



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
SPECIAL COUNCIL MINUTES



TO CONSIDER THE ENGINEER'S REPORT FOR
THE WORTEL MUNICIPAL DRAIN EXTENSION AND THE VAN BUUREN
MUNICIPAL DRAIN – BRANCH A

MEETING NO. TWENTY HELD: Monday, December 15, 2008— Township Administration Building, 318 Canborough Street, Smithville, Ontario. 8:00 p.m.

PRESENT:

Council: Mayor Katie Trombetta
Alderman Mary Dinga
Alderman John Glazier
Alderman Norm Johnson
Alderman Douglas Joyner
Alderman Sue-Ellen Merritt
Alderman Mike Rehner

Staff: Derrick Thomson, CAO
Carolyn Langley, Clerk
Joanne Scime, Deputy Clerk
Brian Treble, Director of Planning & Building*
Kathy Sipos, Public Works Manager*

Others: Marc Jolin*
Bryan Cranston*
Bob Earl*
Otto Mastroianni*
Mrs. Gladys St. Johns*
Rob Griffin*
Scott Phillips
Dave Orgar
Jackie Orgar
Jorge Clemencio
Andrea Clemencio
Glenn Pavlik
Eric Hysert
Lisa Blythe
David Hysert
John Petropoulos
Chris Moulton
Will Mulder*
Carol Mulder*
And approximately 3 other members of the Public*

Media: Marcel VanderWier, Grimsby-Lincoln News*
Stephanie Sisler, West Niagara News*

* IN ATTENDANCE PART TIME

1. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:

There were no conflicts of interest/disclosures of pecuniary interest declared by any Member of Council.

2. PURPOSE OF THE MEETING:

Mayor Trombetta advised that the meeting was held in accordance with Section 42 of the Drainage Act to consider the reports of the engineer for:

1. The Wortel Municipal Drain Extension. Mayor Trombetta advised that this report was filed with the Clerk on November 27, 2008 and notice of the meeting that was now being held was sent to those persons as required by the Act on November 27, 2008.
2. The Van Buuren Municipal Drain – Branch A. Mayor Trombetta advised that this report was filed with the Clerk on November 7, 2008 and notice of the meeting that was now being held was sent to those persons as required by the Act on November 27, 2008.

Mayor Trombetta advised that the Wortel Municipal Drain Extension would be dealt with first and the following conclusion of that portion of the meeting the Van Buuren Municipal Drain – Branch A will be reviewed and discussed.

Mayor Trombetta asked Members of the Public to sign the attendance sheet which was being circulated, noting which drain they were in attendance for. Mayor Trombetta noted that anyone wishing to speak from the public will be required to come forward to the microphone and provide their name for the record.

Mayor Trombetta invited the Township's Engineer, Mr. John Spriet of Spriet Associates and the Township's Drainage Superintendent, Mr. Harold Kelly, to come forward to the microphone to first review the Wortel Municipal Drain Extension.

3. WORTEL MUNICIPAL DRAIN EXTENSION

(a) REVIEW OF REPORT BY ENGINEER:

Mr. John Spriet, Spriet Associates, advised that he was in attendance this evening to review his report which was being presented for consideration, regarding the downstream extension of the Wortel Municipal Drain (serving parts of Lots 40 to 42, Concession 8 in the Township of West Lincoln). Mr. Spriet provided a brief history of the Wortel Municipal Drain which was originally constructed pursuant to a report submitted by J. B. Wiebe Engineering dated May 31, 1990. Mr. Spriet noted that the drain ended west of the three residential lots (Mastroianni, Jolin and Griffin) and that the correspondence contained in the Township's file suggest that there have problems with the drain since its construction in 1990. Mr. Spriet advised that a petition was submitted and a site meeting was held to discuss improved drainage across four properties located between the 1990 drain end point and South Grimsby Road 20. Mr. Spriet noted that an option was presented at the preliminary meeting to install culverts across the three residential lots with two of the property owners

supporting the water being diverted underground. Mr. Spriet noted that there were three properties that will have a major assessment for the work to be done (Mastroianni, Jolin and Griffin) with properties upstream being assessed, however, those property owners will not have any work done directly on their properties. Mr. Spriet noted that the purpose of this meeting was to deal with any questions pertaining to the construction of the drain.

Mayor Trombetta asked if anyone present had any questions relating to the report on the Wortel Municipal Drain extension. Mayor Trombetta noted that anyone wishing to speak would need to come forward to the microphone and state their name before speaking.

(b) COMMENTS/QUESTIONS:

Mr. Bob Earl inquired regarding what guarantees the Township could give that the pipes being proposed for installation underground would alleviate the flooding problems as there was a pipe installed in 1990 which is located on his property and his neighbour's property which is always backed up. Mr. Earl advised that he could not understand why another underground pipe was being proposed to be installed when there was already an existing pipe, which was not functioning correctly. Mr. Earl questioned how this pipe would work any different if it were installed underground as it too would probably become clogged the same way as the pipe was previously installed on his property. Mr. Earl noted that there was a pipe that was installed approximately six feet from his house which went under his garage; however, when that pipe did not work it was blocked off and another pipe was installed along the front of his property out to the road.

In response to Mr. Earl's concerns, Mr. Spriet advised that the work being proposed by this report would not affect Mr. Earl's property as he was upstream of the proposed work. However, Mr. Spriet noted that he had no reason to believe that his proposal would not work and that he had met with the property owners on a number of occasions to discuss their needs and they were in agreement with the size of pipe that was being recommended in the report. Mr. Spriet suggested that Mr. Earl contact Mr. Harold Kelly, Drainage Superintendent, if he was experiencing any problems with drainage on his property.

