

CORPORATION OF THE MUNICIPALITY OF CALVIN

AGENDA

AD HOC ROADS COMMITTEE – 10<sup>th</sup> MEETING

August 29, 2017 @ approx. 8:00 p.m.

*(Immediately following the Regular Meeting of Council)*

Calvin Community Centre

1. CALL TO ORDER
2. WRITTEN DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST
3. PETITIONS AND DELEGATIONS
4. ACTION LETTERS
  - A) Minutes of AD HOC Committee Adopt Minutes of August 15/17

4. INFORMATION/REPORTS FROM MUNICIPAL OFFICERS -

DRAFT of Policy to establish guidelines, policy/procedures, for property owners wanting to receive year municipal round maintenance on existing seasonal roads, unassumed road allowances or private roads.

- **Note** the highlighted #5 and #6 in Schedule "B". The Municipal Engineer is to provide wording to address BCI (Bridge Condition Index) and to clarify the need for a "case by case" Agreement, since a generic Agreement cannot cover the scope of the individual submissions). His wording was not yet available at time of preparation for this meeting but will be included prior to Council review.

At the August 15/17 AD HOC Meeting the DRAFT policy was reviewed and some points, as mentioned in the Minutes of that meeting, have been addressed as follows:

- a) The apparent conflict in the distance stated as 500 metres if the "Criteria for Council: Section 1. c) and the distance of 150 metres stated in Schedule "B" have been reviewed with the Municipal Engineer and the Minimum Municipal Standards Schedule "B" has been corrected to also read "500 metres".
- b) The concern brought forward by Ian Pennell:  
*"If a resident had the approval of Council to proceed with a road upgrade and started work on the road, and if for some reason they stopped the work on the road, which at that time of their upgrade would leave the road in worse condition than when they started the work, that the Municipality could have the road brought back to pre-construction standards and the resident would be liable for the costs. He also thought about not being able to completely close off access on the road to other traffic for an excess of 1 day. What of others wanting to use the road and not being able to access it for an extended period of time?"*

c) And by

Mayor Brown:

*"The DRAFT policy requires that 100% of property owners who will receive direct benefit from full assumption of a road, agree to the undertaking, otherwise the request will not be considered. What if 100% do not agree to the upgrade or cannot afford to pay for the upgrade? How could this be addressed? Could the required 100% be reduced, for example to 75% or 80%?"*

*Who would then pay for the upgrade? Would only those property owners agreeing then pay for the upgrade? Would it be fair to all to proceed with approval if all benefitting property owners are not in agreement with the undertaking?"*

The Clerk-Treasurer will include these two questions, along with the DRAFT document, to our Municipal Solicitor once the DRAFT has been approved by the AD HOC Committee for moving to review by Council; and then also approved by Council to be submitted for advice/legal counsel and review by our Solicitor. Once our Solicitor has completed his review, the policy can then be finalized and a By-law prepared for consideration by Council for adoption.

5. **OTHER INFORMATION AVAILABLE**
6. **OLD AND NEW BUSINESS**
7. **CLOSED SESSION** If Required
8. **BUSINESS ARISING FROM CLOSED SESSION**
9. **NOTICE OF MOTION**
10. **ADJOURNMENT** – Next meeting of AD HOC Committee may or may not be required. This will be determined by Council, following the review and advice of the Solicitor, once the completed review and legal advice have been provided to Council. Should Council deem that no further work is required by the AD HOC Roads Committee on this specific project, the Committee will automatically dissolve.

**CORPORATION OF THE MUNICIPALITY OF CALVIN**

**AD HOC ROADS COMMITTEE**

**MINUTES OF THE NINTH MEETING - TUESDAY AUGUST 15, 2017**

The NINTH meeting of the Ad Hoc Roads Committee was held this date at the Calvin Community Centre.

Present were: Coun Edwards, Coun O'Connor, Mayor Brown, Chris Whalley & Lynda Kovacs.

Regrets: Coun Adams

Guests: 4

Due to absence of Chair Adams, Mayor Wayne Brown was appointed as Chair for the purposes of this AD HOC meeting by Coun Edwards and Coun O'Connor.

The meeting was called to order following the Regular Council meeting at 7:40 p.m. by the Chair, Mayor Brown.

PECUNIARY/CONFLICT OF INTEREST        None Declared

PETITIONS AND DELEGATIONS            None Received

**2017-AH05    ADOPT MINUTES**

Moved by Coun Edwards and seconded by Coun O'Connor that the minutes of the AD HOC Roads Committee meeting held on Tuesday March 28, 2017 be hereby approved and will then be included in the next regular meeting of Council for consideration of final approval.

