

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD



AGENDA

MEETING DATE: Thursday, June 25, 2009
TIME: 8:00 p.m.
LOCATION: King Township Office, 2075 King Road, King City, ON

		<i>Action by:</i>
1.	<u>Call to Order</u> "That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board come to order at _____ p.m."	<i>John McCallum</i>
2.	<u>Declaration of Pecuniary Interest</u> Chairman McCallum to remind Members of the Board of the Municipal Conflict of Interest legislation and requirements thereunder.	<i>John McCallum</i>
3.	<u>Approval of Agenda / Changes</u>	<i>John McCallum</i>
3.1	"That the Board approve the Agenda dated Thursday, June 25, 2009, as printed and circulated." Pgs 1-2	
4.	<u>Adoption of Board Minutes</u>	<i>John McCallum</i>
4.1	"That the Minutes of the Holland Marsh Drainage System Joint Municipal Services Board meeting held Thursday, May 7, 2009 at 8:00 p.m., be approved, as printed and circulated." Pgs 3-11	
5.	<u>Comments by the Chairman</u>	<i>John McCallum</i>
6.	<u>Presentations / Deputations</u>	
7.	<u>Correspondence / Reports</u>	
7.1	"That the written report of the Drainage Superintendent and Project Manager, dated June 19, 2009, be received for information." Pgs 12-13	<i>Frank Jonkman</i>
7.2	"That correspondence received from the Holland Marsh Grower's Association, dated May 8, 2009, be received, for information." Pgs 14-15	<i>Frank Jonkman</i>

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD

7.3	"That Town of Bradford West Gwillimbury Council Resolution # 2009/37-008, dated May 19, 2009, be received, for information." Pgs 16-20	John McCallum
7.4	"That Town of Bradford West Gwillimbury Council Resolution # 2009/40-003, dated June 2, 2009, be received, for information." Pgs21-22	John McCallum
7.5	"That the Court of Revision Resolutions from hearings held June 11 th & 12 th , 2009, be received, for information." Pgs 23-37	John McCallum
8.	<u>New Business</u>	
9.	<u>Future Meeting Schedule</u>	John McCallum
9.1	"The next meeting of the Holland Marsh Drainage System Joint Municipal Services Board be scheduled for: Thursday _____ at _____."	
10..	<u>Adjournment</u>	John McCallum
10.1	"That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board adjourn at _____ p.m."	

HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES BOARD



MINUTES

MEETING DATE: Thursday, May 7, 2009
TIME: 8:00 p.m.
LOCATION: Courthouse, 57 Holland Street East, Bradford, ON

ATTENDANCE RECORD:

MEMBERS PRESENT: John McCallum, Councillor - BWG
William Eek, Appointee
Michael Brinkos, Appointee - BWG
Dan Sopuch, Appointee - BWG
Brian Visser, Appointee - King - BWG
Jack Rupke, Councillor - King

REGRETS: Margaret Black, Mayor - King
Jim Verkaik, Member-at-Large
Doug White, Mayor BWG

STAFF PRESENT: Chris Somerville, Clerk
Scott Somerville, CAO - King
Frank Jonkman, Drainage Superintendent
Sarah Murray, Secretary Treasurer

REGRETS: Jay Currier, Town Manager - BWG- King

OTHERS:

1.	<u>Call to Order</u>	<i>John McCallum</i>
1.1	HM-2009-031 Moved by: B. Visser Seconded by: J. Rupke "That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board come to order at 8:03 p.m." CARRIED.	
2.	<u>Declaration of Pecuniary Interest</u>	<i>John McCallum</i>
2.1	Chairman McCallum reminded Members of the Board of the Municipal Conflict of Interest legislation and requirements thereunder. There were no declarations of Municipal Conflict of Interest declared.	
3.	<u>Approval of Agenda / Changes</u>	<i>John McCallum</i>
3.1	HM-2009-032 Moved by: B. Visser Seconded by: B. Eek "That the Board approve the agenda, dated Thursday, May 7, 2009, as amended." CARRIED.	
4.	<u>Adoption of Board Minutes</u>	<i>John McCallum</i>
4.1	Chairman McCallum asked if there were any errors or omissions to the minutes. There were no changes and declared the minutes adopted and signed same. HM-2009-033 Moved by: B. Eek Seconded by: B. Visser "That the Minutes of the Holland Marsh Drainage System Joint Municipal Services Board meeting held on Thursday, March 12, 2009, be approved, as printed and circulated." CARRIED.	
5.	<u>Comments by the Chairman</u> The Chairman commented on the Engineer's Open House and the Special Meeting of Council to Consider the Engineer's Report on April 22, 2009. Arranging for both events to take place at Cardinal Golf Club in Kettleby was very appropriate given the turnout of landowners who attended. The owner of Cardinal Golf Club has continued to extend his generosity in accommodating this Board. It was very generous to provide the space and both meetings went	<i>John McCallum</i>