The Drainage Superintendent noted that should the extension to the Wortel Municipal Drain be constructed, it would be the responsibility of the municipality to maintain the drain, which will include routine inspections, etc., and that he should be notified if any sections of the drain are not working properly. The Drainage Superintendent advised that if there is repair required to the drain, the municipality will come and fix the problem.

Mr. Earl reiterated that the pipe that was installed across his property was not working properly and he questioned why the Engineer was recommending that the pipes be installed near property owner's homes.

Mr. Spriet noted that it was his understanding that the old pipe did not work and another pipe was installed near the highway; however, he noted that the first pipe that was constructed on Mr. Earl's property was not part of the Wortel Drain which was constructed in 1990. Mr. Spriet advised that there was no legal mechanism or requirement for the municipality to go onto Mr. Earl's property to do work on the old pipe and that the municipality was only responsible for the second pipe that was installed near the highway as part of the drain. Mr. Spriet noted that when the Wortel Drain was constructed in 1990, it followed the path that the water ran with the drain ending at Mr. Mastroianni's property line. Mr. Spriet advised that the Township had contacted the Region to request that the drain be extended out to the roadway; however, the Region provided no authority for the drain to be extended to the highway and therefore the drain had to be extended across the three properties (Mastroianni, Jolin and Griffin) to a proposed open ditch across the St. John's property to South Grimsby Road 21.

Mr. Marc Jolin noted that he had concerns regarding the proposed work that was being recommended by the Engineer and he requested clarification regarding why the extension of the Wortel Drain was being proposed to go across the three residential lots, being Mr. Mastroianni, his property (Jolin) and Mr. Griffin's property.

In response to Mr. Jolin's inquiry, Mr. Spriet advised that a meeting had been held and that both Mr. Griffin and Mr. Mastroianni had agreed to the proposed work as recommended in the Engineer's Report. Mr. Spriet noted that the extension of the drain would provide for approximately 100 feet of pipe across Mr. Mastroianni's property, 100 feet of pipe across Mr. Jolin's property and 73 feet of pipe across Mr. Griffin's property.

Mr. Jolin noted that he had attended all of the meetings with respect to the extension of the Wortel Drain but was never advised of the meeting that Mr. Spriet was referring to and that if he had been notified he would have attended.

Mr. Spriet noted that there was a list of names provided to the municipality from which the Clerk's Department sent notices to. Mr. Spriet noted that there were a number of people in attendance at the meeting in question.

Mayor Trombetta noted that the Clerk's Department is very thorough in making sure that all individuals required to be notified are advised of any meetings or provided with the pertinent information.

In response to Mr. Jolin's inquiry regarding when the last meeting was held with the affected landowners, Mr. Kelly, Drainage Superintendent confirmed that notices were sent out on October 17th, 2008 and that the meeting was held on October 28, 2008 at the Township Administration Building.

Mr. Jolin reiterated that he had not received notice of the above noted meeting and that the last meeting he attended was in July, 2008 which was held along the side of the road. Mr. Jolin noted that he was never advised of the meeting

that was held on October 28th, 2008 and that this was the first time that he had heard of this meeting.

Mr. Jolin presented to Members of Council pictures that he had taken last year which depicted the water problems that were occurring in the area of his property. Mr. Jolin noted that he had constructed his home in 1990 which was approximately the same time that water started flooding at the front of his property. Mr. Jolin noted that when he was building his home, he had done some improvements to his property to alleviate flooding at the front of his property, which fixed the problem for a little while; however, the flooding eventually came back. Mr. Jolin reiterated his earlier comments that he does not feel that the Engineer's recommendations will work to alleviate the flooding at the front of his property and that he felt there was a much easier and cheaper way to fix the problem than what was being proposed.

Mayor Trombetta noted that Members of Council were not experts with respect to drains and that the Township had retained the services of a drainage engineer to provide expertise regarding how to proceed with construction of the drain extension to alleviate any further flooding problems. Mayor Trombetta advised that the Township retained the services of Spriet and Associates to provide a report that would properly address the issues to extend the Wortel Drain downstream.

Mr. Jolin noted that there was no culvert in front of Mr. Foster's home (#9 on the WaterShed Map) and suggested that a culvert be installed which he felt would divert approximately 40% of the water to the ditch which would solve much of the flooding problems.

In response to Mr. Jolin's suggestion, Mr. Spriet advised that the Drainage Superintendent had spoken to the Road Authority (Region of Niagara) and that they have refused to allow the drain to go out to their road; therefore, under the Drainage Act, the Township has no authority to take the water to the Region's ditches without their permission.

The Drainage Superintendent advised that he had met on site with a representative from the Region of Niagara to review the proposal which included running the drain along the road in front of the three residential lots, however, the Region was not in support of the proposal and had refused to allow the drain to run along their property.

Mr. Jolin requested a copy of the proposal that the Drainage Superintendent had presented to the Region. Mr. Jolin advised that he had spoken, on site, with a representative from the Region regarding installing a culvert along the portion of his property between Mr. Foster's and Mr. Mastroianni's properties and that they had indicated no objection to this request. Mr. Jolin noted that his neighbours have expressed concern with him driving his tractor/machinery over the natural water course which runs approximately 100 feet north of the road between Mr. Foster's (9) and Mr. Mastroianni's properties (11) and that this was why he wanted a culvert installed as it would provide access to the portion of lands south of the water course between Mr. Foster's and Mr.

