

MINUTES OF THE TOWNSHIP OF NORTH HURON
COURT OF REVISION



Date: Monday, April 3, 2017
Time: 7:08 p.m.
Location: HELD IN THE TOWNSHIP COUNCIL CHAMBERS

MEMBERS PRESENT: James Campbell
Ray Hallahan
Bill Knott

STAFF PRESENT: Sharon Chambers, CAO
Kathy Adams, Director of Corporate Services / Clerk
Donna White, Director of Finance
Pat Newson, Director of Recreation and Facilities
Jeff Molenhuis, Director of Public Works
Kirk Livingston, CBO/Property Standards/Zoning
Richard Al, Manager of Employee and Business Services

OTHERS PRESENT: Neil Vincent, Reeve
Yolanda Ritsema-Teeninga, Councillor
Trevor Seip, Councillor
Brock Vodden, Councillor
Bill Dietrich, Dietrich Engineering Limited
Denny Scott, Citizen
Kelsey Dunbar, Advance Times
Bryce Toll, Vaughn Toll, Margaret Vincent, Cathy Ritsema,
Merle Underwood, Wendy Herbert, Bob Raper, Dirk
Nauwelaerts, Wayne Cantelon

1. Members of the Court of Revision

M115/17

MOVED BY: B. Vodden

SECONDED BY: Y. Ritsema-Teeninga

THAT the Members for the Court of Revision for the Jackson and Schultz Municipal Drains 2017 consists of three members: Deputy Reeve James Campbell, Councillor Ray Hallahan, and Councillor Bill Knott.

CARRIED

Council Members who are not on the Court of Revision – please push back from the Council Table.

2. Appoint Chairperson

COR01/17

MOVED BY: R. Hallahan

SECONDED BY: B. Knott

THAT the Chairperson for the Court of Revision for the Jackson and Schultz Municipal Drains 2017 be Bill Knott.

CARRIED

3. Chairperson - Open the Court of Revision

Chair Bill Knott declared the Court of Revision to be open at 7:08 pm.

4. Appeals

4.1 Review of Written Appeals (read by the Clerk)

4.1.1 A written appeal has been received from Vaughn Toll.

Kathy Adams, Clerk, read the appeal received from Vaughn Toll.

4.1.2 A written statement for information has been received from Ron Howatt.

Kathy Adams, Clerk, read the correspondence received from Ron Howatt.

4.2 Verbal Appeals

COR02/17

MOVED BY: J. Campbell

SECONDED BY: R. Hallahan

THAT the Court of Revision hereby authorizes the hearing of verbal appeals for the Jackson and Schultz Municipal Drains 2017.

CARRIED

No verbal appeals were presented.

4.3 Engineer Gives Evidence

Bill Dietrich presents evidence to the Court in regards to any appeals and clarification of the Assessment Schedule.

Bill Dietrich, Dietrich Engineering Limited, addressed the Court of Revision.

Mr. Dietrich noted that the tender amounts received are significantly less than estimated.

Mr. Dietrich noted that there are three branches of the Jackson drain.

Mr. Dietrich addressed the assessment of the appellant, Vaughn Toll regarding A Drain, explaining how his assessments were calculated on the Toll property.

Mr. Dietrich noted that two-thirds of the A drain are located on the Toll property and one-third on Howatt property.

Mr. Dietrich noted that the lower section was installed in 1985 and at that time the Toll property was assessed 67% of the cost. Mr. Dietrich further noted that the Toll property is being assessed at 35% in the current Engineer's report.

Landowner Vaughn Toll addressed the Court of Revision and noted that the original assessment of 67% was due to the drain being open and at his request the drain was covered hence his property was assessed higher at that time to compensate for the additional cost associated with covering the drain. Mr. Toll further noted that he does not believe the original assessment should be part of the current conversation.

Court of Revision Member James Campbell asked the Engineer if he is able to provide the landowners with an estimate of their cost now that the tenders received are significantly lower than estimated.

Mr. Dietrich responded that taking into account the tenders received the amount assessed to the Toll property would be approximately \$13,000 which is approximately \$6000 less than the estimated cost.

Court of Revision Member Ray Hallahan inquired as to the why the amount assessed per acre has changed from the original 1985 assessment. Mr. Hallahan noted that his calculations indicate the Toll property is being assessed approximately \$800 per acre in the current report however other landowners are assessed lower amounts down to \$446 per acre for some landowners.

Mr. Dietrich responded that the assessment takes many factors in to consideration all of which impact the amount assessed to each landowner.

4.4 Appellants Present Their Case

4.4.1 Vaughn Toll

Landowner Vaughn Toll addressed the Court of Revision noting that he does not require the new drain as he has sufficient outlet available with the Hallahan drain.

Mr. Toll noted that this drain primarily benefits the property to north.

Mr. Toll indicated that according the to the Engineer's Report his property has 44 acres assessed into A Drain.

Mr. Toll questioned why he has to pay a higher assessment per acre than the average.

Mr. Toll reported that in order to hook into the proposed drain he would need to extend a plastic header which are additional costs that he would be required to pay.

Mr. Toll questioned being required to pay for a 24 inch drain that he does not feel is necessary and is to get rid of someone else's water.

Mr. Dietrich responded that the assessment to the Toll property detailed in the Engineer's Report is in part due to the drain being covered which was originally done at the request of Mr. Toll and provided a benefit to the Toll property however now has a higher cost associated when performing work on the drain.

Chair Bill Knott queried Mr. Toll as to whether his property is currently utilizing the Jackson Drain.

Mr. Toll responded that most areas of his property are being drained into other drains such as the Hallahan Drain.

Mr. Toll indicated that taking into account the lower tender costs received he would like the amount assessed to his property to be reduced by an additional \$5,000.

Mr. Dietrich advised that he felt the assessments were fair and equitable.

4.5 Deliberations by the Court of Revision

Chair Bill Knott requested that the members of the Court of Revision recess to deliberate.

Mr. Dietrich departed the meeting.

5. Decision of the Court

The members of the Court of Revision returned to the table.

It was the decision of the members of the Court of Revision to amend the Assessment Schedule but the Court did not provide information on how to amend the Schedule. As all the landowners were not in attendance, the Court agreed to adjourn to receive further information from the Engineer.

6. Adjournment

COR03/17

MOVED BY: J. Campbell

SECONDED BY: R. Hallahan

THAT the Court of Revision for the Jackson and Schultz Municipal Drains 2017, be hereby adjourned and be reconvened on April 18, 2017 at 7:00pm.

CARRIED

Neil Vincent, Reeve

Kathy Adams, Clerk