



**TOWNSHIP OF WILMOT
SPECIAL COUNCIL MEETING MINUTES
MONDAY, SEPTEMBER 21, 2015**

**SPECIAL COUNCIL MEETING
ST. AGATHA COMMUNITY CENTRE
7:00 P.M.**

Members Present: Mayor L. Armstrong, Councillors A. Junker, P. Roe, B. Fisher, M. Murray

Regrets: Councillor J. Geber

**Staff Present: Chief Administration Officer G. Whittington, Director of Clerk's Services
B. McLeod, Deputy Clerk D. Mittelholtz, Director of Finance R. Tse**

- 1. MOTION TO CONVENE INTO CLOSED SESSION (IF NECESSARY)**
- 2. MOTION TO RECONVENE IN OPEN SESSION**
- 3. MOMENT OF SILENCE**
- 4. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**

None disclosed.

5. REPORTS

5.1 CLERKS

- 5.1.1 REPORT NO. CL2015-25
St. Agatha Municipal Drain 2015
Consideration of Engineer's Report**

Resolution No. 2015-197

Moved by: P. Roe

Seconded by: A. Junker

THAT Option A as outlined in REPORT NO CL 2015-25 be adopted, and further;

THAT the Director of Clerk's Services notify the affected parties accordingly under the Drainage Act.

CARRIED.

The Drainage Engineer provided Council with a summary of the St. Agatha Municipal Drain 2015 Engineer's Report. He described the original petition and the additional petitions received following the Special Council Meeting from May 28, 2013 including the drainage area involved and the works involved to remedy the drainage concerns of the petitioners. He noted that the purpose of the meeting was to

discuss technical aspects of the drain not to debate the assessments which would be a topic for the Court of Revision. He commented on the Grand River Conservation Authority (GRCA) letter of opinion. He noted that the GRCA has the same rights as a property owner including commenting on the Engineer's Report and to appeal to the drainage tribunal.

Mayor L. Armstrong asked for any questions of a technical nature from Council.

In response to Councillor B. Fisher, the Drainage Engineer commented that the letter from the GRCA noting the potential for negative effects on properties and woodlots downstream from the drain outlet is referring to properties off of the drainage area map where water is currently flowing and would be continuing to flow to. He also commented on the circulation to the Ministry of Natural Resources and Forestry (MNR) as being a slightly ambiguous requirement since it is only necessary when endangered species are present. The Drainage Engineer also clarified that, with regards to wetlands, the role of the MNR is to identify the wetlands but the role of the GRCA is to maintain them. He expressed that the GRCA is fulfilling their mandate by providing opinions on drainage matters but that it is his responsibility to perform his duties in accordance with the Drainage Act which is fulfilled in part with the writing of this report.

The Drainage Engineer commented on the remarks of Councillor P. Roe in reference to the GRCA suggestion to explore other alternatives by stating that the only other alternative would be for the drain to discharge into the low hole on Mr. Kraehling's property which would only cause further damage to the wetland area as they are not a sufficient outlet. He noted that this is a situation where the GRCA is in conflict with the Drainage Act and that he has seen where Environmental Studies have proven in some situations that municipal drains improve the wetland area.

Mayor L. Armstrong invited members of the public to provide input on the Engineer's Report.

Marcia Schmidt, 1617 Erb's Road

Mrs. Schmidt expressed to Council that she is questioning how a buried drain is now becoming a municipal drain and why it would not have been properly maintained over time. She stated that she understands the need for proper drainage but that other problems could arise with the construction of the drain. She noted that water rising to her side of the road did not happen previously and is wondering if that is the result of the changes already made on the other properties and will it only get worse. She requested that the Township and the Region of Waterloo discuss the situation together to arrive at a permanent solution.

The Drainage Engineer clarified that the buried drain was a private drain constructed under the previous legislation which stated each owner is responsible for their own drainage. He stated that under the Drainage Act, Municipal Drains are properly maintained.

Mrs. Schmidt stated that the solution for this matter needs to be looked at in terms of the bigger picture and not be solved with a short term solution. Again, she stated her belief that this will create a bigger problem where the water will sit behind the Haid farm.

The Drainage Engineer clarified that municipal drainage systems are not static and may need to be expanded over time.

Mrs. Schmidt commented that water should be allowed to drain naturally through the soil and this problem only occurs in the spring season.

The Drainage Engineer stated that on agricultural land water needs to be drained quickly in order for the lands to be productive.

Mrs. Schmidt concluded by stating that the lands may not always be agricultural.

Jolanda Stemmler, 59 Clarence Avenue

The Drainage Engineer reiterated to Mrs. Stemmler that there is ambiguity with regards to contacting the MRNF on drainage matters but that there will be a copy of the Engineer's Report sent to the MNR for comment. He noted that the presence of an endangered species does not halt the project, but that communications will take place ensure the timing of the construction does not cause harm to the species.

Ronald Dietrich, 1701 Erb's Road

Mr. Dietrich summarized for all those present how and where the Ditner Drain flowed and the massive changes that have occurred in St. Agatha in the years he had lived there. As a lifelong resident of St. Agatha he has seen how the natural water course was gradually changed and how the existing drainage must be in need of repair given the increase in the surface water in the area. He also confirmed that the odor coming from the area near the gas station cannot be from sewage that it is and always has been stagnant water.

Marjorie Haid, 1514 Erb's Road

Mrs. Haid stated that she has lived in St. Agatha her whole life and that she has also witnessed major change over the years including more development. She stated that the town has grown, that tiles deteriorate, that drainage is changed and people build more yet no one knows the overall consequences. She stated that ground water sits in places where it did not before. She concluded by asking the members of the public and Council what they would do if it was their property effected.

Mayor L. Armstrong asked if any other member of the public wished to address Council on this matter. No other persons came forward. He then asked if any of the petitioners wished to remove their name from the petition or if any new land owner wished to add their name to the petition. No one came forward.

The Director of Clerk's Services highlighted the report explaining each option for the benefit of the landowners and Council.

Council then discussed their options and what option they were in favour of.

Following the adoption of the Resolution, Mayor L. Armstrong noted that the Court of Revision will be on Tuesday, October 20, 2015 at 7:00 P.M. and a notice will be circulated to all the land owners and will be posted on the Township's official website.

6. BY-LAWS

6.1 By-law No. 2015-54 – Provisional By-law for St. Agatha Municipal Drain 2015

Resolution No. 2015-198

Moved by: A. Junker

Seconded by: B. Fisher

THAT By-law No. 2015-54 be read a first and second time in Open Council.

CARRIED.

7. CONFIRMATORY BY-LAW

7.1 By-law No. 2015-55

Resolution No. 2015-199

Moved by: P. Roe

Seconded by: M. Murray

THAT By-law No. 2015-55 to Confirm the Proceedings of Council at its Meeting held on September 21, 2015 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

8. ADJOURNMENT (7:56 P.M.)

Resolution No. 2015-200

Moved by: B. Fisher

Seconded by: P. Roe

THAT we do now adjourn to meet again at the call of the Mayor.

CARRIED.

Mayor

Clerk