Mastroianni's properties. Mr. Jolin reiterated that he felt it would be better if the drain ran out to the ditch rather than across the three residential properties.

In response to Mr. Jolin's concerns, Mr. Spriet advised that the property currently owned by Mr. Foster (9) had once included a portion of the lands that were now owned by Mr. Jolin (back lands and the lands between Mr. Mastroianni's property and Mr. Griffin's property) and that Mr. Jolin could drive through the natural watercourse (when it was dry) as long as he does not jeopardize the very shallow watercourse and cause an obstruction which would upset his neighbours and the Drainage Superintendent.

The Drainage Superintendent advised that Mr. Jolin had spoken to him with respect to installing a culvert on his property which was something totally different than constructing a municipal drain on Regional property which would handle water from an entire watershed. The Drainage Superintendent advised that a municipal drain can cause a lot more damage to a highway than a ditch that handles only localized water. The Drainage Superintendent advised that the Region usually have no concern issuing an entranceway permit for a single culvert; however, the Region would most likely have concern with installing a series of culverts along their roadway. The Drainage Superintendent reiterated that the Region had refused to allow the drain to run along their property.

Mr. Jolin invited Members of Council to his property to view his concerns and that he felt when the Wortel Drain was constructed in 1989-90, it was not designed or constructed correctly and he felt that the extension to the drain would not work properly either.

Mayor Trombetta returned Mr. Jolin's pictures that he had circulated earlier in the meeting for Members of Council to view.

Mr. Cranston advised that he lived upstream of the drain and questioned how deep the culverts across the driveways would be installed as he had concerns that the culverts may heave from the frost in the ground or ice will cause the water to back up and flood properties upstream of the drain.

In response to Mr. Cranston's concerns, Mr. Spriet advised that the proposed culverts, which will be installed at a uniformed grade and size, will be covered with approximately ½ metre of fill with a little more coverage over the driveway areas (using material from the ditching that will be done downstream). Mr. Spriet noted that he had no concern with respect to the culverts heaving as they will be covered with fill and seeded (as part of the lawn) with catch basins being installed between the properties which will collect any water coming off of the lots.

Mr. Cranston advised that in the future, he hoped to purchase the portion of Mr. Jolin's property which has the ditch that goes through it to build a home and he questioned whether there would be any problem with installing a driveway over the ditch.

In response to Mr. Cranston's inquiry, Mr. Spriet advised that there should be no problem with his proposal contingent on the owner of the property installing a pipe, at his/her expense, at a size approved by the municipality so that the capacity of the drain is not impeded in any way.

In response to Mr. Cranston's inquiry regarding the type and weight of a vehicle that the pipe would be able to withstand, Mr. Spriet advised that the pipes being proposed for installation on the three residential lots are designed for highway load.

Mr. Earl advised that the property owned by Mr. Foran (#4 on the Watershed Plan) floods every February, March and April due to the pipe that has been installed on his property which was part of the original Wortel Drain. Mr. Earl questioned how the extension would alleviate the water that is travelling from upstream when there are already drainage problems upstream and the same type of pipe is being proposed for installation across Mr. Mastroianni, Mr. Griffin, and Mr. Jolin's properties.

Mr. Spriet noted that the pipe that was previously installed on Mr. Earl's property should be adequate to handle the water flow coming off of Mr. Foran's property (#4), however, he noted that there may be a low spot on Mr. Foran's property that retains some of the water and although this may cause problems for Mr. Earl and Mr. Foran, it may be helpful to the three residential properties downstream as it would hold back some of the peak flows. Mr. Spriet noted that the proposed drainage work will improve the flooding conditions that currently exist on the three residential lots and he advised Mr. Earl that if he was experiencing flooding on his property, he should contact the Drainage Superintendent to investigate the situation to resolve the issue.

In response to Mr. Jolin's inquiry regarding how the surface water (when it rains) will flow to the catchbasins that are proposed to be installed between the three residential lots, Mr. Spriet advised that (following consultation with the property owners), catchbasins will be installed between the properties (normally on the downstream portion of the property) once the final grading had been completed to provide proper sloping to the catchbasin.

Mr. Jolin noted that he wanted the extension to the drain to proceed; however, he noted that he had concerns that the proposed work would not properly address the flooding and drainage problems that have existed since 1989 and he did not want to spend money if there are no guarantees that the work will fix the problem.

In response to Alderman Joyner's concern regarding how the water had flowed across Mr. Earl and Mr. Cranston's property prior to 1989, the Drainage Superintendent advised that, it was his understanding from the information in the files, that prior to 1989 the natural water course ran across Mr. Earl's property to the east side of Mr. Cranston's property and then south to the ditch along the highway. The Drainage Superintendent advised that as indicated earlier by Mr. Earl, a pipe was installed under Mr. Earl's garage to drain the

water, however, this was capped off and a new pipe was installed as part of the original drain.

Alderman Glazier noted that, in the past, he had visited Mr. Mastroianni and Mr. Jolin's properties and that there had been substantial water laying at the front of their properties as well as in the field west of Mr. Mastroianni's property.

The Drainage Superintendent advised that the proposed drainage work should drastically improve the drainage on the three residential properties, as well as from the properties upstream of the drain.

