

City of Port Colborne
Court of Revision Minutes – Point Abino Drain

Date: Thursday, September 18, 2025
Time: 6:00 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Member
D. Elliott, Member
A. Noyes, Member (Town of Fort Erie)

Staff Present: J. Beaupre, Deputy Clerk
A. VanderVeen, Drainage Superintendent

Others Present: Paul Marsh, P. Eng, EWA Engineering Inc.
Troy Davidson, Drainage Superintendent, Town of Fort Erie

1. Call to Order

The Clerk called the meeting to order at 6:07 p.m.

2. Selection of Chair Person

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That Councillor Bodner be appointed Chair of the Court of Revision respecting the Point Abino Municipal Drain.

Carried

3. Explanation by Chair

The Chair explained the jurisdiction of the Court of Revision.

4. Explanation by Drainage Superintendent

Alana VanderVeen, Drainage Superintendent, explained the Court of Revision process.

5. Presentation by Drainage Engineer

Paul Marsh, drainage engineer from EWA Engineering Inc., presented to the Court of Revision on the Point Abino Drain.

6. Appeals Received

6.1 Brian Shaubel - Roll 2711-040-001-07800

Brian Shaubel presented the appeal on behalf of Sophia Shaubel for 451 Pleasant Beach Road.

6.2 Brian Shaubel – Roll 2711-04-001-03610

Brian Shaubel presented his appeal for 588 Holloway Bay Road.

6.3 Bruno lafrate – Roll 2703-020-018-11100

Bruno lafrate presented his appeal for 4971 Abino Hills

6.4 David, Janet, Patrick, and Jennifer Butsch – Roll 2703-020-018-11401

David Butsch presented the appeal for 5003 Abino Hills Road.

6.5 Constance Constantino– Roll 2703-020-018-12700

Constance Constantino presented her appeal for 5263 Abino Hills Road.

6.6 David Leon – Roll 2703-020-018-13400

David Teach presented the appeal on behalf of the Point Abino Park Association, wetlands.

6.7 David Teach – Roll 2703-020-018-12000

David Teach presented his appeals for 5141 Abino Hills Road.

6.8 David Teach – Roll 2703-020-018-12100

6.9 Dorothy Mae Ferguson – Roll 2703-020-018-12500

Dorothy Mae Ferguson did not appear to appeal.

6.10 Elizabeth Humason – Roll 2703-020-018-12800

Elizabeth Humason appealed for 5271 Abino Hills Road.

6.11 James and Christopher lafrate – Roll 2703-020-018-01300

Bruno lafrate presented the appeal for James and Christopher lafrate for 849 Abino Road South.

6.12 Mary Meehan, Winfield and John Butsch – Roll 2703-020-018-11400

John Butsch presented the appeal for 4991 Abino Hills Road.

6.13 Robert Greene – Roll 2703-020-018-12200

Robert Greene presented the appeal for 5161 Abino Hills Road.

6.14 Sally Howard – Roll 2703-020-018-22800

Sally Howard presented the appeal for 391 Point Abino South.

6.15 Salvatore and Franca Andreacchi – Roll 2711-040-001-08500

Franca Andreacchi presented the appeal for 341 Pleasant Beach Road.

6.16 Stephen and Michael Munschauer – Roll 2703-020-018-11000

Septen and Michael did not appear to appeal.

6.17 Tara Leon – Roll 2703-020-018-11600

Tara Leon did not appear to appeal.

6.18 Wayne Patterson – Roll 2703-020-018-24800

Wayne Patterson did not appear to appeal.

6.19 William Pfeifer – Roll 2703-020-018-11200

William Pfeifer did not appear to appeal.

6.20 Wayne Patterson - Roll 2703-020-018-13000

Wayne Patterson did not appear to appeal.

6.21 Joseph Palumbo – Roll 2711-040-001-02300

Joseph Palumbo appealed 5511 Firelane 27.

