

Public Meeting of Council

Minutes

Date: Tuesday, February 28, 2023
Time: 6:00 pm
Location: Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Present: Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Councillor, James Dorner
Councillor, Alicia Higgison
Councillor, Brian Houston
Councillor, Tania Jobin
Councillor, Rick Tonial

Also Present: Chief Administrative Officer, Margaret Misek-Evans
Director Legislative Services & Clerk, Robert Auger
Director Public Works & Engineering Services, Phil Bartnik
Director Technology & Client Services, Shaun Fuerth
Director Financial Services & Chief Financial Officer, Tom Kitsos
Deputy Clerk - Clerks Services & Policy Advisor, Christina Hebert
Manager Engineering Services, John Henderson
Drainage Superintendent, Alessia Mussio

A. Roll Call

B. Call to Order

The Mayor calls the meeting to order at 6:02 pm.

C. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Leni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

D. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of Council.

E. Introduction and Purpose of Meeting

The purpose of the meeting is to hear public comments from any affected landowners on the proposed drainage works, as set out in the Drainage Report, filed by Gerard Rood, P.Eng., of Rood Engineering Inc., dated December 14, 2022 for the Shuttleworth Drain.

The Drainage Superintendent provides an overview of proposed drainage works as outlined in the Report appended on the agenda.

F. Delegations

1. Gerard Rood, P.Eng, Drainage Engineer, Rood Engineering Inc.

The Drainage Engineer provides a history of Mr. Nabbout's property with drainage and the proposed works. He advises that the last maintenance on this drain was in 1967. The Drainage Act has prescribed regulations regarding notice and the Town's responsibility.

2. Emile Nabbout, Affected Property Owner

Mr. Nabbout advises that he does not disagree on the proposed drainage works. The timing for the construction of the proposed drainage works and the cost assessment is not reasonable.

The Chair opens the floor for questions from the Members.

A Member asks if there is any duplication of construction and costs given the future plans with the proposed storm sewer works on North Talbot Road. The Director Public Works & Engineering Services explains the future works of North Talbot Road (road, pathway, sanitary sewer and watermain) and indicates that there is no duplication of work.

In response to an inquiry on assessments, the Director Financial Services explains that the Town has some flexibility for affected property owners to spread their costs over a five year term through their property taxes.

A Member asks if there is a petition to de-petition the drainage works. The Drainage Engineer indicates that there is a process under the Drainage Act, however that will not preclude the Town's liability since a notice for the drainage works has been posted. He indicates that the investments made now with the selection of materials will prolong the longevity of the drain.

The Drainage Superintendent indicates that the Drainage Act is a user-pay system. This drain is in need of repair and it requires maintenance. She advises that Mr. Nabbout was notified of the assessment for an enclosure in March 2022. She explains that the Shuttleworth Drain is

classified as a municipal drain and it follows the Drainage Act, which is provincial legislation. The Town can apply for provincial grants for properties that pay the farm tax rate but the affected properties on this drain do not qualify.

G. Communications

1. Public Notice dated February 14, 2023
2. By-Law 2023-027

Motion: PCM - 20/23

Moved By Councillor Brian Houston
Seconded By Councillor James Dorner

That Communications - For Information 1 and 2 as listed on the Tuesday, February 28, 2023 Public Council Meeting Agenda, **be received**.

Carried

H. Reports

1. PWES-2023-13 Request to Consider Engineers Report - Shuttleworth Drain

Motion: PCM - 21/23

Moved By Councillor James Dorner
Seconded By Councillor Alicia Higgison

That the Report and Specifications for the Shuttleworth Drain (Drain) as prepared by Mr. Gerard Rood, P.Eng., of Rood Engineering Inc., dated December 14, 2022 (Drainage Report) **be received**;

And that consideration **be given** to the first and second readings of a provisional by-law to adopt the Drainage Report in accordance with Section 42 of the Drainage Act (Act);

And further that notice **be given** to all affected landowners of the Court of Revision to be held on March 28, 2023, in accordance with Section 46(1) of the Act, subject to the adoption of the provisional by-law.

Carried

I. Adjournment

Motion: PCM - 22/23

Moved By Councillor Rick Toniai

Seconded By Councillor Alicia Higgison

That there being no further business, the Tuesday, February 28, 2023 meeting of the Public Council Meeting **be adjourned** at 6:35 pm.

Carried

Gary McNamara, Mayor

Robert Auger, Clerk