

## **The Corporation of the Town of Kingsville**

**RE: Excerpt from the Regular Meeting of Council Minutes, dated March 13, 2017  
(Report Consideration)**

### **F. MATTERS SUBJECT TO NOTICE**

Engineer Lou Zarlenga (R. C. Spencer Associates Inc.) and K. Vegh, Drainage Superintendent

#### **Engineer's Report Consideration - 2nd Concession Branch of the Esseltine Drain - Replacement of Farm Crossing; Owner: Mucci Farms Ltd. (290-38700), in the Town of Kingsville, in the County of Essex**

i) Notice of Meeting to Consider Engineer's Report, dated February 22, 2017;

ii) Engineer's Report dated December 22, 2016 (Project Ref. No. 16-568) including Schedule of Assessment for Construction and Schedule of Maintenance;

iii) Proposed By-law 28-2017, being a by-law to provide for the construction of a bridge over the 2nd Concession Branch of the Esseltine Drain; Owner: Mucci Farms Ltd., in the Town of Kingsville, in the County of Essex.

Engineer Zarlenga presented the Engineer's Report prepared in accordance with Section 78 of the Drainage Act, stating that the proposed work involves the replacement of an existing farm crossing. The owner is paying the full cost for the replacement of this culvert; the cost has been assessed entirely against Roll No. 290-38700 as a special benefit based upon the owner agreeing to pay 100% per cent of the cost. An additional cost of \$17,000 has also been assessed as a special benefit to Roll No. 290-387000 for previous engineering work carried out at their request. Engineer Zarlenga stated that the construction has been upgraded and is based on a 25-year storm event.

Comments from the audience:

Steve Stephenson, 1607 County Road 34 E., Ruthven, stated that his main concern is truck traffic. He wondered what the circumstances will be 5 to 10 years from now with possible expansions of the business, and whether trucks will be going through the small neighbourhood.

Mr. Vegh explained that Road 2 is a 'no truck route' and will remain that way.

Carol Stockwell, 1777 Road 3 East, asked "Where does the bridge begin and where does it end"? Engineer Zarlenga stated that the bridge is located on private property near the middle of Mucci Farms.

Milka Pieper, 1684 Nevan Court also expressed safety concerns regarding truck traffic, stating that children are playing in the Sun Valley subdivision. She also asked for an explanation as to maintenance charges.

Mr. Vegh explained the provisions of Section 74 of the Drainage Act; that drainage works' maintenance and repair is completed by the municipality at the expense of all assessed upstream lands and roads, in the proportion determined by the relevant by-law pertaining to the works. He explained that the upstream properties drain to the same drain the Mucci Bridge is on.

John Penner, 1542 County Road 34, stated that his tax bill has recently gone up and he wondered how the Town made the calculations. Mayor Santos clarified that property tax billing is not associated with the drainage report. Director of Financial Services S. Zwiers indicated she would assist Mr. Penner and explain his property tax billing.

George Dekker asked on behalf of Mucci Farms if Council, pending approval, would consider by-passing the Court of Revision and proceed directly to tendering. Mayor Santos indicated that the property owner could file a signed Waiver of Appeal Rights and should Council accept the signed Waiver the Town Drainage Superintendent would be instructed to obtain Contractor quotations. The Court of Revision would still be scheduled in accordance with the Drainage Act.

John Penner asked how wide the ditch would be in the front of his yard after the works are completed and Mr. Vegh responded that his ditch would not be altered or touched.

There were no further questions from anyone in attendance in the audience.

#### **246-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Sandy McIntyre

Council adopt the Engineer's Report prepared by R. C. Spencer & Associates, dated December 22, 2016 (Project No. 16-568); read By-law 28-2017, being a by-law to provide for the construction of a bridge over the 2nd Concession Branch of the Esseltine Drain; Owner: Mucci Farms Ltd. (290-38700) in the Town of Kingsville, in the County of Essex, a first and second time at this Regular Meeting; and schedule Court of Revision for a future date.

**CARRIED**