



**TOWN OF AMHERSTBURG
DRAINAGE BOARD
MINUTES**

**Tuesday, November 5, 2024
6:00 P.M.**

**Council Chambers,
271 Sandwich St South, Amherstburg, ON N9V 2A5**

PRESENT

Allan Major
Murray Sellars
Brian Renaud
Anthony Campigotto
Brad Laramie

**STAFF
PRESENT**

Sam Paglia, Drainage Superintendent/Engineering Coordinator
Nicole Humber, Recording Secretary
Selena Scebba, Policy and Committee Coordinator
Kevin Fox, Municipal Clerk

1. CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m.

2. ROLL CALL

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures.

4. LAND ACKNOWLEDGEMENT

The following land acknowledgement was read, “We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron- Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.”

5. MINUTES OF PREVIOUS MEETING

Moved By: Allan Major
Seconded By: Murray Sellars

That the Drainage Board Meeting Minutes of September 10, 2024, **BE ADOPTED.**

The Chair put the Motion.

Motion Carried.

7. OPEN COURT OF REVISION

The Chair opened the Court of Revision at 6:02 p.m.

7.1 Appeals - General Drain (2024)

Appeal # 1 – Jones Realty Inc.

Board Chair Anthony Campigotto asked if there was anyone in the gallery that wished to appeal. There were none. Board Chair Anthony Campigotto invited the appellant to speak. The appellant was not present.

Moved By: Brad Laramie
Seconded By: Brian Renaud

That:

1. The appeal submitted by Jones Realty Inc. to the Court of Revision for the General Drain (2024) **BE RECEIVED**; and,
2. The appeal submitted by Jones Realty Inc. **BE DISMISSED** on the grounds that the Court of Revision concurs with the assessment rational presented by the Engineer.

The Chair put the Motion.

Motion Carried.

7. CLOSE COURT OF REVISION

The Chair closed the Court of Revision at 6:21 p.m.

8. NEW BUSINESS

8.1 Engineering Appointment – Section 4 Petition Drain

Moved By: Allan Major
Seconded By: Murray Sellars

That:

1. The report from the Drainage Superintendent and Engineering Coordinator dated October 8, 2024 regarding the Section 4 Petition Drain – Engineering Appointment **BE RECEIVED**;
2. The Drainage Board recommend that Council **ACCEPT** the request from the County of Essex Road Authority for a Petition for Drainage under Section 4 of the Drainage Act; and,
3. The Drainage Board recommend the appointment of Rood Engineering Inc., under Section 4 of the Drainage Act for the examination and report on a Municipal Drain drainage system to satisfy the request **BE APPROVED** by Council.

The Chair put the Motion.

Motion Carried.

8.2 Dillon Consulting Ltd. – Designation of Engineer

Moved By: Brian Renaud
Seconded By: Allan Major

That:

1. The report from the Drainage Superintendent and Engineering Coordinator dated October 22, 2024 regarding the replacement of the Engineer on file **BE RECEIVED**;
2. The Drainage Board recommend that Council **RECEIVE** the Letter for information from Dillon Consulting Ltd, dated October 17, 2024 for the re-designation of the appointed engineer under Section 8(2) of the Drainage Act (Act).

The Chair put the Motion.

Motion Carried.

9. NEXT MEETING DATE

December 3, 2024 at 6:00 p.m.

10. ADJOURNMENT

Moved By: Brian Renaud
Seconded By: Murray Sellars

That the Drainage Board rise and adjourn at 6:27 p.m.

The Chair put the Motion.

Motion Carried.

Chair – Anthony Campigotto

Recording Secretary – Nicole Humber

Notice of Appeal to Court of Revision
Drainage Act, R.S.O. 1990, c. D.17, subs. 52(1) and 76(4)

To: The Clerk of the Corporation of the Town of Amherstburg

Re: General Drain
(Designation of drainage works)

Take notice that I/we, an owner or owners of land assessed for the above-mentioned drainage works, appeal to the Drainage Court of Revision under:

- Section 52 (1) for the construction or improvement of a drain; or
- Section 76 (4) for the development of a new assessment schedule for the drain on the grounds that:
 - My/our land has been assessed too high;
 - My/our land has been assessed too low;
 - Other land or road has been assessed too high;
 - Other land or road has been assessed too low;
 - Other land or road that should have been assessed has not been assessed;
 - Due consideration has not been given as to type of use of land.