There were no further comments from Members of Council with respect to the proposed drainage work to the extension of Wortel Municipal Drain.

(c) WITHDRAWAL OR ADDITION OF NAMES TO PETITION:

The Drainage Superintendent explained that Mr. Mastroianni and Mr. Foster, being the two petitioners, could withdraw their name; however, they would be responsible for all costs incurred to date. The Drainage Superintendent explained that this was also an opportunity for other members of the public, in the area of the drain, that were in support of extending the drain, to add their name(s) to the petition.

Mayor Trombetta asked if there were any Members of the Public that wished to withdraw or add their names to the petition.

There were no withdrawals or additions of names to the petition.

(d) REPORT:

- (a) Drainage Superintendent
Re: Wortel Municipal Drain, dated November 27, 2008

Moved by Alderman Mary Dinga and seconded by Alderman Norm Johnson:

That, the Engineer's Report for the Wortel Municipal Drain, dated November 19, 2008, as prepared by Spriet Associates, be accepted.

- Carried.

Moved by Alderman John Glazier and seconded by Alderman Douglas Joyner:

That, a By-law be presented to Council for provisional approval of the Wortel Municipal Drain Extension.

- Carried.

Others: Scott Phillips
Dave Orgar
Jackie Orgar
Jorge Clemencio
Andrea Clemencio
Glenn Pavlik
Eric Hysert
Lisa Blythe
David Hysert
John Petropoulos
Chris Moulton
And approximately 3 other members of the Public*

Media: Marcel VanderWier, Grimsby-Lincoln News*
Stephanie Sisler, West Niagara News*

* IN ATTENDANCE PART TIME

(a) **REVIEW OF REPORT BY ENGINEER:**

Mr. John Spriet, Spriet Associates, reviewed his report and the recommendations that were being proposed for construction of the Van Buuren Drain Branch "A" which will service parts of Lots 14 – 16, Concession 7, in the Township of West Lincoln. Mr. Spriet advised that the work was initiated by a petition signed by the Township of West Lincoln Road Authority and that no one else could add their name to the petition; however, the Township could withdraw their name and pay all costs or leave their name on the petition.

Mr. Spriet noted that the purpose of this evening's meeting was to deal with any questions from the public and Council pertaining to the construction of the drain and for Council to consider the report and its recommendations for the proposed work to the Van Buuren Drain Branch A. Mr. Spriet advised that any questions regarding assessment would be dealt with through a Court of Revision, which would be held at a later date (proposed for January 14, 2009).

Mayor Trombetta asked if anyone present had any questions relating to the report that had been provided on the Van Buuren Municipal Drain – Branch A.

In response to Mr. Orgar's inquiry questioning if the pipe that was to go through his property was needed and who petitioned for the drain and why, Mr. Spriet advised that the road authority (the Township) had petitioned for the drainage work, most likely to address concerns of drainage for the roadway in order to obtain a legal outlet to divert water from the road to a main open channel, being the Van Buuren Drain.

In response to Mr. Orgar's inquiry questioning why it was needed as he had no water problem at all, Mr. Spriet advised that Council would hear resident's comments as well as comments from the roads department and determine if they should proceed with respect to the report.

Mr. Orgar stated that his neighbor had said there was a water problem, however, he had been there for 1 ½ years and had not seen any problems with respect to the drainage.

The Drainage Superintendent stated that he had not been around in 2003 and that the issue had been delayed due to the development of the Grassie Subdivision, however, he had been out on numerous occasions to address concerns of flooding on the east side of South Grimsby Road 12 and that there had been severe flooding problems which resulted in flooding into the rear yards of some properties within a significant area.

Mr. Orgar stated that the culvert on the back of his property goes north and the water only backs up on the rear of his property however, everything was flowing well and he did not see a problem. Mr. Orgar also stated that if the pipe was to go from 30" to 16", he wanted to have a guarantee that it would not wash away his land.

The Drainage Superintendent advised that last year had been a dry year and this year had not been a bad year either however, two years ago, the property to the north of Mr. Orgar's property had water coming down the existing swale with water coming eight to nine feet away from the basement windows. The Drainage Superintendent noted that the property owner to the north of Mr. Orgar was quite concerned with flooding at that time and that if the water had risen much further, his basement would have been flooded. The Drainage Superintendent noted that there had been some new homes constructed on the west side of South Grimsby Road 12 and that water does run off of laneways faster than it runs off of normal land.

In response to Mr. Orgar's inquiry questioning why he had to pay to get rid of other resident's water, Mr. Spriet explained the provisions of the Drainage Act and advised that Mr. Orgar could question his assessment of costs at the Court of Revision. Mr. Spriet explained the role/purpose and process of the Court of Revision to Mr. Orgar and advised that the Members of the Court of Revision have the power to change the assessment amount.

In response to Mrs. Orgar's question regarding whether the proposed drainage work would be taking water from the top of Mud Street as there normally wasn't any water flowing in this area, Mr. Spriet explained that the ditches along Mud Street were not included as part of the proposed drainage work. Mr. Spriet explained how the proposed drain would work with water being taken from an area of land on the west side of South Grimsby Road 12, under the road to a swale located between Mr. and Mrs. Ogar's property and Mr. Phillips property.

