



**The Corporation of the Town of Essex**

**Court of Revision Minutes**

June 18, 2025, 5:00 pm

Harrow and Colchester South Community Centre, 243 McAfee Street

Present: Vice Chair - Dufour, Percy  
Member - Bezaire Arevalo, Daniel  
Member - Pocock, Tiffany

Also Present: Lindsay Dean, Drainage Superintendent  
Tanya Tuzlova, Recording Secretary  
Joseph Malandrucolo, Director, Legal and Legislative Services/Clerk  
Norm Nussio, Manager, Operations and Drainage

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at [clerks@essex.ca](mailto:clerks@essex.ca) or 519-776-7336 extension 1100 or 1101.

Present from the public:

Rodney Hammond, Harrow

Kate Giurissevich, Kingsville

Julie Edwards and Steven Bakker, 59 Shepley Court

Kenneth Krizan, 166 Kael Crescent

Bonny and Garry Quick, 2361 County Road 20W

Kevin Bessette, 304 Maple Avenue

Felix Weigt-Bienzle, AFF Farms Limited, 1221 Snake Lane

Virginia Pollard, 75 Shepley Court

Jaycee-Lee Smith, 338 Maple Avenue

Al and Kathy Gomes, 420 Jackson Street

Maria Sao-Pedro, 61 Kael Crescent

Rick Walters, 310 Maple Avenue

**1. Call to Order**

The Vice Chair called the meeting to order at 5:00 PM.

**2. Land Acknowledgement**

We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial.

**3. Declarations of Conflict of Interest**

**4. Adoption of Published Agenda**

**4.1 Court of Revision Agenda for June 18, 2025**

COR 25-06-01

Moved By Tiffany Pocock

Seconded By Daniel Bezaire Arevalo

**That** the published agenda for the June 18<sup>th</sup>, 2025, Court of Revision be adopted as presented.

**Carried**

**5. Adoption of Minutes**

**5.1 Adoption of Minutes for December 5, 2024**

COR 25-06-02

Moved By Daniel Bezaire Arevalo

Seconded By Tiffany Pocock

**That** the minutes of the Court of Revision held December 5, 2024, be adopted as circulated.

**Carried**

**6. Presentation by Drainage Superintendent**

Lindsay Dean, Drainage Superintendent, explained the process under the Drainage Act and the purpose of the Court of Revision meeting. Ms. Dean outlined the next steps in the process and explained appeal options, billing process, and debenture options. Ms. Dean noted that agricultural grant should be available for the properties with Farm Tax class.

COR 25-06-03

Moved By Daniel Bezaire Arevalo

Seconded By Tiffany Pocock

**That** the presentation by the Drainage Superintendent be adopted as presented.

**Carried**

**7. Shepley Drain**

Shepley Drain Bank Repairs, Stabilization and Improvements, Geographic Township of Colchester South, Project REI2022D018, report dated April 2<sup>nd</sup>, 2025, Addendum 1 dated May 1<sup>st</sup>, 2025, Town of Essex, County of Essex

**7.1 Appeals from Landowners**

**7.1.1 Written Appeals Received by the Due Date**

Joseph A. Malandrucolo, Director, Legal & Legislative Services/Clerk, informed that no written appeals were received by the Clerk's Office by the due date.

**7.1.2 Written Appeals Received After the Due Date**

Joseph A. Malandruccolo, Director, Legal & Legislative Services/Clerk, informed that no written appeals were received by the Clerk's Office after the due date.

## **7.2 Correspondence**

There was no correspondence received in relation to the Court of Revision.

## **7.3 Engineer to Provide Background on the Drain and the Proposed Project**

Gerard Rood, Professional Engineer, Rood Engineering Inc., presented a review of the report. Mr. Rood explained that the Addendum 1 was prepared to address the error in area assessed to Ms. Huczel's parcel. Mr. Rood also explained that under the initial report Ms. Quick had requested the bank stabilization works on her property, but later in the process notified she is not ready to proceed with the repairs at this time. Mr. Rood further explained that Ms. Quick is not assessed a special benefit for the stabilization works but is assessed for the design portion of the works so bank stabilization could be done later through a maintenance project.

## **7.4 Questions from Landowners**

Kevin Bessette, 304 Maple Avenue, asked why only his property in the subdivision is assessed \$10,388.00 and the other properties have no assessment.

Mr. Rood explained that only properties that requested bank stabilization were assessed a special benefit at 50% of the cost of construction and incidentals and the balance of the cost was assessed to the upstream properties that have a benefit since future maintenance cost will be reduced due to the stabilization works.

Lindsay Dean, Drainage Superintendent, added that Mr. Bessette requested bank stabilization, however, the adjacent properties did not and is the reason they do not have a special benefit assessment. Ms. Dean listed the addresses of all the properties that had requested bank stabilization.

Mr. Bessette further asked if \$10,388.00 is the total estimated cost for the works.

Mr. Rood replied that properties assessed special benefit do not have an outlet assessment.

Norm Nussio, Manager, Operations and Drainage, confirmed that \$10,388.00 is the total estimated assessment for Mr. Bessette's property.

Jaycee-Lee Taves, 338 Maple Avenue, noted that her neighbors did not request stabilization works and asked how stabilization works on her property will be protected.

Mr. Rood replied that wing wall will help to minimize the erosion and damage to properties.

Julie Edwards, 59 Shepley Court, asked to explain 50/50 cost sharing and how the engineer came up with that assessment.

Mr. Rood explained that special assessment works are shared between the property owner and the upstream lands and roads. Mr. Rood added that the works help to keep maintenance costs low for the upstream properties. Mr.

Rood noted that this is the historical and traditional method to distribute the cost.

Ms. Edwards further asked why she has to pay for these works when the drain is not on her property.

Mr. Rood explained that the stabilization works will help to protect the property and therefore there is a benefit to the property due to these works.

Ms. Edwards further asked if the cost would remain as estimated or if there could be a significant increase.

Ms. Dean explained that if the tender for construction comes 133% higher than the estimated cost, then the Town will hold another meeting to discuss the construction cost. Ms. Dean further explained the lowest bidder will be awarded the work.

Kevin Bessette, 304 Maple Avenue, asked what guarantees the contractor provides.

Ms. Dean explained that contractors provide a one year warranty for the workmanship. Ms. Dean added that after this period the drain may be repaired through maintenance and the cost of these works will be collected as per as per cost sharing schedule which will be approved tonight.

Ms. Dean recommended to contact her if a municipal drain requires maintenance.

There were no further questions about the assessments.

#### **7.5 Court of Revision Decision**

COR 25-06-04

Moved By Daniel Bezaire Arevalo

Seconded By Tiffany Pocock

That the assessments contained in Addendum 1 dated May 1<sup>st</sup>, 2025, for the Shepley Drain Bank Repairs, Stabilization and Improvements, Geographic Township of Colchester South, Project REI2022D018, report dated April 2<sup>nd</sup>, 2025, Town of Essex, County of Essex, be confirmed as presented.

**Carried**

#### **8. Adjournment**

COR 25-06-05

Moved By Tiffany Pocock

Seconded By Daniel Bezaire Arevalo

**That** the meeting be adjourned at 5:27 PM.

**Carried**

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Chair

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Recording Secretary