	very well.	
6.	<u>Presentations / Deputations</u>	<i>John McCallum</i>
7.	<u>Correspondence / Reports</u>	<i>John McCallum</i>
7.1	HM-2009-034 Moved by: B. Visser Seconded by: J. Rupke "WHEREAS the Councils of the Town of Bradford West Gwillimbury and the Township of King have established the Holland Marsh Drainage System Joint Municipal Services Board to have control and manage the Holland Marsh Drainage System; AND WHEREAS it is necessary for the Council of the Corporation of the Town of Bradford West Gwillimbury to establish levies for 2009 with respect to the cost of drainage works and the maintenance and repair thereof; AND WHEREAS the Drainage Act, R.S.O. 1990, D.17, as amended, provides for the imposition of levies in relation to the cost of drainage works and the maintenance and repair of drainage works; NOW THEREFORE, this Board hereby recommends to the Council of the Corporation of the Town of Bradford West Gwillimbury that the annual drain maintenance levy for the Holland Marsh Drainage System, including Small Scheme, and interior drains, remain unchanged for 2009, as set out in By-Law #2008-056, enacted on May 20, 2009." CARRIED.	
7.2	HM-2009-035 Moved by: B. Visser Seconded by: J. Rupke "That the Town of Bradford West Gwillimbury Council Resolution #2009/25-004 dated April 14, 2009, be received, for information." CARRIED.	<i>John McCallum</i>
7.3	HM-2009-036 Moved by: J. Rupke Seconded by: B. Visser "That the Town of Bradford West Gwillimbury Provisional By-Law #2009-043, be received, for information."	<i>John McCallum</i>
7.4	The Drainage Superintendent then went through his written report of May 1, 2009 to the Board. Questions were raised surrounding the Trent Severn Waterway and current Lake Simcoe water levels. While the Drainage	<i>Frank Jonkman</i>

Superintendent could not recall peak lake level data at the time, he did confirm that the levels are still very high and as a result continues to impact the Holland Marsh significantly.

There was further clarification on the issue surrounding the County of Simcoe and concerns of the section 78 report. Meetings have been scheduled in the near future to address their concerns.

In regards to a future meeting with some residents of New Tecumseth the Drainage Superintendent elaborated that due to extenuating circumstances for some landowners they have requested an additional meeting with the engineer to discuss how this drainage project will impact them. A meeting has been scheduled for this to occur.

Clarification was provided when a question was raised regarding the purpose of a meeting that took place with the Director of Planning and Development. It was advised that this meeting initially occurred to establish the process to which permanent setback requirements are to be obtained for any new development abutting the canal system and to review the process to which easements, setbacks and block assessments had been established in the past.

Concerns were raised surrounding the notification to landowners of the provisional By-Law and sitting of the court of revision: s. 46 of the *Drainage Act*, R.S.O. 1990, wherein discussions with OMAFRA took place. Through correspondence with OMAFRA and the perceived support of the Ministry, the Board would prefer not to send a cd copy of the Schedule of Assessment with the Notice of Provisional By-Law. This requirement has already been met by the initially notification of Report to landowners.

It was established through discussion that the Board would address this matter in detail under New Business and carry on with the Agenda.

Issues pertaining to bridges in relation to the Jane Street structure arose. Accordingly, it was disclosed by King Township staff that a meeting occurred recently with the engineer, town staff and the Drainage Superintendent. The meeting took place to ensure all in attendance were equally informed. Accordingly, the engineer advised he will commence with designing the bridge at Jane Street. It has been confirmed the new bridge structure will be designed to accommodate the barge, and to discourage pedestrian and recreational use of the bridge.

Concerns were brought up relating to the local Conservation Authority and alleged violations at Interval 1 and Interval 15, trial work areas. The issues have since been addressed and a meeting has been scheduled with the CA in the near future. Additionally, staff

at the Department of Fisheries and Oceans holds no concerns in the matter. It was relayed that the environmental consultant; Michalski Nielson Assoc. Ltd and the engineer have both contacted the CA advising that there is no reason for concern at this time.

Furthermore, comments were made relating to attendance at the Enbridge open house meetings on gas line routes and the servicing of the Peaker plant on Dufferin Street. Since this meeting occurred it was established that Enbridge is proceeding with the intention to route the gas lines following the road allowances.

Further to the comments on the Jane Street structure, it is important to note that from this meeting with the engineer, that inflation was not taken into consideration when establishing the costs and accordingly, all fees estimated in the report are based on present day values. This being said, this Board may find itself having to further strategize to ensure this project moves quickly.

Intervals 1 & 15 trial areas need to be finalized soon and restoration work completed. In Interval 15 work including area clean up, removal of debris, berm creation and seeding should be completed this spring/summer. With Interval 1, the area is not quite ready for similar restoration work due to the saturation of the area at present. This is due to the levels of Lake Simcoe and the Trent Severn Waterway. However, the Engineer's Report stipulates that each interval requires up to one full year of settling prior to restoration taking place.

Some of the work could be done with the long reach excavator but also, some of the work may be completed more efficiently by bulldozer. There is a local company with said equipment who may be interested and the excavator is being delivered next week.

The Zweep inlet needs to be completed as soon as possible, at least prior to the farming community's need for irrigation in that area. There are other options in the meantime however, there are no guarantees.

Cleaning of the canals is complete and prepared for the annual Marsh Mash activities set to commence Victoria Day long weekend.

There was a complaint received on Drain 1C, which runs north of Graham Sideroad, and drains west. Pictures have been taken to document the issue. Measures have been taken to ensure the drain is cleaned promptly.

HM-2009-037

Moved by: D. Sopuch

Seconded by: J. Rupke

"That the written report of the Drainage Superintendent, dated May 1, 2009, be received for information."

CARRIED.

7.5

HM-2009-038

Moved by: B. Eek

Seconded by: B. Visser

Scott Somerville

"That correspondence from the Municipality of Middlesex Centre, dated March 4, 2009, be received, for information."

