



**TOWNSHIP OF PELEE**  
**Special Meeting of Council**  
**Court of Revision**  
**Monday, May 30, 2022, 1:00 pm**  
**Royal Canadian Legion, Branch #403**

- I. Call to Order**
- II. Disclosure of Pecuniary Interest**
- III. Open Court of Revision**
  - A. Motion and vote is required
- IV. Oaths of Members**
- V. Order of Appeals**
  - A. There have been no written appeals submitted
  - B. Confirm Verbal Appeals – from audience in attendance
    - i. The Court can decide if they are willing to allow verbal appeals
- VI. Decision of the Court of Revision**
  - A. Report No. 2022 – 28: Hamel Drain Extension Improvements Final Engineer’s Report
  - B. Resolution to receive Report No. 2022 – 28 and adopt the schedules of assessment.
- VII. Close Court of Revision**
  - A. Motion and vote is required
- VIII. Adjournment**



THE CORPORATION OF THE  
*Township Of Pelee*

May 2, 2022

**SUBJECT: Hamel Drain Extension  
First Sitting of Court of Revision**

Dear Sir / Madam:

Pursuant to Section 46 (1) of the Drainage Act 1990, please find enclosed a copy of **By-law No. 2022-06** exclusive of the Engineer's Report provisionally adopted by the Council of the Township of Pelee at a meeting held on May 30, 2022.

A meeting is scheduled for the first sitting of Court of Revision on:

**DATE: May 30, 2022**  
**TIME: 1:00 p.m.**  
**PLACE: Royal Canadian Legion Branch 403-  
1169 West Shore Road**

An 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 Kristine Horst, Deputy Clerk of the Township of Pelee at least ten (10) days prior to the first sitting of the court and shall state the grounds of appeal.** The last day for filing a notice is Monday, May 20, 2022 which is ten days prior to the first sitting of the Court of Revision. An appeal form is attached.

In addition to the appeal to the Court of Revision, landowners not satisfied with Council's decision to proceed with the Hamel Drain Extension project can appeal to the Drainage Tribunal under section 48 (1) of the Drainage Act. The form entitled "Notice of Appeal to Tribunal by Owner of Land or Public Utility Re: Engineer's Report" is attached. **All notices of appeal shall be given in writing to Kristine Horst, Deputy Clerk of the Township of Pelee by June 9, 2022.**

If you have any questions, please feel free to contact the undersigned at (519) 736-3664 ext 2312.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Chamberlain".

Eric Chamberlain  
Drainage Superintendent

EC

Enclosure

**Report No: 2022 – 28 EC**

**Date: May 24, 2022**

**Submitted By: Eric Chamberlain**

**Subject: Hamel Drain Extension Improvements Final Engineer's Report**

**Attachments: N/A**

**Purpose (Information/Action):** To hold the first sitting of the Court of Revision for the engineer's report for the Hamel Drain Extension and to have Pelee Council hear any appeals on the assessments from the landowners.

## **Overview**

The final report for the Hamel Drain Extension was submitted by Rood Engineering Inc. on February 28, 2022. The following is an outline of the timing related to the Hamel Drain Extension project:

**June 8, 2020** – Council approved the capital budget that included \$20,000 to prepare the report for the Hamel Drain Extension Improvement.

**November 10, 2020** – Administration held an online site meeting to discuss the Improvements to the Hamel Drain Extension. The meeting was attended by 2 landowners, 2 Township representatives, the Township Drainage Superintendent and Gerard Rood, P. Eng., Rood Engineering Inc.

**August 18, 2021** – Rood Engineering Inc. provided the draft report for review and comment. The Drainage Superintendent reviewed the report and provided the consulting firm with revisions.

**January 25, 2022** – The engineer's report was provided to the Drainage Committee for further review and comments. The Drainage Committee had revisions that were provided to the consulting firm for their consideration.

**January 28, 2022** – Rood Engineering provided the final engineer's report for the Hamel Drain Extension which included the revisions provided by the Drainage Committee.

**February 22, 2022** – Pelee Council held the Meeting to Consider and during the meeting Council decided to send the report back to the engineer for reconsideration. The concern was the elimination of the upper portion of the Hamel Drain Extension would result in an additional engineer's report if future works are needed to the upper portion.

**February 28, 2022** – Rood Engineering provided the final revised engineer's report for the Hamel Drain Extension which included the revisions provided by the Drainage Committee.

**April 25, 2022** – Pelee Council held the Meeting to Reconsider the Hamel Drain Extension and adopted the engineer's report by giving two readings to the provisional By-Law 2022 – 06. In addition, Pelee Council scheduled the Court of Revision for May 30<sup>th</sup> at 1:00 pm.

To date, the Township has not received any formal appeals from the landowners within the Hamel Drain Extension project.

