

Town charges business owner \$5,700 for work he didn't approve

By Mike Pickford

A local business owner has been left scratching his head after being billed more than \$5,700 for a routine infrastructure-related project he says he never agreed to.

David Iafrate, owner of Aarts Hair Studio on Second Street, is looking for answers after receiving an invoice from Town Hall earlier this year. While he admits he's happy the work, which tied his building's sewage system into the Town's main sewage line, has been completed, he has a major issue with the cost. He called on Town Council to 'meet me half way' on the project when discussing the issue at the July 17 council meeting.

'As a business owner I have to talk to someone before I go ahead with any work? I don't think it's right that I've been stuck with this bill,' Mr. Iafrate told members of council.

The issue centres around the Town's \$2 million reconstruction of First Avenue, which was completed last year. Under that project, the municipality completely replaced its existing underground watermain and sewer pipes while also carrying out routine road renovations between First Street and Fourth Street. All home owners and businesses located along that stretch were connected to the Town's new lines at no extra cost 'but Mr. Iafrate required more than just a simple reconnection.

Unfortunately, he wasn't around on the day contractors carried out the work on his building so he was unable to direct workers and inform them about separate sewage line connections he required for his basement tenants.

'I remember turning up to work the day after everything had been completed outside and one of my tenants asked why the sewer hadn't been connected properly in the basement? I didn't have an answer,' Mr. Iafrate said. 'Aren't we supposed to get letters notifying us that work is going to be carried out? If I had gotten something I would have requested that the contractor hook up our pipes in the basement properly? All I wanted was for this job to be done properly.'

John Lackey, the Town's Manager of Operations and Development, informed Council that all necessary steps had been taken to notify property owners of the project, including distribution of letters. He also noted that workers were unaware of the fact that sewage was pumped up from the basement to reach the main line in Mr. Iafrate's building and that they simply carried out a 'like for like' replacement of the existing pipe.

'On our First Avenue reconstruction there were no other cases like this, only at Mr. Iafrate's building? 10 Second St.?' Mr. Lackey said. 'All the other sewage systems are gravity fed.' In reply to a question posed by Mayor Jeremy Williams, Mr. Lackey noted this instance of having sewage systems pumping upwards to reach a line 'wasn't normal'.

Wanting the issue rectified, Mr. Iafrate reached out to the municipality who put him in touch with one of the contractors leading the project. He explained the situation and asked if the necessary work could be done. That was when he first learned the work would cost 'roughly \$5,000'.

'I thought that was a crazy price to pay for something that should have been done properly in the beginning? The Town knows what's in my building, it knows what's in there,' Mr. Iafrate said. 'I said I wasn't going to pay \$5,000 for a pipe. That sort of thing should be covered (in my taxes).'

You can imagine his surprise then when, a number of weeks later, a bill arrived even though he hadn't formally signed any agreement stating he would pay for the work to be carried out.

'The Town plus the contractor felt they had the okay to go ahead and do the work. A \$5,000 estimate was given to Mr. Iafrate before the work was completed? While there was no written contract I think all parties felt that they were doing work and proceeding in good faith, hence why the invoice did follow,' Mr. Brennan said.

The municipality picked up the \$5,700 tab for the work and are now looking to reclaim that money from Mr. Iafrate. 'If it was a couple thousand dollars then no problem, but this is more than I wanted to spend,' Mr. Iafrate said. He asked if council could consider at least partially funding the bill, as a make-up for the apparent communication error.

Councillor Don Kidd was against the municipality providing any kind of help, stating Mr. Iafrate should have taken it upon himself to find out what work was ongoing in front of his business.

'We're going to be working on many, many streets in the future, council is going to continue to do it year after year after year. If, after construction is done, people start coming forward because they don't like something that's been done, want something changed or claim they didn't get a notification that work would be taking place? We'd be setting quite the precedent here,' Coun. Kidd said. He added, 'Are we going to start changing things because people say they didn't get notified? If someone is digging in front of your home or business, or there's something going on out on the street you should probably go and find out what it is.'

Mayor Williams, who admitted to having had discussions with Mr. Iafrate prior to the work taking place as the property owner

sought to negotiate a better price for the project, appeared to sympathize with the situation.

?I myself don't know that this is fair, and I am speaking for myself there, not for the municipality,? Mayor Williams said. ?The work was done without authorization and then you were given a bill. To me, that doesn't seem right.?

He added, ?I don't see there's any interest from members of council to adjust or change this, though. I don't think your answer or solution is within these chambers. I wish I could do more here (to help).?