

Minutes Of An Amherstburg Municipal Council Special Public Meeting Held On Monday, December 14, 2009 At 6:00 p.m.

PRESENT:

Mayor Wayne Hurst
Deputy Mayor Robert Bailey
Councillor Rick Fryer
Councillor Robert (Bob) Pillon
Councillor John Sutton
Councillor Rosa White

ALSO PRESENT:

Pamela Malott, Chief Administrative Officer
Brenda Percy, Manager of Council & Leg. Services/Clerk
Dwayne Grondin, Sewer and Watermain Superintendent
Todd Hewitt, C. Tech Engineering Coordinator
Lou Zarlenga, Manager of Public Services

Ed Dries, Dillon Consulting

ABSENT WITH NOTICE: Councillor Paul Renaud (LOA)

CALL TO ORDER

The Mayor called the meeting to order at 6:25 p.m.

DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

REPORTS OF MUNICIPAL OFFICERS

Report # 1

A report by Lou Zarlenga regarding the drainage report from Dillon Consulting to provide drainage improvements for the area known as Mans Brothers Marsh.

Lou Zarlenga provided an overview of the report. Ed Dries, Dillon Consulting reviewed the report, the recommendations and costs.

Councillor R. Fryer sought clarification of a vertical weir structure.

Councillor R. Pillon expressed concern of appointing layperson as the Commissionaire and felt that it was the responsibility of the Town. Lou Zarlenga clarified the duties of the Commissionaire. The Commissionaire would need to be someone who is familiar with the site. There will be a follow up to appoint a Commissionaire at a later date.

Dwayne Grondin, Sewer and Watermain Superintendent noted that although the drain is required there are concerns with regard to the allocation of funds.

COMMENTS FROM THE PUBLIC

Duane Eddie circulated a letter dated December 14, 2009 from John K. Howie, Malden Marsh Inc. which notes that the property owners included in the Mans Marsh Outlet Drain disagree with the allocation of costs. This letter is attached to and forms a part of the minutes.

There was an explanation of the Court of Revision process. The meeting is for Council to accept or reject the merits of the project and that the Court of Revision would be held to hear any appeals. The cost apportioned would be dealt with by the Court of Revision.

Moved by Councillor J. Sutton
Seconded by Councillor R. Fryer

That Council accept the report from Lou Zarlenga regarding the proposed new Municipal Drain - Mans Marsh Outlet Drain;

That Council receive the comments made at this public meeting in connection with the proposed new Municipal Drain – Mans Marsh Outlet Drain;

And further that Council adopt the drainage report dated September 09th, 2009 from Dillon Consulting to provide drainage improvements for the area known as Mans Brothers Marsh in accordance with Section 4 of the *Drainage Act*.

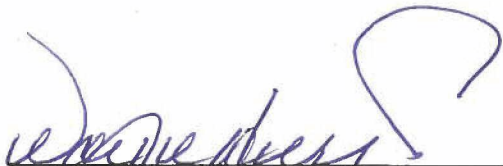
Motion Carried

ADJOURNMENT


Moved by Councillor J. Sutton
Seconded by Councillor R. Pillon

That we rise and adjourn at 6:50 p.m.

Motion Carried



WAYNE HURST, MAYOR



BRENDA M. PERCY, CLERK

MALDEN MARSH, INC.
22333 Allen Road Woodhaven, MI 48183
(734) 671-1600

December 14, 2009

Mr. Todd Hewitt
Engineering Coordinator
Town of Amherstburg
512 Sandwich St. South
Amherstburg, OH, N9V 3R2

Dear Todd:

RE: Mans Marsh Outlet Drain
PWD-MD-2008-011

As property owners included in the Mans Marsh Outlet Drain, we would like to go on record as disagreeing with the allocation of costs and appealing our proposed assessment.

While others may realize benefit to the proposed structure/outlet, we see little or none. There is no new culvert under the road to lower elevation, so the pumping we have done every year and the related costs we incur will not end; we will still have to continue to pump each year even with the new structure/outlet. How then does this project benefit us?

In addition, while it may not be an issue at this time, we would have absolutely no control over the new structure/outlet despite the \$12,000 cost contribution we are being asked to make. How does this improve/protect our position in the future?

Finally, as you may be aware, we did attend a summer meeting about the proposed elevation by Ducks Unlimited and ERCA. We could not afford to offer a counter to their proposal because of the negative implications for the Mans Brothers Marsh. However, we have never been asked for any input nor have we had any conversation about the expense and cost allocation of this proposed project before the December 1, 2009 notification of the Council meeting; it is evident by this letter that we would like to have an opportunity to present our position and appeal the proposed assessment. We appreciate your consideration.

Sincerely,

MALDEN MARSH INC.

John K. Howey, Treasurer

cc: Mr. N.W. Mans, Mr. E.P. Dries, Mr. Duane Eddie, Mr. Lou Zarlenga, Ms. Brenda Percy

