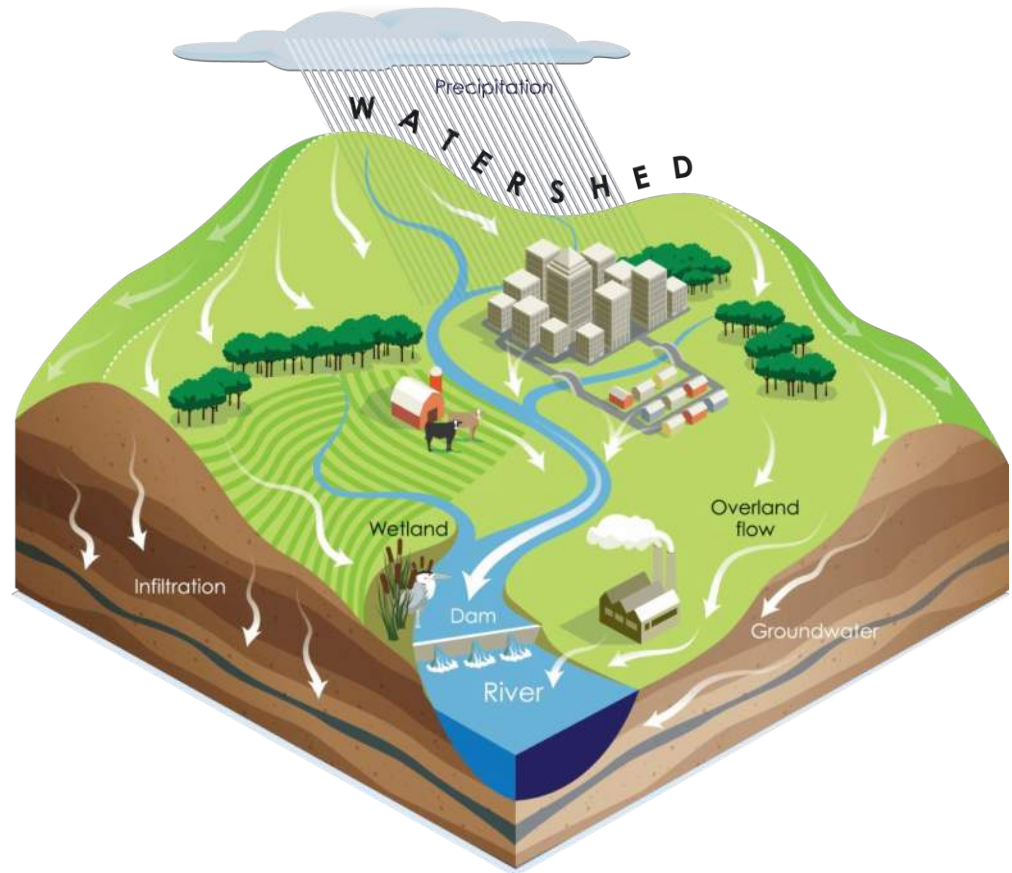
What is a Municipal Drain?

- **Community Project**
 - Contributing properties have input towards the scale, design, and other aspects of the drainage system.
- **User Pay System**
 - Each member of the contributing watershed is responsible for a portion of the cost of the drain.
- **Legal Existence**
 - Provides a Legal Outlet for a property.
 - Legal Standing under associated Municipal By-Law.
- **Municipal Infrastructure**
 - Maintained by the Municipality on behalf of the affected landowners.

Watershed Boundary

What is a Watershed Boundary?

- A watershed boundary is a divide that defines an area draining to a particular watercourse.
- Rain falling on our side of a watershed boundary will flow to our drain and on the other side will flow to another watercourse.
- This line should represent the high ground on your property.



2.0 Meeting Purpose

Purpose of this Meeting

- 1) Presentation of the Engineer's preliminary report to Council for their consideration.
- 2) Council can hear feedback from the stakeholders in the watershed.
- 3) Council decides on whether to stop the process or proceed to a final report.

How Was this Project Started?

- Frank Svob submitted a petition for Pt. Lots 26 & 27, Concession BF (Geographic Township of Gainsborough).
- Burnside was appointed to prepare a preliminary report, dated December 16, 2019 in accordance with sections 4 and 10 of the Act.

