

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
COURT OF REVISION
MEETING MINUTES
FEBRUARY 24, 2020 @ 7:00 P.M.
MUNICIPAL OFFICE COUNCIL CHAMBERS, KENILWORTH**

Members Present: Steve McCabe, Chair
Lisa Hern
Dan Yake

Also Present: Karren Wallace, Clerk- Secretary
Michael Givens, Chief Administrative Officer
Catherine Conrad, Deputy Clerk
Neal Morris, Drainage Engineer, K. Smart Associates Ltd.

CALLING TO ORDER – Chair

The purpose of the Court of Revision meeting is to consider the schedule of assessments for Drain 2 Martin Drain Part Lot 2, Concession 1 formerly Township of Arthur.

CORRESPONDENCE RECEIVED

No correspondence was received.

APPEALS RECEIVED

Moved: Member Hern

Seconded: Member McCabe

THAT the late appeals received from Terence Kennett and Sharon Clarke-Kennett 9548 Wellington Road 14, CONN, ON N0G 1N0 and Marco Feletto 8727 Sideroad 27, Orton, ON L0N 1N0 in the matter of the Court of Revision for Drain 2 (Martin) be received

CARRIED

COMMENTS FROM IMPACTED PROPERTY OWNERS

Terence Kennett commented that he felt his assessment of \$9,865 was too high, that he has no ability to pay and does not feel it is fair to pay for something that someone else requested.

Mike Feletto acting as agent for his father, Marco Feletto commented that the final assessment of \$3,954.00 was too high and was a large increase over the original estimate. He felt since there was no actual work on the Feletto property the assessment was too high, although he acknowledged they should pay something.

COMMENTS FROM THE ENGINEER

Neal Morris, Engineer K Smart and Associates Limited explained the rationale for the assessments, outlined the work to be done as indicated in the report. He also noted the spirit of the Drainage Act is that everyone in the watershed pays for a portion of the drainage works as it is a benefit to the lands in the drainage watershed. In calculating assessments, an engineer can't account for a land owners ability to pay and the assessments are a benefit to the land not the owner. He advised the municipality has options for debenturing in order to assist with assessment costs for an owner.

He advised the next step in the appeal process would be the Drainage Tribunal and cautioned it could take 6 months to get a hearing.

If no appeals are received at the Court of Revision the provisional by-law would be given third reading at the next meeting of Council and work could commence 10 days after that. In this case, since two appeals have been filed, the third reading of the by-law may not be passed until the appeals have been resolved and work can commence 10 days after the third reading of the by-law.

DECISION OF COURT OF REVISION

The Court of Revision, the Chief Administrative Office and the Clerk recessed to discuss the matter then returned to the hearing and passed the following resolution:

RESOLUTION: CoR 2020-001

MOVED BY: McCabe

SECONDED BY: Hern

THAT the Court of Revision concur with the K. Smart Associates Limited Report and Engineer Assessment Schedules, dated December 20, 2019 Report 18-221 for Drain 2 Martin Drain Part Lot 2, Concession 1 formerly Township of Arthur

CARRIED

ADJOURNMENT

RESOLUTION: CoR 2020-002

MOVED BY: McCabe

SECONDED BY: Hern

THAT the Court of Revision convened to consider Drain 2 (Martin) be adjourned at 7:44 p.m.

CARRIED