



Court of Revision Minutes

February 10, 2022, 5 PM

Location: Electronic Meeting

**Bassett Drain Replacement Bridge & Enclosure for 730-01300,
Geographic Township of Colchester South,
Project REI2021D008, Town of Essex, County of Essex**

**10-11 Sideroad Drain Replacement Bridges for Rivest & Campbell
Geographic Township of Colchester North,
Project REI2021D002, Town of Essex, County of Essex**

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

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc., dated November 16th, 2021, which was considered and adopted at a Consideration Meeting held December 16, 2021 and pursuant to By-Law No. 2111 which received two readings by Council at its regular meeting held January 17, 2022.

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc., dated November 24th, 2021, which was considered and adopted at a Consideration Meeting held December 16, 2021 and pursuant to By-Law No. 2110 which received two readings by Council at its regular meeting held January 17, 2022.

This sitting of this Court of Revision was duly appointed by Council on January 17, 2022.

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 regarding Bassett Drain Replacement Bridge & Enclosure for 730-01300 is March 3, 2022. At the first Council meeting after this date the third reading to By-Law No. 2111 will be given.

The Deputy Clerk confirmed that final date to appeal regarding 10-11 Sideroad Drain Replacement Bridges for Rivest & Campbell would be within 21 days from the rescheduled Court of Revision.

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

Present: Janice Dougherty, Vice Chair
Felix Weigt-Bienze

Also Present: Shelley Brown, Deputy Clerk, Legal and Legislative Services

Lindsay Dean, Drainage Superintendent
Tanya Tuzlova, Drainage Clerk
Gerard Rood, Professional Engineer, Rood Engineering Incorporated

From General Public: None

Regrets: Kirk Carter

Absent: Luke Martin

1. Call to Order

The Chair called the meeting to order at 5:09 PM.

2. Declarations of Conflict of Interest

There were no declarations of conflict of interest noted at this time.

3. Adoption of Published Agenda

3.1 Court of Revision Agenda for February 10, 2022

COR22-02-001

Moved by Felix Weigt-Bienzle

Seconded by Janice Dougherty

That the published agenda for the February 10, 2022 Court of Revision be adopted as presented.

Carried

4. Adoption of Minutes

4.1 Court of Revision Minutes for Bassett Drain Bridge for 2430 County Road 20, Harrow Centre, Geographic Township of Colchester South, held on December 8, 2021

COR22-02-002

Moved by Felix Weigt-Bienzle

Seconded by Janice Dougherty

That the minutes of the Court of Revision held on December 8, 2021 be adopted as circulated.

Carried

5. List of Written Appeals

5.1 Written Appeals Received by the due date

The Vice 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.

The Deputy Clerk informed the Board that the Town of Essex did not receive any appeals before the due date.

5.1 Written appeals received after the due date

The Deputy Clerk informed that the Town of Essex has received two appeals after the due date from Jeff Siefker, 13251 13th Concession Road, and Cathy George, 3535 North Malden Road.

Vice Chair Dougherty proposed that the Board move to accept the appeals received after the due date and that they be considered at this February 10th, 2022 Court of Revision.

Court of Revision Member Weigt-Bienzle explained that the appeals should have been submitted prior to the 10 days before the Court of Revision as required by the Drainage Act. Mr. Weigt-Bienzle added that, in his opinion, neither of the appeals have significant reasons to justify the requested change.

Shelley Brown, Deputy Clerk informed the Board that Mr. Rood has reviewed the correspondence from Mr. Siefker and has proposed a resolution regarding Mr. Siefker’s request.

Lindsay Dean, Drainage Superintendent, added that the submission from Mr. Siefker related to the 10-11 Sideroad Drain also affects his assessment on Brush Sideroad Drain and that the Court of Revision for this drainage works is scheduled in March.

Lindsay Dean, Drainage Superintendent, advised that failure to consider the appeals could result in an appeal to the Drainage Tribunal, however, the decision is up to the Court of Revision members.

COR22-02-003

Moved by Janice Dougherty

Seconded by Felix Weigt-Bienzle

That the Court of Revision regarding the 10-11 Sideroad Drain be deferred to a date to be scheduled.

Carried

6. Public Presentations

6.1 Gerard Rood, Professional Engineer

Re: Report from Rood Engineering Incorporated dated November 16th, 2021 regarding Bassett Drain Replacement Bridge and Enclosure for 730-01300, Geographic Township of Colchester South, Project REI2021D008, Town of Essex, County of Essex

Mr. Rood has presented a short overview of the report. Mr. Rood added that he did not receive any questions or appeals regarding this project.

Mr. Rood asked if the Court of Revision has any questions.

There were no questions or concerns from Court of Revision members.

There were no residents in attendance.

COR22-02-004

Moved by Felix Weigt-Bienzle

Seconded by Janice Dougherty

That the assessments contained in the schedules of assessment report for the Bassett Drain: Bridge for MN 2430 County Road 20, Harrow Centre, Geographic Township of Colchester South, Project REI2021D012, Town of Essex, County of Essex as prepared by Gerard Rood, Professional Engineer, dated August 26th, 2021 be confirmed as presented.

Carried

7. Adjournment

COR22-02-004

Moved by Janice Dougherty

Seconded by Felix Weigt-Bienzle

That the meeting be adjourned at 5:23 PM

Carried

Chair

Recording Secretary