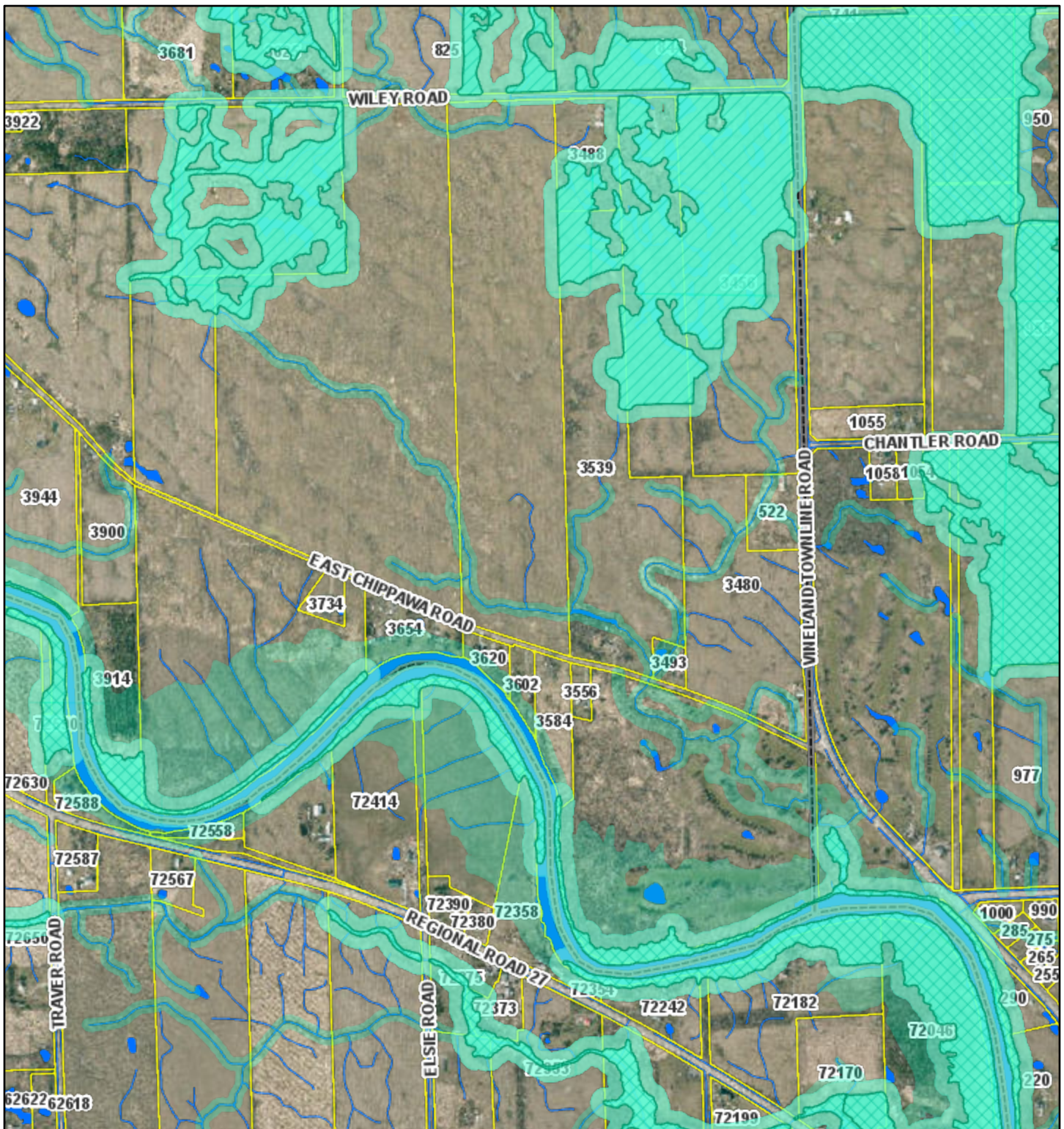
3.0 Existing Conditions

Reviewing Agencies

A) Niagara Peninsula Conservation Authority (NPCA)

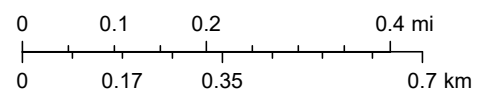
- Potential erosion and flooding risks associated with the project.
- Work in 'regulated areas' including wetlands.
- ***NPCA Policy does not allow new municipal drains within a wetland.***
- ***However, NPCA Staff have indicated their willingness to participate in and work with the Drainage Act process.***

NPCA Regulated Features



11/3/2020, 3:29:25 PM

1:18,056



- Roads
- Corporate Watershed Divide NPCA
- NPCA APPROXIMATE REGULATION LANDS
- Wetland Allowance
- Regulation Wetlands

NPCA, Brian Lee, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

County, Niagara Region, Regional Municipality of Niagara, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA, AAFC, NRCAN | Brian Lee | NPCA |

Reviewing Agencies

B) Fisheries & Oceans Canada (DFO)