CARRIED.

8.

New Business

8.1

Discussions continued from earlier regarding the logistics surrounding distribution of the Notice of Provisional By-Law and sitting of the Court of Revision.

John McCallum

All members present were in agreement that since the Ministry of Agriculture, Food and Rural Affairs were in support of the method in which this Board proposed that s. 46 of the *Drainage Act* be carried out it seemed appropriate to follow through.

The By-Law as it stands is being mailed to all residents with a cd copy of the Schedule of Assessment, as a paper copy would be yet more costly than this method and the Board is of the opinion, with the stakeholders best interests in mind, that the By-Law should be sent without the Schedule of Assessment with an effort to control the costs as much as possible.

There were concerns raised given that criticisms by the marsh farming community, the larger stakeholders in this project many of which received duplicate, triplicate or in some cases many more copies of the report as prescribed under s. 41 of the *Act*. This Board is anticipating additional criticisms as a result of the method currently proposed for further notification as prescribed under s. 46 of the *Act*.

The costs of the additional cd reproduction and mailing thereof, would only increase the costs borne of the landowners impacted by the project, increasing each assessment proportionately. Given that another mailing would occur at the time the By-Law was ratified and a copy of said By-Law with cd would be mailed again at that time the costs will quickly and unnecessarily rise.

The Board has support of OMAFRA to provide by regular mail a copy of the provisional By-Law, exclusive of the attachment of the Schedule of Assessment, along with the Notice of Court of Revision. It is perceived that in the Board's attempts to save the farming community additional costs, unnecessarily, any contravention to the *Act* in this instance only would be seen as a decision for the people

in the best interests of the people who are affected by this project. The Board as a result of the current method proposed under s. 46 of the Act, passed the following resolution, recommending to the Council of the Town of Bradford West Gwillimbury the following:

HM-2009-039

Moved by: B. Eek

Seconded by: D. Sopuch

"WHEREAS Section 46 of the *Drainage Act* R.S.O. 1990 does require the initiating municipality, the Town of Bradford West Gwillimbury, to send the Notice of Provisional By-Law re: adoption of the engineer's report to all affected landowners, the Act prescribes said Notice be sent "exclusive of the engineer's report";

AND WHEREAS all costs related to the mailings do contribute to the total cost of the Project. It has been the intent of this Board from the outset, to contain all related costs as much as possible as these costs will directly, financially impact all landowners in question;

NOW THEREFORE, this Board hereby recommends to the Council of the Corporation of the Town of Bradford West Gwillimbury, that the Act be adhered to by sending the Notice "exclusive of the engineer's report" to all landowners affected by the Holland Marsh Drainage system Canal Improvement Project."

CARRIED.

8.2

Discussion arose on improving the Board's efforts in communicating with residents by the development of a website. Background research has been undertaken to ensure the best approach is taken. There is plenty of content available for the proposed website, including history and current events. In order to move ahead, a motion was proposed.

John McCallum

Additionally, the Board should continue to provide the media and press with relevant information in an effort to educate those communities with an interest.

HM-2009-040

Moved by: J. Rupke

Seconded by: B. Visser

"That staff be directed to begin the process of establishing a website for the Board and the Project."

CARRIED.

8.3

HM-2009-041

Moved by: J. Rupke

Seconded by: D. Sopuch

John McCallum

"That this Holland Marsh Drainage System Joint Municipal Services Board now move in-camera under the provisions of the Municipal Act 2001, Subsection 239(2)(b) at 9:32 p.m."
CARRIED.

8.4

HM-2009-042

Moved by: D. Sopuch

John McCallum

"That the Board rise from in-camera at 9:50 p.m. and report progress."
CARRIED.

HM-2009-043

Moved by: D. Sopuch

Seconded by: B. Visser

"That the resignation letter of Michael Brinkos, dated April 6, 2009, be received, and accepted."
CARRIED.

HM-2009-044

Moved by: B. Visser

Seconded by: D. Sopuch

"WHEREAS this Board has recently had a voting member put forth his resignation;

AND WHEREAS Section 4.3 of the Holland Marsh Drainage System Joint Municipal Services Board Agreement ("agreement"), sets out that this Board shall consist of nine (9) voting members;

AND WHEREAS Section 4.9 of the same agreement sets out the manner in which such a vacancy must be filled;

NOW THEREFORE, the Board ask the Council of the Town of Bradford West Gwillimbury to go through the procedures of appointing a Marsh farmer to the HMDSJMSB, as prescribed in the Board's agreement."
CARRIED.

8.5

HM-2009-045

Moved by: B. Eek

Seconded by: B. Visser

John McCallum

"That the Bradford Wes Gwillimbury Times news article issued April 30, 2009, entitled "Moving forward with Holland Marsh drainage system improvements" be received, for information."
CARRIED.

8.6

HM-2009-046

John McCallum

Moved by: B. Eek
Seconded by: B. Visser

"That 'The Grower' April 2009 article entitled "Drainage of the Holland Marsh canals gets closer", be received, for information."
CARRIED.

9. **Future Meeting Schedule**

John McCallum

9.1 **HM-2009-047**
Moved by: D. Sopuch
Seconded by: J. Rupke

"The next meeting of the Holland Marsh Drainage System Joint Municipal Services Board be scheduled for Thursday June 11, 2009 at 8 p.m."
CARRIED.

