



Report to Council

Department: Office of the CAO
Division: Legal and Legislative Services
Date: June 15, 2020
Prepared by: Robert W Auger, Town Solicitor/Clerk
Report Number: Legal and Legislative Services-2020-08
Subject: Court of Revision for Crystal Beach Drain
Number of Pages: 3

Recommendation(s)

That Legal and legislative Services Report 2020-08 be received,

That the following three (3) members of the Drainage Board: Kirk Carter, Dan Boudreau and Percy Dufour be appointed to sit as members of the Court of Revision to be convened for the Crystal Beach Drain: Repair and Improvement of Covered Drains, Geographic Township of Colchester South, Town of Essex, County of Essex, Project REI2018Do12 pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Limited, and dated April 15th, 2020 (hereinafter the "Report"), such Court of Revision to be scheduled and convened for 4:30 pm on July 9, 2020, via electronic meeting (if a Declared Emergency still exists) or at a time and place to be announced if the Province and/or Municipality is no longer in a Declared Emergency, and

That By-Law 1920 being a by-law to provide for the Crystal Beach Drain: Repair and Improvement of Covered Drains, Geographic Township of Colchester South, Town of Essex, County of Essex, Project REI2018Do12 be read a first and second time and be provisionally adopted on June 15, 2020.

Purpose

A Court of Revision is required in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010 (hereinafter the "Drainage Act").

Background and Discussion

Rood Engineering was instructed by the Town of Essex on or about March 26th, 2018 to prepare a report for the above James Shepley Drain Bolger Bridge, pursuant to Section 78 of the Drainage Act.

On April 15th, 2020 the Report was prepared by Rood Engineering Inc. to provide the details, estimates and assessments therein.

A Consideration Meeting for this Report was held on May 21st, 2020. At this meeting the Drainage Board received public correspondence/delegations (if applicable) and heard the various concerns or comments made by those who attended. At this meeting the Drainage Board resolved and recommended that the said Report be adopted and that a provisional By-Law be prepared for Council's consideration (see Drainage Board minutes from the May 21st, 2020 consideration meeting, which minutes are included under Item 12 of the June 15th, 2020 Regular Council Meeting Agenda).

Appointment of Court of Revision Members:

The Court of Revision is to be comprised of three (3) members of the Drainage Board and so accordingly it is recommended that Court of Revision members when required to be convened shall be appointed on a rotating, alphabetical order basis. If an appointed member is not

available then that appointed member shall be replaced by the next available member of the Drainage Board (based on the aforementioned rotating, alphabetical order basis).

It is therefore recommended that Kirk Carter, Percy Dufour and Dan Boudreau be selected and appointed to sit as the Court of Revision for the James Shepley Drain Bolger Bridge.

It is further recommended that By-law 1918 adopting the recommendations in the Rood Engineering Report dated April 8, 2020 be provisionally adopted so that this project can proceed to the Court of Revision specified in this report.

The Court of Revision is the next step in the process in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010.

Financial Impact

There is no financial impact

Consultations

Drainage Department

Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Legal and legislative Services 2020-08 - Legal and Legislative Services-2020-08.docx
Attachments:	- By-Law No. 1920 Crystal Beach Drain.pdf
Final Approval Date:	Jun 8, 2020

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Chris Nepszy, Chief Administrative Officer was completed by workflow administrator Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Chris Nepszy, Chief Administrative Officer - Jun 8, 2020 - 1:37 PM