The following is a review of cost the three versions of the engineer’s report for the Hamel Drain Extension:

|                              | Original         | Amended – Drainage Committee | Phased Approach – Council Direction  |
|------------------------------|------------------|------------------------------|--|
| Engineering                  | \$28,535         | \$31,140                     | Phase 1 - \$25,000<br>Phase 2 - \$11,080<br><b>Total - \$36,080</b>                |
| Construction                 | \$68,485         | \$53,730                     | Phase 1 - \$53,730<br>Phase 2 - \$22,540<br><b>Total - \$76,270</b>                |
| Allowances                   | \$2,910          | \$2,130                      | Phase 1 - \$2,130<br>Phase 2 - \$ 780<br><b>Total - \$2,910</b>                    |
| <b>Total Cost of Project</b> | <b>\$100,200</b> | <b>\$87,000</b>              | <b>Phase 1 - \$80,860</b><br><b>Phase 2 - \$34,400</b><br><b>Total - \$115,200</b> |
| <b>Assessments Breakdown</b> |                  |                              |  |
| Roads                        | \$63,937         | \$56,304                     | Phase 1 - \$52,347<br>Phase 2 - \$21,289<br><b>Total - \$73,636</b>                |
| Non Agi Lands                | \$6,326          | \$7,031                      | Phase 1 - \$6,528<br>Phase 2 - \$0<br><b>Total - \$6,526</b>                       |
| Grantable Agi                | \$11,139         | \$4,785                      | Phase 1 - \$4,449<br>Phase 2 - \$13,111<br><b>Total - \$17,560</b>                 |
| Non Grantable Agi Lands      | \$18,798         | \$18,880                     | Phase 1 - \$17,536<br>Phase 2 - \$0<br><b>Total - \$17,536</b>                     |
| <b>Total Cost of Project</b> | <b>\$100,200</b> | <b>\$87,000</b>              | <b>\$115,200</b>   |

This table provides Council with a detailed breakdown of the three options as it relates to overall cost of the project and proposed assessments to lands and road.

The schedules contained within the engineer’s report have been modified to be able to assess all the engineering and construction costs for Phase 1. The Engineer has provided a maintenance schedule for future maintenance for Hamel Drain Extension – Phase 1.

## Financial Impacts

The engineer has estimated the total cost of the Hamel Drain Extension Improvements to be \$91,940. Pelee Council has already approved the budget of \$20,000 to complete the report that will be considered. The final cost of the project is as follows:

|                             |                 |
|-----------------------------|-----------------|
| • Engineering and Incidents | \$36,080        |
| • Allowances for Damages    | \$ 2,130        |
| • Construction              | <u>\$53,730</u> |
| <b>Total Estimated Cost</b> | <b>\$91,940</b> |

The engineer's report provides an assessment schedule that provides the method for the Township to recover cost incurred on the project. The following is a summary of the assessments:

### Phase 1 includes all engineering costs to date

|   |                 |
|---|-----------------|
| Township Roads  | \$59,490        |
| Privately Owned – Non Agricultural Lands                  | \$ 7,435        |
| Privately Owned – Agricultural Lands<br>(grantable)       | \$ 5,055        |
| Privately Owned – Agricultural Lands (non -<br>grantable) | \$19,960        |
| <b>Total Estimated Cost</b>                               | <b>\$91,940</b> |

An additional \$78,000 has been included in the 2022 Drainage Budget request. This request could be reduced to \$71,940 due to the changes made by Drainage Committee and Pelee Council including original budget of \$20,000 already funded from the 2020 Capital Budget.

## Recommendations

It is recommended that:

1. The report from the Drainage Superintendent dated May 24, 2022 regarding the Improvement to the Hamel Drain Extension **BE RECEIVED**; and,
2. The Court consider any assessment appeals raised by the landowners for the Improvement to the Hamel Drain Extension; and,
3. The Court adopt the schedules of assessment subject to any alterations by the Court provided by the appointed engineer for the Improvement to the Hamel Drain Extension prepared by Rood Engineering Inc. dated February 28, 2022.

The Corporation of the Township of Pelee  
Regular Meeting of Council  
COUNCIL RESOLUTION

Date: May 30, 2022

|                   |              |
|-------------------|--------------|
| Resolution 2022 – |              |
| Moved by:         | Seconded by: |

“Be it Resolved that the Council of the Township of Pelee hereby receive Report No: 2022 – 28 EC: Hamel Drain Extension Improvements Final Engineer’s Report.

AND FURTHER:

1. That the Court consider any assessment appeals raised by the landowners for the Improvement to the Hamel Drain Extension; and,
2. The Court adopt the schedules of assessment subject to any alterations by the Court provided by the appointed engineer for the Improvement to the Hamel Drain Extension prepared by Rood Engineering Inc. dated February 28, 2022.”

| RESOLUTION RESULT           | RECORDED VOTE                 |     |    |
|-----------------------------|-------------------------------|-----|----|
|                             |                               | YES | NO |
| CARRIED                     |                               |     |    |
| DEFEATED                    |                               |     |    |
| DEFERRED                    |                               |     |    |
| REFERRED                    |                               |     |    |
| PECUNIARY INTEREST DECLARED |                               |     |    |
| RECORDED VOTE (SEE RIGHT)   |                               |     |    |
| WITHDRAWN                   |                               |     |    |
| MAYOR – RAYMOND DUROCHER    | DEPUTY CLERK – KRISTINE HORST |     |    |
|                             |                               |     |    |

The above is a certified to be true copy of resolution number 2022 –

Kristine Horst  
Deputy Clerk