

## **Court of Revision Minutes**

**Location: Zoom Video Conferencing**

**Wednesday, January 6, 2021 - 5:15 PM**

**The purpose of the meeting is to hold the Court of Revision for:**

**Shepley Drain: Bridge Replacement for Gorski Land Holdings Inc.**

**Geographic Township of Colchester South, Town of Essex,**

**County of Essex, Project REI2020D012**

Pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated October 27th, 2020 which was considered and adopted at a Consideration Meeting held November 25, 2020 and pursuant to By-Law No.1969 which received two readings by Council at its regular meeting held December 7, 2020; and

**Szakacs Drain: Repair and Improvement**

**Geographic Township of Colchester South, Town of Essex,**

**County of Essex, Project REI2016D004**

Pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated October 20th, 2020 which was considered and adopted at a Consideration Meeting held November 25, 2020 and pursuant to By-Law No.1968 which received two readings by Council at its regular meeting held December 7, 2020.

This sitting of this Court of Revision was duly appointed by Council on December 7, 2020.

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

Present: Dan Boudreau

Percy Dufour

Luke Martin

Regrets: None

Also Present: Robert Auger, Town Solicitor/Clerk, Legal and Legislative Services

Norm Nussio, Manager, Operations and Drainage

Lindsay Dean, Drainage Superintendent

Tanya Tuzlova, Operations/Drainage Clerk

Gerard Rood, Professional Engineer, Rood Engineering Inc.

General Public: For Shepley Drain: none present

For Szakacs Drain:

Arlene Welzel, 1500 Ferris Road

Mary and Romano Quintigliani, 1485 Ridge Road

## 1. Call to Order

The Chair called the meeting to order at 5:15 PM

## 2. Declarations of Conflict of Interest

None declared.

## 3. Adoption of Published Agenda

### 3.1 Court of Revision Agenda

Moved by Board Member Martin

Seconded by Board Member Dufour

**(COR21-01-001)That** the published agenda for the January 6, 2021 Court of Revision be adopted with the following amendments:

1. Agenda Item 5 - Appeal from Mary and Romano Quintigliani, 1485 Ridge Road, Szakacs Drain
2. Agenda Item 6.1.1 – Delegation from Joe Gorski, Shepley Drain
3. Agenda Item 6.2.1 – Delegation from Mary and Romano Quintigliani, Szakacs Drain
4. Agenda Item 6.2.1 – Delegation from Arlene Welzel, Szakacs Drain

**Carried**

## 4. Adoption of Minutes

4.1. Court of Revision for North Rear Road Drain South Side (New Bridge for Grondin) held on November 25, 2020.

Moved by Board Member Martin

Seconded by Board Member Dufour

**(COR21-12-002)That** the minutes of the Court of Revision held on November 25, 2020, be adopted as circulated.

**Carried**

## 5. List of Written Appeals

The Clerk noted that a written appeal was received from Mr. and Mrs. Quintigliani for the Szakacs Drain. 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.

## 6. Public Presentations

6.1. Gerard Rood, Professional Engineer

Re: Report from Rood Engineering Incorporated dated October 27<sup>th</sup>, 2020 regarding Shepley Drain Replacement Bridge for Gorski Land Holdings Inc., Geographic Township of Colchester South, Project REI2020D012.

Mr. Rood presented the overview of the report and advised that he did not receive any written appeals regarding this project.

#### **6.1.1. Other public presentations**

The Chair is asked if there are any questions. There were no questions from the Drainage Board members. There were no members of the public present for the Shepley Drain project. Mr. Gorski who was registered to be a delegate was not in attendance when called upon.

