

**Minutes of an Amherstburg Municipal Council Special Public Meeting
Held in Council Chambers at 6:00 P.M. on Monday, April 26, 2010**

PRESENT:

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

ALSO PRESENT:

Pamela Malott, Chief Administrative Officer
Brenda Percy, Manager of Council & Leg. Services/Clerk
Paul Beneteau, Treasurer
Ivano Fregonese, Supervisor of Budget Services
Antonietta Giofu, Environmental Services Engineer
Lou Zarlenga, Manager of Public Services
Dwayne Grondin, Sewer and Water main Superintendent

Terry Hearn, CH2MHill

CALL TO ORDER

The Mayor called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

REPORTS OF MUNICIPAL OFFICERS

Pamela Malott advised that the water and wastewater budget and rates would be presented, as was adopted by Council at the Public Meeting held on April 6, 2010

Ivano Fregonese, Supervisor, Budget Services reviewed the water operations budget, water capital budget, waste water operations budget and waste water capital budget.

Terry Hearn provided an overview of the Water and Wastewater Rate study.

PUBLIC INPUT/QUESTIONS

The Mayor invited the public to address Council with any questions or comments.

Geoff Kidd, 336 Lakewood Drive, Amherstburg addressed Council and expressed his concern regarding the rate increase. A copy of Mr. Kidd's presentation is attached and forms an Addendum to these minutes.

Albert Bussey addressed Council and sought clarification of primary and secondary treatment and costs associated with the type of treatment. He stated that is has been known for over twenty years that there was a capacity problem and that those on McLeod have paid their dues.

Larry Burgess, 369 Lakewood Drive, Amherstburg referred to page 36 of the agenda package and the 2009 water cost balance results that show a surplus of \$3,080,832. He asked for clarification as to where surpluses have been applied in the past years.

Barbara Chevalier addressed Council and sought clarification of the increase in the engineering and construction costs for the wastewater plant project. Ms. Chevalier indicated that Council should not have moved forward on a project that would result in this type of rate increase during difficult economic times.

Geoff Kidd reiterated his comments regarding direct benefit and Section 391 of the Municipal Act and felt that this did not provide a direct benefit to some residents.

Mr. Bussey questioned development fees applied and the growth of community.

Councillor Fryer referred to the rate review completed in 2006 and the schedule of rate increases passed by Council. He asked that Administration return with information as to why the annual increases were not charged, regardless of the nominal amount of the annual increase. Councillor Fryer indicted that the previous schedule should have been implemented over the past years.

Deputy Mayor Bailey moved, Councillor White seconded:

That Council receive the information as presented.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Councillor Sutton moved, Councillor White seconded:

That we rise and adjourn at 7:30 p.m.

The Mayor put the Motion.



MAYOR - WAYNE HURST

Motion Carried



CLERK - BRENDA M. PERCY

I'm not sure if any of our Councillors or Administration lives in the areas serviced by the McLeod or Big Creek Sewage Treatment Plants.

The new Water and Wastewater Budget information shows that we are to be charged for services not offered to us. This appears to be in contradiction to "Section 391 of the Ontario Municipal Act, 2001, which authorizes a municipality to pass bylaws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it." We cannot access the proposed new plants. We should not be charged for them.

It was determined, after the amalgamation of Amherstburg, Anderdon and Malden that the sewage treatment in our area, Malden, was inadequate (septic systems). A sewage treatment plan was developed. Grants were sought and received. The excess costs of the plants, which would benefit only the resident/users was charged to each owner on a "per foot" basis with an additional hook-up fee. This was a great deal of money. The service was provided, and we were forced to pay.

At no time were the residents of the "new" Amherstburg who lived in Anderdon or the "Old Town" asked to pay for the service that we received. I believe that the same or similar rules should apply to all residents of our town.

We are paying our "user-share" of the costs for water treatment and for the water tower replacement. We are also paying "our share" for the operation and maintenance of the sewage treatment plants. In fact, the people of Amherstburg, at present, are paying 38% more than the actual costs. The present treatment surplus is \$1,072,247 according to page 17 of the Town of Amherstburg Water and Wastewater Rate Study. Perhaps this 38% should be set aside for future costs and maintenance of existing plants.

We are paying for our treatment plants in the McLeod and Big Creek areas. We are hooked up to them and they provide us a service. I have been told by council, that the government has mandated that all costs should be shared by all. I believe that the law's intent is clear that it be shared by persons for whom the services or activities are provided or done. I do realize that sometimes we do pay for services that are not in our immediate area. The renovations and beautification in the Old Town that are not being covered by grants represent prime examples. I would love to have trees planted, fountains installed and hanging baskets displayed in our area too. However, I can visit that area and enjoy them there. I guess that is why we pay.

A pair of facetious questions:

Are people who are still using wells in our town asked to pay for the water treatment and tower? Are those residents who still use septic fields for their waste water treatment sharing in the costs for the operation and maintenance of our sewage treatment plants? Why not make those people who can't access the new plants, including those still using septic fields and well water pay too? After all, we want to be fair. They are not hooked up to them, so I think not! We are not going to be hooked up to the proposed plants either. This obvious inequity should be a serious concern for all council members and our administration.

If all costs are to be shared however by all "users", why aren't ours? "What is good for the goose is good for the gander".

Solution #1:

The obvious solution, though uncomfortable for Council, is to charge the water users the same rate for their water usage and sewage plant users the same rate for treatment according to usage, as is it now. Plant construction costs should be borne by those who access that plant as was mandated in the McLeod and Big Creek areas. A "special assessment" would be applied to all users of the new plants to cover the costs not paid by grants.

Solution #2:

An alternative solution, however unlikely, would be to have all residents pay for the construction of all sewage treatment plants, even if they cannot access them. In this case, the residents of the McLeod and Big Creek areas should be rebated for the money charged for the construction of their plants.

I realize that what I have proposed may not be popular with some residents and some Council members but this is an issue of the "FAIR" sharing of costs.