The location to which has yet to be established but notification will be sent once available.

10. **Adjournment**

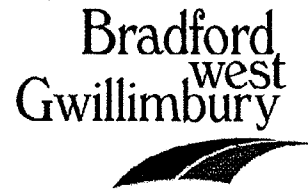
John McCallum

10.1 **HM-2009-048**
Moved by: B. Visser
Seconded by: D. Sopuch

"That this meeting of the Holland Marsh Drainage System Joint Municipal Services Board adjourn at 10:03 p.m."
CARRIED.

Sarah Murray, Secretary Treasurer

John McCallum, Chairman



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

REPORT #: HMDSJMSB-2009-005
DATE: June 19, 2009
SUBJECT: Drainage Superintendent Report
SUBMITTED BY: Frank Jonkman

Drainage Superintendent Activities

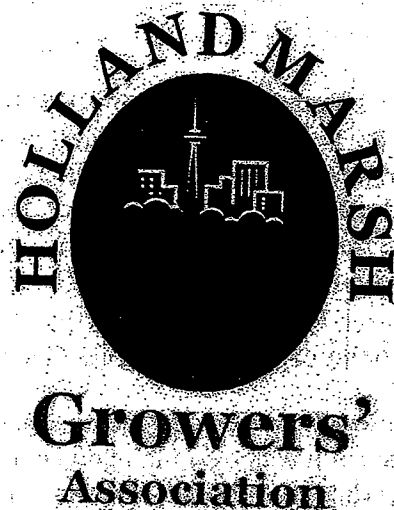
1. Continued water sampling for LSRCA/MOE.
2. Continued landowner meetings dealing with various issues.
3. Continued pumping operations.
4. Monthly cycle of diesel pump at Charlie Davis Pumphouse.
5. Adjusting control structures and maintaining Main Drain water levels.
6. Started tree/debris removal from the North Canal
 - a. Canal has been cleared from Hwy 9, to Tornado Drive.
7. During May 9th and May 10th, several areas of dyke had slumped in due to high water levels and heavy rainfall.
 - a. The road departments at King and Simcoe County were notified.
 - b. Areas of failure have been repaired by the respective road authorities.
8. Met with Hydro One to perform load testing of equipment installed at the Bardwill Pumphouse.
9. Toured members from OMAFRA and MOE around the pumping stations and Trial Work areas.
10. Toured another group from OMAFRA (Soils Management) at Interval 1 of the Trial Work area.
11. Spoke with Bradford Public Works after placement of a hydro pole in the middle of the Duga Drain (Simcoe Road) had been approved by the department.
 - a. The approval for the pole location in the municipal drain was given without notification to the HMDSJMSB or the Superintendent.
 - b. During the site meeting to discuss this pole placement, it was generally agreed that this location would be the preferable location due to the fact that the only other location would be well into the productive land; it may however have impact to the performance of the drain.
 - c. It was also indicated at this meeting that if there would be additional work required to the road crossing because of this obstruction, that the culvert could

- be extended or relocated and that these costs would have to be borne by the Road Authority.
12. Removal of Pump 1 at the Art Janse Pumphouse.
 - a. Pump 1 had been shutting down on a temperature alarm, nothing was found to be wrong that would be conclusive.
 - b. Pump was re-installed and frequent monitoring will be required.
 13. A notice is likely to be given to the Clerk of BWG under Section 79(1) of the Drainage Act regarding the Holland River Drain.
 - a. An initial meeting with the landowner verified the issues with the drain.
 - b. Contact has been made with the LSRCA to inspect the drain and proceed with a Class Authorization as required by DFO for the tree removal in the drain.
 - c. BWG, King and New Tec will be impacted.
 - d. A Section 76 report should be done on the drain to update the assessment schedule. The current schedule is from 1931.
 - e. The HMDSJMSB should make a recommendation to the respective councils for the authority to manage this drain; the current bylaw does not include drainage works outside of the Holland Marsh formally.

Project Management Activities

1. Continued conversations with landowners regarding project and impact to properties.
2. Continued meetings and conversations with KSAL to discuss project details.
3. Met with LSRCA staff to discuss stockpiling of material at Tunno property.
 - a. An application has been submitted with no response to date despite several follow-up inquiries.
4. Meeting with County staff to discuss issues with Canal Road.
5. Prepared and presented a presentation to the Corporate Services of Simcoe County to disclose details of the Canal Reconstruction project.
 - a. Mayor White, John McCallum, Kenn Smart (KSAL), Sid Vander Veen (OMAFRA) and Scott Somerville were present to support the project presentation.
6. Attended HMDSJMSB presentation to members of New Tec.
7. On site meeting at Interval 1 with members of LSRCA and KSAL staff to resolve perceived issues with restoration work.
 - a. Several of the concerns addressed deal with sediment control, it was explained that the placement of silt fences was not possible immediately following the excavation work as the area is completely unstable, and equipment and/or personnel are not able to get on the area.
 - b. Silt fences have since been installed at Interval 1 and Interval 15 in areas that have consolidated and dried sufficiently.
8. Meeting and conversations with Chris Strand (DFO) to discuss issues with LSRCA.
9. Material has been leveled at Interval 15.
 - a. Final grading will take place during the last week of July.
 - b. Seeding of areas will follow.
10. Berms/Swales have been completed at Interval 1.
 - a. Topsoil to be placed and worked during the last week of June / first week of July.
 - b. Seeding of areas will follow.
11. Reconstruction of Zweep Inlet.
 - a. Retaining wall has been constructed.
 - b. Security fencing has been installed.
 - c. Sump pit has been cleaned.
 - d. Culvert extension has been installed, with final excavation to the Canal to take place during the last week of June.
12. Trial plantings have been done by MNAL on the littoral shelf at Interval 1.