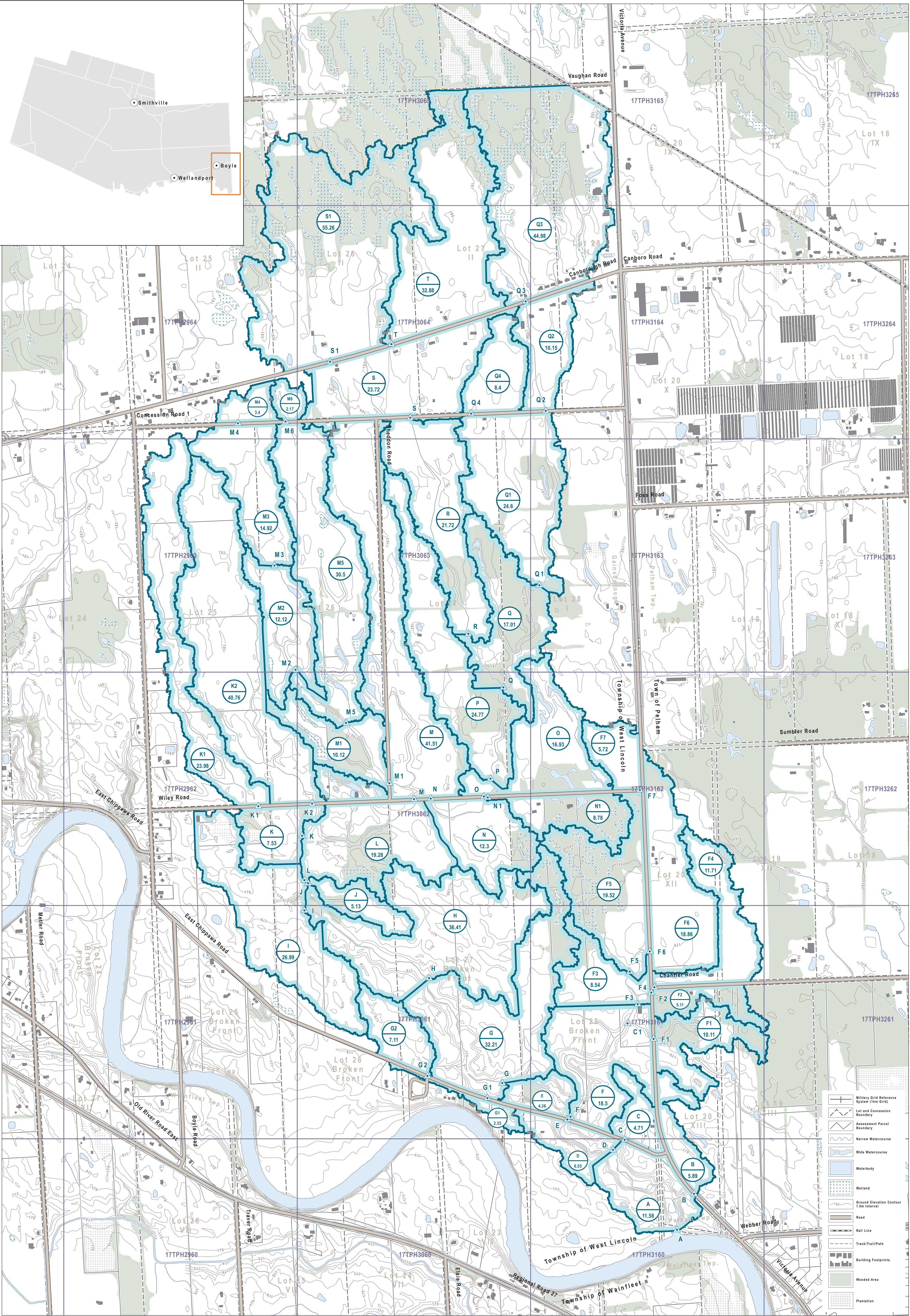
- Work in an Open Drain and potential fish habitat requires approval.
- Federal Species at Risk (SAR).
- ***SAR Mussels were identified as possibly present (further investigation would be part of final report).***

