

STAFF REPORT: Finance & IT Services

REPORT TO: Finance and Administration
MEETING DATE: August 30, 2011
REPORT NO.: FIT.11.35
SUBJECT: Georgian View Estates -
Wastewater Service Extension
PREPARED BY: Darcy Chapman, Capital
Accountant

A. Recommendations

THAT Council receives Staff Report FIT.11.35 "Georgian View Estates - Wastewater Service Extensions"; and;

THAT Council authorize staff to hold a Public Information Centre and subsequent Statutory Public Meeting to receive input from the benefitting property owners relating to the recovery of costs on an equivalent unit basis for the works constructed along Indian Circle, Collen's Court, Aberdeen Court and Scott's Court; and,

FURTHER THAT payment options to be offered to the benefitting property owners include:

- (a) payment in full to be paid by a date specified in the By-law;
- or
- (b) payment over time based on a 15 year term at 0.0% for the Camperdown Development Charges By-law portion and the Town portion be financed at 5% interest per annum or the prevailing Town rate at the time of the By-law passing. Payments will be added to the tax bill with terms offering repayment of the balance owing on the loan at any time, including interest to that date, with no penalty applied. The balance of the loan becomes due and payable at the time a property is sold, conveyed or transferred.

B. Background**Project History**

The Georgian View Estates Wastewater Service Extension is part of the Camperdown Service Area and Camperdown Development Charges Background Study. The Camperdown Service Area is recognized as a full service area under the Town's Official Plan and subject to the Camperdown Area Specific Development Charges By-law.

For several years it had been a priority of the Town to provide sanitary servicing to the Georgian View Estates community, due mainly to the fact that a main wastewater trunk servicing the area had been contemplated since 2003 and was constructed and ready for use in 2006 / 2007.

In April 2007, the project was tendered and bids were received that were substantially higher than the Engineer's estimate and exceeded the Town's affordability criteria.

Therefore, Council did not award that contract. The Town re-issued the tender in June 2009 because it was expected that the costs to the residents would satisfy Council's intent of affordability because the Town had:

- experienced favourable pricing on recent tenders and felt that similar lower pricing would occur for this project as well;
- received economic stimulus funding and as a result, was able to allocate \$566,800 in grant monies to help offset capital cost recovery needed; and,
- reached an agreement with the adjacent developer to fund a share of the works.

Indian Circle, Scott's Court, Aberdeen Court and Collen's Court received wastewater service as a result of this project. In addition, this work enabled the removal of a sewage holding tank at the end of Indian Circle for the Georgian Bay Golf Clubhouse and adjacent development lands. Furthermore, this servicing facilitated additional planned development to occur. The Town undertook the construction of approximately 931 metres of 200 mm diameter and 223 metres of 250 mm diameter sanitary sewer; 39 sanitary service connections; 15 metre length of jack and bore installation; associated maintenance holes; connections to existing sanitary sewer; road reconstruction; and Georgian Trail re-instatement.



In 2009, an Area Specific Development Charges By-law was passed incorporating the provision of wastewater services in the Camperdown Service Area. The 39 benefitting properties of Georgian View Estates were included in this By-law. For this project there are three components to the costs as listed below:

1. Capital Cost (local servicing costs)
2. Capital Charge - Camperdown Area Specific Wastewater Collection Works
3. Capital Charge – Town Wide Wastewater Treatment Plant

Project Construction

Engineering services were provided by Skelton Brumwell & Associates Inc. with a successful tender being awarded to Brantford Engineering and Construction Limited on August 10, 2009. Construction of the extension commenced on September 7, 2009 and substantial completion was awarded on January 5, 2010. Since construction is now complete and final costs are known, the Town can calculate the Capital Charges for the project.

Cost to Benefitting Property Owners

As part of the Town's policy for billing local service extensions, two factors are considered when determining the appropriate charges to those affected. Firstly, a benefitting owner is the registered owner of a benefitting property. A benefitting property is a separately assessed property fronting on the wastewater system or connected to the wastewater system.

Secondary to this, each property is assessed a unit charge. A unit means a residential dwelling unit or equivalent residential unit, in the case of multi-residential or commercial properties. It is possible that an owner can be assessed more than one unit share of the costs.

The total cost of the construction was \$1,279,119.58. The cost will be shared by 43 benefitting property owners, composed of 39 residential units, 83 development units and 11 future development units, totalling 133 equivalent units, less any grants or supplemental funding sources.

