



Municipality of French River

MINUTES OF THE SPECIAL MEETING OF COUNCIL held in the Council Chambers Wednesday, January 30, 2018 at 7:00pm

Members Present:

Mayor Claude Bouffard(Chair), Councillors Michel Bigras, Gisèle Pageau, Denny Sharp, Dean Wenborne

Members Excused:

Councillors Ronald Garbutt, Malcolm Lamothe

Officials Present:

Marc Gagnon, Chief Administrative Officer
Mélanie Bouffard, Clerk

Guests:

Neal Morris, P. Eng., K. Smart Associates Ltd.
50 Guests (approximately)

1. Call to order and roll call

The Chair called the meeting to order at 7:00 p.m.

2. Adoption of Agenda (*and Additions if applicable*)

Moved By Mike Bigras and Seconded By Gisele Pageau

Resol. 2018- 29

BE IT RESOLVED THAT the agenda be approved as distributed.

Carried

3. Disclosure of Pecuniary Interest

None declared.

4.0 Public Hearing to consider Engineer's Report relating to Hwy 607 Drain, Dupuis Drain and Timony Drain

The Mayor welcomed everyone and advised that the purpose of the meeting was to hold a public meeting under the *Drainage Act* to consider the Engineer's Report for updates to the Schedules of Assessments for the Dupuis Drain, Highway 607 Drain and Timony Drain in the Municipality of French River.

The Mayor then advised that the meeting would proceed as follows:

1. Neal Morris from K. Smart Associates Limited will present the report to Council and to the public.
 2. The public will be invited to make comments or ask questions to Council or to the Engineer.
 3. Once the public comments have been completed, the public meeting portion will be closed.
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4. At Item 5.1, Members of Council will be provided an opportunity to ask questions or provide comments to the Engineer. Once Council comments and questions are completed, and that Council is satisfied with the Report, it will be considered for provisional approval (meaning 1st and 2nd Reading) of the By-law which adopts the Engineer's Report.

5. The Members of Council will then be appointed to the Court of Revision, which is the body which hears appeals on assessments pursuant to the Drainage Act, example for appeals relating to land or road has been assessed too high or too low, land or road that should have been assessed, or due to considerations that have not been given to the land's use.

6. Then Council will be asked to set the date and time of the Court of Revision.

4.1 Presentation of the Engineer's Report

Neal Morris of K. Smart Associates Limited presented the Engineer's Report.

4.2 Public Comments and Questions

Council, Staff and Mr. Morris answered questions and received comments from members of the public as follows:

Mr. Winterton of 463 White Tail Road (Timony Drain) addressed Council and advised that they were not notified of the existence of the drain when they purchased the property three years ago. He commented that as the drain already exists and was petitioned by property owners that are no longer there that the current owners might not want it anymore. He further questioned whether there were any consideration to any environment aspects, to the increase in flow of water and to hold back the water for the marshes, water systems, fish and wildlife resources. As there are no more agricultural needs, questioned if the existing landowners even want the drain.

- The Engineer's Report prepared at the time of a Drain's creation considers aspects for the purpose of the drain at that time; to incorporate wetlands or other environmental aspects in this drain is a possibility, however, it would need to be done pursuant to Section 78 of the Act (which means a new Engineer's Report)
- If $\frac{3}{4}$ of the owners of land assessed for benefit, request to abandon a drain (portion or its entirety), it is done under Section 84 of the Act, it could be a long and expensive process.

Chris Jones of 351 White Tail Rd (Timony Drain) addressed Council and advised that he too, was not notified of the existence of the drain when they purchased the property three years ago. He commented that the properties in question have boundless environmental resources and wildlife and questioned why those resources would be destroyed at the property owners' cost. He further commented that he wants the drain removed and inquired on the process and what would be the consequences of leaving the drain alone without maintenance.

- Municipalities are obliged to maintain Drains as per the Act and its Engineer's Report.
- A Drain could be abandoned under Section 84 of the Act, where $\frac{3}{4}$ of the owners must agree.

Paul Dube of 226 Bouchard Rd (Dupuis Drain) addressed Council and advised that he too, was not notified of the existence of the drain at time of purchase about 5-6 years ago, his property is the last downstream. He questioned who would be responsible if his neighbour would obstruct the drain and that it floods and if he can develop in the area of the Drain.

- The property owner is responsible to remove or ensure that the drain is not obstructed and is responsible financially if the Municipality is required to remove an obstruction caused or allowed by the property owner.
- The only space that is restricted is along every drain, there is an unregistered working space that the municipality has the right to use to maintain and repair the drain which needs to stay accessible.

Isaac Timony of 293 White Tail Rd (Timony Drain) addressed Council and advised that the drain was built mainly to drain the properties to allow access to the back of the properties, the natural watercourse was continuously flooded which created access issues of the full land and for agricultural purposes; when flooding occurs they only have access to 80 acres when the property is 160 acres. At this time and when the drain flows properly it allows for full access of the land and for forestry purposes.