Carried

The Clerk-Treasurer provided all Members of the Committee with a second DRAFT Policy to establish guidelines for property owners wanting to receive year round municipal road services on existing seasonal roads, unassumed road allowances or private roads for review and discussion. DRAFT Schedule "B" - Minimum Municipal Standards/Road Assumption Standards (based on the Ontario Provincial Standards for Roads and Municipal Services) was discussed again and the DRAFT has now been reviewed by our Acting Municipal Engineer who has provided feedback and comment. DRAFT Schedule "C" Agreement is to be determined and prepared specifically for each Petition/Application that moves into the approval stage. DRAFT Schedule "D" is the template of Petition/Application required to be submitted to Council to initiate consideration of a Year Round Road Maintenance Request.

The entire document was read aloud by the Clerk-Treasurer, section by section for review and discussion of each section, by the Committee. There was also some comment, accepted by the Chair, from the audience.

Three concerns were brought forth as follows:

1. Chris Whalley – Road Superintendent; There appears to be some conflict in the distances between the “Criteria for Council” Section 1. c) stating, *Assumption of less than 500 metres will not be considered unless the roadway links existing municipal roads*, and; Schedule “B” Minimum Municipal Standards/Year Round Road Assumption Standards stating, *length 150 m (minimum)*.

The Clerk-Treasurer indicated that the 500 metres, required for assumption consideration, is the minimum length of a road Council would consider for Year Round Assumption, but was uncertain about the accurate meaning of length 150 m (minimum) stated in the Minimum Assumption Standards Schedule “B”. This is to be clarified by the Municipal Engineer for the next AD HOC meeting.

2. Ian Pennell – Guest/Councillor; If a resident had the approval of Council to proceed with a road upgrade and started work on the road, and if for some reason they stopped the work on the road, which at that time of their upgrade would leave the road in worse condition than when they started the work, that the Municipality could have the road brought back to pre-construction standards and the resident would be liable for the costs. He also thought about not being able to completely close off access on the road to other traffic for an excess of 1 day. What of others wanting to use the road and not being able to access it for an extended period of time?

It was suggested by the Clerk-Treasurer that these concerns would all be addressed inside the Agreement, prepared for each individual situation. The Clerk-Treasurer will include these questions with the DRAFT document, once it is approved by Council to be submitted for review by our Solicitor.

3. Chair - Mayor Wayne Brown; The DRAFT policy requires that 100% of property owners who will receive direct benefit from full assumption of a road, agree to the undertaking, otherwise the request will not be considered. What if 100% do not agree to the upgrade or cannot afford to pay for the upgrade? How could this be addressed? Could the required 100% be reduced, for example to 75% or 80%? Who would then pay for the upgrade? Would only those property owners agreeing then pay for the upgrade? Would it be fair to all to proceed with approval if all benefitting property owners are not in agreement with the undertaking?

The Clerk-Treasurer will also include these questions with the DRAFT document, once it is approved by Council to be submitted for advice/legal counsel and review by our Solicitor.

No other concerns or questions on the DRAFT document were brought forward.

The Clerk-Treasurer will review the distance conflict with the Acting Municipal Engineer, make corrections if needed to the DRAFT Policy and bring the updated version back to the Ad Hoc Committee for review prior to sending the DRAFT to Council for review and authorization to have the DRAFT then sent to the Municipal Solicitor for advice/legal Counsel and review.

2017-AH06 SCHEDULE NEXT MEETING AND ADJOURNMENT

Moved by Coun O'Connor and seconded by Coun Edwards that the next meeting of the AD HOC Roads Committee be scheduled for DATE TO BE DETERMINED following the regular meeting of Council in the Galvin Community Centre, and that this meeting of the AD HOC Roads Committee now be adjourned at 8:35 p.m.  
Carried

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Chair or Vice-Chair

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Clerk-Treasurer

## Schedule "A"

To By-law No. 2017 \_\_\_\_\_

**Policy to establish guidelines for property owners requesting year round municipal road services on existing gravel seasonal roads, unassumed road allowances or private roads**

### 1. **Rationale**

It is in the public's interest that all gravel roadways to be considered for assumption by the municipality for year round maintenance meet a minimum municipal standard. The municipality will consider, upon written request only, evaluated on its own merits, and as budget allows; assuming seasonal roads for year round maintenance, private roads for year round maintenance as well as assuming and maintaining an unassumed municipal road allowance for year round maintenance, which meet the municipality's minimum road construction standards as specified in Schedule "B" hereto attached.

