

**MINUTES OF THE TOWN OF AMHERSTBURG
COURT OF REVISION
MONDAY, SEPTEMBER 14, 2009
6:00 P.M.**

PRESENT: Councillor Rick Fryer
Councillor Paul Renaud
Councillor Rosa White
Pam Malott, CAO
Todd Hewitt, Public Works Engineering Coordinator
Brenda Percy, Manager of Council & Legislative Services
Lou Zarlenga, Manager of Public Services

ALSO PRESENT: Chris Bastien
Paul Bastien

CALL TO ORDER

Brenda Percy, Manager of Council & Legislative Services called the meeting to order.

APPOINTMENT OF CHAIR

Moved by Councillor R. Fryer
Seconded by Councillor R. White

That Councillor P. Renaud be appointed Chairperson for the Court of Revision held on September 14, 2009 regarding the following matter:

- 1) Replacement of an Access Bridge For Chris Bastien Over the 7th Concession South Municipal Drain – Report dated September 4, 2009.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

ACCESS BRIDGE FOR CHRIS BASTIEN OVER THE 7TH CONCESSION SOUTH MUNICIPAL DRAIN

Moved by Councillor R. Fryer
Seconded by Councillor R. White

That the Court of Revision for the Replacement of an Access Bridge For Chris Bastien Over the 7th Concession South Municipal Drain be opened.

Motion Carried

COMMENTS FROM THE PUBLIC and APPEALS

Mr. Chris Bastien, 7817 Concession 7, Amherstburg questioned the increase in construction price of approximately \$5,000.00. Lou Zarlenga, Manager, Public Services advised that a difference between the estimated construction cost and the tender prices received is not an unusual event. There is a provision within the *Drainage Act* that states where the contract price exceeds 133 per cent of the engineer's estimate of the contract price, the council of the initiating municipality shall call a meeting and Council may reconsider however, this is not the case. The final price is approximately 22% over.

Mr. Paul Bastien, 83 Wilkinson Court, Amherstburg asked what would happen if they chose not to proceed with the construction. Lou Zarlenga, Manager, Public Services advised that the costs incurred to date would have to be borne by the landowner.

Mr. Chris Bastien advised that he has opted to debenture the cost of the construction. He noted that this amount would result in an increase of \$7,000 to the property taxes, per year. He noted that the amortization period is over 5 years and asked if he could extend the debenture period. CAO Pam Malott advised that the Town can always entertain a longer debenture period but the carrying costs would be more as a result. If the Town agreed to extend the debenture to a longer term, the extended timeframe would apply to everyone assessed on the project as its one debenture and one project. Mr. Chris Bastien expressed concern of his ability to sell the property with taxes that high. CAO Pam Malott advised that the finance department could create a schedule showing a 10 year amortization period. She suggested that Mr. Bastien also contact his bank to review all options available.

Councillor R. Fryer asked when a debenture period would have to be decided. Lou Zarlenga, Manager, Public Services advised that once the By-law goes to Council.

Councillor R. White suggested that it may be more difficult to sell the property with a ten year debenture. She suggested that it may be better to consider a bank loan which could be paid off once the property is sold. Once entering into a debenture, you cannot break that term.

Lou Zarlenga, Manager, Public Services clarified that while cost of the bridge came in \$5,000 higher, it is also pro rated to the upstream land owners. The entire cost is not all to Mr. Chris Bastien but is proportioned to those owners identified on the Schedule of Assessment.

Mr. Paul Bastien asked when the construction would begin. Lou Zarlenga, Manager, Public Services advised that there is a report listed on the regular agenda for this evening's Council meeting that addresses the tender results. If Council's approves the recommendations included in the report, the work would start as soon as the contractor provides the required documents.

Councillor R. Fryer sought clarification whether Mr. Bastien still had time to decide whether or not to continue with the construction and if Mr. Bastien could still reconsider if the report is approved at this evening's Council meeting. Lou Zarlenga advised that it's the construction would start but there is still time to work through the payment plan. CAO Pam Malott advised that there are two different by-laws; one being the tender by-law and the other is the debenture by-law.

Chair P. Renaud advised that Mr. Bastien may wish to review all of his options.

Councillor R. White asked what the cost implications of cancelling the project now would be. Lou Zarlenga, Manager, Public Services reported it would be approximately \$6,000.00.

REPORTS

Moved by Councillor R. Fryer
Seconded by Councillor R. White

That the comments from the public at this meeting be received;

That the report by Lou Zarlenga dated September 4, 2009 regarding the Second Court of Revision Drainage Report based on a request from Chris Bastien for Replacement of an Access Bridge over the 7th Concession South Municipal Drain in Malden be received;

And further that the revised assessment schedule dated August 17, 2009 and revised drainage area map from Bruce D. Crozier Engineering for the Replacement of an Access Bridge For Chris Bastien Over the 7th Concession South Municipal Drain be confirmed and that the Court be closed.

Motion Carried

NEW BUSINESS

Moved by Councillor R. Fryer
Seconded by Councillor R. White

That Administration contact Chris Bastien to provide him with a 10 year amortization schedule which will assist Chris Bastien in understanding what the total charges would be if he debentured the project over 10 years.

Motion Carried

Discussion:

CAO Pam Malott advised that the entire process is either debentured or the entire cost is paid up front. Administration can provide Mr. Bastien with an amortization schedule over a longer period for his consideration.

ADJOURNMENT

Moved by Councillor R. White
Seconded by Councillor R. Fryer

That the Court adjourn at 6:20 p.m.


Rick Fryer, COR Member


CLERK - BRENDA M. PERCY