In response to Mrs. Orgar's question regarding what was at the end of her property, Mr. Spriet advised that there was a man-made swale/ditch at the end of her property and on the neighbours property and advised that after completion of the drain, all works will be maintained by the Township and that any obstruction or damage should be reported to the Drainage Superintendent for investigation. Mr. Spriet advised Ms. Orgar that if there were any blockages or maintenance to the pipe, swale or catchbasin on her property, she should

contact the Township to report the matter. Mr. Spriet noted that the Drainage Superintendent has the jurisdiction to enter a person's property to investigate or remove an obstruction to a municipal drain; however, in most cases, the staff person will contact the property owner before entering the property.

The Drainage Superintendent confirmed that he had authority to go on agricultural land, however, stated that he would usually contact the owner should he need to go through a person's property.

Ms. Andrea Clemencio stated that she was one of the larger contributors and was trying to understand the origin of the need as the landowners that she has spoken to have indicated that there is no problem and she did not see the value or need for improvement (not bothered by the money but the concept). Ms. Clemencio asked why the road authority petitioned for this drainage improvement.

Mr. Spriet advised that he could not speak on behalf of the road department authority, however, noted that the road authority is only concerned about downstream of their road allowance and if the drainage is poor, then they will petition for work to be done.

Mr. Spriet noted that the drainage on Ms. Clemencio's property drains very nicely and off of the other lots; however, noted that the proposed work includes a pipe being installed under South Grimsby Road 12 to drain the water downstream to a legal outlet so that the water does not impede (flood) neighbouring properties downstream. Mr. Spriet noted that due to the fact that Ms. Clemencio's property was agricultural, a grant may be available for assessments against privately owned parcels of land which are used for agricultural purposes (i.e. 1/3 subsidy). Mr. Spriet noted that under the Drainage Act, all upstream properties and roads are assessed for the construction and maintenance of the system, which includes properties that will have no construction work done but will benefit from the construction and improvement.

Ms. Clemencio stated that she did not believe there was a problem with the drainage in this area and asked why the road authority had petitioned for the drainage work. Ms. Clemencio noted that if she wanted to obtain further information with respect to the amount that she was being assessed, she would need to come to the next meeting, being the Court of Revision.

Mr. Spriet confirmed that Ms. Clemencio was correct and that she had the right to come to the Court of Revision to oppose the amount of assessment being imposed and that he would then explain at this meeting why her property had been assessed the amount as indicated in his report.

In response to Ms. Clemencio's question regarding whether this happens in Smithville, Mr. Spriet advised that there was a municipal drain near the funeral home, however, in big cities it is not common and that drainage issues in the country are resolved by "user pay".

Mr. John Petropoulos stated that water runoff from the Forty Mile Creek has always been there and questioned if the road was constructed/engineered incorrectly when it was paved in 1996 or 1998 and was this the reason why the road authority was petitioning for the work.

The Drainage Superintendent stated that he was not around during that time period when the road was paved; however, he did not think that the road was improperly designed and that the flooding problems were due to the fact that the lands in this area are low and flat. The Drainage Superintendent noted that the west side of South Grimsby Road 12 was not the area of concern and that the flooding problem starts where the water needs to cross South Grimsby Road 12 and over the two residential properties and, at times, these lands are quite flooded. The Drainage Superintendent noted that if there was an obstruction of the water coming across South Grimsby Road 12, the residents on the west side of the road would also have flooding issues on their properties. The Drainage Superintendent noted on the map, the areas that he has seen that have been flooded; however, he noted that he was not the Drainage Superintendent when the petition was signed by the Road Authority and therefore, he did not know the reason for the request.

Mr. Petropoulos identified his lot for Mr. Spriet who noted that floodline mapping, in his opinion, was a general thing to define areas; however, it has nothing to do with the Drainage Act nor the building or paving of a road.

Mr. Petropoulos stated that, in his opinion, the culvert was improperly installed as it could not deal with the water flow coming across South Grimsby Road 12.

Mr. Spriet stated that he did not know when and why the culvert was put in to be half full of dirt; however, noted that sometimes individuals on private property downstream, will fill in a pathway and such cause the water to silt in the pipe upstream. Mr. Spriet stated that the problem exists today and they were simply trying to fix the flooding issues within this area.

Mr. Petropoulos stated that the report states that the culvert coming across South Grimsby Road 12 was half submerged and therefore property owners in this area were paying for an error that occurred 10 years ago.

The Drainage Superintendent stated that there was not much of a problem on the west side of the road and that the road culvert was working, however, the problem occurs when the water gets to the east side of the road; it goes to a "holding area" and the water is unable to get away fast enough. The Drainage Superintendent noted that the area where the improvements are being recommended (from the east side of the road to the Van Buuren Drain) is a very shallow depression and when a major event occurs, he has seen that the water comes up and gets very close to the houses and then the water begins to back up on both sides of the road which he thought was the reason why the road authority had petitioned for the improvements.

Mr. Petropoulos questioned how a 16" pipe that was being recommended for installation between Mr. Orgar and Mr. Phillips' properties would handle the

flows that would be coming across South Grimsby Road 12. Mr. Petropoulos also questioned how the surface water would drain around the area where the pipe would be installed between Mr. Orgar and Mr. Phillips' property.

Mr. Spriet advised that when the pipe is under the ground, it will take water 24 hours per day and that there was no intension of raising the ground on the properties downstream. Mr. Spriet further advised that flow under and over the land will give more protection for flooding of the downstream property. Mr. Spriet noted that currently, there was only overflow over the ground.

Mr. Petropoulos advised that a 90 degree turn would slow down the flow of water and in the winter, ice could jam at the 90 degree turn which will cause the water to back up on those properties upstream of the turn.

