

Court of Revision Meeting

Minutes

Date: Tuesday, March 14, 2023
Time: 4:45 pm
Location: Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Present: Mayor, Gary McNamara - Chair
Councillor, James Dorner
Councillor, Alicia Higgison
Councillor, Rick Tonial

Absent: Councillor, Tania Jobin

Also Present: Chief Administrative Officer, Margaret Misk-Evans
Director Public Works & Engineering Services, Phil Bartnik
Deputy Clerk & Manager Legislative Services, Jennifer Alexander
Deputy Clerk - Clerks Services & Policy Advisor, Christina Hebert
Drainage Superintendent, Alessia Mussio
Director Technology & Client Services, Shaun Fuerth
Director Legislative Services & Clerk, Robert Auger

Others: Vanessa DaDalt, Manager Revenue Services

A. Roll Call

B. Call to Order

The Mayor calls the meeting to order at 4:45 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, Leni 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 Council.

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 for:

- 1) **Demonte Drain** or any part thereof as set out in the Drainage Report, prepared by Dillon Consulting Limited, dated August 5, 2022; or
- 2) **Gouin Drain** or any part thereof as set out in the Drainage Report prepared by Dillon Consulting Limited dated January 20, 2023.

The Drainage Superintendent provides a background of the Drainage Report on the repairs and improvements to the Demonte Drain.

F. Delegations

1. Mark Hernandez, Drainage Engineer for Demonte and Gouin Drains
2. Walt Demonte, Affected Property Owner on Demonte Drain

Mr. Demonte objects to the costs of his assessment to the proposed the drainage works for the Demonte drain. He is assessed at 20 thousand dollars and indicates that there is no benefit to him at all.

Mr. Hernandez explains the drain improvements around the affected properties which has had significant consultation. The report as appended on the agenda, outlines improvements to get the drain back into working condition. He adds, a representative of Laval, an affected property, had expressed concern with respect to the bank stability and requested a closure of that section of the drain. The drainage report addresses the bank stability concerns by Laval and assessed half of the costs to Laval. The other half of the assessment is to the roadway which Mr. Demonte's property is affected.

The Chair inquires on the process for a closure of the drain and assessment. Mr. Hernandez explains the process and advises that the request is unique as the portion of the drain is located on Mr. Demonte's property and not Laval's.

The Chair explains the protection of the bank is the issue and these improvements will increase the longevity of the service of this drain. Mr. Demonte comments that Laval is causing the problem due to heavy traffic, and they should pay for it.

The Chair adds that he will take Mr. Demonte's comments under advisement.

3. Domenic and Guiseppe Viselli, Affected Property Owner for Gouin Drain

The Drainage Superintendent provides a background of the proposed works on the Gouin drain as outlined in the drainage report appended on the agenda. Mr. Hernandez advises on the communication item 2.e as appended on the agenda.

Mr. Domenic Viselli speaks on behalf of his father, comments on Schedule C of the assessment of his father's property. He inquires on the calculation used for the benefit and outlet assessments. Mr. Hernandez explains the process of assessments with respect to the type of land use, size of the property, and frontage. Mr. Viselli's property is larger than other properties assessed.

The Director Public Works & Engineering Services advises the timeline to appeal the Court's decision being 40 days from the date the notice was mailed out to the affected property owners. The third and final readings of the by-law will occur at the April 11, 2023 Regular Council Meeting.

G. Communications

1. Demonte Drain

- a. Public Notice for the Demonte Drain dated February 28, 2023
- b. PWES-2023-10 Request to Consider Engineer's Report for Demonte Drain
- c. By-Law 2023-021 Demonte Drain (1st and 2nd reading)

Being a by-law to provide for the repair and improvements to the Demonte Drain

2. Gouin Drain

- a. Public Notice for Gouin Drain dated February 28, 2023
- b. PWES-2023-05 Request to Consider Engineer's Report - Gouin Drain
- c. By-Law 2023-022 Gouin Drain (1st and 2nd Reading)

Being a by-law to provide for the repair and improvements to the Gouin Drain

- d. Letter from John Crispo, Affected Property Owner on Gouin Drain
- e. Mark Hernandez, Drainage Engineer dated March 10, 2023
Re: Response to Residents Concerns on Gouin Drain

Motion: CR - 05/23

Moved By Councillor James Dorner
Seconded By Councillor Rick Tonial

That the Communications items listed on the Tuesday, March 14, 2023
Court of Revision Agenda, **be received**.

Carried

H. Adjournment

Motion: CR - 06/23

Moved By Councillor Rick Tonial
Seconded By Councillor Alicia Higgison

That there being no further business, the Tuesday, March 14, 2023 meeting of
the Court of Revision **be adjourned** at 5:19 pm.

Carried

Chair Gary McNamara, Mayor

Robert Auger, Clerk