<u>Georgian View Estates Wastewater Service Extension</u>		
Project Expenses (Construction, Engineering, etc.)		
Wastewater Trunk and Services	\$ 454,958.71	
Road Reconstruction	\$ 655,949.90	
Asphalt Road Improvement	\$ 168,210.97	
Total Expenses		\$ 1,279,119.58
Revenues		
Town Contribution (Taxation)	\$ 150,000.00	
Municipal Roads & Bridges - Provincial Grant	\$ 563,301.62	
Total Revenues		\$ 713,301.62
Net Recoverable from Residents		\$ 565,817.96

After grants and taxation contributions, there is a balance of \$565,817.96 to be paid equally by 133 units. In addition to the construction costs, each unit will be charged a wastewater treatment plant and wastewater collection capital charge which is their contribution to the cost of the existing Thornbury Wastewater Treatment Plant and Camperdown Wastewater collection system. The total per unit cost is calculated as follows:

<u>Net Recoverable from Residents</u>	
Per Unit Cost for Project (\$565,817.96 / 133 Units)	\$ 4,254.27
PLUS: Area Rate Charge Camperdown Area Specific Charge	\$ 6,546.00
PLUS: Thornbury Wastewater Treatment Plant Equivalent Charge	\$ 5,001.00
TOTAL Cost per Equivalent Unit	\$ 15,801.27

Funding Sources

1. Taxation

Supplemental funding source includes the contribution of \$150,000 from the general taxation fund. This funding was originally established in the 2007 Capital Budget as a contribution to assist in the costs associated with upgrading the road surface to asphalt.

2. Grants

The Town was able to secure Provincial grant funding which significantly reduces the cost to each benefitting owner. In 2008, the Provincial Government released one time funding to municipalities to assist with road and bridge rehabilitation projects. The Town was successful in obtaining a grant through the Municipal Roads and Bridges Program for \$490,740.71 in 2009 and a further \$72,560.91 in 2010 to assist with the reconstruction and paving of Indian Circle, Collen's Court, Aberdeen Court and Scott's Court.

3. *Municipal Act, 2001*

Sections 9, 11 and Part XII of the *Municipal Act, 2001*, as amended, (the Act) and the *Regulations* thereto enables a municipality to impose by by-law, fees or charges for the use of a water system; In addition, *Ontario Regulation 581/06* provides that fees or charges imposed for the use of a wastewater system under the Act and added to the tax roll under subsection 398(2) of the Act have priority lien status as described in section 1 of the Act.

Communication Plan

Attachment #2 is a synopsis of the communication history with the residents.

A Public Information Centre is recommended to update the benefitting property owners with the costs and receive questions regarding the project. The benefitting property owners will be circulated with a notice containing the information within this report, as amended by Council, and the details of the construction costs and the repayment options available through the Town, along with a draft copy of the Capital Charges By-law.

In accordance with Town policy, circulation to the benefitting property owners will be a minimum of 14 days prior to the Public Information Centre and 21 days in advance of the Statutory Public Meeting.

Town staff will deliver written and verbal communication on this project which is clear, concise and easy to understand for all residents in the project area.

Financing

1. Capital Charge - Camperdown Area Specific and Wastewater Treatment Plant Equivalent

The wastewater trunk services were extended to the Camperdown Service Area and provided the ability to extend wastewater servicing to various streets.

The allocation of the costs for the Total Capital Wastewater Charge is financed in two components: Collection Works and Plant Charges.

The collection works in the amount of \$6,546 were provided for financing by the Camperdown Development Consortium (CDC), to benefitting owners at 0% interest, as illustrated in **Table 1A** below.

Wastewater Treatment Plant charges of \$5,001 will be financed by the Town at 5% interest per annum.

Table 1A

Camperdown Area Specific Collection Works	CDC Financed at 0%	\$6,546
Thornbury Wastewater Treatment Plant Equivalent	Town Financed at 5%	\$5,001
Total Capital Charge Imposed		\$11,547

Subsequent to the Camperdown Area Specific Development Charges By-law being adopted by Council, Servicing By-law 2010-11 was enacted to impose a future capital sewer charge on the benefitting properties including those in Georgian View Estates. Amending By-laws will impose the capital charges under the authority of the *Municipal Act, 2001*.

2. Capital Charge – Georgian View Estates Local Servicing Project

As illustrated earlier in the report, the cost to each benefitting unit for the local servicing portion of the project has been set at \$4,254.27. This amount will be financed through the Town at 5% per annum.

