

Court of Revision Meeting

Minutes

Date: Tuesday, September 27, 2022
Time: 6:30 pm
Location: Electronic meeting live streamed at:
<https://video.isilive.ca/tecumseh/live.html>.

Present: Mayor, Gary McNamara - Chair
Deputy Mayor, Joe Bachetti
Councillor, Brian Houston
Councillor, Tania Jobin

Also Present: Chief Administrative Officer, Margaret Misek-Evans
Acting Clerk, Jennifer Alexander
Director Public Works & Engineering Services, Phil Bartnik
Manager Committee & Community Services, Christina Hebert
Drainage Superintendent, Alessia Mussio

Others: Assistant Drainage Superintendent, Joseph Lappalainen

A. Roll Call

B. Call to Order

The Mayor calls the meeting to order at 6:30 pm.

C. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Lenni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

D. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of the Court.

E. Introduction and Purpose of Meeting

The purpose of the meeting is to hear from any affected owner who wishes to appeal his/her assessment or any part thereof as set out in the Drainage Report,

prepared by Josh Warner, P.Eng., of R. Dobbin Engineering Inc., dated May 18, 2022.

The Drainage Superintendent provides an update since the Public Council meeting held on July 12, 2022. At the meeting of consideration, the two delegates raised concerns on the use of buffer strips outlined in the report as appended on the agenda. The use of buffer strips is outlined in the Town's Official Plan and supported by the Essex Region Conservation Authority and Ontario Ministry of Agriculture, Food and Rural Affairs to help control silt and sediment buildup in the drain. This has the affect of decreasing the frequency of maintenance and expense to the affected property owners in the watershed.

Mr. Ray Dobbin, a Drainage Engineer from R. Dobbin Engineering Inc., is available to answer any questions from the Members.

F. Delegations

1. Wayne Farough

Mr. Farough, property owner, explains the brush on the drain bank and weed growth. He comments that laying grass seed now is a waste of money given the time of year. The issue of the buffer strips is raised and he does not feel this measure is a necessity for the proposed works and does not want to maintain it at his expense. Mr. Farough advises that he will be losing production area in his field without compensation from the Town.

The Chair opens the floor for questions to the Members.

A Member advises that the delegation's concern on the use of buffer strips is a concern expressed in the farming community with the loss of workable land. In addition, she comments that property owners have to maintain the buffer strips at their expense. She requests consideration of removing the buffer strips given the loss of crop yield and the cost to maintain as it is the responsibility of the affected property owners.

The Drainage Engineer explains the benefits of installing buffer strips and states he's in favour of the Town implementing them for erosion prevention in the field and reducing the amount of fertilizer in the drain.

The Director Public Works & Engineering Services explains that the use of buffer strips are being implemented in Essex County on municipal drains. Section 78 in the Drainage Act provides the authority for municipalities to install buffer strips and offer compensation to the property owner. It is confirmed that there was compensation through allowances and grants for the affected property owner for the installation of buffer strips.

In response to an inquiry on the grass seeding from previous works, the Director outlines the works completed and explains the remaining works need to be tendered as this was not a full restoration to get flow into the drain.

The Drainage Superintendent explains that 27 percent of the work has been completed to date. The remaining works will be tendered out following the third reading of the by-law.

A Member inquires on the level of maintenance on the buffer strips and expectations to maintain. The Director responds that the responsibility is to the landowner to maintain the buffer strip.

The Chair asks the delegation if he has any further questions. Mr. Farough explains the maintenance on the drain currently with the height of weeds.

A Member requested that the weeds be cleaned out and not be the financial responsibility of Mr. Farough. The Drainage Engineer suggested consulting with the awarded contractor about the extra cleaning being requested.

G. Communications

1. Public Notice

2. By-Law 2022-052

Being a bylaw to provide for the repair and improvements to the South Talbot Road Drain East and 12th Line Drain

3. PWES-2022-29 Request to Consider Engineer's Report - South Talbot Road Drain East and 12th Line Drain

Motion: CR - 05/22

Moved By Councillor Brian Houston

Seconded By Mayor Gary McNamara

That Communications - For Information 1 through 3 as listed on the Tuesday, September 13, 2022 Court of Revision Agenda, **be received**.

Carried

H. Adjournment

Motion: CR - 06/22

Moved By Councillor Tania Jobin

Seconded By Councillor Brian Houston

That there being no further business, the Tuesday, September 13, 2022 meeting of the Court of Revision **be adjourned** at 7:10 pm.

Carried

Chair Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk