



STAFF REPORT

SUBMITTED BY: Chris Frotten and Cameron Whiteway

DATE: June 10, 2021

SUBJECT: Goose Lake Association Road Maintenance Request

ORIGIN

On September 21, 2020, the Goose Lake Association presented to Council to request materials from the municipal gravel pit, the use of municipal heavy equipment (i.e., loader, backhoe) accompanied by a licensed and certified operator, as well as snow clearing services during major snow falls.

BACKGROUND

Since April 1, 2014, the Municipality has levied a charge of \$100 per year for improvements and/or maintenance upon some property owners of Goose Lake within a defined "Charge Area". This charge is regulated by By-Law #35, a by-law respecting the maintenance and improvement of private roads in the Goose Lake area.

DISCUSSION

On April 13, Cam and I met with Corey Crowell, the secretary of the Association and James Nickerson to discuss their request in more detail. At that meeting, they detailed their request as the following:

- Use of the municipal dump truck and loader;
- 6 loads of screened gravel;
- 6 loads of put run;
- Storage space at the gravel pit for some of their purchased material.

Section 3.1 (c) of By-Law #35 clearly states that the Association is responsible for performing, or contracting, the work associated with the improvement or maintenance of the private roads within the Charge Area. That said, we know improving and maintaining roads is costly and associations such as theirs depends entirely on volunteers. These two factors should seriously be considered in the decision.

We do not, however, want to set a precedent that we cannot sustain and honour to other associations. It is for those reasons that a special grant program for road associations has been discussed in the past as a way to manage expectations but also provide additional assistance to registered road associations.

BUDGET IMPLICATIONS

Providing material and storage space to the Association would be in the form of an in-kind contribution. We estimate the cost of a load of screened gravel at approx. \$150 and the cost of a load of pit run at approx. \$50. If we were to provide the Association with 6 loads of each, the value of the contribution would be approx. \$1,200.

LEGAL IMPLICATIONS

N/A

PUBLIC CONSULTATION/COMMUNICATIONS

N/A

RECOMMENDATION

Due to restrictions and regulations related to our liability insurance, we cannot provide the use of our municipal equipment to the Association, and we do not have available staff to provide the Association with an operator. Notwithstanding the liability insurance, we would not want to set the precedent of lending equipment to groups.

For these reasons, our recommendation is to provide the Association with the following:

- 6 loads of screened gravel;
- 6 loads of pit run;
- Storage space at the gravel pit for some of their purchased material.

As mentioned in the discussion, a special grant program for road associations has been discussed and we recommend moving forward with this to properly manage expectations and provide a structured process staff.

SUGGESTED MOTION

Move to provide 6 loads of screened gravel, 6 loads of pit run and storage space at the gravel pit for some of the Association's material.

Move to direct the CAO to develop a special grant program to provide funding assistance to registered road associations.

ALTERNATIVES

1. Reject the request entirely.
2. Alter the level of assistance (i.e. number of loads)

ATTACHMENTS

- By-Law #35

**THE MUNICIPALITY OF
THE DISTRICT OF BARRINGTON**

**A BY-LAW RESPECTING THE MAINTENANCE AND IMPROVEMENT OF PRIVATE
ROADS IN THE GOOSE LAKE AREA**

BY-LAW NO. 35

Be it enacted by the Council of the Municipality of the District of Barrington as follows:

1.0 Short Title

This By-law shall be known as A By-law Respecting the Maintenance and Improvement of Private Roads in the Goose Lake area and shall be cited as the "The Goose Lake Area Private Roads Maintenance and Improvement By-law".

2.0 Interpretation

- 2.1 "Act" means the Municipal Government Act, S.N.S., Chapter 18 of the Acts of 1998 (and subsequent amendments).
- 2.2 "Association" means the Goose Lake Association a body incorporated and in good standing under the Societies Act, which represents the owners within the Charge Area.
- 2.3 "Council" means the Council of the Municipality of the District of Barrington.
- 2.4 "Charge" means a charge imposed pursuant to Section 81 (da) of the Municipal Government Act in an amount to be determined pursuant to this By-law and payable in respect of the road improvement or maintenance.
- 2.5 "Charge Area" means the area in which the Charge is imposed and is more fully described as all of the area on the roads surrounding Goose Lake, including, but not limited to - beginning at a point where the Goose Lake extension meets the Municipal portion of the Goose Lake Road and continuing along the Goose Lake extension to the end and including Kenney Crescent, Lake View Drive, Gander Lane and Scotia Drive.
- 2.6 "Improvement" means the work undertaken on any of these private roads to increase or improve upon the existing condition of these roads.
- 2.7 "Maintenance" means the work required to maintain the roads' existing or improved condition and for greater certainty includes snow and/or ice removal.

- 2.8 "Municipality" means the Municipality of the District of Barrington.
- 2.9 "Owner" means the assessed owner of taxable property.
- 2.10 "Road" means any private road or portion thereof, situate in the Charge Area.

3. Charge Imposed

- 3.1 The Municipality shall levy a charge for improvements and/or maintenance of private roads upon the owners of taxable property within the Charge Area:
- (a) in an amount of \$100.00 on an annual basis to provide for the improvement and/or maintenance of the private road;
 - (b) as indicated on the attached plan showing the Charge Area outlined in red, the lots affected and private roads included;
 - (c) subject to the Goose Lake Association Limited entering into an Agreement with the Municipality which:
 - i) requires that the Association shall be responsible for performing, or contracting, the work associated with the improvement or maintenance of the private roads within the Charge Area;
 - ii) indemnifies and saves harmless the Municipality from any and all liability or responsibility with respect to the work associated with the improvement or maintenance of the private roads in the Charge Area;
 - iii) identifies that the petition forms the basis for the method of Charge;
and
 - iv) contains any other clauses as deemed necessary by Municipal Council.
- 3.2 The Municipality of the District of Barrington shall not be included in the definition of owner as set out in Section 2.9 of this By-law and shall therefore be excluded in consideration in any petition as described in this By-law.

4. Exemptions from Charge

- 4.1 The Municipality of the District of Barrington shall be exempt from payment of all charges and levies made pursuant to this By-law.

5 Lien

- 5.1 A Charge imposed pursuant to this By-law constitutes a first lien upon the real property with respect to which the Charge has been made and the Charge shall be collected in the same manner as taxes and shall be made payable in the same manner as taxes, including interest charges.

- 5.2 The lien provided for in this By-law shall remain in effect until the Charge, plus any applicable interest, has been paid in full.

6. Subdivision of Property

- 6.1 Where a property has been subdivided and an Assessment Account Number(s) assigned to the new parcel(s) of land a prorated amount shall be charged for the first year and the full amount charged for subsequent years.

7. Payment of Charges

- 7.1 A Charge payable pursuant to this By-law for road improvement and maintenance shall be billed together with the interim and annual tax bills and are due upon the same dates as municipal taxes.

- 7.2. The Charge imposed by this By-law will appear on the tax bill and shall bear interest on any outstanding balance from and after the due date. The interest rate shall be as prescribed by motion of Council with respect to taxes and overdue charges and shall be applied as per this same motion.

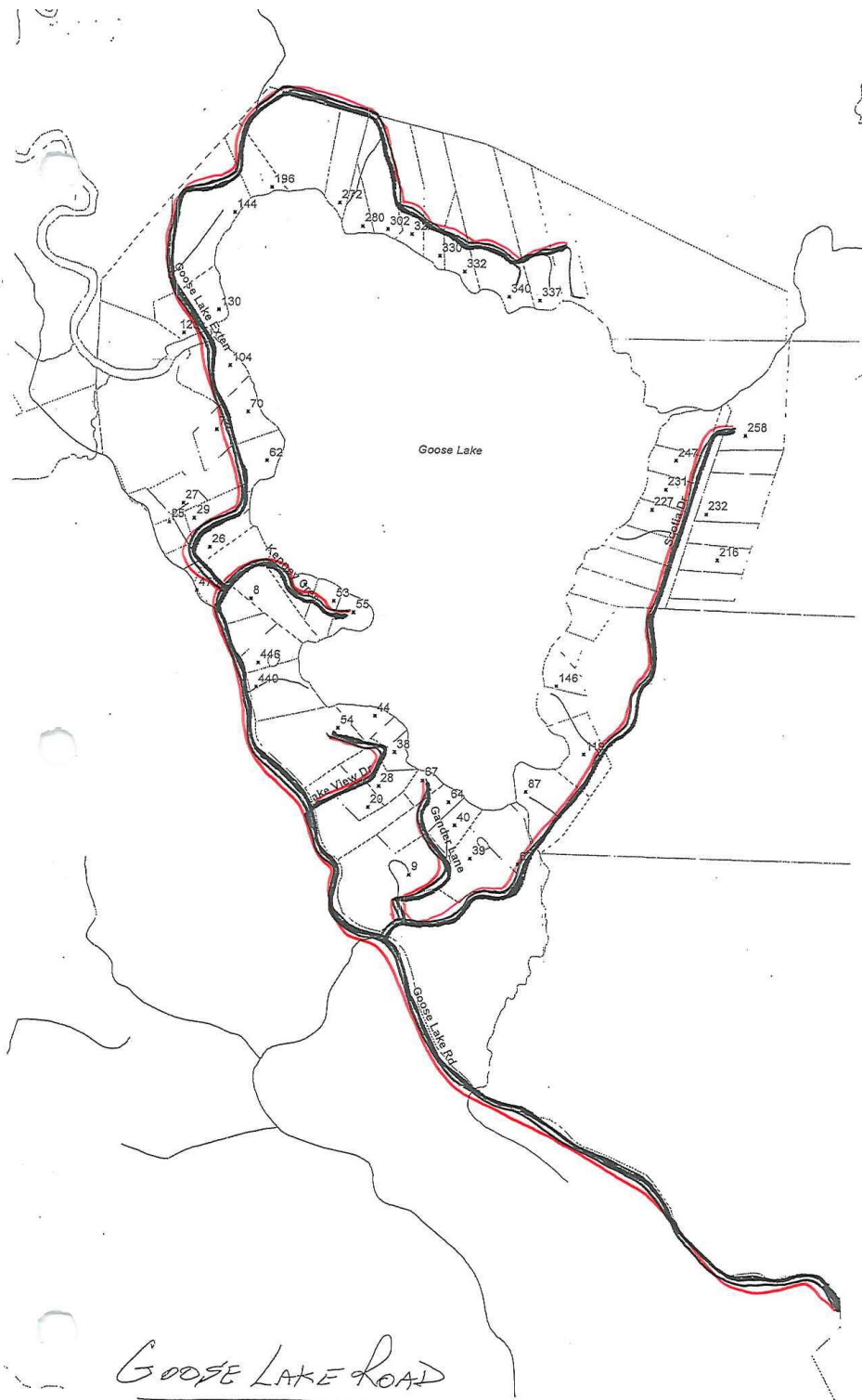
- 7.3 The Municipality shall transfer to the Goose Lake Association Limited the amount collected on a yearly basis or from time to time as requested by the Association, in writing, for road maintenance and/or improvements.

8. Termination of Charge

- 8.1 The Charge imposed pursuant to this By-law for road improvement and/or maintenance may be terminated at any time:

- (a) by the Association filing with the Municipality a certified copy of a Special Resolution of the Association passed at a duly constituted meeting, called for that purpose, requesting the Municipality to terminate the Charge or;
- (b) by the Municipality at its own discretion, if there has been non-compliance by the Association with the provisions of the By-law.
- (c) In either case, upon the Clerk filing with the Municipality a Certificate stating that all monies payable pursuant to this Charge have been collected, this By-law shall thenceforth have no further force or effect within the Charge Area.
- (d) Any balance in the fund will be used for road improvements or refunded to the property owner by way of credit to their tax account.

NOTE: By-law shall become effective April 1, 2014 as indicated in Resolution C130903, contained in minutes of the September 23, 2013 Council Meeting.



GOOSE LAKE ROAD

Clerk's Annotation for Official By-law Book

Date of first reading:	August 26, 2013
Date of advertisement of Notice of Intent to Consider:	September 3, 2013
Date of second reading:	September 23, 2013
Date of advertisement of Passage of By-Law:	October 1, 2013
Date of mailing to Minister a certified By-Law:	October 2, 2013

I certify that the above by-law, By-Law 35 "A New By-Law Respecting the Maintenance and Improvement of Private Roads in the Goose Lake Area" was approved by Council and published as indicated above.

Clerk

Date

By-law shall become effective April 1, 2014 as indicated in Resolution C130903, contained in minutes of the September 23, 2013 Council Meeting.