3. Total Capital Charge to be imposed under the By-law

The Town will provide options for financing the Georgian View Estates Local Wastewater Servicing Extension for the benefitting property owners. These options provide for a payment in line with the Town's Affordability Guidelines (Attachment #3).

The 2006 guideline currently identifies approximately \$1,500 as an affordable annual repayment limit.

The total Capital Wastewater Servicing Charge of \$15,801.27 can be financed at 0% interest (\$6,546.00) and 5% interest (\$9,255.27) per year. The annual payment would be approximately:

	Annual Payment
@ 10 Years	\$1,853.20; (for illustration purposes) or,
@ 15 Years	\$1,328.08

The pending Capital Charges By-law will offer two payment options:

1. payment in full; or,
2. financing over 15 years with annual repayment amounts to be determined after the term of loan repayment and the interest rate is set by Council.

	Annual Charge	Estimated Quarterly Payment
15 Year Repayment	\$1,328.08	\$332.02

Those benefitting property owners that choose to pay over time may pay off the balance owing at any time, including interest to date, with no penalty applied. If the property is sold or ownership is transferred, the balance of the financed Capital Charge would become due and payable.

Timeline

August 30	Report FIT.11.35 to Finance & Administration Committee
On or around September 5	Letter to residents with costs, payment options, Notice of upcoming Public Information Centre, Public Meeting and Notice of Intent to Enact a By-law
Weeks of September 5 & 12	Advertisement of Public Information Centre, Public Meeting and Notice of Intent to Enact By-law
September 29	Public Information Centre
October 12	Public Meeting
October 24	Enact By-law
November 4	Notice of Passage of By-law and Payment Election Forms mailed to residents
December 12	Due date for Full Payment or Payment Election Form (debenture option) returned to Town

C. The Blue Mountains' Strategic Plan

Ensuring long-term financial sustainability and providing a strong, well managed municipal government.

D. Environmental Impact

Elimination of septic systems will improve the ecosystem and groundwater quality. Residents will avoid future repairs and maintenance costs for private wells and septic systems. Upon connection to the municipal wastewater system the septic tank will be removed or filled with concrete or gravel.

E. Financial Impact

Total construction and capital costs of \$482,330 are currently held unfinanced by the Town.

The Georgian View Estates Wastewater Service Extension Capital Charges By-law will reflect the interest rate determined by Council and may result in a recalculation of the annual payment amounts illustrated above. Capital Wastewater Plant charges and Camperdown Area Specific Wastewater Collection charges reflect an equivalent per unit contribution towards the construction and expansion of the Thornbury Wastewater Treatment Plant and the construction of the Camperdown wastewater trunk.

F. Attached

1. Public Information Centre Notice
2. Communications History
3. Policy Statement - Guidelines for Municipal Sewer & Water Extension Projects (January 2006)
4. Report EPW.06.131 - Georgian Bay Estates Area/Georgian View Estates, Sewer Service Extension Project
5. Report EPW.09.066 REVISED - Georgian View Estates Subdivision Sanitary Sewer Construction and Road Reconstruction – Contract TBM-2009-57 Award of Tender
6. Report FS.09.51 - Georgian View Estates and Area Wastewater Extension
7. Proposed Sewer Capital Charges By-law

Respectfully submitted,

Darcy Chapman, Capital Accountant

For more information, please contact:

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(519) 599-3131 Ext. 274



Public Information Centre: A By-law to Apply Wastewater Capital Charges to Benefitting Property Owners of Georgian View Estates

This important meeting will be held to introduce the By-law to apply capital sewer charges for the benefitting property owners in the Camperdown Service Area of Georgian View Estates.

What is a Public Information Centre (PIC)?

A PIC is an informal open house with Town Staff. For the purposes of this PIC, Staff will be offering information to you, the Georgian View Estates residents, about the recent wastewater servicing and associated By-law. Staff will be pleased to discuss and answer any questions you may have about the Capital Charges By-law.

What should I expect to learn at this PIC?