7. Verbal or Late Appeals

Moved By D. Elliott, Member

Seconded By A. Noyes, Member

That the late appeals from the following appellants be heard:

- Greenburg International (2 appeals)
- Jeff and Karin Dieters, 366 Mathews Road South

Carried

7.1 Greenburg International - Multiple Roll Numbers

No representative for Greenburg International appeared to appeal.

7.2 Greenburg International - Appeal 2 - Multiple Roll Numbers

No representative for Greenburg International appeared to appeal.

7.3 Jeff and Karin Dieters - 366 Mathews Roads South

Karin Dieters presented the appeal for 366 Mathews Road South.

8. Time for Appeals to be Heard

The appellants who were present at the meeting presented their appeals to the Court of Revision.

9. Decision of the Court of Revision

Moved By D. Elliott, Member

Seconded By A. Noyes, Member

That the appeal of Sophia Shaubel be dismissed and the engineer's assessment be upheld on the basis that the assessments are fair and equitable.

Carried

Moved By D. Elliott, Member

Seconded By A. Noyes, Member

That the appeal of Brian Shaubel be dismissed and the engineer's assessment be upheld on the basis that the assessments are fair and equitable.

Carried

Moved By D. Elliott, Member

Seconded By A. Noyes, Member

That the appeal of Bruno lafrate be dismissed and the engineer's assessment be upheld on the basis that the assessments are fair and equitable.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of David, Janet, Patrick, and Jennifer Butsch be dismissed and the engineer's assessment be upheld on the basis that the assessments are fair and equitable.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of Constance Constantino be dismissed and the engineer's assessment be upheld on the basis that the assessments are fair and equitable.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of David Leon, representing the Point Abino Park Association, be dismissed and the engineer's assessment be upheld on the basis that the assessments are fair and equitable.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That both appeals of David Teach be dismissed and the engineer's assessment be upheld on the basis that the assessments are fair and equitable.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of Dorothy Mae Ferguson be disallowed as they have not appeared before the Court this evening to support their appeal.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of Elizabeth Humason be dismissed and the engineer's assessment be upheld on the basis that the assessments are fair and equitable.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of James and Christopher lafrate be dismissed and the engineer's assessment be upheld on the basis that the assessments are fair and equitable.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of Mary Meehan, Winfield, and John Butsch be dismissed and the engineer's assessment be upheld on the basis that the assessments are fair and equitable.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of Robert Greene be dismissed and the engineer's assessment be upheld on the basis that the assessments are fair and equitable.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of Sally Howard be dismissed and the engineer's assessment be upheld on the basis that the assessments are fair and equitable.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of Salvatore and Franca Andreacchi be allowed and the proposed culvert at 108500 be removed from the report and the assessments thereof also removed.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of Stephen and Michael Munschauer be disallowed as they have not appeared before the Court this evening to support their appeal.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of Tara Leon be disallowed as they have not appeared before the Court this evening to support their appeal.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That both of the appeals of Wayne Patterson be disallowed as they have not appeared before the Court this evening to support their appeal.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of William Pfeifer be disallowed as they have not appeared before the Court this evening to support their appeal.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the appeal of Joseph Palumbo be accepted and the assessment be reduced by 25%. The amount unassessed shall be paid by the Pleasant Beach Road authority.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That both of the appeals for Greenburg International be disallowed as they have not appeared before the Court this evening to support their appeal.

Carried

Moved By D. Elliott, Member
Seconded By A. Noyes, Member

That the verbal appeal of Jeff and Karin Dieters be dismissed and the engineer's assessment be upheld on the basis that the assessments are fair and equitable.

Carried

10. Changes and/or Approval of Assessment Schedules

Paul Marsh, drainage engineer, will make the changes required by the decisions of the Court of Revision and shall provide updated schedules to the Clerk of the Municipality.

11. Further Appeal Process

The Chair noted that the decisions made by the Court of Revision could be appealed to the Agriculture, Food, and Rural Affairs Appeal Tribunal within 21 days of the written pronouncement of the decisions. Appeals are to be directed to the City Clerk.

12. Adjournment

The Chair adjourned the hearing at 9:19 p.m.

Ron Bodner, Chair

Jessica Beaupre, Deputy Clerk