



Court of Revision Agenda

County of Essex Council Chambers

360 Fairview Ave. W., Essex, Ontario

Tuesday, July 2, 2019 – 4:30 PM

**The purpose of the meeting is to hold the Court of Revision for:
Sydenham Street Drain (East Side) and Bagot Street Drain (West Side)
(Petition for Drainage) Part of Lots 11, 12, 13, Registered Plan 18,
Geographic Township of Colchester South, Project REI2015D036,
Town of Essex, County of Essex**

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated April 10, 2019 which was considered and adopted by at a Consideration Meeting held May 21, 2019 and pursuant to By-Law 1824 which received two readings by Council at its regular meeting held June 3, 2019.

This sitting of this Court of Revision was duly appointed by Council on June 3, 2019. Section 54 (1) of The Drainage Act provides that the decision of the Court of Revision can be appealed to the Drainage Tribunal within twenty-one (21) days from the date of the Court of Revision. The final day for appeal is July 23, 2019. At the first Council meeting after this date the third reading to By-Law Number 1824 will be given.

1. Roll Call

Present: Luke Martin
Kirk Carter
Percy Dufour

Regrets: none

Also Present: Mayor Larry Snively
Chris Nepszy, Chief Administrative Officer
Rob Auger, Town Solicitor/Clerk
Norm Nussio, Manager, Operations and Drainage
Tanya Tuzlova, Operations/Drainage Clerk
Gerard Rood, Professional Engineer, Rood Engineering Inc.

General Public: Per attached Sign-in Sheet

The Clerk to confirm having administered the Oaths to the Members of the Court of Revision.

The Clerk to confirm that all notices have been sent in accordance with The Drainage Act.

2. Declarations of Conflict of Interest

3. Adoption of Published Agenda

Drainage Board Meeting Agenda

Moved by

Seconded by

That the published agenda for the July 2nd, 2019 Drainage Board Meeting be adopted as presented.

4. Adoption of Minutes

i) Court of Revision for Bowler/South Malden Road Drain Keith Shepley Bridge held on April 1, 2019.

Moved by

Seconded By

That the minutes of the Court of Revision for Bowler/South Malden Road Drain Keith Shepley Bridge held on April 1, 2019, be adopted as circulated.

ii) Court of Revision for James Shepley Drain Updated Maintenance Schedule & Karl Neudorf Bridge and Court of Revision for 8th Concession West Drain Frank Preston Bridge held on May 6, 2019.

Moved by

Seconded By

That the minutes of the Court of Revision for James Shepley Drain Updated Maintenance Schedule and Karl Neudorf Bridge and Court of Revision for 8th Concession West Drain Frank Preston Bridge held on May 6, 2019, be adopted as circulated.

5. Appeals from Landowners

The Chair will advise that the purpose of the Court of Revision is to hear appeals regarding the Schedule of assessment only. The Schedule of Assessment may be altered but the total assessment must remain the same. If one assessment is reduced then another must be increased to balance.

6. List of Written Appeals of Assessment Received by the Clerk

7. Engineer to provide a Background on the Drain and the Proposed Project (if required)

Gerard Rood, Professional Engineer, Rood Engineering Inc.

8. Questions from Landowners

9. Court of Revision Decision

Moved by

Seconded by

That the assessments contained in the report for the Sydenham Street Drain (East Side) and Bagot Street Drain (West Side) (Petition for Drainage) Part of Lots 11, 12, 13, Registered Plan 18, Geographic Township of Colchester South, Project REI2015D036, Town of Essex, County of Essex, as prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated April 10, 2019, be confirmed.

10. Adjournment

Moved by

Seconded by

That the meeting be adjourned at _____.



Court of Revision Minutes

County of Essex Council Chambers

360 Fairview Ave. W., Essex, Ontario

Monday April 1, 2019-4:00 PM

The purpose of the meeting is to hold the Court of Revision for:
Bowler/South Malden Road Drain (Bridge for Keith Shepley, Parcel 440-00300)
Part of Lot 14, Concession S.M.R., Geographic Township of Colchester North,
Project REI2018D014, Town of Essex, County of Essex

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated July 27th, 2018 which was considered and adopted by at a Consideration Meeting held October 15, 2018 and pursuant to By-Law 1793 which received two readings by Council at its regular meeting held March 4, 2019.

