

**MINUTES OF THE TOWN OF AMHERSTBURG
COURT OF REVISION
MONDAY, AUGUST 17, 2009
7:00 P.M.**

**Town of Amherstburg Council Chambers
271 Sandwich Street South, Amherstburg, Ontario**

PRESENT:

Councillor Rick Fryer
Councillor Paul Renaud
Councillor Rosa White
Bruce Crozier, P.Eng., Crozier Engineering
Brenda Percy, Manager of Council & Legislative Services
Lou Zarlenga, Manager of Public Services

ABSENT WITH NOTICE: Todd Hewitt, Public Works Engineering Coordinator
(Vacation)

CALL TO ORDER

Bruce Crozier, P.Eng., Crozier Engineering called the meeting to Order at 7:00 p.m.

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 August 17, 2009 on the following matters:

- 1) Installation of a New Access Bridge over the Grant Municipal Drain – Report dated August 11, 2009;
- 2) Replacement of an Access Bridge For Chris Bastien Over the 7th Concession South Municipal Drain – Report dated August 10, 2009.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST

No disclosures of pecuniary interest were made.

1) ACCESS BRIDGE OVER GRANT MUNICIPAL DRAIN

Attendance: There was no one from the public present to speak to the matter.

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

That the Court of Revision for the Installation of a New Access Bridge over the Grant Municipal Drain be opened.

Motion Carried

1) COMMENTS FROM THE PUBLIC and APPEALS

Lou Zarlenga, Manager of Public Services explained the purpose of the Court of Revision and process to hear appeals.

Lou Zarlenga advised that there have been a number of appeals received with respect to the second matter, being the access bridge for Chris Bastien over the 7th Concession South Municipal Drain. He advised that Bruce Crozier has reviewed landowners concerns and submitted a letter dated August 13th, 2009 detailing the revision to the schedule of assessment and the revised drainage area. Ratepayers on the west side of 7th Concession should not have been assessed and as such, a revised schedule of assessment has been provided which includes only the properties on the east side of the 7th Concession. Lou Zarlenga further advised that barring any appeals received this evening, the revised schedule of assessment would be the basis for the second Court of Revision.

1) REPORTS

Lou Zarlenga reported that the costs for the construction of the access bridge have been borne by the owner and as such, he did not anticipate that there would be any appeals brought forward.

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

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

That the report by Lou Zarlenga, dated August 11, 2009 regarding the Court of Revision Drainage Report based on a request by Rogers Wireless for a New Access Bridge over the Grant Municipal Drain in Malden be received;

And further that the assessments in the report dated August 11, 2009 for a New Access Bridge over the Grant Municipal Drain be confirmed and that the Court be closed.

Motion Carried

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

Attendance: Chris Bastien, 7817 Concession 7, Amherstburg; David F. Baily, 7463 Concession 7, Amherstburg; Doug Laramie, 7205 County Road 50, R.R. 5, Harrow.

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

2.) COMMENTS FROM THE PUBLIC and APPEALS

Doug Laramie sought confirmation that the assessment schedule had been revised. Bruce Crozier confirmed that the properties on the west side of 7th Concession Road are no longer being assessed. The Schedule has been revised and only the properties on the east side of 7th Concession Road will be assessed for this drain. All objections received have been from the properties on the west side.

Doug Laramie sought clarification as to where his property actually drained to. Bruce Crozier noted that he was not sure and that it would need to be researched further. Lou Zarlenga suggested that Mr. Laramie attend Public Services offices and he would review where Mr. Laramie's water is draining to.

Councillor R. Fryer referred to the revised assessment schedule and asked if the assessed amounts would increase as there are now less properties assessed under the revised assessment schedule. Bruce Crozier confirmed this and explained that there would be a second Court of Revision meeting held to hear any appeals from those landowners.

In response to a question from Councillor R. Fryer, Bruce Crozier noted that he was not confident that those property owners to the east of the 7th Concession Road were aware of the revision and altered schedule of assessment. A second Court of Revision date will be scheduled to allow those property owners on the east time to review the revised assessment schedule and submit any appeals.

Mr. Laramie clarified that the intent of his appeal was not to cause delay or circumvent the assessment but instead, to ensure that his property water is only assessed in one direction.

Chris Bastien sought clarification as to when the project would be completed. He noted that the sale of his property is pending the completion of the bridge. In an attempt to reduce the timeline of the project, Bruce Crozier suggested he proceed with obtaining

tender prices so that they are ready to move forward should there be no appeals at the next Court of Revision. Lou Zarlenga confirmed that it is feasible to obtain prices prior to the next Court of Revision date and it would not be in contravention of the *Drainage Act*.

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

Motion Carried

That the Engineer be authorized to obtain tender quotes for the bridge replacement prior to the next Court of Revision.

Mr. Bastien sought clarification of liability for the bridge. He noted that the barricade being used at this time is not sufficient and could result in injury. Councillor R. White asked that a more substantial block of the bridge be constructed. Lou Zarlenga confirmed that it would be closed off entirely tomorrow.

Councillor R. Fryer asked for clarification of pre tendering the drain and the impact on a second Court of Revision date. Lou Zarlenga suggested that the next Court of Revision be held during a regular council meeting and if there are no appeals, Council could award the tender at that time based on the pre tender quotes received. This is in accordance with the *Drainage Act*.

2) REPORTS

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

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

That the appeals from Doug Laramie, David Bailey and Jon Parks be received;

That the report by Lou Zarlenga dated August 10, 2009 regarding the 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 amended assessment schedule in the report dated August 10, 2009 for the Replacement of an Access Bridge For Chris Bastien Over the 7th Concession South Municipal Drain be received and that the Court be adjourned and rescheduled to another date to allow landowners a chance to appeal based on the new assessments.

Motion Carried

NEW BUSINESS

There was no new business discussed.

ADJOURNMENT

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

That the Court of Revision adjourn at 7:25 p.m.

Motion Carried



Rick Fryer, COB Member



Brenda M. Percy, Clerk