

Minutes of a meeting of the Court of Revision for the Faucher Drain held on Thursday, September 9, 2004 at 7:00 p.m.

PRESENT

Councillor Carl Gibb
Councillor Paul Renaud
Councillor Robert Bailey

ALSO PRESENT

David Mailloux, Clerk
Lou Zarlenga, PWM
Ed Dries, P. Eng. with Todgham & Case Assoc. Inc.
Also: see attendance list attached

Moved by P. Renaud, seconded by R. Bailey that Carl Gibb be appointed Chairperson for the Faucher Drain Court of Revision.

Motion Carried

Moved by R. Bailey, seconded by P. Renaud that we open the Court and hear any appeals to the Report prepared by Ed Dries of Todgham & Case dated April 2, 2004.

Motion Carried

There were 2 written appeals received:

1. Appeal of Mike & Sherry Mailloux, Roll # 630-067-01, dated July 4, 2004
(see attached)
2. Appeal from Danny DiNardo, dated August 26, 2004
(see attached)

In regard to the Mike & Sherry Mailloux appeal, Mr. Dries agreed that the number of acres should be reduced because of the changes in the drainage pattern due to tiling and that the reduction be divided pro rata among the other benefiting land owners.

For the second part of the appeal regarding the Benefit Assessment, Mr. Dries recommended that the benefit be reduced by ½ (i.e. \$3270.00 be reduced to \$1630.) and that the reduction be levied against Alma Street (The Town of Amherstburg).

In regard to the Danny DiNardo appeal regarding the charge to upstream owners for 50% of the cost of culvert replacement, Mr. Dries advised that the charge ratio has been the subject of appeals to the Drainage Tribunal in the past and it has been confirmed in several cases. Based on this, Mr. Dries recommended that the appeal not be accepted.

Chairman Gibb conducted a question and answer period.

Mr. Dries stated that it was his opinion that this project was eligible for the 1/3 Municipal Outlet Drainage grant for farm properties.

Mrs. Brew inquired if the location of the culvert could be changed. Mr. Dries advised that this can be done at time of construction.

Tony DiPasquale inquired about installing a new culvert. Mr. Dries advised that 1st time culverts would be charged 100% to the owner.

When asked about accepting a tender - Mr. Zarlenga advised that any or all tenders may be rejected.

Mr. Dries provided a revised Schedule of Assessment for the Court to consider.