Mr. Spriet questioned whether Mr. Petropoulos was speaking to the 90 degree turn at the outlet of the pipe.

Mr. Petropoulos confirmed that if that was the outlet of the pipe then yes, that was what he was speaking to.

Mr. Spriet advised that a 90 degree turn was the best he could do as he had originally designed the drain to go directly to the ditch; however, Mr. Orgar noted that they would impede upon his property and he requested that he wanted it to run straight to the back of his property which was the reason why a 45 degree angle was being recommended. Mr. Spriet advised that the ditch will handle a 16 inch pipe without any problem.

Mr. Petropoulos noted concerns regarding the use of a 16 inch underground pipe and the fact that it would restrict the water flow. Mr. Petropoulos noted that currently there was lots of room for the water to run.

Mr. Spriet stated that the drain would not restrict the flow to the 16 inch pipe and that the 16 inch pipe was a low flow pipe that will provide full surface flow ovetop, just like it was now.

The Drainage Superintendent stated that the 16" pipe would take a lot of the volume during heavy rain, noting that currently it was 6-8 inches deep but would be 16" underground and provide increased drainage capabilities.

In response to Mr. Petropoulos' statement that ice jams will form, Mr. Spriet stated that ice jams will usually form in large streams but not these types of drains noting that catch basins usually don't freeze.

Mr. Petropoulos stated that there were six new houses along the road that are taking up some of that drainage and asked if it had slowed down the problem since the petition?

The Drainage Superintendent stated that although there have not been any major events lately, the issue was there when only four houses were there.

Mr. Spriet stated that structures with large roofs don't absorb water and swales run the water to the ditch. Mr. Spriet further stated that lots generate run off and that this proposal was an attempt to deal with an affordable way to solve the problem.

In response to Mr. Chris Moulton's inquiry regarding why this drainage issue was not considered when the building permits were issued (noting that he had built in 2001), Mr. Spriet stated that he was not aware of what the standards were or if there were any for severances in that regard.

Mr. Moulton stated that the issue should have been addressed at that time as this was going to cost a lot of money.

Mr. Moulton further stated that Lot 3 is where the catch basin will be installed on the west side and that there has been no provision for water to evacuate unless it goes through the catch basin and if it jams and can't get into the catch basin, all of the water will accumulate on the west side of the road.

Mr. Spriet explained that the recommendation was to remove the existing 900 mm diameter pipe and install a 680 mm diameter which will be a larger pipe and at a higher level for flow relief.

Mr. Moulton inquired if on the west side of the road where the catch basin is being recommended to be installed, whether that would be in the same area as where the existing culvert is or will it be pushed further towards his property line.

Mr. Spriet stated there were two types of catch basins noting that on the downstream side of the road there will be a sloping top to it so it can take water that might come through the surface culvert and on the upstream side the catch basin, there will be a flat and round type of catch basin. Mr. Spriet noted that the catch basins will be set at a certain elevation with the ground being contoured around it so it does not stick up in the air and cause problems for the property owner (i.e. when cutting the grass).

Mr. Glen Pavlik (Lot 8) stated that four or five residents collect their water for their own use and therefore a certain amount of water was not going anywhere. Mr. Pavlik suggested that the project be delayed to see if it was really needed as it appeared that only the road authority wanted it as no one else seemed to want it.

Mr. Eric Hysert stated that the road had been built up a couple of times in the 80's and 90's and the culvert was never moved. Mr. Hysert further noted that there was no issue of the water getting through from the west side of South Grimsby Road 12 and that probably 1/3 of the culvert was submerged in mud all year and the water was still getting through. Mr. Hysert questioned how long the pipe was that was going from South Grimsby Road 12 to the Van Buuren Drain.

In response to Mr. Hysert's inquiry, Mr. Spriet advised that it was approximately 290 meters to get to the main Van Buuren Drain.

In response to Mr. Hysert's inquiry regarding how deep the pipe would be at the outlet under the swale, Mr. Spriet confirmed that it would be two feet under the swale.

Mr. Hysert noted that he has lived there all his life (66 years old) and that he has seen frost go down three to four feet and if anything blocks the end of the pipe, it will not unthaw until April. Mr. Hysert advised that the two old culverts were built in the 1920s or 1930s, which are located a little south of the culvert that goes under South Grimsby Road 12, and have filled up with dirt (never cleaned out) and were therefore redundant at this point. Mr. Hysert further stated that he could not see how residents were going to benefit by this drain and the pipe that was put in for the Van Buuren Drain, which was two or three hundred feet long, plugs up and does not work and he questioned how a pipe that was three times that length was going to work. Mr. Hysert stated that he felt this was an expensive proposition for the taxpayers and he was opposed to it.

Mr. Spriet stated that if the drain has a pipe with two feet of cover at the outlet which would be deeper into the ground further up, the tiles in the ground should not freeze with a four foot deep ditch that is leaving that pipe at the bottom end. Mr. Spriet noted in his experience, a 16 inch tile will not get held up where it falls into a ditch with a one foot drop. Mr. Spriet noted that the ditch, which will be four feet deep, will be maintained and, in his opinion, should not freeze.