It is the intent of the Council of the Municipality of Calvin to protect the municipality and its residents from incurring tax increases to finance road construction and upgrades that are the responsibility of developers, and in some cases residents whose properties are abutting and/or accessed by seasonal roads, unassumed road allowance, and/or private roads.

Unless it is clearly in the public's interest and for the general benefit of the Municipality as determined solely by Council, it is not intended that seasonal roads, unopened roads or private roads will be assumed for year round maintenance by the Municipality and no responsibility for access, snow clearance, maintenance, repair, liability or other obligation is acknowledged for such unassumed road.

The Municipality will consider assuming seasonal roads, unopened roads or private roads for year round maintenance where the number of potential users warrants the expense of maintaining it and where such potential users are prepared to pay all associated costs of initially bringing the existing road up to the minimum municipal standards as herein set out.

Council shall review each written proposal on an individual basis to determine if the assumption of that road would best serve the Municipality and the residents therein.

### 2. **Scope**

This policy shall apply only to the assumption of existing gravel seasonal roads, private roads and roads constructed on municipal road allowances prior to the adoption of this policy. This policy does not apply to the construction of any new roads or roads as part of a development proposal or plan of subdivision.

### 3. **Purpose**

This policy establishes guidelines and minimum standards for the upgrading of existing gravel seasonal roads, private roads and unassumed municipal road allowances within the jurisdiction of the Municipality of Calvin. The goal of this policy is:

- a) to ensure consistency in the upgrading of existing gravel roads
- b) to ensure that proponents upgrading existing gravel seasonal roads, private roads and unassumed municipal road allowances abide by a minimum municipal standard
- c) to ensure adherence to the Official Plan of the Municipality
- d) to avoid passing costs for such road upgrades onto all ratepayers of the municipality
- e) to control the means by which the Municipality may assume seasonal roads, private roads or unassumed municipal road allowances in a fair and consistent manner
- f) to control the use and development of unopened road allowances

### 4. **Definitions**

The following definitions are included solely for the understanding of this policy:

- a) "Council" shall mean the Municipal Council of the Corporation of the Municipality of Calvin
- b) "Manager" shall mean the Public Works Superintendent or his/her designates
- c) "Municipal Roads" shall mean roads and highways that have been assumed by the Municipality and are maintained year round by the Municipality
- d) "Municipality" shall mean the Corporation of the Municipality of Calvin

- e) "Private Roads" shall mean any roads and lanes that have not been assumed by the Municipality, which provide access by means of a road allowance or registered right-of-way to private property; the use and maintenance of which is the responsibility of the abutting landowners
- f) "Proponents" shall mean developers, residents, ratepayers or other associations who are requesting the Municipality to upgrade an existing gravel seasonal road, private road, or unassumed road allowance to a municipal road for assumption and maintenance
- g) "Seasonal Roads" shall mean roads that are owned by the Municipality but on which no winter maintenance is performed from October 1<sup>st</sup> through May 31<sup>st</sup> each year
- h) "Unassumed Road Allowance" shall mean a road laid out as per original crown survey of the Municipality that has not been assumed by the Municipality for year round maintenance

**5. Policy Intent**

It is the intent and the policy of the Municipality of Calvin:

- a) to provide minimum standards for all municipal gravel road upgrades within the Municipality
- b) to apply consistently the minimum standard to ensure the quality of road construction
- c) to ensure that all proponents are held to the same standard of quality
- d) to not assume responsibility for or maintenance of any private road except as outlined in this policy. Should Council deem it necessary to assume such a road, it must first be brought up to municipal standards as outlined in Schedule "B"
- e) to not assume on a year round basis any seasonal road or unassumed road allowance. Should Council deem it necessary to assume, on a year round basis, such a road, it must first be brought up to municipal standards as outlined in Schedule "B" (attached)
- f) to provide an equitable and fair process for undertaking any road improvements and collecting the cost of such improvements from the benefitting property owners

**6. Policy and Procedure - Requests for Year Round Maintenance of Seasonal Roads, Private Roads and Unassumed Road Allowance**

When submitting a written petition/application to the Municipality, all documentation and information must satisfy Council that the assumption of the non-assumed road is in the public interest, and that the proponent(s) acknowledges and accepts that any and all costs associated with such assumption are to be borne by the proponent(s), and the following procedures applied.