- Drains are created specifically to the properties within the watershed, mandated by the Drainage Act, municipal drains are not only for agricultural purposes, but for access and draining of surface water to avoid flooding.

Chris Jones of 351 White Tail Rd (Timony Drain) readdressed Council and questioned why our drains are not being re-greened like in the south.

- Making amendments to the aspects/purpose of an existing drain requires changes to the Engineer's Report under Section 78 of the Act.

Lorraine Courchesne of 799 Hwy 64 (Hwy 607 Drain) addressed Council and commented that prior to the drain being created that their property never had problems with flooding and that now it does (her property is the last downstream) as they are getting the water from the whole drain, that they do not benefit and should be compensated instead of billed.

Rachel Quesnel, owner of property at corner of Golf Course Rd and Hwy 607 (Hwy 607 Drain) addressed Council and advised that she too, was not notified of the drain existence at time of purchase and commented that the drains should be a municipal infrastructure and not billed to landowners and questioned which Act stipulates that the landowners pay for costs.

- The drains are a municipal infrastructure that are regulated under the Drainage Act, which stipulates that the community of landowners assessed as per the Schedule of Assessment of the Engineer's Report are billed for their share of the cost of maintenance and repair.
- There is a gap where property owners are informed of the existence of a drain on the property they are purchasing. Currently, a property owner will be informed if their real estate legal counsel requests a property search which identifies information about the property or if the seller provides the information to their real estate agent. There are initiatives being undertaken so that drains be registered on title of the property but there are no development of this to this day.

Mr. Winterton of 463 White Tail Road (Timony Drain) readdressed Council and questioned the process of opting out of drain.

- A Drain could be abandoned under Section 84 of the Act, where $\frac{3}{4}$ of the owners must agree.

Chris Jones of 351 White Tail Rd (Timony Drain) readdressed Council and commented on environmental issues, doesn't understand how one agency works to protect the environment and the other can destroy and drain it.

Jim Lovely of 128 Hwy 607 (Hwy 607 Drain) addressed Council and questioned the accuracy of the plans and the location of the drain on the properties.

- The drain is not physically located on his property but the property is within the watershed.

Rolly Gagnon of 2331 Hwy 64 (Dupuis Drain) addressed Council and commented that the actual flow of the water does not match the flow identified on the plan and the culvert doesn't drain properly.

Isaac Timony of 293 White Tail Rd (Timony Drain) readdressed Council and questioned the maintenance schedule of the drain.

- There is no fixed maintenance schedule, maintenance typically occurs by request or when the need is identified by the road authority or a property owner.

Paul Mayer, son in law of the Courchesnes of 799 Hwy 64 (Hwy 607 Drain) addressed Council and commented that they do not benefit at all and that blasting was supposed to occur and that the drain was supposed to go further downstream.

- The Drainage Superintendent will be informed and will look into the issues for potential repair and will further report to Council.

Michel Raymond of 1032 Hwy 535 (Timony Drain) addressed Council and commented that he thinks that the drain works very well since the ponds and surface water in his area are getting smaller.

5. Consideration of the By-law (Provisional Approval)

5.1 By-law 2018-08 to adopt the Engineer's Report to provide for updated Schedules of Assessment for future maintenance and repair of the drainage works for the Hwy 607 Drain, Dupuis Drain and Timony Drain (provisional approval, 1st and 2nd Reading)

Moved By Gisele Pageau and Seconded By Dean Wenborne

Resol. 2018- 30

BE IT RESOLVED THAT By-law 2018-08, being a by-law to provide for Drainage Works and updates to the Schedules of Assessments for the Dupuis Drain, Highway 607 Drain and Timony Drain in the Municipality of French River be read a first and second time.

Carried

6. Appointment of Court of Revision

(The Court of Revision is a body which hears appeals on assessments pursuant to the Drainage Act)

6.1 By-law 2018-09 to appoint the Council Members as Members of the Court of Revision pursuant to the Drainage Act, S. 97

Moved By Dean Wenborne and Seconded By Denny Sharp

Resol. 2018- 31

BE IT RESOLVED THAT By-law 2018-09, being a by-law to appoint the Court of Revision pursuant to *Drainage Act* in the Municipality of French River be read a first, second and third time and finally passed.

Moved By Gisele Pageau and Denny Sharp

Motion to defer to March 21, 2018 to allow time to recruit members of the public for the Court of Revision.

Deferral Carried

6.2 Resolution to set the time and date of the Court of Revision

The time and date of the Court of Revision will be set by the Clerk at a later time.

7.0 Adjournment

Moved By Denny Sharp and Seconded By Mike Bigras

Resol. 2018- 32

BE IT RESOLVED THAT the special meeting be adjourned at 8:52 p.m.

Carried

MAYOR

CLERK