#### **6.1.2. Court of Revision Decision**

Moved by Board Member Martin

Seconded by Member Dufour

**(COR21-12-003) That** the assessments contained in the report for the **Shepley Drain Replacement Bridge for Gorski Land Holdings Inc., Geographic Township of Colchester South, Project REI2020D012** as prepared by Gerard Rood, Professional Engineer dated October 27<sup>th</sup>, 2020 be confirmed as presented. **Carried**

### **6.2. Gerard Rood, Professional Engineer**

Re: Report from Rood Engineering Incorporated dated October 20<sup>th</sup>, 2020 regarding Szakacs Drain Repair and Improvement, Geographic Township of Colchester South, Project REI2016D004

The Chair advised that a written Notice of Appeal and details were received from Mary and Romano Quintigliani. The Chair added that the Appeal and its details were distributed to the Court of Revision members and the engineer.

Mr. Rood advised that he also received an e-mail dated December 28, 2020 from Mr. and Mrs. Quintigliani. Mr. Rood informed that he has provided the answers in his e-mail dated January 4, 2021. The first question was about the flooding at Ferris Road and if this drain is repaired, how will it benefit their property in relation to drainage. Mr. Rood replied that the new drain will provide a proper outlet for any existing tile works on the farm and provide an outlet for any new tile drainage required to address drainage problems. The next comment was to present a drainage map of the proposed drain to see how their property drains into it and benefits from this proposed project. Mr. Rood replied that the plans attached to the drainage report provide the details of how the municipal drain will be repaired and improved and the watershed for the drain. The cross sections show that the ground to the west for 40 metres is very close to the same elevation as the ground at the

drain alignment. The "DETAIL" shown on sheet 1 of the report plans illustrates that some surface drainage is achieved through use of furrows. The next question was if the proposed works to the Szakacs Drain involve leaving the old drain in place and running a new line next to it, or taking out the old one and repairing the existing line. Mr. Rood replied that the new drainage pipe will replace the existing covered drain and all connections to the existing drain will be reconnected to the new pipe system to ensure that there is a sufficient outlet for the existing private tiles on the property that use the municipal drain as an outlet. The next comment was regarding what will happen to the Tingen pond to accommodate the water going into that pond. Mr. Rood's response was that the Tingen pond is an enlargement of the Dolson Creek Drain and any flows to the pond will have direct outlet through the Dolson Creek Drain. The next question was if the Tingen pond will remain the same or is that going to change in any way. Mr. Rood's response was that the pond/Dolson Creek Drain outlet is not affected by the current report. The Town can conduct repairs and maintenance to the Dolson Creek Drain or the repaired Szakacs Drain outlet to ensure that the outlet is not obstructed and that the drain functions as intended. The next owner's comment was that they have old drainage tile on their property. The question was if that tile is going to be connected into the new drain. Mr. Rood confirmed that all existing tiles and offset or online catch basins or maintenance holes and their pipes will be connected to the repaired and improved drain provided for in the drainage report to restore full drainage for the parcel.

Board Member Dufour asked how much water from the Ferris Road adds to the ponding on Quintigliani's property.

Mr. Rood explained the elevations on Quintigliani's property and added that approximately 1/3 of the water from Ferris Road may add to the ponding since he does not see a specific drainage works in that area.

Board Member Dufour asked if a road ditch is placed on Ferris Road which leads to a catch basin, would that help to eliminate the problem.

Mr. Rood replied that if the west part of the subject property is connected to the drain by the road it would have helped with flooding at that area.

### **6.2.1. Other public presentations**

#### **Mr. Quintigliani:**

Mr. Quintigliani asked for an explanation as to how the watershed area was determined and how drainage will work on the area not in the watershed.

Mr. Rood replied that the watershed area was determined as per the previous engineer's report. Mr. Rood added that there were no concerns previously regarding watershed area

and its review. Mr. Rood added that surface furrows leading east may connect that part of the property to the Szakacs Drain.

Mr. Quintigliani asked if a tile will be provided to connect that part of the property to the drain.

Mr. Rood explained that private tile will not be provided. Mr. Rood added that the drain will provide an outlet to which the tile can be connected.

Mrs. Welzel asked on which report Mr. Rood referenced regarding the watershed area.

Mr. Rood explained that he refers to the 1954 report since there were no other reports and improvements on that drain. Mr. Rood added that the Town of Essex has presented information about a private tiling which impacted the watershed area making it narrow on Tingen property.