Include Details of Appeal (attach additional pages if needed):
 See attached letter.

Property Owners Appealing to Court of Revision

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number, if available.
- If appealing to Court of Revision regarding multiple properties, attach additional page with property information.

Property Description

Jones Realty Inc. (Amherstburg Yacht club) 240 Front rd. North, Amherstburg.

Ward or Geographic Township

Parcel Roll Number

If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name and corporate position of the authorized officer. Only the owner(s) of the property may appeal to the Court of Revision.

Corporation

Corporate Ownership

Name of Signing Officer (Last Name, First Name) (Type/Print)

Jones, Terry

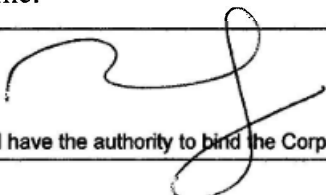
Name of Corporation

Jones Realty Inc.

Position Title

President

Signature



Date (yyyy/mm/dd)

2024/10/28

I have the authority to bind the Corporation.

Enter the mailing address and primary contact information of property owner below:

Last Name Jones		First Name Terry	Middle Initial T
Mailing Address			
Unit Number	Street/Road Number	Street/Road Name	PO Box
City/Town Amherstburg		Province On	Postal Code
Telephone Number	Cell Phone Number (Optional)	Email Address (Optional)	

To be completed by recipient municipality:

Notice filed this _____ day of _____ 20____

Name of Clerk (Last Name, First Name)	Signature of Clerk





RECEIVED
OCT 25 2024
Town of Amherstburg

*Saeed
Fahimuddin
Deputy
Clerk.*

October 25, 2024

Re: Notice of Appeal to the Court of Revision (By-law No. 2024-047).

The Amherstburg Yacht Club (AYC) is owned by Terry Jones of Jones Realty Inc. Jones Realty is appealing to the Court of Revision S.52(1) on the grounds that "due consideration has not been given to the use of the AYC property.

The appeal to the Court of Revision is being submitted based on further appeal of technical issues S.48(1) that the drainage works (Engineers Report) should be modified based on potentially negative impact to the marina. Should this appeal be successful, the drainage works design would need to be amended resulting in a change of assessments.

Thank you for considering our appeal.

Terry Jones, President

Jones Realty Inc.



The Corporation of The Town of Amherstburg

NOTICE OF MEETING – FIRST SITTING OF THE COURT OF REVISION

October 16, 2024

FILE NO: E09-2023-013

SUBJECT: **General Drain
First Sitting of the Court of Revision**

Dear Landowner:

Pursuant to Section 46 (1) of the Drainage Act 1990, please find enclosed a copy of **By-law No. 2024-047** exclusive of the Engineer's Report provisionally adopted by the Council of the Town of Amherstburg at a meeting held on October 15, 2024.

A public meeting is scheduled for the First sitting of Court of Revision, which will be held in-person on:

DATE: November 5, 2024
TIME: 6:00 p.m.
PLACE: Amherstburg Council Chambers
(271 Sandwich Street South)

Any owner of land assessed for the drainage works may appeal to the Court of Revision on any of the following grounds:

Any land or road has been assessed an amount that is too high or too low;
Any land or road that should have been assessed has not been assessed: and/or
Due consideration has not been given to the use being made of the land.

All notices of appeal shall be given in writing to Kevin Fox, Municipal Clerk of the Town of Amherstburg at least ten (10) days prior to the sitting of the court and shall state the grounds of appeal. The last day for filing a notice is Friday, October 25, 2024.