Holland Marsh Growers' Association
12 - 16715 Yonge Street, Suite 296
Newmarket, Ontario L3X 1X4
905-251-6786
www.hollandmarshgold.com



May 8, 2009

Patricia Nash
Municipal Clerk
100 Dissette Street, Unit 7/8
P.O. Box 100
Bradford, Ontario L3Z 2A7

RECEIVED
DATE May 25/09
FILE TO P. Nash
COPY TO J. Currier
C. HMD5JMSB

Dear Ms. Nash:

On behalf of the Holland Marsh Growers' Association, a farmer driven organization dedicated towards the best interests of farmers in the Holland Marsh and area, I would like to take an opportunity to comment on the canal reconstruction project and appeal to the common sense of all involved that ALL stakeholder interests are considered before proceeding ahead unabated with what could be a potentially serious deviation of our most precious resource - the canals that supply water to the greatest concentration of farmers in one area in Canada.

When the concept of improvements to the canal system in the Holland Marsh area were first discussed, the premise was about health, safety, and well-being of the citizens of both this unique area and those traveling from around the province and the country. The roadways, built after Hurricane Hazel (in the early 1950s) remain, for the most part, following the same stretches, constructed on shifting marshland that services the needs of many at all times of the year.

Yet, as the Holland Marsh re-construction phase enters into reality, there are many questions and concerns being raised by farmers and those who use the area quite frequently. Of concern is the actual remaking of the canal itself. Early indications have both the slope of the banks and the depth of the canal far too inadequate to suit the needs of the farming community for

usage as an irrigation source. That means that the width of the canal reconstruction is, of course, inadequate as well.

What is required by the farming community is a reassessment of the program to ensure proper depth, width, sloping, and flow is being addressed so that irrigation from the canals will not be restricted now and into the future. In addition, proper width and canal reconstruction will prevent issues dealing with freezing (ice tends to congregate in flow stacks), algae build-up (due to lack of water movement – and a possible food safety issue), sediment build-up (an on-going concern for decades), erosion of the banks (since the roadways are built right along the main canals and the health function behind the project), and flooding (again, one of the primary reasons behind this project).

For the amount of money being spent on this project – with its myriad stakeholders and partners – it behooves all involved to make sure that the project is done properly, the first time, while there is both time and the impetus to get it correct. Reviewing the first, experimental stages of the canal reconstruction project (the top end of Highway 9 and West Canal Bank Road) has revealed many of the flaws that were previously highlighted and listed above for consideration. If this project is to proceed as is, there will be a great deal of work required – in the not-to-distant-future – to repair what should have been corrected in the first place.

As an association dedicated to helping farmers in the Holland Marsh and area, it is in our best interests – and those of our membership – to ensure that our viewpoint is both understood and acted upon.

Thank you in advance for your consideration.

Sincerely

A handwritten signature in black ink, appearing to read 'Alex Makarenko', written in a cursive style.

Alex Makarenko
Chair, Holland Marsh Growers' Association
905-836-3202

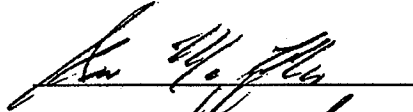
TOWN OF BRADFORD WEST GWILLIMBURY

RESOLUTION

Date: May 19, 2009

Resolution No.: 2009/37- 008

Moved by:



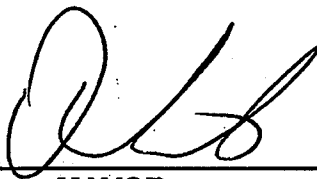
Seconded by:



"That the following By-laws as listed be taken as read a first, second and third time and finally enacted as By-laws for the Town of Bradford West Gwillimbury:

1. BY-LAW 2009-052
SITE ALTERATION BY-LAW
2. BY-LAW 2009-053
2009 TAX LEVY BY-LAW
3. BY-LAW 2009-054
2009 HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL
SERVICE BOARD LEVY BY-LAW
4. BY-LAW 2009-055
CONFIRMING BY-LAW."

Carried ()


MAYOR

Defeated ()

MAYOR

TOWN OF BRADFORD WEST GWILLIMBURY

RESOLUTION

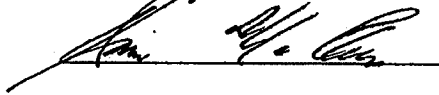
Date: May 19, 2009

Resolution No.: 2009/37- 007

Moved by:

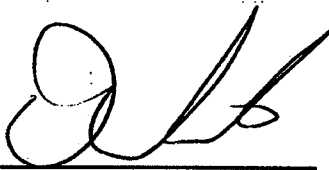


Seconded by:



"That Council waives the formal reading of By-laws 2009-052, 2009-053, 2009-054 and 2009-055."

Carried ()



MAYOR

Defeated ()

MAYOR

THE CORPORATION OF THE TOWN OF BRADFORD WEST GWILLIMBURY

2009 HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL
SERVICES BOARD LEVY BY-LAW

BY-LAW 2009-054

Being a By-law of the Corporation of the Town of Bradford West Gwillimbury to set and levy for the recovery of amounts expended to maintain the Holland Marsh Drainage System, the Small Scheme and interior drains for the year 2009, and to provide for penalty and interest in default of payment thereof for 2009.