Should you attend this important PIC, you will learn more about the following:

- Details on the cost of wastewater charges being applied to each benefitting property
- Timelines for the implementation, or passing, of the By-law
- Financing options (e.g. interest rates, term of loan, payment amounts)
- “Unconnected charges” and what to expect if you choose not to hook-up after 11 months of the By-law being passed

Contact Information:

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N0H 2P0

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Georgian View Estates Wastewater Service Extension – Communications History

2004 – Sewer service was required by Georgian Bay Estates Phase 2 to develop lands to the south of Grey Road # 40 and to the west of Highway # 26 the most viable option was to construct a sewer through the existing Georgian View Estates (GVE) subdivision, in order to connect to the new sewer and forcemain system along Highway # 26

April 12, 2005 - a public information session was held - property owners were informed of proposed works and estimated costs with an initial estimated total cost of \$25,553. Property owners would also be responsible for individual sewer connections and neutralizing of existing septic systems.

March, 2006 – proposed landscaping plan on Grey Road # 40 as prepared by R. J. Burnside & Associates Limited was sent by John Caswell to Ross Henry (for the Georgian View Estates Ratepayers Association).

May, 2006 – Georgian View Estates Ratepayers Association updated their property owners with information resulting from meetings between their sewer committee and the Town over the past year – included in the information was discussion on the Town’s “Guidelines for Municipal Sewer & Water Extension Projects”

May 14, 2006 - letter to David Creech, CAO from Georgian View Estates (GVE) Ratepayers Association. The ratepayers association felt that the original GVE agreement specifically details their costs for the eventual connection to a sewer system, and that those costs did not include a portion of the trunk line. The ratepayers association feels that the original GVE agreement did not levy or collect a capital contribution towards sewer service therefore a charge for sewage plant capacity should not. The ratepayers association feels that roads are clearly a town wide responsibility and the deterioration of the roads has been accelerated by heavy construction equipment in the Georgian Bay Club development and it would be proper for them to cover a portion of the Town’s costs in rebuilding the roads. GVE costs should be their portion of the internal sewers and the connection to the new trunk main only.

April 2007, the project was tendered and bids were received that were substantially higher than the Engineer’s estimate and exceeded the Town’s affordability criteria. Therefore, Council did not award that contract.

August 29, 2009 a public information session was held to review the wastewater service extension with the Georgian View Estates and area benefitting property owners and to allow the residents an opportunity to comment (servicing Indian Circle, Scott’s Court, Aberdeen Court and Collen’s Court will also be serviced). The residents of the Georgian View Estate subdivision were generally concerned with the cost of the servicing and requested additional financial assistance from the Town.

September 19, 2009 – A public information meeting was held with the benefitting and future benefitting property owners of the Camperdown Service Area (including GVE) to review the proposed Local Service Recovery By-laws.

Policy Statements
Guidelines for Municipal Sewer & Water Extension Projects
January 19, 2006

The Town's Official Plan provides "that municipal servicing capacity will ultimately be made available for all existing development within the applicable Service Districts". "Municipal water and sewage services are to be provided by centralized treatment plant facilities with an extensive service line infrastructure designed to service existing development".

The following Policy Statements shall be considered when reviewing sewer and water extensions.

GENERAL:

- Council will establish a priority list, which will be reviewed from time to time, establishing the order that various areas may be serviced.
- Sewer & Water budgets will include all necessary work to restore the road to its pre-existing condition.
- Required road costs may include road and drainage improvements over and above pre-construction conditions.

STANDARDS:

- All infrastructure will be constructed to approved Town Engineering Standards
- Any special technical factors which affect the costs will be identified and considered in the analysis.

FINANCING / FUNDING:

- All projects should be deemed to be affordable for both the Town and the property owners.
- The combination of all Town wide capital projects will not cause the Town to exceed an appropriate debt level (i.e. – 80% of its debt limit).
- Projects will proceed into detailed design only after a review of the costs, funding and financing options by Council
- A full range of funding and financing tools will be reviewed for each project including combinations of government grants, user fees, property owner

payments, reserves, long term debt financing, developer funding/financing, taxation, etc.

- If there are provincial/federal grants benefitting a project, then Town reserve funds will not be used to further reduce the costs to benefitting property owners, unless necessary to meet the affordability criteria.
- All Capital Charges imposed are to have priority lien status, if possible.
- All benefitting property owners on each project will contribute equally to the cost on an equivalent unit basis.
- For non-residential uses, the Town's "Basis for Equivalent Units" should be reviewed and updated.
- All benefitting property owners on each project will also contribute towards plants and related infrastructure costs as well as project costs.
- Any previous contributions by benefitting property owners will be identified and considered in the analysis.
- The financing options should encourage benefitting owners to maximize their payments early in the payment schedule.
- Benefitting owners will be given payment options. At least one option will allow the property owner to pay not more than an affordable threshold amount annually based on current costs (i.e., approximately \$1,500) over an extended term.
- In the event that effected properties are sold, the balance of the remaining assessment shall be paid to the Town as part of the sale closing process.