This sitting of this Court of Revision was duly appointed by Council on March 4, 2019. Section 54 (1) of The Drainage Act provides that the decision of the Court of Revision can be appealed to the Drainage Tribunal within twenty-one (21) days from the date of the Court of Revision. The final day for appeal is April 22, 2019. At the first Council meeting after this date the third reading to By-Law Number 1793 will be given.

1. Roll Call:

Present: Dan Boudreau, Chair
Kirk Carter, Board Member
Luke Martin, Board Member

Also Present: Norman Nussio, Manager, Operations/Drainage Superintendent
Tanya Tuzlova, Drainage Clerk
Robert Auger, Town Solicitor/Clerk
Gerard Rood, Professional Engineer, Rood Engineering Inc.

General Public: No one from the public was in attendance

The Clerk confirmed having administered the Oaths to the Members of the Court of Revision.

The Clerk confirmed that all notices have been sent in accordance with The Drainage Act.

The meeting was called to order by the Chair at 4:05 P.M.

2. Declarations of Conflict of Interest

There were no declarations of the conflict of interest.

3. Appeals from Landowners

The Chair advised that the purpose of the Court of Revision is to hear appeals regarding the Schedule of assessment only. The Schedule of Assessment may be altered but the total assessment must remain the same. If one assessment is reduced then another must be increased to balance.

4. List of Written Appeals of Assessment Received by the Clerk

The Chair asked if there were any appeals from landowners. The Clerk confirmed that there were no appeals.

5. Engineer to provide a Background on the Drain and Proposed Project

Gerard Rood, Professional Engineer, Rood Engineering Inc. provided the summary of his Report from Rood Engineering Inc. dated July 27th, 2018.

6. Questions from Landowners

There were no questions from the landowners or the Members of the Court of Revision.

7. Court of Revision Decision

Moved by Board Member Carter

Seconded by Board Member Martin

That the assessments contained in the Report for the Bowler/South Malden Road Drain (Bridge for Keith Shepley, Parcel 440-00300) Part of Lot 14, Concession S.M.R., Geographic Township of Colchester North, Project REI2018D014, Town of Essex, County of Essex), as prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated July 27, 2018, be confirmed.

8. Adjournment

Moved by Board Member Carter

Seconded by Board Member Martin

That the Court of Revision be adjourned at 4:09 P.M. "Carried"

Chair

Clerk

Date



Court of Revision Minutes

County of Essex Council Chambers

360 Fairview Ave. W., Essex, Ontario

Monday, May 6, 2019 – 5:00 PM

1. Roll Call

Present: Dan Boudreau, Chair
Felix Weigt-Bienzle, Board Member
Percy Dufour, Board Member

Also Present: Rob Auger, Town Solicitor/Clerk
Norman Nussio, Manager, Operations and Drainage
Tanya Tuzlova, Operations/Drainage Clerk
Kory Snelgrove, E.I.T., Rood Engineering Inc.

General Public: Per attached Sign-in Sheet

The Clerk confirmed having administered the Oaths to the Members of the Court of Revision.

The Clerk confirmed that all notices have been sent in accordance with The Drainage Act.

The meeting was called to order by the Chair at 5:03 P.M.

2. Declarations of Conflict of Interest

None declared.

3. Adoption of Published Agenda

a) Drainage Board Meeting Agenda

Moved by Board Member Dufour

Seconded by Board Member Weigt-Bienzle

(CR-19-05-001) That the published agenda for the May 6, 2019 Drainage Board Meeting be adopted as presented. "Carried"

4. Court of Revision for the James Shepley Drain

a) The Chair commented that this is the Court of Revision for the James Shepley Drain (Updated Maintenance Schedule of Assessment and Bridge for Karl Neudorf, Parcel 510-00300), Geographic Township of Colchester North, REI Project 2015D015, Town of Essex, County of Essex;

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated October 12th, 2018 (together with Addendum March 20, 2019) which was considered at a Consideration Meeting held March 18, 2019 and adopted by Council at its April 15, 2019 Regular Meeting.

Section 54 (1) of The Drainage Act provides that the decision of the Court of Revision can be appealed to the Drainage Tribunal within twenty-one (21) days from the date of the Court of Revision. The final day for appeal is May 27, 2019. At the first Regular Council meeting after this date the third reading to By-Law Number 1807 will be given.

b) Appeals from Landowners

The Chair advised that the purpose of the Court of Revision is to hear appeals regarding the Schedule of assessment only. The Schedule of Assessment may be altered but the total assessment must remain the same. If one assessment is reduced then another must be increased to balance.

c) List of Written Appeals of Assessment Received by the Clerk

The Chair asked if there were any appeals from landowners. The Clerk said that there were no appeals.

d) Engineer to provide a Background on the Drain and the Proposed Project

Kory Snelgrove, E.I.T., Rood Engineering Inc. provided the summary of the Report from Rood Engineering Inc. dated October 12th, 2018.