WHEREAS it is necessary for The Corporation of the Council of the Town of Bradford West Gwillimbury to establish levies for 2009 with respect to the cost of drainage works and the maintenance and repair thereof;

AND WHEREAS the *Drainage Act*, R.S.O. 1990, D.17, as amended, provides for the imposition of levies in relation to the cost of drainage works and the maintenance and repair of drainage works;

AND WHEREAS the Council for The Corporation of the Town of Bradford West Gwillimbury has approved the budget and business plan for the Holland Marsh Drainage System Joint Municipal Services Board for the year 2009;

AND WHEREAS section 345 of the *Municipal Act, 2001*, S.O. 2001. c.25, as amended, authorizes municipalities to collect penalty/interest on late payments;

NOW THEREFORE the Council of The Corporation of the Town of Bradford West Gwillimbury enacts as follows:

1. **DEFINITIONS**

In this By-law:

“By-law” means the 2009 Holland Marsh Drainage System Levy By-law.

“Collector” means the tax collector for the Town and includes the Town’s Treasurer.

“Town” means The Corporation of the Town of Bradford West Gwillimbury.

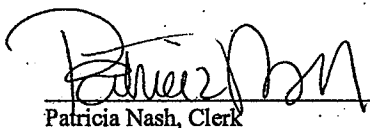
2. The following sums shall be levied and collected from benefiting properties:

- (a) For the purpose of providing the sum required to meet the expenses of maintaining and operating the Holland Marsh Drainage System within the Town, an amount of \$64.25 per hectare be levied against the agricultural lands within the Holland Marsh Drainage Scheme;
- (b) For the purpose of providing the sum required to meet the expenses of maintaining and operating the Bradford Small Scheme, an amount of \$92.66 per hectare be levied against the agricultural lands within the Bradford Small Scheme;
- (c) For the purpose of providing the sum required to meet the expenses of maintaining and operating the Cullingham Drain, an amount of \$NIL per hectare be levied against the agricultural lands benefited by the Cullingham Drain;

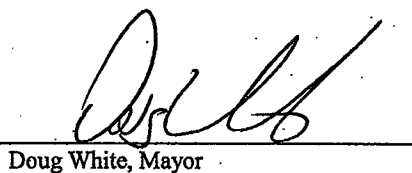
- (d) For the purpose of providing the sum required to meet the expenses of maintaining and operating the Hnydczak Drain, an amount of \$NIL per hectare be levied against the agricultural lands benefited by the Hnydczak Drain;
 - (e) For the purpose of providing the sum required to meet the expenses of maintaining and operating the Duga Drain, an amount of \$91.45 per hectare be levied against the agricultural lands benefited by the Duga Drain;
 - (f) For the purpose of providing the sum required to meet the expenses of maintaining and operating the Saczowski Drain, an amount of \$NIL per hectare be levied against the agricultural lands benefited by the Saczowski Drain;
 - (g) For the purpose of providing the sum required to meet the expenses of maintaining and operating the Wanda Drain, an amount of \$NIL per hectare be levied against the agricultural lands benefited by the Wanda Drain;
 - (h) For the purpose of providing the sum required to meet the expenses of maintaining and operating the Scotch Drain, an amount of \$NIL per hectare be levied against the agricultural lands benefited by the Scotch Drain;
3. The Collector shall send to each person so levied, a printed bill specifying the amounts and due dates of levies payable in the form and with the information required under subsection 343(2) of the *Municipal Act, 2001*. The Collector shall send the tax bill to the taxpayer's residence or place of business unless the taxpayer directs the Collector, in writing, to send the tax bill to another address, in which case it shall be sent to that address. This direction will continue until it is revoked by the taxpayer in writing.
 4. The Collector shall add as a penalty for non-payment of taxes or any installment thereof, after any given due date, a charge equal to one and 1.25 percent (15% per annum) on the amount of taxes due and unpaid on the first day of each calendar month thereafter in which the taxes remain due and unpaid but not after December 31st in the current year.
 5. The Collector shall add an interest charge of 1.25 percent (15% per annum), on the first day of each calendar month to the amount of all taxes due and unpaid for each month or fraction thereof from December 31st in the current year until taxes are paid.
 6. Taxes shall be paid in full or by instalment by the following methods:
 - (a) by cash, cheque, debit card (no credit cards accepted), at the Municipal Finance Office, 61 Holland Street East, Bradford, Ontario during business hours from 8:30 a.m. to 4:30 p.m.;
 - (b) at any financial institution where permitted by personal payment or dial-in payment service with any service charge that may be applicable for payment at a financial institution is the responsibility of the person(s) paying the taxes and not that of the Town; or
 - (c) by means of pre-authorized payments either on a monthly basis or on the due date as arranged through the office of the Treasurer.
 7. The Collector is authorized and directed to collect any penalty or interest or any other levies, rates, charges or collections in the same manner as empowered to collect taxes levied by the Council.
 8. The Collector is authorized to accept part payment from time to time on account of any taxes due and to give a receipt for such part payment provided that acceptance of any such part payment does not affect the collection of any penalty or interest or any other levies, rates, charges or collections imposed, collectable and due in respect to any non-payment.