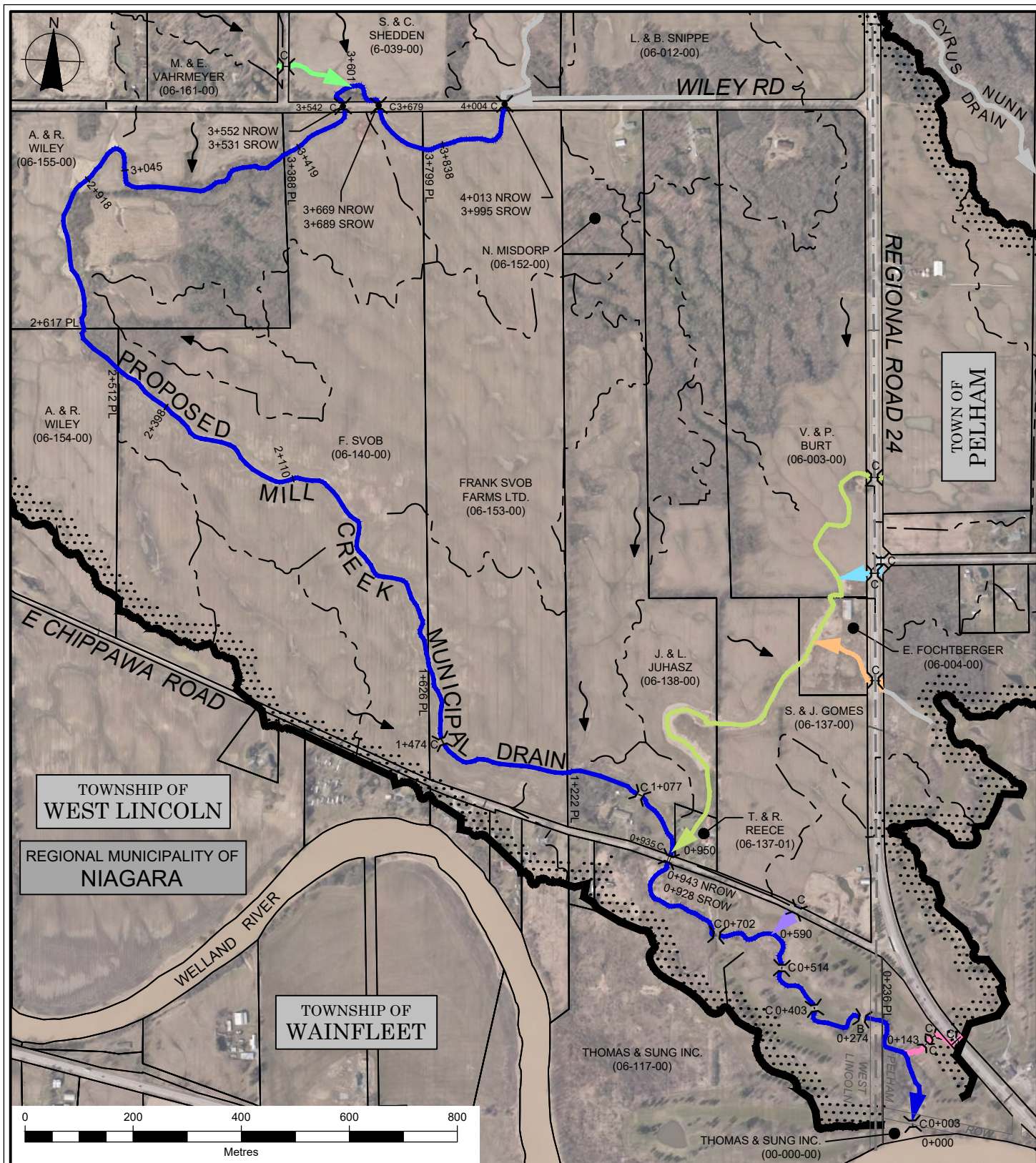
C) Ministry of Environment, Conservation, and Parks (MECP)

- Environmental Compliance Approval (ECA) application for the entire project.
- Provincial Endangered Species (Formerly through MNRF).

Contributing Watershed

- Contributing watershed is approximately **750 ha** (1,853 acres) and is predominantly agricultural, with smaller areas woodlot, treed wetland, residential, and road ROW.
- Boundary extends from Welland River north to Vaughan Road and from Boyle Road east to Victoria Avenue (Regional Road 24).
- Watershed includes lands in both the Township of West Lincoln and the Town of Pelham.





LEGEND

- WATERSHED BOUNDARY
- SUB-WATERSHED BOUNDARY
- PROPOSED OPEN DRAIN
- EXISTING OPEN DRAIN
- EXISTING CLOSED DRAIN
- OVERLAND FLOW DIRECTION
- EXISTING CULVERT



BURNSIDE

292 Speedvale Ave. W., Unit 20, Guelph, Ontario, N1H 1C4
 telephone (519) 823-4995 fax (519) 836-5477

Client

TOWNSHIP OF WEST LINCOLN

318 CANBOROUGH STREET
 SMITHVILLE, ONTARIO
 L0R 2A0

West Lincoln
 Your Future Naturally

Drawing Title

MILL CREEK MUNICIPAL DRAIN

DETAILED WATERSHED PLAN

Drawn

Checked

Date

Drawing No.

MS/AK

EMD

2021/02/02

Scale

Project No.

