



**Township of Howick Special Meeting Agenda
Tuesday, February 16, 2020 at 1 pm
at the Howick Community Centre**

If you would like to join this meeting via Microsoft Teams meeting, please contact Clerk Watson at clerk@howick.ca or 519 335-3208 ext 2 prior to 12 noon on Tuesday, February 16, 2021 for the link, thank you

1. Call to Order

2. Acceptance of Agenda (motion to approve)

3. Declaration of Pecuniary Interest and the General Nature Thereof

4. Drainage Act, Section 42 - meeting to consider the Engineer's Report

RJ Burnside and Associates Limited presents report for the Noah Martin Municipal Drain

5. Drainage Superintendent Wray Wilson

- report to Council-Drainage-2021-03 – Noah Martin municipal drain; Court of Revision (motion to rescind Resolution No. 31/21; motion to set date for Court of Revision)

6. By-law

- By-law 13-2021, Noah Martin Municipal Drain – 1st & 2nd reading only

7. Adjournment

- motion to adjourn

If any member of the public would like more information on an agenda item please contact the Clerk's office at 519-335-3208 ext 2 or email clerk@howick.ca, alternative formats of this publication available upon request

Township of Howick
44816 Harriston Road, RR 1
Gorrie, On N0G 1X0

Notice of Meeting to Consider the Engineer's Report

Drainage Act, R.S.O. 1990, c. D.17, s. 42

To:

Enter Name and Current Address of Property Owner

In accordance with section 42 of the *Drainage Act*, you as an owner of land affected by the proposed drainage works for the

Noah Martin Drain

(Name of drain)

are requested to attend a council meeting to consider the final report filed with the **Township**

of Howick

for this drainage works.

The meeting will take place:

Date (yyyy/mm/dd)	Time	Location
2021/02/16	1 pm	Howick Community Centre

If the share of the project cost assessed to your property is more than \$100, a copy of the report is included with this notice.

Name of Clerk (Last Name, First Name)

Watson, Carol

Name of Municipality

Township of Howick

Signature of Clerk

Carol Watson

Date (yyyy/mm/dd)

2021/02/02

Failure to attend meeting: If you do not attend the meeting, it will proceed in your absence. If you are affected or assessed by this proposed project, you will continue to receive notification as required by *the Drainage Act*.

Activities at the meeting to consider the report:

- Usually the engineer will present a summary of the report to council
- For drains initiated by petition:
 - Petitioners will be given an opportunity to withdraw their name from the petition
 - Other owners that benefit from the drain will be given an opportunity to add their name to the petition
- Council must decide whether or not to proceed with the project by provisionally adopting the engineer's report by by-law; they also have the option to refer the report back to the engineer for modifications.
- All property owners affected by the drain will have an opportunity to influence council's decision
- There is no right to appeal assessments or other aspects of the engineer's report at this meeting; these appeal rights will be made available later in the procedure. *Drainage Act, R.S.O. 1990, c. D.17, s. 47 - 54.*

Petitioners: After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act, R.S.O. 1990, c. D. 17 s. 43.*





**Report to Council
Drainage-2021- 3
Date: February 12, 2021**

From: Wray Wilson, Drainage Superintendent

NOAH MARTIN MUNICIPAL DRAIN

Meeting to Consider the Engineers Report

Since the Meeting to consider the Report, originally scheduled for February 2nd, was cancelled. Consequently, the date for the Court of Revision has to be later than March 2nd, so Council should rescind Motion #31/21.

(Decision required)

The meeting to consider the report is on February 16, 2021 at 1:00 p.m. at the Howick Community Centre. The report will be presented by Caitlin Fergusson, P. Eng., with assistance from Jeff Dickson, P. Eng., both from R.J. Burnside and Associates.

Council and landowners may ask questions regarding the technical aspects of the work proposed in the Report and the total estimated cost of the project. Questions regarding assessments will be considered at the Court of Revision.

After consideration of the Report, Council may:

1. proceed to adopt the report (Section 44), and
2. give first and second reading of the Drainage By-law (Provisional By-law - Section 45.1), or
3. decide not to adopt the report (Section 45(2), or
4. refer the report back to the engineer (Section 57).

A copy of several sections from the Drainage Act were attached with the January 29th Drainage Superintendent's report as well as a link to review the entire Drainage Act. The link is: <https://www.ontario.ca/laws/statute/90d17>

(Decision requested)

Court of Revision

If the by-law is given first and second reading on February 16th, the Court of Revision would then be held, any day or evening, between March 11th and March 19th at time convenient to members of the Court.

A decision on members of the Court of Revision, chair for the Court of Revision, the date and time for the Court of Revision should be made on February 16th.

A date for closing and awarding the tender could also be determined if Council gives first and second reading of the By-law.

I would suggest:

1. That Council choose 3 or 5 members to sit on the Court of Revision and a chair of the Court for the Noah Martin Municipal Drain [Section 97(1) and 97(3)]
2. That Council choose a date, time and location for the Court of Revision and determine if this meeting will be an in-person meeting, a virtual meeting or both
3. That tenders for the construction of the Noah Martin Municipal Drain, close on May 14th at 12:00 noon provided there are no appeals from the Court of Revision
4. That Council make a decision on awarding the tender at the May 18th meeting, provided there are no appeals from the Court of Revision, or no appeals to the Drainage Tribunal or no appeals to the Drainage Referee.

(Decision requested)

Respectfully submitted,

Wray Wilson

Wray Wilson, Drainage Superintendent
drainage@howick.ca



By-law for Municipalities Not Within a Regional Municipality, the County of Oxford or The District Municipality of Muskoka – Form 5

Drainage Act, R.S.O. 1990, c. D.17, subs. 45(1)

Drainage By-law Number 13-2021

A by-law to provide for a drainage works in the Township of Howick in the County of Huron

Whereas the council of the Township of Howick has procured a report under section 4 of the Drainage Act for the construction of the Noah Martin municipal drain;

And whereas the report dated 2020/12/18 has been authored by Caitlin Fergusson, P Eng, Jeff Dickson, P Eng and the attached report forms part of this by-law;

And whereas the estimated total cost of the drainage work is \$436,500.00 ;

And whereas \$436,500.00 is the amount to be contributed by the Township of Howick for the drainage works;

And whereas (Complete this clause only if other municipalities are being assessed a share of the cost of the project.);

- is being assessed in the of

And whereas the council is of the opinion that drainage of the area is desirable;

Therefore the council of the Township of Howick pursuant to the Drainage Act enacts as follows:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. BORROWING

The Corporation of the Township of Howick may borrow on the credit of the Corporation the amount of \$436,500.00 being the amount necessary for the construction of the drainage works.

This project will NOT be debentured

6. CITATION

This by-law comes into force on the passing thereof and may be cited as the " Noah Martin Municipal Drain by-law".

First reading 2021/02/16

Second reading 2021/02/16

Provisionally adopted this 16 day of February, 2021

Name of Head of Council (Last, First Name) Harding, Doug	Signature
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Name of Clerk (Last, First Name) Watson, Carol	Signature
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Third reading _____

Enacted this _____ day of _____, 2021

Name of Head of Council (Last, First Name) Harding, Doug	Signature
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Name of Clerk (Last, First Name) Watson, Carol	Signature
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I, Carol Watson

clerk of the Corporation of the Township of Howick,

certify that the above by-law was duly passed by the council of the Corporation and is a true copy thereof.

Name of Clerk (Last, First Name) Watson, Carol	Signature
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