

CORPORATION OF THE TOWNSHIP OF HURON-KINLOSS

Court of Revision Stanley Branch - Kaake Municipal Drain

7:00 p.m. - Council Chambers
April 16th, 2012

Court of Revision Members:

Deputy-Mayor (Huron-Kinloss)	Wilfred Gamble (Chair)	(P)
Councillor (Huron-Kinloss)	Carl Sloetjes	(P)
Deputy-Mayor (Brockton)	Roland Anstett	(P)
Staff:		
Administrator	Mary Rose Walden	(P)
Clerk	Sonya Watson	(P)
Treasurer	Jodi MacArthur	(P)
Drainage Superintendent	Grant Collins	(P)

OTHERS PRESENT: Greg Nancekivell, Bill Stanley, Matt Stanley, Doug & Charlene McEwan, Liz Dadson, Garit Reid

MINUTES

1.0 CALL TO ORDER

Chair Gamble called the meeting to order at 7:05 p.m.

2.0 ADOPTION OF MINUTES

Moved by Sloetjes
Seconded by Gamble

ADOPT COURT OF REVISION MINUTES THAT Huron-Kinloss Township Council hereby adopts the January 9th, 2012 Court of Revision Meeting Minutes as written.

Carried.

3.0 DISCLOSURE OF PECUNIARY INTEREST

Name	Item	Nature of Interest
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None disclosed.

4.0 Stanley Branch – Kaake Municipal Drain

4.1 List of Appeals of Assessments

STAFF COMMENTS: The Clerk has received no appeals prior to the meeting. The Schedule of Assessment has been copied for your review.

ACTION: Noted.

4.2 Verbal Appeals from Landowners

Chair advises: ***The purpose of the Court of Revision is to hear appeals regarding the Schedule of Assessment only. The Court of Revision has no authority to change the Engineer's Report in any way. The Schedule of Assessment may be altered but the total must remain the same. If one assessment is reduced than the other assessments must be increased to balance.***

Chair states: ***Are there any other assessed landowners present who wish to appeal their assessment?***

ACTION: Bill and Matt Stanley were present and raised concerns that when the road was raised and a culvert installed it continually flooded the Stanley lands. Stanley's felt it was the County that created the problem and it should be their responsibility to fix and pay for the problem. Bill Stanley does not feel they should have to pay \$2000.00 for a problem the County created. The ditch is higher than the land and therefore the land will not drain. The problem was created in 1990 and they are still dealing with the issue. They have not been able to use the land since 1990 and the culvert never quits running.

Greg Nancekivell responded that in assessing the drain they also felt the County was the major contributor to this water problem. However, Greg stated that they also felt Stanley's were benefiting from the drain for they would now have drier land which would result in more useable acreage. The County was assessed 81% of the cost of the drain.

4.3 Questions from Court of Revision Members

The Drainage Superintendent will be present to answer any questions.

ACTION:

Roland Anstett – Questioned the allowance of \$2095.00 to Stanley.

Greg Nancekivell responded that the allowance was to cover an "easement" on the Stanley property.

Carl Sloetjes questioned the engineer that if the road did not exist would the water have ended up on the property originally. The Engineer responded that the water would have ended up on the property. The road had essentially acted as a berm holding the water off the Stanley property.

4.4 Questions from Landowners

The Drainage Superintendent will be present to answer any questions.

ACTION: There were no further questions raised beside those previously stated by Bill and Matt Stanley. The Court of Revision members retired to the meeting room to discuss further.

4.5 Court of Revision's decision

Chair advises: All parties to the drain will receive a written notice of the Court decision which will contain additional information on the process to appeal the decision of the Court of Revision to the Ontario Drainage Tribunal.

The following motion was passed.

Moved by Anstett
Seconded by Sloetjes

KAAKE
MUNICIPAL
DRAIN

THAT the Court of Revision for the Stanley Branch- Kaake Municipal Drain approves the Schedule of Assessments adopted by By-law 2012-31 for the Stanley Branch- Kaake Municipal Drainage work as outlined in the report dated March 8th, 2012 prepared by Dietrich Engineering Limited.

Carried

The Chair advised Bill Stanley of his options in regards to the Tribunal. Greg Nancekivell provided details on the how the Drainage Tribunal works. Bill Stanley made further comments regarding the County creating this problem. Stanley questioned whether there would be any sense of him submitting an appeal to the tribunal. Greg Nancekivell suggested that in his personal opinion there would not be a valid reason to appeal. Stanley again reiterated his concerns with the assessment.

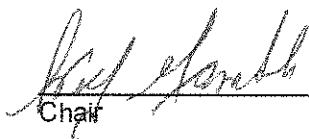
5.0 ADJOURN

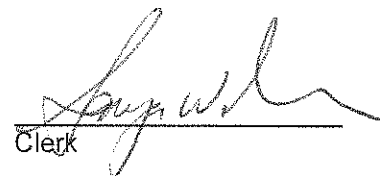
Moved by Sloetjes
Seconded by Anstett

ADJOURN

THAT the Court of Revision for the Kaake Municipal Drain does now adjourn.

Carried.


Chair


Clerk