9. Where words and phrases used in this By-law are defined in the *Municipal Act, 2001* but not defined in this By-law, the definitions in the *Municipal Act, 2001* shall apply to such words and phrases. The headings and subheadings used in this By-law shall be deemed to be inserted for convenience of reference.
10. Where there is any conflict between the provisions of this By-law and the provisions of the *Municipal Act, 2001*, the provisions of the *Municipal Act, 2001* shall prevail to the extent of the conflict.
11. Notwithstanding any section, subsections, clause, paragraph or provision of this By-law, or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and shall not effect the validity or enforceability of any other provisions of the By-law as a whole or part thereof and all other sections of the By-law shall be deemed to be separate and independent there from and enacted as such and continue in force in effect. Whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.
12. This By-Law shall be cited as the "2009 HOLLAND MARSH DRAINAGE SYSTEM LEVY BY-LAW".
13. This By-law shall come into force and take effect on and from the date of the final passing thereof for the current year 2009.

THIS BY-LAW READ a first, second and third time and finally passed on this 19th day of May, 2009.



Patricia Nash, Clerk



Doug White, Mayor


TOWN OF BRADFORD WEST GWILLIMBURY

RESOLUTION

Date: June 2, 2009


Resolution No.: 2009/40-003

Moved by: 

Seconded by: 

“Re: COMMITTEE RECOMMENDATIONS – May 19, 2009

That Council adopts Committee Recommendations 2009/C14-001 to 2009/C14-006
(May 19, 2009) inclusive.”

Carried () 
MAYOR

Defeated () _____
MAYOR

Town of Bradford West Gwillimbury

Committee Recommendation

Date: May 19, 2009

Recommendation No.: 2009/C14-003

Moved by:



Seconded by:



**“Re: HOLLAND MARSH DRAINAGE SYSTEM JOINT MUNICIPAL SERVICES
BOARD - Minutes – May 7, 2009**

That Committee of the Whole recommend to Council that the minutes of the May 7, 2009
Holland Marsh Drainage System Joint Municipal Services Board meeting be received.”

Carried ()



CHAIRMAN

Defeated ()

CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

Date: June 11, 2009

Resolution No.: CoR 2009/001

Moved by:

FRED STONEMAN

Seconded by:

Alf. Budweh

"That this Court of Revision for the Corporation of Town of Bradford West Gwillimbury being held for the purposes of the Holland Marsh Drainage System Canal Improvement Project come to order at 10⁰⁰ a.m."

Carried (x)

A. M. Boughey
CHAIRMAN

Defeated ()

CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

Date: June 11, 2009

Resolution No.: CoR 2009/002

Moved by:

[Signature]

Seconded by:

[Signature]

"That this Court of Revision for the Corporation of Town of Bradford West Gwillimbury hereby allows ~~does not allow~~ late appeals to be heard as per the Drainage Act Section 52 (2)."

Carried () *[Signature]*
CHAIRMAN

Defeated () _____
CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

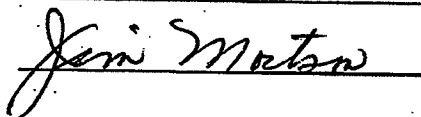
Date: June 11, 2009

Resolution No.: CofR 2009/003

Moved by:



Seconded by:



"That this Court of Revision for the Corporation of Town of Bradford West Gwillimbury being held for the purposes of the Holland Marsh Drainage System Canal Improvement Project close at 1:05 p.m. and reconvene on Friday, June 12, 2009 at 9:00 a.m., St. John's Presbyterian Church Auditorium, 2940 Sideroad 10, Bradford, ON."

Carried ()


CHAIRMAN

Defeated ()

CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

Date: June 12, 2009

Resolution No.: CoR 2009/001

Moved by:

M. LeBlond

Seconded by:

S. B. [Signature]

"That this Court of Revision for the Corporation of Town of Bradford West Gwillimbury being held for the purposes of the Holland Marsh Drainage System Canal Improvement Project come to order at 9:07 a.m."

Carried ()

[Signature]
CHAIRMAN

Defeated ()

CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

Date: June 12, 2009

Resolution No.: CoR 2009/ 002

Moved by:

Nickelbae

Seconded by:

G. Beulmeit

"That this Court of Revision for the Corporation of Town of Bradford West Gwillimbury hereby allows late appeals to be heard as per the Drainage Act Section 52 (2)."

Carried () *A. M. Daughley* Defeated () _____
CHAIRMAN CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

Date: June 12, 2009

Resolution No.: CoR 2009/003

Moved by:

B. Bullock

Seconded by:

John Kimmel

"That the Court of Revision confirm that the assessment of appellant Robert B. Keffer on Lot 4, Concession 4N, Civic Address 4169 Line 5, Roll number 4312-020-001-06601, Town of Bradford West Gwillimbury be sustained;

And that the consultant Kenn Smart Associates Ltd. and the Town of Bradford West Gwillimbury assist the appellant Robert B. Keffer in the process of obtaining a grant through the Ontario Ministry of Agriculture, Food and Rural Affairs Farm Property Tax Rate Program."

Carried (4)

John W. Paughley
CHAIRMAN

Defeated ()

CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

Date: June 12, 2009

Resolution No.: CoR 2009/004

Moved by:

L. B. Bullock

Seconded by:

J. Fennell

"That the Court of Revision confirm that a decision will be made with respect to the appeal of Tom Murray as no written statement of withdrawal has been received and the appellant did not appear to the Court of Revision.