COMMUNICATIONS:

- All affected property owners will be consulted prior to establishing any specific charges.

Initiation of Project

- 2004 – sewer service was required by Georgian Bay Estates Phase 2 (GBE) to develop lands to the south of Grey Road # 40 and to the west of Highway # 26
- the most viable option was to construct a sewer through the existing Georgian View Estates (GVE) subdivision, in order to connect to the new sewer and forcemain system along Highway # 26
- in keeping with Town policy to make sewer and water services available to existing development within the applicable service districts, it was determined that sewers would be constructed through the entire GVE subdivision at the same time – the GVE development agreement provides that if municipal sanitary sewage facilities become available to the subdivision, the lot owners must hook up to the system and shall be responsible for all costs associated with such hook-up

Description of Project

- the construction of sanitary sewer and service laterals to 38 lots in Georgian View Estates, and the construction of sanitary sewer to service a potential 110 units for GBE and adjacent lands
- a number of the lots in GVE will be serviced by a sanitary sewer which will connect to the existing sanitary sewer on Grey Road # 40
- the remaining lots in GVE, as well as lots from the external area adjacent to or on the Georgian Bay Club golf course, will be serviced by a sanitary sewer to the corner between lots 22 and 23 in the GVE subdivision – the sanitary sewer is proposed to flow north to the Georgian Trail between lots 22 and 23, then turn west and follow the Georgian Trail to the existing sanitary sewer on Grey Road # 40
- the current pavement structure in GVE is currently experiencing some distress - estimated total project costs include \$100,000 to strengthen the road structure by adding an additional 150 mm of granular “A” gravel over the entire surface of the road

Project Status

- recent Camperdown servicing provides for sanitary sewer along Highway # 26 to the north end of Grey Road # 40 – substantial completion of the project is estimated to be the end of August, 2006
- the Georgian Bay Club has constructed a sanitary sewer west from Highway # 26 on Grey Road # 40 to near the 7th line for servicing of the Georgian Bay Club residential lands – the works are complete
- design engineering for the proposed sewer service extension to GBE and GVE is complete - a Certificate of Approval has been received from the Ministry of the Environment for the proposed works – easements have not yet been acquired to enable completion of the works – the works may proceed subject to tendering – there is sufficient time to complete the works in 2006, provided that the required easement can be obtained expeditiously

Cost of Project and other Capital Charges

The estimated total project cost is \$791,807 (not included is the cost of any easements required to complete the works, which is unknown at this time)

Sanitary sewer extension project	\$ 5,350
Sewage treatment plant capacity + related works & studies	\$ 4,752
Sewage collection trunks + related works & studies	<u>\$ 5,282</u>
Total estimated cost per unit (before easements)	<u>\$15,384</u>

It is proposed that the road deficiency costs estimated to be \$100,000 will be funded by the Town from the Roads Infrastructure Deficit Reserve which has a current balance of \$586,940, including 2006 transfer.

Financing and Payment Options

The Town will offer payment options to the property owners (see attached schedule). The amount of money required to be loaned to those who chose to pay over time will be borrowed by the Town at an estimated interest rate of 7% per annum.

Those property owners that chose to pay over time may pay off the balance owing at any time, including interest to that date, with no penalty applied. At the time a property is sold, the balance of the loan will become due and payable.

Communications

April 12, 2005 - a public information session was held - property owners were informed of proposed works and estimated costs as follows:

Sewage treatment plant capacity	\$ 4,535
Sewage main trunk & pump stns – Hwy #26	\$ 3,525
Water reservoir	\$ 1,793
Local sewage servicing	\$ 8,600
Rebuild & surface roads	<u>\$ 7,100</u>
Total	<u>\$25,553</u>

Property owners would also be responsible for individual sewer connections and neutralizing of existing septic systems.

March, 2006 – proposed landscaping plan on Grey Road # 40 as prepared by R. J. Burnside & Associates Limited was sent by John Caswell to Ross Henry (for the Georgian View Estates Ratepayers Association) and Wayne Store, who was to provide the information to Mike Seagram as well.