Mr. Hysert stated that a lot of water comes down the VanBuuren Drain which has to go through approximately six kilometers of flat farmland and then down into road ditches where there are trees growing and it all floods at the north side of Mud Street (Town of Grimsby) at Spring breakup. Mr. Hysert noted that if everyone would just take a deep breath and allow Mother Nature to do her thing for about a week, it would all disappear. Mr. Hysert stated that the only good that he could see of putting this drain in would be during a wet summer, similar to this past summer, during which he saw no flooding issues. In closing, Mr. Hysert noted that, in his opinion, if it isn't broken then don't fix it.

Alderman Glazier questioned whether this proposal would help the situation that had occurred last year, on New Years Day, with flooding of properties on Mud Street.

The Drainage Superintendent stated that the issue which Alderman Glazier was speaking to was different from the Van Buuren Drain and was part of a municipal drain in the Town of Grimsby, which was west of the Van Buuren Drain.

Alderman Glazier stated that the letter that the Drainage Superintendent had written to the resident of Mud Street had indicated that their property was part of the Van Buuren Drain.

The Drainage Superintendent reconfirmed that the flooding issues that had occurred on Mud Street was not part of the Van Buuren Drain but was a with respect to a municipal drain on the Grimsby side of Mud Street.

With regards to the confusion of what the letter in question had stated, Mayor Trombetta suggested that the Drainage Superintendent review the letter and discuss the matter further with Alderman Glazier.

Alderman Merritt stated that residents had legitimate questions and that most residents are forthcoming and quite honest if they are experiencing flooding problems. Alderman Merritt noted that she was confused regarding what had prompted the drainage petition and inquired if there was any concern regarding future development.

The Drainage Superintendent stated that he had visited the area in question and there have definitely been flooding problems in the past and although last year had not been a bad year (rain was steady), two years ago there had been heavy rain and there were flooding issues. The Drainage Superintendent reiterated again that he was not around when the petition was signed and that the only information he had was what was in the file and the concerns that have been noted by residents with respect to their properties flooding because of road issues. The Drainage Superintendent noted that all he has to work with was a petition signed by the road authority to resolve the flooding on South Grimsby Road 12 area.

Alderman Merritt noted that the Drainage Superintendent had stated that he had received complaints from residents who have indicated that they have had flooding problems and she questioned whether these residents were in attendance or were being assessed for the proposed drainage improvements.

The Drainage Superintendent stated that one of the residents was in attendance this evening; however, he was not sure if this resident was still in attendance now; however, he did not feel comfortable pointing this individual out and would rather they come forward on their own to advise of the flooding problems in the past in their basement and on their property.

Mayor Trombetta noted that she agreed with the Drainage Superintendent and that it was not appropriate to point this individual out among those residents in attendance this evening; however, she encouraged the resident to come forward to advise of their concerns and the flooding problems that they have experienced.

Alderman Merritt noted that Mr. Orgar had a good point with respect to a 30" pipe going into a 16" pipe and noted that his question was not answered regarding the 50% reduction and what will happen with that water.

Mr. Spriet advised that currently, there was a pipe under the road that will be removed and replaced with a new 24 inch diameter oval shaped pipe and a second pipe below it, which will be a 16 inch diameter pipe. Mr. Spriet reviewed

the concept/design and the expected outcome based on the proposed construction.

In response to Alderman Merritt's statement that it was 30" being reduced to 16", Mr. Spriet confirmed it was not and that there would be two pipes at different levels.

In response to Alderman Merritt's questions regarding what originated the petition, Mr. Spriet stated that he has a note in his file from the former Drainage Superintendent (Mr. Bradley), who has since passed away, which states that the area that requires improvements was in lots 14 and 15, Concession 8. Mr. Spriet stated that the notation goes on to indicate that the proposed improvement is from South Grimsby Road 12, east of the Van Buuren Drain, 1000 feet +/-, and the drainage area may involve 20 to 30 properties. Mr. Spriet noted that there must be notations in the Public Works Committee meeting with respect to the petition.

Alderman Merritt stated that due to the fact that Council Members changes every three/four years, some Members of Council might not be aware of this issue and therefore she would like to wait and get an answer regarding why the Township had petitioned for the drain improvements.

Alderman Johnson stated that if he recalled correctly, the lots on South Grimsby Road 12 were developed two at a time over a number of years to avoid a development agreement and the need for an overall drainage and grading plan.

In response to a question from Alderman Johnson regarding if the lots were designed to drain to the front of the ditch or to the back of the houses, the Public Works Manager stated that eventually, they all drain to the front ditch through a swale along the back of the properties.

In response to a question from Alderman Johnson regarding whether any water from South Grimsby Road 12 drains to Mud Street or whether it goes under South Grimsby Road 12 and drains between Mr. Orgar and Mr. Phillips properties, the Public Works Manager responded that no water goes out to Mud Street and he was correct that the water goes under South Grimsby Road 12 to an outlet between the two properties.

In response to Alderman Johnson's inquiry regarding the total expenses to date if the proposed drainage improvements were to be terminated, the Drainage Superintendent advised that approximately \$11,150.00 (being the total engineering costs) had been paid to date.

In response to Alderman Johnson's inquiry regarding who was responsible for the costs to date should Council decide not to proceed with the improvements, Mr. Spriet stated that the municipality would be responsible for the costs.

Alderman Johnson stated that he was not a fan of underground pipes as it was expensive and could plug and was messy to repair. Alderman Johnson

suggested that a swale be installed at a fraction of the cost and questioned the advantage of a pipe.

