

CORPORATION OF THE TOWNSHIP OF HURON-KINLOSS

Court of Revision MacLennan Municipal Drain

7:00 p.m. - Council Chambers
May 6th, 2013

Court of Revision Members:

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|--------------|------------------------|-----|
| Deputy-Mayor | Wilfred Gamble (Chair) | (P) |
| Councillors | Lillian Abbott | (P) |
| | Jeff Elliott | (P) |
| | Jim Hanna | (P) |
| | Carl Sloetjes | (P) |

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|-------------------------|------------------|-----|
| Staff: | | |
| Administrator | Mary Rose Walden | (P) |
| Clerk | Sonya Watson | (P) |
| Drainage Superintendent | Grant Collins | (P) |

OTHERS PRESENT: Kara Van Myall, Heather James, Al Leach, Ken Kilpatrick, Garit Reid, Barb Mckay, Liz Dadson, Jutta Splesstoesser, Cameron Courtney, Leroy Drennan, Ian Courtney, Leroy Drennan

MINUTES

1.0 CALL TO ORDER

Deputy-Mayor Gamble called the meeting to order 7:06 p.m.

2.0 DISCLOSURE OF PECUNIARY INTEREST

| Name | Item | Nature of Interest |
|------|------|--------------------|
|------|------|--------------------|

None disclosed.

3.0 ADOPTION OF MINUTES

Moved by Elliott
Seconded by Sloetjes

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|--|---|
| ADOPT COURT OF REVISION MINUTES | THAT Huron-Kinloss Township Council hereby adopts the April 1 st , 2013 Court of Revision Meeting Minutes for the Vanderhoek Municipal Drain as written. |
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Carried.

4.0 MacLennan Municipal Drain Report

4.1 List of Appeals of Assessments

STAFF COMMENTS: The Clerk has received two (2) written appeals prior to the meeting. The following schedules have been attached for your review.

Summary of Assessments

Branch E Equivalency Factor

Appendix C- Assessment Branch E

All parties to the drain were sent notice of tonight's meeting on April 29th, 2013 noting there may be changes to the assessment schedule previously provided.

ACTION: The two written appeals from Cameron Courtney and Donald MacLennan were received. There were no other appeals noted at this time.

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: Cameron Courtney stated again he wished to appeal his assessment. The Clerk noted his written appeal had been received by the Court.

4.3 Engineer's Summary

The Engineer will be present to discuss appeals and answer any questions. He has provided a revised assessment schedule for consideration and the following comments.

Based on the information received from the landowner for the North Part of Lot 35 & Lot 36, Concession 1 after the Meeting to Consider, it appears that both of these lots are under drained out of the Branch E watershed. Based on this information, I have adjusted the Equivalency Factor for these two Lots in the Section Data Table - Branch E (page D11 of Appendix D of our report) to 0.67 from the original value of 1.0.

The affect of altering the Equivalency Factor to the assessments for Branch E have been calculated through based on the assessment logic provided in the report. As requested please find attached a revised Appendix C - Assessments Schedule (page C3 of Appendix C or our report) for the Court of Revision to consider.

ACTION: Jeremy Taylor reviewed the sections of the Drainage Act that pertain to the revisions on the report. Jeremy reviewed the equivalency factor and how those ratios were arrived at for the Court. When the appeal by Cameron Courtney was reviewed the engineer established that the need for drainage of the area requiring drainage in lot 35 and 36 was smaller than first reported due to the under drainage on the Courtney property. Therefore the calculations were reviewed based on this new information. A revised Assessment Schedule for Branch E was provided by the engineer for consideration by the Court.

Donald McLennan was appealing based on the watershed boundaries. Jeremy Taylor verified the watershed boundaries were confirmed by the engineer in preparing the report. Ground work was done and the Conservation Authorities contour mapping was used to establish the watershed boundaries.

Cameron Courtney questioned the equivalency factor. Jeremy clarified that Cameron Courtney was given .67 for under drainage. This resulted in approximately a 1/3 reduction of the area of drainage for those properties in the report.

Leroy Drennan questioned why the appeal should be accepted and the overall benefit to the upstream landowners when all the work is being done downstream? Also his own land is tiled and the current drain is adequate.

The engineer clarified if all concerns in regards to the appeals had been addressed and if all appellants had a chance to state their concerns.

There was one final inquiry from Ian Courtney who questioned whether the revised assessment had been sent out.

The Clerk responded that all parties to the drain were notified that there had been appeals received. The revised assessment schedule for Branch E had been posted with the electronic agenda to the Township website for review. All parties would receive notice of the Court Decision.

The engineer further reported that there had been two (2) on site meetings held regarding the drain. There was time for concerns to be raised at each of the meetings.

4.4 Questions from Court of Revision Members

The Engineer and Drainage Superintendent will be present to answer any questions.

ACTION: There were no further questions. The Court members retired to the meeting room and requested the Clerk and Drainage Superintendent attend the discussion.

4.6 Court of Revision's decision

Moved by Sloetjes
Seconded by Elliott

MACLENNAN MUNICIPAL DRAIN THAT the Court of Revision for the MacLennan Municipal Drain reviewed the appeals received and approves the "revised" Schedule of Assessments from Branch E as noted in Appendix C prepared by R.J. Burnside & Associates Limited to the Court of Revision on May 6th, 2013.

Carried.

5.0 ADJOURN

Moved by Abbott
Seconded by Hanna

MACLENNAN MUNICIPAL DRAIN THAT the Court of Revision for the MacLennan Municipal Drain has revised the assessment schedule and does now adjourn to May 27th, 2013 for a second sitting of the Court of Revision for not all affected landowners are present.

Carried.

Original Signed By Wilfred Gamble
Chair

Original Signed by Sonya Watson
Secretary