

**Minutes of the Court of Revision Meeting Held in Council Chambers at
6:00 P.M. on Monday, January 25, 2010**

PRESENT: Councillor Rick Fryer
Councillor Bill Wark
Councillor John Sutton

ALSO PRESENT: Brenda Percy, Manager of Council & Legislative Services
Todd Hewitt, Public Works Engineering Coordinator
Pamela Malott, Chief Administrative Officer
Lou Zarlenga, Manager of Public Services

Bruce Crozier, P.Eng., Crozier Engineering

CALL TO ORDER

The Clerk called the meeting to order at 6:00 P.M.

APPOINTMENT OF CHAIR

Moved by Councillor Wark
Seconded by Councillor Sutton

That Councillor Fryer be appointed Chairperson for the Court of Revision held on January 25, 2010 dealing with the following matter:

- 1) Establishment of New Municipal Drain to be known as the Mans Marsh Outlet Drain.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

MANS MARSH OUTLET DRAIN

Moved by Councillor Sutton
Seconded by Councillor Wark

That the Court of Revision for the Establishment of New Municipal Drain to be known as the Mans Marsh Outlet Drain be opened.

Motion Carried

COMMENTS FROM THE PUBLIC and APPEALS

The following members of the public were present at the meeting:

Duane Eddie, Malden Marsh Inc.
John K. Howey, Agent, Malden Marsh Inc.
Scott Muir, resident, Amherstburg
Nick Mans. Jr., resident, Amherstburg

Duane Eddie, Malden Marsh Inc. addressed Council and noted that he disagreed with the allocation of costs and explained the reasons for his appeal. He expressed concern of the water level, control of the level, and lack of benefit to the property. He further noted that his concern of having no control over the new structure despite the contribution.

John K. Howey, Agent, Malden Marsh Inc. expressed his disagreement with the assessment and lack of benefit to Malden Marsh Inc.

Scott Muir and Nick Mans spoke to the drain, water level and assessment.

Lo Zarlenga, Manager, Public Services provided the history of the matter and water level. He noted that there was an agreement to split the \$30,000 cost three ways. Lou Zarlenga noted that since original assessment of \$30,000 was provided, additional features were installed as required thus increasing the cost. The work had to be done as the road and wastewater plant is suffering. He noted that the Town will absorb that cost as there is direct benefit to the Town. He further noted that the Malden Marsh has an obligation to the lower lands and this system is providing a legal outlet for these properties. There is an indirect benefit to the Malden Marsh.

Lou Zarlenga made a recommendation that the total assessment to the Malden Marsh be reduced to a total of \$10,000 with the difference (\$2,422) be added to the road assessment. Should this be approved, no additional meetings are required as all parties are present.

REPORTS

Moved by Councillor Sutton
Seconded by Councillor Wark

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

That the appeals from Malden Marsh Inc. be received and be considered by the Court;

That the Court adopt the revision as suggested by Lou Zarlenga, Manager of Public Works to reduce the Malden Marsh portion by \$2,422 to reflect a total apportionment of \$10,000;

That the report prepared by Lou Zarlenga dated January 15, 2010 regarding the proposed new municipal drain – Mans Marsh Outlet Drain be received;

And further that the assessments, as amended, dated September 9, 2009 for the drainage report from Dillon Consulting adopted by Council on December 14, 2009 to provide drainage improvements for the area known as Mans Brothers Marsh in accordance with Section 4 of the Drainage Act be confirmed and adopted;


And further that Court be closed.

Motion Carried

ADJOURNMENT

Moved by Councillor Wark
Seconded by Councillor Sutton

That the Court adjourn at 6:45 p.m.



CHAIRPERSON - RICK FRYER



CLERK - BRENDA M. PERCY