May, 2006 – Georgian View Estates Ratepayers Association updated their property owners with information resulting from meetings between their sewer committee and the Town over

the past year – included in the information was discussion on the Town’s “Guidelines for Municipal Sewer & Water Extension Projects”

Georgian View Estates Ratepayers Association – Remaining Concerns

May 14, 2006 letter to David Creech, CAO

- the ratepayers association feels that the original GVE agreement specifically details their costs for the eventual connection to a sewer system, and that those costs do not include a portion of the trunk line – the charge should not apply - \$5,282 per unit
- the ratepayers association feels that the original GVE agreement did not levy or collect a capital contribution towards sewer service, therefore a charge for sewage plant capacity should not apply - \$4,752 per unit
- the ratepayers association feels that roads are clearly a town wide responsibility and the GVE internal road has been assumed by the Town for 16 years – deterioration of the roads has been accelerated by heavy construction equipment in the Georgian Bay Club development and by Rogers Cable, and it would be proper for them to cover a portion of the Town’s costs in rebuilding the roads – the charge for roads deficiency correction should not apply - \$1,302 per unit
- GVE costs should be their portion of the internal sewers and the connection to the new trunk main only – \$4,959

Georgian Bay Estates Limited

The Developer’s position is unclear at the present time. However, the Town’s negotiations for future development will be based upon the cost sharing arrangement outlined in this Report.

Next Steps

Staff would like to proceed to hold a public information session with property owners regarding: (1) the project status; (2) estimated total cost of the project, and estimated cost per unit; (3) funding and repayment options; and (4) easements. Staff will also provide this information in writing to all property owners affected by the project prior to the session.

C. Budget Impact (cc: Treasury if required)

1. Probable financing cash required by Town, if all property owners chose to repay the debt over time, is \$2,376,839. The addition of the resulting annual debt repayment will not cause the Town to exceed the annual repayment limit as determined by Ontario Regulation 403/02.
2. The Town’s portion of funding of this project (\$100,000) will be from the Roads Infrastructure Deficit Reserve.

D. Attached (Relevant documentation not personal information about an identifiable person)

1. Georgian Bay Estates Area / Georgian View Estates sanitary sewer extension estimate of revenues and expenditures, and related repayment options.
2. Guidelines for Municipal Sewer & Water Extension Projects.

Respectfully submitted,

Paul Graham
Director, Engineering and Public Works

Teresa Oakley
Financial Analyst

STAFF REPORT: ENGINEERING AND PUBLIC WORKS DEPARTMENT



REPORT TO: **Council**
MEETING DATE: **August 10, 2009**
REPORT NO.: **EPW.09.066 REVISED**
SUBJECT: **Georgian View Estates Subdivision
Sanitary Sewer Construction and Road
Reconstruction – Contract TBM-2009-57
Award of Tender**

PREPARED BY: **Reg Russwurm – Director of Engineering
and Public Works, and
Tender Award Committee**

A. Recommendation

THAT Council receive Report EPW.09.066 entitled Georgian View Estates Sanitary Sewer Construction and Road Reconstruction; and,

THAT Council approve an increase to the 2009 Budget for the Georgian View Estates Sanitary Sewer Construction and Road Reconstruction Project to reflect \$929,506 for Roads and \$766,796 for Wastewater, funded from Municipal Act, the Ontario Roads & Bridges Infrastructure Investment grant, Developer Contribution, and Town Contribution; and,

THAT Council authorize the recovery of costs related to a portion of the Georgian View Estates Sanitary Sewer Construction and Road Reconstruction works from benefiting property owners on an equivalent unit basis, and further hold a Public Information Centre (PIC) on August 29th, 2009 to provide the residents an opportunity to comment on the proposed construction; and,

THAT payment options to be offered to the property owners include:

- (a) full payment, estimated at approximately \$18,309.38; or
- (b) approximately \$1,630.10 payment per year, based on a 15 year term, at approximately 6.0% interest per annum; payments over time are to be added to the tax bill; the balance owing on the loan may be repaid at any time, including interest to that date, with no penalty applied; at the time a property is sold, the balance of the loan becomes due and payable.