1:10,000

300051132.0000

1 OF 1

Contributing Watershed

- Watershed soils are mainly Haldimand Silt Loam with areas of Clay Loam (**moderate to high runoff potential**).
- **The average gradient of the existing channel is approximately 0.2% or:**
 - 20 cm of fall / 100 m of channel.
 - 2 m of fall / 1 km of channel.
- **0.2% is relatively flat which would require a larger channel to accommodate design flows vs. steeper land.**

Wiley Road - Looking d/s Crossing #1



Wiley Road - Looking u/s Crossing #2

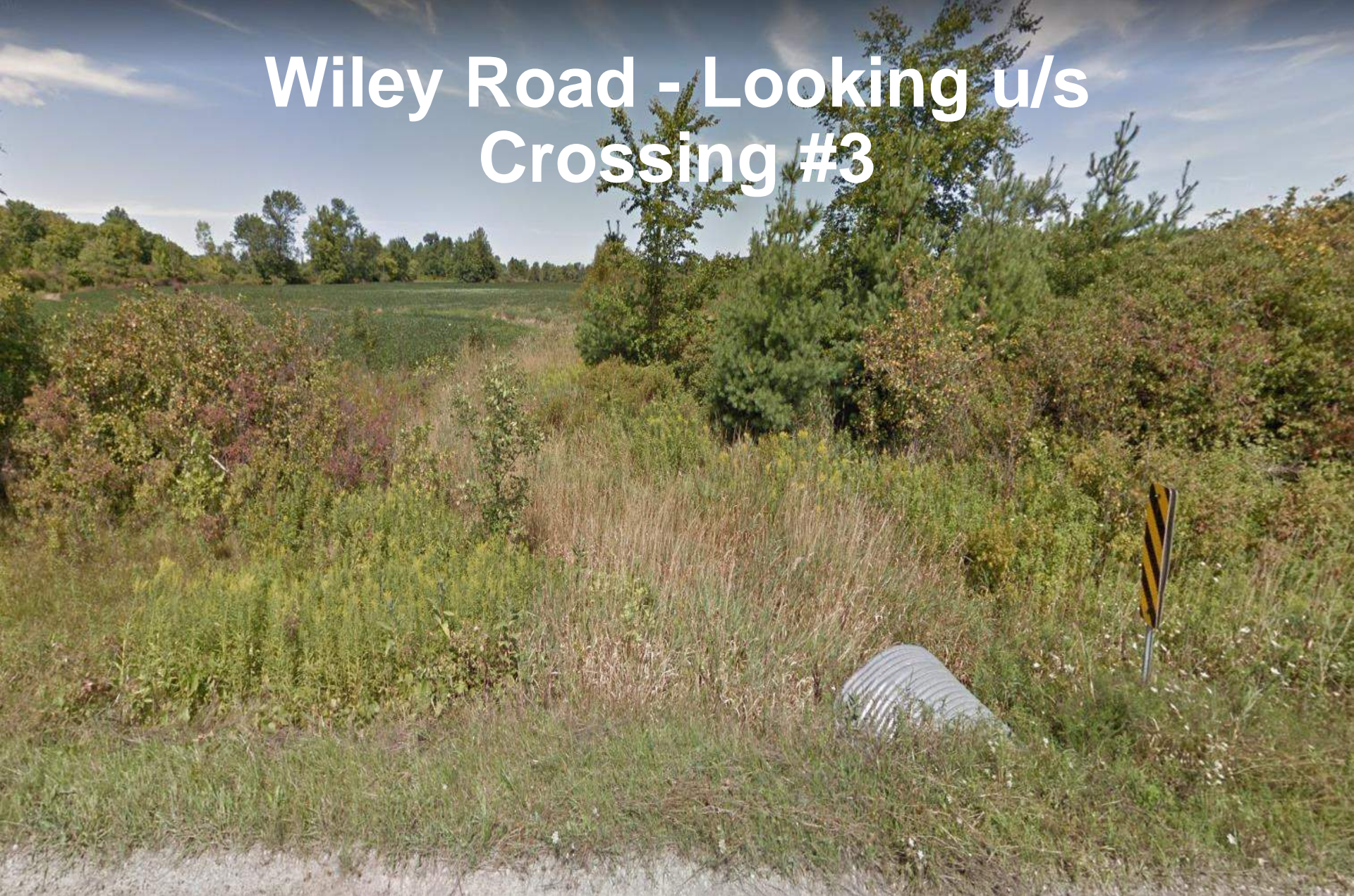


Google

Wiley Road - Looking d/s Crossing #2



Wiley Road - Looking u/s Crossing #3



Wiley Road - Looking d/s Crossing #3



F. Svob – Looking d/s



F. Svob – @ Wiley PL



BURNSIDE



A. & R. Wiley - @ Svob PL

A. & R. Wiley – Looking d/s



A. & R. Wiley – Looking u/s @ Beaver Dam



BURNSIDE



A. & R. Wiley – Looking d/s



BURNSIDE



A. & R. Wiley – Looking u/s



F. Svob – Looking u/s @ Wiley PL



F. Svob – Looking d/s



BURNSIDE



Frank Svob Farms Ltd. – Looking u/s (April 2020)



Frank Svob Farms Ltd. – Looking u/s (April 2020)