In addition to an appeal to the Court of Revision S. 52(1), landowners may appeal to the Referee regarding legal issues or to the Tribunal under section 54(1) of the Drainage Act on the decision of the Court, or regarding technical issues S48(1) within 40 days of the sending of this notice.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Sam Paglia	Report Date: October 8, 2024
Author's Phone: 519 736-3664 ext. 2318	Date to Drainage Board: November 5, 2024
Author's E-mail: spaglia@amherstburg.ca	Resolution #: N/A

To: Members of the Drainage Board

Subject: Section 4 Petition Drain – Engineering Appointment

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Drainage Superintendent and Engineering Coordinator dated October 8, 2024 regarding the Section 4 Petition Drain – Engineering Appointment **BE RECEIVED**;
2. The Drainage Board recommend that Council **ACCEPT** the request from the County of Essex Road Authority for a Petition for Drainage under Section 4 of the Drainage Act; and,
3. The Drainage Board recommend the appointment of Rood Engineering Inc., under Section 4 of the Drainage Act for the examination and report on a Municipal Drain drainage system to satisfy the request **BE APPROVED** by Council.

2. **BACKGROUND:**

The Town received a petition for drainage by the County of Essex for its roadway on September 9, 2024 in relation to a Requisition drain (the Emma Bondy Drain) established under the Ditches and Watercourses Act (1942).

3. **DISCUSSION:**

Section 3(18) of the Drainage Act provides that all requisition drains created by the Ditches and Watercourses Act shall be maintained in accordance with the award of the Engineer providing for such maintenance until such ditch is brought under the provisions of the Drainage Act under Section 4.

The engineer, in their examination will define a watershed and provide a drainage system that is designed to accept the stormwater from all lands within the watershed and the project will progress with a watershed approach and will follow the communal procedures under the Act to create a new drain with a certain level of service for all affected landowners in the watershed and not just the solution for the petitioner.

4. RISK ANALYSIS:

There is more risk for the Town if Council does not accept a petition for drainage works than there is in accepting one. Not only does Council have the responsibility to repair and maintain drainage works under the Act, there is an obligation for Council to provide finance with the funds necessary for all works related to drainage under the Act and all funds are recoverable by the users of the drain. The Engineer appointed by Council has the requirement to determine how any costs incurred and associated with the petition are to be collected by the Town whether the petition is valid or if it fails. If Council chooses not to accept the petition, the petitioners may file an appeal to the Tribunal.

The Petition received is on Form 2 and is deemed valid because it is a petition filed by a road authority. Therefore, the examining engineer will examine and report on the entire drainage scheme and submit a drainage report that provides not only the most economical and efficient solution to provide statute drainage to the road, but also provides the statute drain for all lands using the drain along with the mechanism for the Town to recover all costs fairly, and by By-Law for the drains construction as well as the future repair and maintenance on the drain from all of the lands that use the drain.

5. FINANCIAL MATTERS:

The financial implications will be determined by the appointed engineer and will be provided in the schedule of assessment within the engineer's drainage report for the improvements of the area which include the new Municipal Drain. All lands are involved in the process and upstream lands are assessed for anything improvement deemed necessary to carry stormwater safely to a sufficient outlet from their lands. All affected landowners have the opportunity to appeal the recommended works or assessment through the process under the Act.

The Town may also be assessed for its land(s) or road(s) within the watershed that contribute stormwater. The Town is also tasked with funding the project in its entirety, and until costs can be recovered through the assessment schedule adopted under the drains' By-Law. Once the recommended solution under bylaw is constructed, the Town recovers 100% of the cost of the project from all landowners affected, and if the Town is assessed, the assessment for their share of drainage is taken from the drain reserve fund.

6. CONSULTATIONS:

ERCA has been notified of the Petition received, and has the opportunity to ask for an environmental assessment on the proposed area. If they wish to, they must pay for that assessment under Section 6(1) regarding environmental appraisals. An ERCA permit will be required under Section 28 of the Conservation Authorities Act for this project.

7. **CONCLUSION:**

Administration is recommending that the petition be accepted in order to provide drainage by way of a legal outlet under the Act to lands and roads currently without a Statute outlet. Administration is recommending the appointment of Rood Engineering Inc. for this Petition Drain and that this be brought to the next available council meeting for Council's consideration pursuant to the provisions of the Drainage Act.