THAT Council approve the award of Georgian View Estates Subdivision Sanitary Sewer Construction and Road Reconstruction Tender (TBM-2009-57) to Brantford Engineering and Construction Limited in the amount of \$1,253,224.00, excluding GST; and,

THAT the Mayor and the Clerk be authorized to execute the Construction Contract Documents for TBM-2009-57; and,

THAT Council approve retaining Skelton Brumwell & Associates Inc. by negotiated agreement as per the Town's Purchasing Policy to provide engineering services for contract administration and construction supervision for the Georgian View Estates Sanitary Sewer

Construction and Road Reconstruction (TBM-2009-57) in the amount of \$100,000.00 consisting of \$88,000.00 upset core fee estimate plus \$12,000.00 contingency fee subject to final approval of negotiated arrangement by the Director of Engineering and Public Works; and,

THAT the Mayor and the Clerk be authorized to execute the Engineering Agreement with Skelton Brumwell & Associates Inc upon the recommendation of the Director of Engineering and Public Works.

B. Background

For several years it has been a priority of the Town to provide sanitary servicing to the Georgian View Estates community. In April 2007, the project was tendered and bids were received that were substantially higher than the Engineer's estimate and exceeded the Town's affordability criteria. Therefore, Council did not award that contract. The Town re-issued the tender at this time because it was expected that the costs to the residents will satisfy Council's intent of affordability because the Town has:

- experienced favourable pricing on recent tenders and feels that similar lower pricing will occur for this project as well;
- received economic stimulus funding recently for other projects and as a result, is now able to bring \$566,800 to help offset capital cost recovery needed; and,
- reached an agreement with the adjacent developer to fund a share of the works.

Indian Circle, Scott's Circle, Aberdeen Court and Collen's Court will all receive wastewater service as a result of this project as shown on the map below. In addition, this work will enable the removal of a sewage holding tank at the end of Indian Circle for the Georgian Bay Golf Club House and adjacent development lands. Furthermore, this servicing will enable additional planned development to occur. The Town is planning to undertake the construction of approximately 931 meters of 200 mm diameter and 223 meters of 250 mm diameter sanitary sewer; 39 sanitary service connections; 15 meter length of jack and bore installation; associated maintenance holes; connections to existing sanitary sewer; road reconstruction; and Georgian Trail re-instatement.

Special consideration has been given to the work along the Georgian Trail. The Georgian Trail Board of Management has been contacted on the project and is in agreement that temporary trail linkage be constructed to take users along Indian Circle to Grey Road 40 and back to the Trail. The sewer installation will start along the trail lands. The trail will be reinstated prior to the Contractor continuing with the remainder of the works and the removal of the temporary trail linkage.

Before construction starts Staff will arrange and conduct a Pre-Construction Public Information Centre (PIC) to provide more detailed information on the costs and construction schedule. It is anticipated the PIC will be held on Saturday August 29, 2009.



Capital Cost Recovery

Since the installation of the sanitary sewers is considered a capital improvement, the Town will be recovering the cost of the sewer installation and road reinstatement subject to the works being affordable to the residents.

The overall project cost is anticipated as below:

Construction	\$1,253,224
Final Design and Tender Preparation	\$112,262
Contract Administration	\$100,000
Land Acquisition	\$40,816
Geotechnical	\$25,000
Utility Relocation	\$10,000
Miscellaneous (ads, mailings, etc)	\$5,000
Project Contingency	\$150,000
Total Project Cost Estimate	\$1,696,302

In order to aid with the affordability of this project by the residents, the Town has been able to re-allocate \$566,800 to this project from works now receiving economic stimulus funding recently announced to help pay for the road works. Furthermore, the Town and the adjacent developer will equally share the cost of the remaining road works. The residents therefore need only pay an appropriate share of the sanitary system installation. There are a total of 133 sharing units of which 39 are allocated to the residents of Georgian View Estates.

The chart provided in Attachment 1 outlines in detail the financial information regarding this project based on the above construction cost estimates. Property owners fronting the proposed wastewater works plus the development and future benefiting units will be required to pay the Capital Sewer Charge for the works estimated at \$18,309.38 per unit. Updated estimates will be circulated to the affected properties as the actual costs become available. For those not wishing to make a lump sum payment, the Town will offer payment options to the benefiting property owners to be determined by Town Council. For example, repayment over 15 yrs at 6% percent results in an annual payment of \$1,630.10. Those property owners that choose to pay over time may pay off the balance owing at any time, including interest to that date, with no penalty applied. At the time a property is sold, the balance of the loan will become due and payable. If the financing option is chosen, the annual payments will be collected by the Town through the four annual tax installments.