Mr. Spriet advised of the way that the water runs within 10 or 11 feet of the Phillips house and stated that if the Township goes and grades his property to put a large swale in we would have to impose on Mr. Orgar's property and if you are going to put a gentle swale in and match the bottom of the existing steel pipe that is under the road now and feather it out, then you will need to take 30 feet or more out of Mr. Orgar' property to make a channel.

Alderman Johnson stated that the way he understood it, was that all the water goes down there anyway and that the idea was to get the water down there quickly without it creeping up to someone's house. Alderman Johnson questioned how much would you actually have to lower that surface below what it is right now and how much wider would it have to be, because you have stated that a 16" pipe should be able to handle all of the flows at all times.

In response to Alderman Johnson's question, Mr. Spriet reviewed the drawing and the profile of the drain and noted that on South Grimsby Road 12 you can see a dashed line which is the bottom of the pipe. Mr. Spriet noted that if the Township wants to provide an open drain then that is an option; however, it would go for quite a distance and you would have two feet of depth of drainage half way through there, so you will have to lower the run a couple of feet if you want to get the water to flow from the road down to the outlet.

Alderman Johnson noted that Mr. Spriet had already stated that two feet of fill would already be on top of the 16" pipe, which he thought would be quite a bit lower than that.

Mr. Spriet further noted that the pipe will be buried and the run of the water will return to the way it is with no major impact and no major amounts of dirt to move.

Alderman Johnson noted that if a 16" deep and 48" wide ditch was dug and tampered, that would still be double the capacity of a 16" pipe.

In response to Mr. Spriet's inquiry regarding how the ditch would be maintained, Alderman Johnson noted that, in his opinion, he did not feel that the ditch would need to be maintained as it would be grassed.

Mr. Spriet noted Alderman Johnson had brought forward some very good comments; however, noted that a swale would work really well but it was not as cheap as it appears (hauling the dirt and hiring machinery, etc.) and that he could provide an estimate to construct a swale from the road to the back of Mr. Orgar's property if that was Council's wish. Mr. Spriet noted that an under drain tile will work at all times whether there is ice or snow. Mr. Spriet noted that Council may want to review further history of this issue before making any decisions this evening regarding the construction of drain.

Alderman Johnson noted that he was suggesting a simple, gentle swale through Mr. Orgar's property which, in his opinion, would be better than what was there. Alderman Johnson noted that the swale could be cleaned and smoothed out so that when it was grassed over, a lawnmower could go through it. Alderman Johnson noted that, in his opinion, this work could be done fairly cheaply and that if the work proves to be inadequate, Council would still have the option of putting a pipe in the ground; however, in the mean time, a lot of money has not been spent. Alderman Johnson noted that \$11,000 has already been spent and the next question was how much more the Township was willing to spend in the next few months.

Mr. Spriet stated that the report could be revised as suggested by Alderman Johnson, with a one foot swale through Mr. Orgar's property and that he could put a cost on this work; however, this cannot be done until the Township goes through the whole process again of holding meetings with landowners.

In response to Alderman Joyner's statement that when Mr. Orgar and Mr. Phillips properties were designed, the culvert under South Grimsby Road 12 would have been there and he would think that the Planners of the day would have required a pipe installed then, Mr. Spriet stated that he did not think that there would have been any design back then; however, Mr. Phillips may know.

Mr. Phillips stated that he had built new but the old house had been there 50 years ago and there had been ongoing changes to the road and culvert. Mr. Phillips stated that all he wanted to know was if Council was going to proceed with the project as there were some people who were now gone however, they had experienced flooding problems.

(c) WITHDRAWAL OR ADDITION OF NAMES TO PETITION:

Mr. Spriet explained that West Lincoln could withdraw their name and pay all costs or leave their name on the petition. Mr. Spriet explained that no one else could add their name as the petition was initiated by the road authority.

There were no withdrawals or additions of names to the petition.

(d) REPORT:

- (a) Drainage Superintendent
Re: Van Buuren Municipal Drain- Branch-A, dated November 7, 2008

Alderman Merritt stated that she would like clarification regarding Alderman Johnson's suggestion and questioned if it could be considered.

Alderman Johnson stated that it would be helpful for him if the two primary landowners could let him know what they would prefer.

Mr. Spriet noted that Council could choose to do it the cheaper way however, owners could appeal.

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, the Engineer's Report for the Van Buuren Municipal Drain – Branch A, dated October 31, 2008, as prepared by Spriet Associates, be accepted.

- **DEFERRED (see below)**

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman John Glazier:

That, the Engineer's Report for the Van Buuren Municipal Drain – Branch A, dated October 31, 2008, as prepared by Spriet Associates, be deferred to the February 23, 2008 Council meeting.

- Carried.

(e) PROVISIONAL BY-LAW: (Two readings only)

(a) By-law 2008-161 To provide for a drainage works in the Township of West Lincoln, Region of Niagara, known as the Van Buuren Drain – Branch A

- **WITHDRAWN** (due to deferral of report – see above)

(f) DATE FOR COURT OF REVISION:

(a) Clerk

Re: Set Date for Court of Revision – January 14, 2009 – 8:00 p.m.

The resolution for establishing the date for the Court of Revision was withdrawn due to the fact that the Engineer's Report was deferred to the February 23, 2008 Council meeting.

5. ADJOURNMENT:

Moved by Alderman Norm Johnson and seconded by Alderman Mike Rehner:

That, this Special Council meeting does now adjourn at the hour of 10:55 p.m. and if a special meeting is required it will be at the call of the Mayor.

- Carried.