There were no further questions regarding the delegation from Mr. and Mrs. Quintigliani.

The Chair then asked Mr. Rood to provide his response regarding the Appeal and reply to the questions presented with the Appeal.

Mr. Rood stated that the first statement received is that Mr. and Mrs. Quintigliani believe the watershed outlined on their property boundaries as shown on page 1 of the plan profile and detail topographic received, is too high. Mr. Rood replied that the watershed area is as outlined in 1954 report and field observation and it is an area that can be served by the drain, but it may require owners to do some private works to bring their flows into the drainage works.

The other statement was about the location of Mr. and Mrs. Quintigliani's property, that it sits high above the drain itself with a gradual downslope towards Ferris Road. Therefore, it is not draining the property they are being assessed for. Mr. Rood explained that the drain is deep enough to provide outlet for their property.

The final comment was that down at the end of Ferris Road, approximately 50 feet from where the road is to the demarcated watershed outline boundary on the topographic, is where major flooding occurs which is not being addressed in this report. From midway down the property east towards Ridge Road that part of the property does not flood and currently surface drains into our pond.

Mr. Rood replied that municipal drainage works provide that the flows can be conveyed to the sufficient outlet. Mr. Rood added that the scope was to repair the drain to the capacity it was designed for and the owners are responsible to bring their flows to the drain such as install a catch basin and then bring the flows through the private tile.

Mr. Quintigliani commented that the pond on their property helps to alleviate the flooding and commented that he still does not understand how the drain will help to eliminate the

flooding. Mr. Quintigliani added that he believes that the added expense to the drain is not needed since there is no flooding on the most of his property.

Mr. Rood commented that there is no flooding since the drain takes care of the drainage in the immediate area and it was discussed at the on-site meeting that there is tile which brings flows to the municipal drain. The area outside of the drainage area is not supposed to drain into the drain. There was no scope to provide for the branch drain and normally such report should not be prepared to serve one property. Mr. Rood added that he was not provided with instructions to investigate the west limit of the Quintigliani's property and to ensure it is drained into the Szakacs Drain.

The Chair clarified to Mr. Quintigliani that the municipal drain is located in the middle of their farm and it is their responsibility to bring the water to the drain to have an outlet.

**Arlene Welzel:**

Arlene Welzel, 1500 Ferris Road, asked if the contingency fee will be taken off the final cost of the project.

The Chair advised that the contingency fee is related to construction only.

Ms. Welzel asked when the final invoice for this report will be sent.

Lindsay Dean, Drainage Superintendent replied that the final cost will be calculated when the project is completed. Ms. Dean added that contingency was not spent and is not applicable. The final cost will include Mr. Rood's cost and any cost that the Town has incurred.

Ms. Welzel asked when the project will stop incurring cost.

Ms. Dean replied that the once the project is complete there will no longer be any cost incurred. Ms. Dean added that after the Court of Revision meeting and the third reading of the by-law the project will be complete. After Mr. Rood's work on this project is finalized the Town will be able to calculate the final cost of the project.

The Chair advised the property owners to read responsibilities of the property owners and the responsibilities of a municipality which is located on the OMAFRA website to help them in understanding the procedures under the Drainage Act.

**6.2.2. Court of Revision Decision**

Moved by Board Member Martin

Seconded by Board Member Dufour

**(COR21-12-004) That the assessments contained in the report for the Szakacs Drain Repair and Improvement, Geographic Township of Colchester South, Project**

**REI2016D004** as prepared by Gerard Rood, Professional Engineer dated October 20<sup>th</sup>, 2020  
be confirmed as presented. **Carried**

Mr. Auger, the Clerk, stated that 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 January 27, 2021. At the first Council meeting after this date the third reading to By-Law Number 1969 will be given to Shepley Drain and By-Law Number 1968 will be given to Szakacs Drain.

**7. Adjournment**

Moved by Board Member Dufour  
Seconded by Board Member Martin

**(COR21-12-005) That** the meeting be adjourned at 5:44 pm. **Carried**

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Chair

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Recording Secretary

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Date