Mr. Snelgrove said that the scope of the Report is to provide construction schedule of assessment for the entire cleanout of the James Shepley Drain and its culverts. Additionally the new Neudorf Bridge is to be installed. Mr. Snelgrove added that new Schedule of Assessment is established in order to properly assess any maintenance works to the James Shepley Drain. A bridge cost sharing table is provided for the cost sharing to be used for any future maintenance works for the existing access bridges.

e) Questions from Landowners

Karl Neudorf, the owner of the proposed bridge, asked why the assessments to his property are different on two schedules.

Mr. Snelgrove explained that the assessment on the construction schedule is higher due to the special benefit for the construction of the bridge. The assessment on the maintenance schedule is lower and comparable to the other properties since no special benefit will be provided.

Karl Neudorf asked Dan Boudreau if this situation is normal.

The Chair explained the difference between the construction and maintenance schedules.

Mr. Neudorf asked when the maintenance works in the amount of \$10,000 will be billed.

The Chair replied that maintenance works may be required one year or 10 years from now and the maintenance schedule will be used to distribute the cost.

f) Court of Revision Decision

Moved by Board Member Dufour

Seconded by Board Member Weigt-Bienzle

(CR-19-05-002) That the assessments contained in the report for the James Shepley Drain (Updated Maintenance Schedule of Assessment and Bridge for Karl Neudorf, Parcel 510-00300), Geographic Township of Colchester North, REI Project 2015D015, Town of Essex, County of Essex, as prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated October 12th, 2018 (Addendum March 20, 2019), be confirmed.

5. Court of Revision for the 8th Concession West Drain

- a) The Chair commented that this is the Court of Revision for the 8th Concession West Drain (Bridge for Frank Preston, Parcel 370-05800) Part of Lot 11, Concession 8, Geographic Township of Colchester North, Project REI2018D013, Town of Essex, County of Essex;

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. originally dated August 17th, 2018 but revised pursuant to a report dated November 12th, 2018 which revised report was considered at a Consideration Meeting held March 18, 2019 and adopted by Council at its April 15, 2019 Regular Meeting.

Section 54 (1) of The Drainage Act provides that the decision of the Court of Revision can be appealed to the Drainage Tribunal within twenty-one (21) days from the date of the Court of Revision. The final day for appeal is May 27, 2019. At the first Council meeting after this date the third reading to By-Law Number 1808 will be given.

b) Appeals from Landowners

The Chair advised that the purpose of the Court of Revision is to hear appeals regarding the Schedule of assessment only. The Schedule of Assessment may be altered but the total assessment must remain the same. If one assessment is reduced then another must be increased to balance.

c) List of Written Appeals of Assessment Received by the Clerk

The Chair asked if there were any appeals from landowners. The Clerk said that there were no appeals.

d) Engineer to provide a Background on the Drain and the Proposed Project

Kory Snelgrove, E.I.T., Rood Engineering Inc. provided the summary of the Report from Rood Engineering Inc. dated November 12th, 2018. Mr. Snelgrove said that the scope of the report is to provide construction schedule of assessment for the proposed bridge for Frank Preston. Kory Snelgrove added that since this is a secondary access bridge the cost of the bridge and its future maintenance will be 100% to the abutting property and will not be grantable. Kory Snelgrove said that there were no questions or concerns from Frank Preston regarding the bridge.

e) Questions from Landowners

There were no questions from Frank Preston or the Members of the Court of Revision.

f) Court of Revision Decision

Moved by Board Member Dufour

Seconded by Board Member Weigt-Bienzle

(CR-19-05-003) That the assessment contained in the report for 8th Concession West Drain (Bridge for Frank Preston, Parcel 370-05800) Part of Lot 11, Concession 8, Geographic Township of Colchester North, Project REI2018D013, Town of Essex, County of Essex, as prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated August 17th, 2018 (as revised pursuant to a report dated November 12th, 2018) be confirmed.

6. Adjournment

Moved by Board Member Dufour

Seconded by Board Member Weigt-Bienzle

(CR-19-05-004) That the Court of Revision be adjourned at 5: 22 PM. “Carried”

Chair

Recording Secretary

Date