The Court of Revision confirm that the assessment of appellant Tom Murray, Civic Address 5737 2nd Line, Roll Number 040-002-00401, Town of New Tecumseth be sustained."

Carried ()

A. M. Roughley
CHAIRMAN

Defeated ()

CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

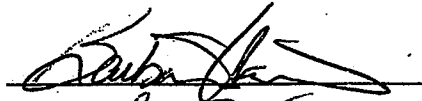
COURT OF REVISION

RESOLUTION

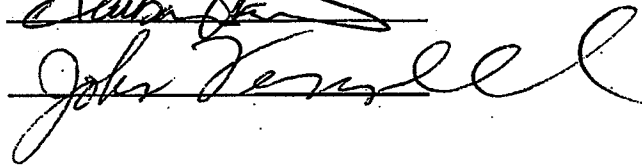
Date: June 12, 2009

Resolution No.: CoR 2009/ 005

Moved by:



Seconded by:



"That the Court of Revision confirm that the assessment of appellant Nabil Salama on Part Lot 11, Concession 1, Civic Address 620 South Canal Road, Roll number 1949-000-171-09000, Township of King be sustained;

And that the consultant Kenn Smart Associates Ltd. and the Town of Bradford West Gwillimbury assist the appellant Nabil Salama in the process of obtaining a grant through the Ontario Ministry of Agriculture, Food and Rural Affairs Farm Property Tax Rate Program."

Carried ()


CHAIRMAN

Defeated ()

CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

Date: June ¹²~~11~~, 2009

Resolution No.: CoR 2009/006

Moved by: Lo. Buelwett

Seconded by: McLester

"That the Court of Revision confirm that the assessment of appellants Larry and Connie Curtis, Pt. Lot 9, Concession 3, Civic Address 3289 Line 4, Roll number 020-005-00300, Town of Bradford West Gwillimbury be sustained;

That the determination of the assessment was made under Section 76 of the Drainage Act in the year 2000 based on the information available at the time and the Section 78 assessments herein are consistent with the Section 76 assessments previously done."

Carried (X) AM Poughley
CHAIRMAN

Defeated () _____
CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

Date: June ¹²~~11~~, 2009

Resolution No.: CoR 2009/007

Moved by: Jim Moutson
Seconded by: La. B. Moutson

"That the Court of Revision confirm that the assessment of appellant Ron Gleason on Lot 5, Concession 2, Civic Address 762 Canal Road, Roll number 4312-020-001-02803 in the Town of Bradford West Gwillimbury be sustained."

Carried (x) Jim Moutson CHAIRMAN Defeated () _____ CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

Date: June ¹² ~~11~~, 2009

Resolution No.: CoR 2009/008 Page 1 of 2

Moved by: Waldsee

Seconded by: B. Husen

"That the Court of Revision confirm
that the assessment of appellant
Dorian + Elizabeth Milleman on Lot 24,
Plan 251, Civic address 18870 Dufferin
Street, roll number 1949-000-163-20500
in the Township of King be sustained;

That the Ontario Conservation Land Tax
Incentive Program is voluntary; and does
not affect legal ownership; and

That the matter be referred to the

→ Page 2

Carried () _____

CHAIRMAN

Defeated () _____

CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

Date: June ¹²~~11~~, 2009

Resolution No.: CoR 2009/008 Page 2 of 2

Moved by: _____

Seconded by: _____

* Ontario Ministries of Agriculture, Food & Rural Affairs, Natural Resources and Municipal Affairs and Housing for clarification on how the Ontario Conservation Land Tax Incentive Program relates to the Drainage Act; and
That the impacted municipalities of the Town of New Tecumseth, Town of Newmarket, Town of East Gwillimbury, Town of Caledon, Township of King and the Town of Bradford West Gwillimbury be so advised.

Carried W. D. Roughley
CHAIRMAN

Defeated () _____
CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

Date: June ¹² 11, 2009

Resolution No.: CoR 2009/009 Page 1 of 2

Moved by: *Bob Aust*

Seconded by: *Joseph*

That the Court of Revision confirm that
the assessment of the appellant
County of Simcoe on County Road 8
in the Municipality of Bradford West
Guillimbury, County of Simcoe be
sustained; and

That the County of Simcoe is considered
to be the road authority as described
in the Engineer's report and as
such should be assessed for any
works related to County Road 8; and

Carried () _____

Defeated () _____

CHAIRMAN

CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

Date: June 11, 2009

Resolution No.: CoR 2009/009 Page 2 of 2

Moved by: _____

Seconded by: _____

"That the life safety assessment valuation is consistent with the assessment of other road authorities, Bradford West Gwillimbury and King Township; and

That further concerns related to restoration, treatment of wells or irrigation crossings be referred to the Drainage Tribunal."

Carried (*[Signature]*)
CHAIRMAN

Defeated () _____
CHAIRMAN

HOLLAND MARSH DRAINAGE SYSTEM CANAL IMPROVEMENT PROJECT

COURT OF REVISION

RESOLUTION

Date: June 12, 2009

Resolution No.: CofR 2009/010

Moved by:



Seconded by:



"That this Court of Revision for the Corporation of Town of Bradford West Gwillimbury being held for the purposes of the Holland Marsh Drainage System Canal Improvement Project close at 1:17 p.m."

Carried ()


CHAIRMAN

Defeated ()

CHAIRMAN