



## **SPECIAL MEETING OF COUNCIL**

### **MINUTES**

**The Grovedale Arts and Culture Centre**

**103 Park Street, Kingsville, Ontario N9Y 0E7**

**Monday, December 2, 2019**

**6:00 PM**

Members of Council	Mayor Nelson Santos Deputy Mayor Gord Queen Councillor Tony Gaffan Councillor Thomas Neufeld Councillor Larry Patterson Councillor Kimberly DeYong Councillor Laura Lucier
Members of Administration	S. Kitchen, Deputy Clerk-Council Services S. Martinho, Public Works Manager A. Plancke, Director of Municipal Services K. Vegh, Drainage Superintendent P. Van Mierlo-West, CAO R. Baines, Deputy Clerk - Administrative Services

#### **A. CALL TO ORDER**

Mayor Santos called the Special Meeting to order at 6:00 p.m. with all Members of Council in attendance.

#### **B. DISCLOSURE OF PECUNIARY INTEREST**

Mayor Santos reminded Council that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

#### **C. MATTERS SUBJECT TO NOTICE**

**1. PUBLIC MEETING--Repair and Improvement of the Esseltine Drain --  
Meeting to Consider Contract Price and Award Tender**

*Shane Lafontaine, M. Eng., P. Eng., Project Engineer, Dennis McCready, B.A.Sc., P. Eng., (RC Spencer Associates Inc., Consulting Engineers) and Ken Vegh, Town of Kingsville Drainage Superintendent were in attendance.*

- i) Notice of Meeting to Consider Contract Price pursuant to Section 59 of the *Drainage Act*, dated November 4, 2019 with attached Tables 1 and 2;
- ii) Report of K. Vegh, Drainage Superintendent, dated November 25, 2019 RE Esseltine Drain Extension - Meeting to Consider Contract Price;
- iii) Correspondence from Richard C. Spencer, P. Eng. dated November 25, 2019 RE: Tender Results and Recommendation.

Mr. Vegh presented his Report including, by way of background, a summary of the Drain Project's Timeline from 2014 to present date. He explained the assessment comparison between the lowest submitted tendered price and the Engineer's estimate. As a direct cost comparison shows that the lowest tendered price is 136% higher than the original Engineer's estimate, Section 59(1) of the Drainage Act states that Council shall hold a meeting to consider the contract price if it exceeds 133% of the engineer's estimate. Engineer Lafontaine provided the overview of the financial considerations of Mr. Vegh's report (inflation to infrastructure costs) as detailed therein. Mr. Vegh then outlined his Recommendation that Council receive the Report, and that Council approve awarding the project to the lowest bidder.

Mayor Santos asked if there were any comments from anyone in attendance in the audience.

Comments from the audience:

Mr. Dennis Brown, 1649 Regent Street (Box 355, Ruthven) inquired about project timelines and cost breakdown between materials and labour.

Ms. Phyllis Hicks, 1525 Brookview Drive inquired as to whether landowners would be notified of project start date. Mr. Vegh indicated that such notices would be provided to property owners as a mailout.

Mr. Mastronardi, 1891 Seacliff Drive indicated that the works will be going through his driveway and he wanted to ensure he was notified in advance.

Ms. Karen Schiller, Regent St., asked if the construction presently underway on Road 2 is related to this project, and Mayor Santos responded that it is a separate issue.

Mr. George Dekker (Re: Mucci properties) stated he had sticker price shock, and inquired about the revised assessment schedule. Administration advised that such schedule will be prepared once the project is approved.

Mr. John Fittler, 1824 Road 3 E expressed concerns regarding the tenders submitted, suggested that the project be delayed pending further development in the Town to buy time for a larger tax base, inquired about payment options, and suggested that the "worst part" be completed first. Mayor Santos stated that ERCA does not allow for phased-in approaches. He asked that Council consider the repayment over ten years at zero per cent interest. Administration indicated that a report will be brought back to Council citing different payment options.

Mr. Jean Marc Pinsonneault, 1504 Whitewood Road spoke about the erosion at the point of the outlet, and stated he needs to work on his property and wants to see this project proceed. Mr. Vegh responded that he would be allowed to contact the Town's contractor to assist with his project but not at the expense of our project at any time.

Mr. Jim Jensen, 1523 Brookview Drive stated that he is was in favour of the project proceeding and sees no point in going over it again.

There were no further comments from audience.

Deputy Mayor Queen requested that the motion be divided into two parts, and Mayor Santos divided the question.

**616-2019**

Moved by Councillor Thomas Neufeld

Seconded by Deputy Mayor Gord Queen

That Council receive the Esseltine Drain Extension Report---Meeting to Consider Contract Price.

**CARRIED**

A recorded vote was requested on the following motion.

**617-2019**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Laura Lucier

That, Council approves South Shore Contracting of Essex County Inc. to complete the Esseltine Drain Extension project in the amount of \$4,708,655.00 plus H.S.T. and to authorize the Mayor and the Clerk to execute the agreement and draft the appropriate by-law.

<b>Recorded</b>	<b>YEA</b>	<b>NAY</b>
Mayor Nelson Santos	X	
Deputy Mayor Gord Queen	X	
Councillor Tony Gaffan	X	
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Councillor Kimberly DeYong	X	
Councillor Laura Lucier	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**CARRIED**

**618-2019**

Moved by Councillor Larry Patterson

Seconded by Councillor Kimberly DeYong

That Council directs Administration to review the Town of Kingsville Municipal Drainage Billing Policy.

**CARRIED**

**D. CONFIRMATORY BY-LAW**

**1. By-law 104-2019**

**619-2019**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

That Council read By-law 104-2019, being a By-law to confirm the proceedings of the Council at its December 2, 2019 Special Meeting, a first, second and third and final time.

**CARRIED**

**E. ADJOURNMENT**

**620-2019**

Moved by Councillor Laura Lucier

Seconded by Councillor Larry Patterson

That Council adjourn this Special Meeting at 7:35 p.m.

**CARRIED**

---

MAYOR, Nelson Santos

---

DEPUTY CLERK-COUNCIL SERVICES, Sandra Kitchen