



## **Court of Revision Minutes**

County of Essex Council Chambers  
360 Fairview Ave. W., Essex, Ontario  
Monday, October 7, 2019 – 5:00 PM

**The purpose of the meeting is to hold the Court of Revision for:**  
**South Malden Road Drain Replacement Bridge for David & Jamie Kendrick,**  
**Part of Lot 32, Concession SMR, Geographic Township of Colchester North,**  
**Project REI 2018D025,**  
**Town of Essex, County of Essex**

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated July 12<sup>th</sup>, 2019 which was considered and adopted at a Consideration Meeting held August 19, 2019 and pursuant to By-Law 1849 which received two readings by Council at its regular meeting held September 3, 2019.

This sitting of this Court of Revision was duly appointed by Council on September 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 October 28, 2019. At the first Council meeting after this date the third reading to By-Law number 1849 will be given.

### **1. Roll Call**

Present: Dan Boudreau  
Councillor Patterson, Town of Kingsville

Regrets: None

Also Present: Shelley Brown, Deputy Clerk  
Norm 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 5:04 PM.

## **2. Declarations of Conflict of Interest**

None declared.

## **3. Adoption of Published Agenda**

Shelley Brown, Deputy Clerk, stated that Board Member Larry Patterson from the Town of Kingsville would be representing the Town of Kingsville as our second Board Member.

Court of Revision Agenda

Moved by Councillor Patterson

Seconded by Chair Boudreau

**(CR-19-10-01) That** the published agenda for the October 7, 2019 Court of

Revision be adopted as presented.

**“Carried”**

## **4. Adoption of Minutes**

i) Court of Revision for West Townline Drain Union Gas Bridge held on August 6, 2019.

Moved by Councillor Patterson

Seconded By Chair Boudreau

**(CR-19-10-02) That** the minutes of the Court of Revision for West Townline Drain Union Gas Bridge held on August 6, 2019 be adopted as circulated. **“Carried”**

## **5. 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.

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

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

## **7. Engineer to provide a Background on the Drain and the Proposed Project**

Kory Snelgrove, E. I. T., Rood Engineering Inc.

Mr. Snelgrove stated that the report provides for the bridge replacement for David and Jamie Kendrick, parcel 400-00200. The report also provides for the future cost sharing of maintenance for the bridge.

Mr. Snelgrove advised that cost of the bridge construction will be assessed to David and Jamie Kendrick and the upstream lands and roads of two municipalities: the Town of Essex and the Town of Kingsville. Mr. Snelgrove added that future maintenance costs for this bridge be assessed in accordance with the proposed bridge cost sharing.

Mr. Snelgrove advised that agricultural properties may be eligible for the OMAFRA grant for both construction and future maintenance.

Mr. Snelgrove stated that the adjustment should be made for the Town of Kingsville roll number 580-01001 on page 15 of the report. Mr. Snelgrove explained that the corrected roll number is 580-01006 with the area affected increased from 1.6 acres to 5.01 acres and the current owner should be shown as D&M Mastronardi Management. Mr. Snelgrove added that due to this increased area the assessment to the parcel should be increased from \$43.00 to \$83.00. Therefore Mr. Snelgrove recommended to the Court of Revision to increase the assessment of roll number to \$83.00 and to reduce the assessment on page 11 of King's Highway No. 3 by \$40.00 to offset the amended assessment to 580-01006 and to keep the schedule total balanced.

## **8. Questions from Landowners**

The Chair asked if there were any questions from the Court of Revision Members or the landowners. There were no questions.

## **9. Court of Revision Decision**

Moved by Councillor Patterson

Seconded By Chair Boudreau

**(CR-19-10-03) That** the assessments contained in the report for the South Malden Road Drain Bridge for David and Jamie Kendrick, Geographic Township of Colchester North, Project REI 2018D025, Town of Essex, County of Essex, as prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated July 12, 2019, and as amended pursuant to Drainage Board Resolution DB-19-08-004 be confirmed as presented. **"Carried"**

**10. Adjournment**

Moved by Councillor Patterson

Seconded By Chair Boudreau

**(CR-19-10-04) That** the meeting be adjourned at 5:22 PM. **“Carried”**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Date