Frank Svob Farms Ltd. – Looking d/s @ Juhasz PL



J. & L. Juhasz – Looking u/s

J. & L. Juhasz – Looking d/s @ Crossing



J. & L. Juhasz – Looking d/s



BURNSIDE



J. & L. Juhasz – Looking u/s



E. Chippawa Road – Looking u/s



E. Chippawa Road – Looking d/s



Google

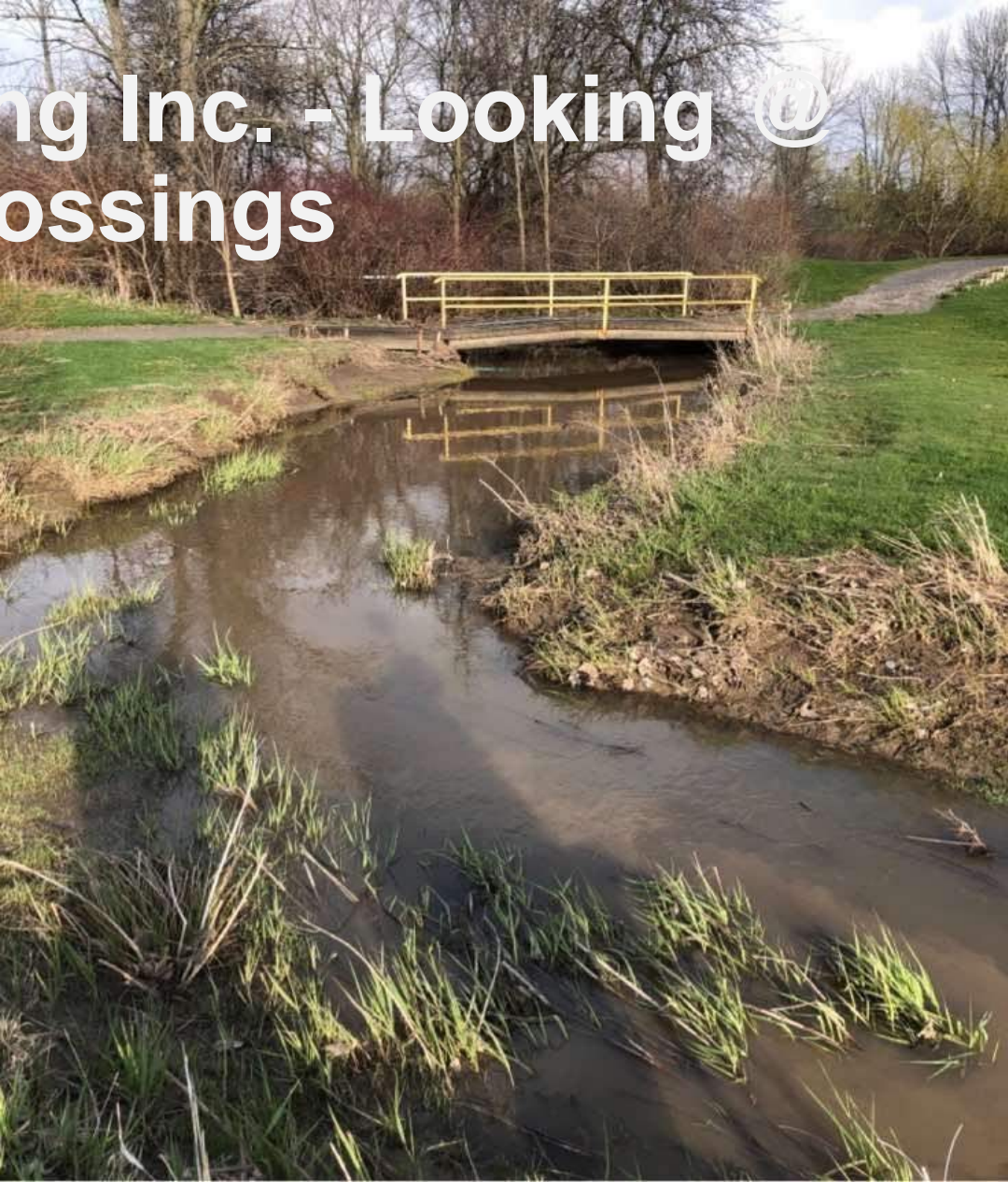
Thomas & Sung Inc. - Looking d/s



Thomas & Sung Inc. - Looking d/s @ Culvert Crossing



Thomas & Sung Inc. - Looking @ Crossings



Thomas & Sung Inc. - Looking d/s @ Culvert Crossing to Welland River



Thomas & Sung Inc. - Looking d/s @ Culvert Crossing to Welland River



4.0 Proposed Solution

Allowances

Section 29 – Allowance for Right-of-Way

- **Allowance “buys” access/use of the land for the drain,** and construction and maintenance activities.
- Land periodically used for access to construct the drain and in any future maintenance/repair work.
- Riparian buffers, access routes also included..
- **Typically, a 10 m width in agricultural areas for pipe or channel access.**



Allowances

Section 30 - Allowance for Damages

- **Damages caused to a property** by the construction of the drain or site access (**typically a 20 m width in agricultural areas**).
- Not given if area is **restored** as part of the drain.
- Examples include damage to:
 - Lands and crops.
 - Trees, lawns, fences, and other features.