Sam Paglia, P.Eng.,
Drainage Superintendent and Engineering Coordinator

Attachment(s): Requests for Improvement received.

**Petition for Drainage Works by Road
Authority – Form 2**

Drainage Act, R.S.O. 1990, c. D.17, subs. 4(1)(c)

To: The Council of the Corporation of the Amherstburg of County of Essex

Re: Road name and road location (provide description of road or section of road that requires drainage)

County Road 20 from Mun. N^o 1993 southernly to Canard River on the east side of County Road 20. This area is currently serviced by the Emma Bondy Drain.

I, Allan Botham, as an individual having jurisdiction over
(Last, first name)

the above road system for the County of Essex

declare that the road described above requires drainage and hereby petition under subsection 4(1)(c) of the *Drainage Act* that this area be drained by means of a drainage works.

Organization

Corporation of the County of Essex

Position Title

Director, Infrastructure & Planning

Signature



Date (yyyy/mm/dd)

2024/09/16

Petitioners become financially responsible as soon as they sign a petition:

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act, R.S.O. 1990, c. D. 17 subs. 8(1).*
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the road authority is responsible for the costs. *Drainage Act, R.S.O. 1990, c. D. 17 subs. 10(4).*
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the road authority is responsible for the costs. *Drainage Act, R.S.O. 1990, c. D. 17 s. 43.*
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act, R.S.O. 1990, c. D. 17 s. 61.*



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Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Drainage Board, Author's E-mail, Resolution #.

To: Members of the Drainage Board

Subject: Dillon Consulting Ltd. – Designation of Engineer

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated October 22, 2024 regarding the replacement of the Engineer on file BE RECEIVED;
2. The Drainage Board recommend that Council RECEIVE the Letter for information from Dillon Consulting Ltd, dated October 17, 2024 for the re-designation of the appointed engineer under Section 8(2) of the Drainage Act (Act).

2. BACKGROUND:

Section 8(2) requires that where the engineer appointed under the Act is a corporation, the appointee or, corporation shall designate an engineer when the initial engineer cannot remain in charge of a project.

Tim Oliver, P.Eng., formerly of Dillon Consulting Ltd was appointed on the Lakewood Drive Drain Scheme No. 3, the Shuell Drain and the Lakewood Pump No. 1 Drains and Dillon Consulting Ltd has indicated that Oliver Moir, P.Eng., will now be the engineer on record for said projects.

3. DISCUSSION:

None

4. **RISK ANALYSIS:**

It is the Towns responsibility to administer the processes under the Act. This is an important part of that process should any of the projects be appealed.

5. **FINANCIAL MATTERS:**

None

6. **CONSULTATIONS:**

N/A

7. **CONCLUSION:**

Administration is recommending that the designation of Oliver Moir, P.Eng of Dillon Consulting be considered the engineer of record accordingly under Section 8(2)



Sam Paglia, P.Eng.,
**Drainage Superintendent and
Engineering Coordinator**

Attachment(s):

- Letter from Dillon Consulting Ltd. Dated October 17, 2024.

October 17, 2024

Sent Electronically Only

Corporation of the Town of Amherstburg
Public Works Department
512 Sandwich Street South
Amherstburg, ON N9V 3R2

Attn: Mr. Sam Paglia
Drainage Superintendent

*Redesignation of Engineer
Multiple Drainage Assignments*

Dear Sir:

In accordance with the Drainage Act Section 8(2), Dillon Consulting Limited is hereby notifying the Town of Amherstburg that Mr. Oliver Moir will be the replacement engineer responsible for the following projects:

- Lakewood Drive Drainage Scheme No. 3 (20-2190)
- Shuell Drain (24-8816)
- Lakewood Pump No. 1 (24-8837)

Should you have any questions related to this engineer redesignation, please do not hesitate to contact our office.

Yours sincerely,

DILLON CONSULTING LIMITED



Oliver Moir, P.Eng.
Drainage Engineer

OEM:lld

Our Files: 20-2193, 24-8816 and 24-8837



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