



Staff Report

Report Title: Bruce Beach Municipal Drain Ph 1 – Tribunal Hearing and Construction Update

Prepared By: Emily Dance, Clerk and Grant Collins, Drainage Superintendent

Department: DRAIN

Date: Dec. 6, 2021

Report Number: DRAIN-2021-12-26

File Number:

E090 BBD Ph 1

Attachments:

Recommendation:

THAT the Township of Huron-Kinloss Committee of the Whole hereby receives for information Report DRAIN-2021-12-26 prepared by Emily Dance, Clerk and Grant Collins, Drainage Superintendent.

Background:

Appeals

The Tribunal hosted a virtual Pre-Hearing Conference on Monday November 15, 2021 to determine if the Tribunal has jurisdiction with the appeal filed by David and Jackie Brisbin as well to identify the parties and the scope of their participation in the hearing, disclosure and exchange of information, procedural issues and other administrative items.

Construction

On October 1, 2021, the Township received emergency designation for the Bruce Beach Municipal Drain – Ph 1 which allowed for the construction of Phase 1 of the Bruce Beach Municipal Drain (pond, ravine work) to proceed without risk of procedural violations under the Drainage Act.

Discussion:

Pre-Conference Hearing

The Tribunal determined at the pre-conference hearing that Mr. Brisbin did not file an appeal to the Court of Revision, nor did he have an issue with his assessment, the issues that he raised in his comments to the Court of Revision were not issues which

it had jurisdiction and as a result there can be no appeal of its decision to the Tribunal under Section 54.

If the Brisbins wish to pursue their concerns with the report they would have to consider other avenues including an appeal under Section 48 of the Act. Section 48 appeals were to be served to the Township by July 20, 2021; however, the Tribunal can grant an extension by motion to the Tribunal. Mr. Brisbin indicated at the pre-hearing conference that he wished to apply for an extension.

The motion for an extension will be heard by video conference on Tuesday December 21, 2021 with Solicitor Paul Courey representing the Township.

The appeals by Gary and Karen Pollock and Mark and Simira Gancevish will be heard by the Tribunal by video conference on Monday February 21 and Tuesday February 22, 2022.

Bruce Beach Drain – Phase I – Construction Update

Contractor: Birnam Excavating Ltd.

Birnam organized and hosted a pre-construction meeting with landowners directly affected by construction on Wednesday November 10th. The meeting location was held on Lake Range Drive where the drain crosses the road. The purpose of the meeting was to provide information on the anticipated construction schedule, and what works they can expect.

Construction Works Completed so far:

- Vegetation removal is largely complete east of Lake Range Drive (except for final mulching) and is underway west of Lake Range Drive.
- Stripping of topsoil and other site preparations are currently taking place in the area of the detention facility.
- A temporary roadway from Lake Range Drive down into the Ravine (west side of Lake Range Drive) is underway.

Construction Challenges:

Wet soils and rainfall has made vegetation removal in the ravine difficult. The original intention of the Contractor was to remove vegetation from the bottom of the ravine (east of Bruce Beach Road) and work upward. To continue to make progress, the Contractor installed temporary segments of pipes to convey runoff. The Contractor has since adjusted strategies to work from the top of the ravine (Lake Range Drive).

Starting December 1, 2021, Lake Range Drive between Concession 8 and Concession 10 will be closed until a holiday shut down by the contractor on December 24th. It will close again for a three-week period starting January 3, 2022. This includes a full closure between 724 and 728 Lake Range Drive.

Emergency services, waste collectors, and residents will be able to reach properties 702 to 726 from the south, and properties 728 to 820 from the north.

In the event that Highway 21 is closed due to weather conditions, the contractor will have provisions in place for traffic and emergency services to use Lake Range Drive.

Financial Impacts:

Associated legal costs are unknown at this time.

Strategic Alignment / Link:

We are an accessible community by being open and transparent

Respectfully Submitted By:

Emily Dance, Clerk

Grant Collins, Drainage Superintendent

Approved By:

Mary Rose Walden, Chief Administrative Officer