Scenario #1 – No Construction (4,050 m)

This scenario would involve proceeding to a final report only and would include:

- Establishing Mill Creek as a municipal drain under the Drainage Act, R.S.O. 1990, by identifying standards (plans, profiles, specifications) through a final Engineer's report adopted by by-law; however, no physical work would be performed on the Mill Creek Drain.
- The report would include assessment schedules to be used to assess the initial costs, and for the cost of any future maintenance or repair work on the drain.
- Allowances covered under this report would be provided under Section 29 for Right-of-Way and Section 30 for damages. The included allowance to establish the 3 m buffer above both channel banks is approximately \$78,210.

In this scenario, the existing Mill Creek would be maintained in its current location and grade, however, if works are required on the system in the future, it would be undertaken by the Township and cost-shared using the proportions in the assessment schedule(s) for maintenance.

Scenario #1 – No Construction (4,050 m)

Estimated Costs:

Construction:	\$0
Allowances:	\$125,000
Engineering:	\$82,000
Other:	\$28,000
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TOTAL – Scenario No. 1	\$235,000

Scenario #2 – Channel Cleanout and Bank Stabilization Only (4,050 m)

The second scenario is identical to the first with the addition of construction items. Updated details of the construction process, cost estimates, etc., would be provided following a complete field survey and investigation as part of the scope of a final report prior to construction. This scenario would consist of the following:

- A clean out of the existing channel from the Welland River upstream through the most upstream Wiley Road Culvert, approximately 4,050 m in length. This would not include new excavation but the removal of sedimented material in the channel bottom to encourage flow through the entire system.
- Ap. 572 m of brushing and clearing to establish a 10 m width working space along the channel.
- Spot excavation would address minor high points within the channel to increase flow, especially in areas of low gradient.

Scenario #2 – Channel Cleanout and Bank Stabilization Only (4,050 m)

- Stabilization of bank slumping, especially at channel bends, culvert inlets / outlets, and erosion prone areas of higher gradient. Supplied and installed approximate quantities included:
 - Over 500 m² of OPSS R-50 quarry stone rip-rap.
 - Over 10,000 m² of hydroseeding on channel banks.
- Environmental features such as sediment basins, riffle structures, and sediment control structures have been included in this cost as typical items used to offset environmental impacts from the works in order to meet the specific requirements of the individual reviewing agencies.
- Construction costs have been estimated approximately 10% higher than typical prices due to fluctuating bids in recent tenders.

The implementation of this option is conditional on receiving the necessary permits, approvals and authorizations from regulatory agencies.

Scenario #2 – Channel Cleanout and Bank Stabilization Only (4,050 m)

Estimated Costs:

Construction:	\$157,000
Allowances:	\$125,000
Engineering:	\$100,000
Other:	\$28,000
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TOTAL – Scenario No. 2	\$410,000

Scenario #3 – Channel Deepening & Widening (4,050 m)

The third scenario is similar to the second but includes additional costs for construction, engineering, and contingency due to an increased scope of work. Updated details of the construction process, cost estimates, etc., would be provided following a complete field survey and investigation as part of the scope of a final report prior to construction. This scenario would consist of the following:

- A deepening and widening of the existing channel from the Welland River upstream through the most upstream Wiley Road Culvert, approximately 4,050 m in length. This would include new excavation, and the modification of the existing channel (which is shallow in many locations) to a typical trapezoidal cross-section.
- Approximate dimensions of the new channel would be:
 - 1 m channel bottom width.
 - 2H:1V sideslopes.
 - Typical 1.5 m depth where possible.
- Ap. 526 m of channel relocation and filling along Wiley Road (Sta. 3+419 to Sta. 4+005).
- Ap. 703 m of brushing and clearing to establish a 10 m width working space along the channel.

Scenario #3 – Channel Deepening & Widening (4,050 m)

- Stabilization of bank slumping, especially at channel bends, culvert inlets / outlets, and erosion prone areas of higher gradient. Supplied and installed approximate quantities included:
 - Over 650 m² of OPSS R-50 quarry stone rip-rap.
 - Over 18,000 m² of hydroseeding on channel banks.
- Culvert end erosion protection has been included in this estimate. Any costs to remove, reinstall, replace, improve / repair existing culverts or to add any additional crossings have not been included and are beyond the scope of this report; such items, if deemed necessary, would be addressed in the final report.
- Environmental features such as sediment basins, riffle structures, and sediment control structures have been included in this cost as typical items used to offset environmental impacts from the works in order to meet the specific requirements of the individual reviewing agencies.

The implementation of this option is conditional on receiving the necessary permits, approvals, and authorizations from regulatory agencies.