**CRITERIA FOR COUNCIL**

**1. Written Petition/Application Required**

- a) The proponent(s) requesting year round assumption of a seasonal road, private road or an unassumed road allowance for year round maintenance must be a registered property owner(s) and shall prepare and submit their request in writing by signed petition/application as per Schedule "D" (attached) to Council
- b) Council must be satisfied that 100% of all property owners who will receive direct benefit from the full assumption of the road agree to the undertaking (one owner signature per benefitting property). Requests not supported by 100% of property owners will not be considered
- c) Assumption of less than 500 metres will not be considered unless the roadway links existing municipal roads

**2. Council Considerations** – Without being necessarily limited to the following, Council should consider the following criteria in determining if it is in the public interest to fully assume the Seasonal Road, Private Road or Unassumed Road Allowance:

- a) Does the road serve, or will it serve five (5) or more separate and distinct parcels of land which are being used, or have the capability of being used for the purposes permitted within that zone?
- b) Does the road provide access to a municipally maintained boat launch, beach or other facility promoted by the Municipality for public use?

- c) Would the assumption of the road over extend existing municipal roads maintenance programs, operations and resources?
- d) Was the road constructed to the standards as stated in Schedule "B", thus avoiding costly future repairs?
- e) Will the assumption of the road promote further desired development?
- f) Would further development require the road to be extended?
- g) Would the road facilitate the safe and efficient movement of goods and people?
- h) Council must be satisfied that the North Bay-Mattawa Conservation Authority has been consulted and that all regulations are followed where there could be any interference with wetlands or any alterations to shorelines or watercourses
- i) Has a reference plan been prepared by an Ontario Land Surveyor documenting the lands affected by the proposed assumption?
- j) Has the Municipality received a legal opinion on the ownership status of the subject road and a risk assessment of assuming or not assuming the road?
- k) Has the proponent provided original deeds and certification of title for the lands in question prepared by the proponents Solicitor?

### 3. Responsibilities

- a) All costs associated with the works necessary to meet the minimum gravel road construction standards including but not limited to surveys, administration and legal costs associated with the assumption of the road shall be borne by the proponent(s). Cost estimates will not be provided by Municipal Staff
  - b) Prior to proceeding with any work or expense a Council Resolution approving the work and acceptance by the Municipality to maintain once completed shall be required.
  - c) Upon approval by Council the proponent(s) will be required to submit plans prepared by a Civil Engineer for staff approval
  - d) Once approved the proponent(s) will be required to retain the services of a Civil Engineer or Civil Engineer Consulting firm to facilitate completion of the works in a manner consistent with the approved plans
  - e) Ongoing municipal inspections will be required during the upgrade process:
    - Initial inspection will be completed before any work begins on the road to determine the work to be completed to the current standards
    - Interim inspection will be completed when the work is in process to ensure standards are being met
    - Final inspection will be undertaken after all said work is completed and any adjustment to the work shall be completed before this inspection takes place
- This inspection schedule shall be deemed as the minimum and shall be carried out by the Manager and/or the Municipal Engineer. Spot inspections may be carried out at any time when work is in progress
- f) After final inspection of the road by the Manager and/or the Municipal Engineer the municipality will assume year round maintenance by By-law and the assessment office shall be notified of changes in assessment of property owners on said road
  - g) The proponent(s) will be responsible for any defects (other than wear from normal use and as determined by the Manager and/or the Municipal Engineer) in the road that become apparent within the first two years after the assumption of the road by the Municipality
  - h) Year round road service will not be provided until Council passes a By-law to formally assume the road and until the subject road is upgraded to the road standards as detailed in Schedule "B" to this policy, at the expense of the benefiting property owners.

### 4. Costs

- a) All costs incurred by the Municipality, associated with the acquisition of land required, whether from the Crown or private sources, shall be borne by the proponent(s). This will include but is not limited to; all survey costs, costs required for realignments, snow plough turnarounds, and the accommodation of service vehicles, etc.
- b) Appraisal of Deficiencies – An appraisal of the current state of the road as it compares to the Minimum Municipal Standards/Road Assumption Standards (Schedule "B") currently in place by the



Municipality must be undertaken by the proponent(s) and by an engineer experienced in the field of municipal roadways, with the cost borne by the proponent(s). The appraisal will be reviewed by the Municipality to ensure that all essential deficiencies are identified. The appraisal will include an identification of the costs (at the current date) associated with all essential deficiencies.

#### 5. Agreement

Prior to the commencement of any construction or reconstruction the Municipality and the proponent/s shall enter into an Agreement, which will be written to address all matters pertaining to the specific road assumption, financial and otherwise and which may also be required to be registered on title for the Applicable property/ies.