Scenario #3 – Channel Deepening & Widening (4,050 m)

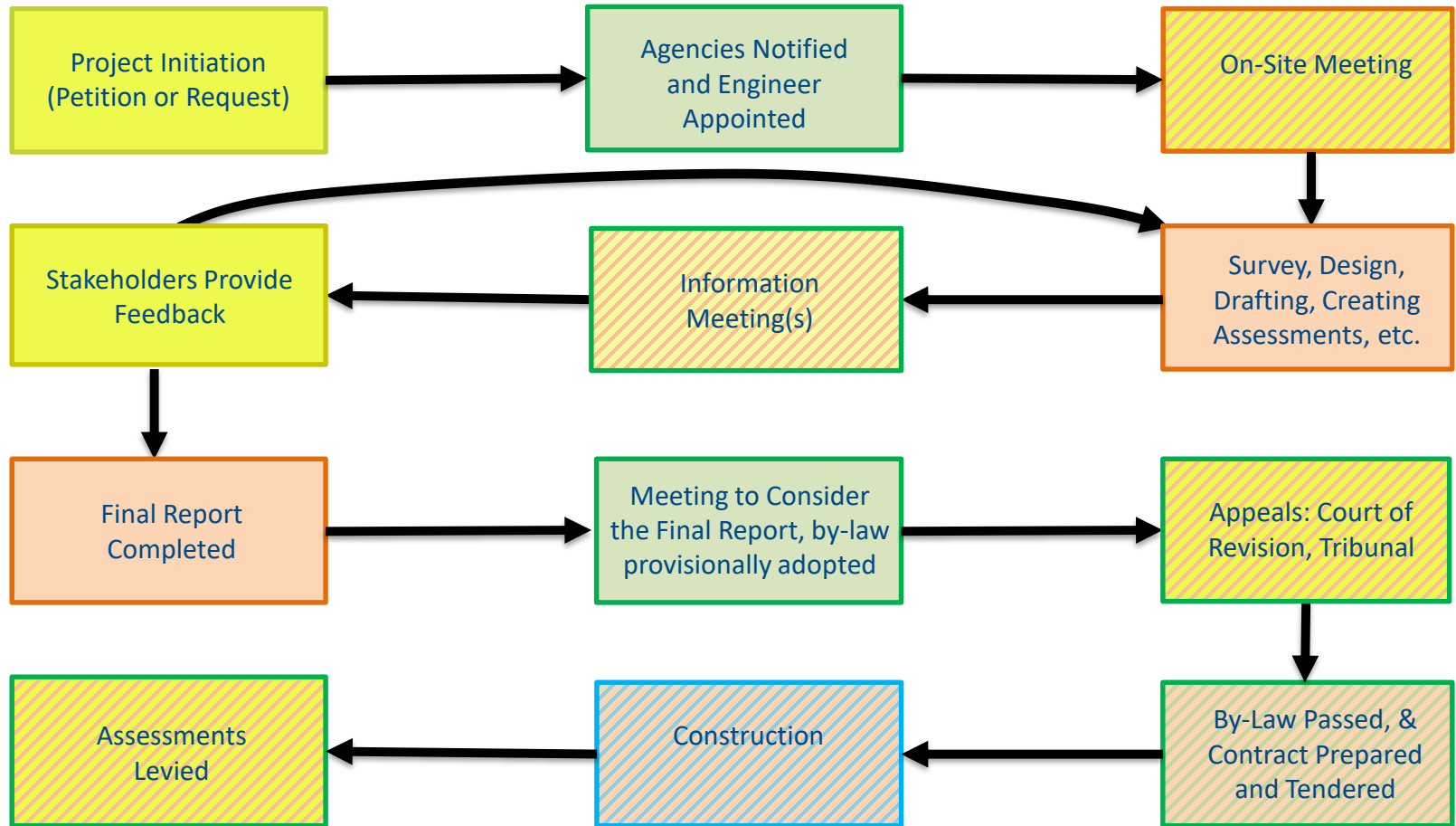
Estimated Costs:

Construction:	\$255,000
Allowances:	\$125,000
Engineering:	\$132,000
Other:	\$43,000
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TOTAL – Scenario No. 3	\$555,000

7.0 Next Steps

Next Steps

From this point on what are the “next steps” in the process under the Act?



Engineer Task



Stakeholder
Involvement



Township/ Municipality
Task



Contractor
Task

Questions?

If you have any questions or concerns you can always email or call us:

Danielle Anders, M.A.Sc., P.Eng.,

Drainage Superintendent

Township of West Lincoln

Danielle.Anders@gmbblueplan.ca

(905)-643-6688 ext. 6210

Ed DeLay, M.Eng., P.Eng.

Appointed Engineer – R.J. Burnside & Associates Limited

ed.delay@rjburnside.com

(519)-340-2014