The Agreement in addition to addressing the technical and financial aspects of the road assumption shall require that:

- The proponent/s shall provide proof to the Municipality that the Contractor is qualified, experienced and has the equipment and personnel to successfully complete the work and provide WSIB Clearance Certificates and adequate liability insurance in accordance with the Municipality's Procurement By-law, as amended.
- The proponent/s shall obtain all necessary permits and approvals as required. Construction or installation shall not take place until the proponent/s has obtained all necessary permits and approvals, and has complied with all requirements as outlined by the Manager and/or the Municipal Engineer.
- The proponent/s to survey and convey to the Municipality, if non-municipally owned property, free and clear of all encumbrances, title to the land on which the road to be assumed is located, and the said lands shall not less than 20 metres (66 feet) in width, together with any easements necessary for drainage and utilities.
- In the event the proponent/s fails to proceed with the required construction or reconstruction as identified herein, there shall exist no obligation on the part of the Municipality to continue with any construction or reconstruction as required, to reimburse the proponent/s for any costs that he/she has incurred with the proposal, or to assume the road or any part thereof into the municipal road system, until such time as all construction or reconstruction as required is completed to the standards as identified herein.

Schedule "B"

To By-law No. 2017 \_\_\_\_\_

Minimum Municipal Standards/Year Round Road Assumption Standards

*Specifications may vary depending on the road area at the discretion of the Manager and/or Municipal Engineer*

Gravel Road Standard (based on Ontario Provincial Standards for Roads and Municipal Services)

Right-of-Way	20 m (66')
Minimum Clearance Width	12 m (40')
Length	500 m (minimum)
Surface Width - including shoulder	8.0 m (1 + 3 + 3 + 1)
Surface Material	100 mm (4") Gravel – Granular "A"
Base Material	150mm (6") Gravel – Granular "B" (depending on sub-grade material)
Culvert	400 mm (16")
Grade	8% Maximum
Cross Fall - Crown to Edge	4%
Turnarounds	13 m (43') radius
Drainage	.5 m depth below granular "B" base elevation outletting to an adequate receiving watercourse or Municipal Drain

Notes

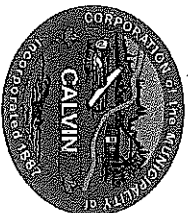
1. Each road must be investigated individually by the Manager and/or Municipal Engineer to determine its minimum requirement.
2. Petition/Application must indicate how many residents on the road, how many seasonal, how many year round. Each road must be discussed with individual residents as to needs.
3. Deviations from the minimum standard may be approved by the Manager and/or Municipal Engineer where the deviation will not result in any significant loss of safety or increased maintenance costs to the Municipality. The permitted deviations do not represent the minimum standard.
4. The standards detailed above apply only to year round assumption of existing Seasonal Roads, Private Roads or Unopen Road Allowances and are not the standards applicable to new construction after the date of the adoption of this standard by Council.
5. To be supplied asap by Municipal Engineer (to address municipal bridges and BCI "Bridge Condition Index")
6. To be supplied asap by Municipal Engineer (to address re: "case by case agreement" since a generic document does not cover the scope of individual submissions)

Schedule "C"

To By-law No. 2017 \_\_\_\_\_

Agreement

To be determined based on individual (case by case) application.



THE CORPORATION OF THE MUNICIPALITY OF CALVIN

Schedule "D"

To By-law No. 2017 \_\_\_\_\_

Petition/Application for Year Round Road Maintenance

Road Name: \_\_\_\_\_

Seasonal: Yes  No  Unassumed Road Allowance: Yes  No  Private: Yes  No

Road Length: \_\_\_\_\_

ASSOCIATION NAME: \_\_\_\_\_

(if applicable)

PROPERTY OWNERS REPRESENTATIVE: \_\_\_\_\_

(if applicable)

NAME OF CONTACT PERSON: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

POSTAL CODE: \_\_\_\_\_

PHONE: \_\_\_\_\_

CELL: \_\_\_\_\_

FAX: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

Criteria for Requesting Year Round Maintenance:

*Each road to be discussed with all registered benefiting property owners as to their needs  
Each road will be investigated individually to determine condition and requirements*

- Request must be submitted to the Municipality in writing by Petition/Application to Council
- When submitting a written Petition/Application to the Municipality all documentation and information must satisfy Council that the assumption is in the public interest and that the Proponent/s accept that any and all costs associated with such assumption shall be borne by the Proponent/s
- Proponent/s requesting year round maintenance must be the registered property owner/s
- 100% of all property owners receiving direct benefit from the assumption must agree to the undertaking
- One registered owner signature per benefiting property, along with their property identification and contact information is required to be submitted along with the Petition/Application information (Please attach list of names with signatures, property identifiers and contact information to this application)
- Road must be over 500 metres in length
- Road must meet Minimum Municipal Standards for Year Round Gravel Roads prior to assumption

Signature of Contact Person/Representative: \_\_\_\_\_

Date: \_\_\_\_\_