Staff are continuing to pursue an executed agreement with the adjacent developer to fund their share of the works. In the event that an executed developer contribution agreement is not in place prior to the Town executing a Construction Contract with the Contractor, Council may go ahead with the contract execution with the knowledge that any cost recovery can be had when the next phase of the development proceeds. Any such cost recovery will be with interest.

Construction Contract

The anticipated timeline for construction includes:

- start date of September 7, 2009
- trunk sewer completed to permit removal of holding tank by November 1, 2009
- substantial performance by June 15, 2010 to permit private service extensions during summer 2010
- final completion by September 2010

Since the work is late in the year, base asphalt will not be placed in 2009 to avoid paying a cost premium and to permit any trench settlement to occur over the winter. Instead the roads will have a granular surface for the winter.

Tenders for the Georgian View Estates Subdivision Sanitary Sewer Construction and Road Reconstruction Project (TBM-2009-57) were closed on Thursday, August 6, 2009, and a public tender opening took place on the same day. Eleven companies obtained tender documents and six tenders were received. The bids included the required tender deposit cheque of \$50,000.00, Agreement to Bond, signed and sealed copies of all Addendums and tender documents. The received bids were reviewed for accuracy by Town Staff to ensure they were mathematically correct and all required submissions were provided.

Staff recommend that Council accepts the bid of Brantford Engineering and Construction Limited in the amount of \$1,253,224, excluding GST, being the lowest bid and meeting all the contract document requirements.

The tender and award of this project is in compliance with the Town's Purchasing Policy. The award is endorsed by the Tender Award Committee consisting of the CAO, Director or Engineering and Public Works and Manager of Purchasing or designates.

Construction Administration

It will be necessary to retain an Engineering Consultant to undertake Contract Administration during the construction and warranty period.

The Town previously awarded the design and contract administration of these works to Skelton Brumwell & Associates Inc. prior to the project being halted. As permitted under the Town's Purchasing Policy Section 14 f) and Procedure for Procurement Policy Schedule F j), Staff may undertake negotiated purchases when significant previous knowledge and experience about a particular project or assignment exists. It is important to consider the current claim that the Town is involved in with Skelton Brumwell against Drexler Construction for the Camperdown Sewer Project. No one directly involved with the Camperdown Sewer Project from Skelton Brumwell will be permitted to work on the Georgian View Estates Project to avoid any actual or perceived conflicts of interests. Notwithstanding the contractual claims by Drexler, Staff feel it is appropriate in the best interests of the project that Skelton Brumwell be considered for this work because the firm is responsible for the design, best understands the project and is able to undertake the work immediately

The Fee Estimate submitted by Skelton Brumwell is summarised in the table below:

Site Inspection	\$65,220
Contract Administration	\$18,360
Expenses	\$4,420
Sub-Total	\$88,000
Fee Contingency	\$12,000
Total	\$100,000

The \$88,000 fee estimate for core services represents 7% of the tendered contract price. Although this is on the high end of the 6% - 7% usually anticipated for Contract Administration and Inspection as a percentage of the tender price, it is 5.5% of the anticipated \$1.6M contract value prior to tender. Staff are currently finalising the arrangements for these services and recommend that the contract administration for the Georgian View Estates Project be awarded to Skelton Brumwell subject to the final approval of the Director of Engineering and Public Works under Section 14 f) of the Purchasing of Goods and Services Policy as it applies to Negotiations and Single Source procurements to provide engineering services for contract administration and site supervision for the Georgian View Estates Sanitary Sewer Construction and Road Reconstruction (TBM-2009-57) in the amount of \$100,000.00 consisting of \$88,000.00 upset core fee estimate plus \$12,000.00 fee contingency for activities not specifically known at the time of award, construction time overruns, and unexpected field conditions.

C. The Blue Mountains' Strategic Plan

Town's Strategic Plan Goal # 2 "Addressing the Town's Municipal Infrastructure needs" is in part satisfied by the recommended action.

D. Budget Impact

The 2009 Capital Budget allocated \$600,000 for wastewater works and \$150,000 for road re-instatement providing a total of \$750,000. The remainder of the costs were expected to be developer contribution but were not detailed in the 2009 Capital Budget.

Now that the costs and contributions are known, the project budget should be revised to include \$929,506 for roads and \$766,796 for wastewater as developed on Attachment #1. The original intent of the 2009 Budget for Roads and Drainage was that that Town would finance \$150,000 of road reconstruction costs. The overall impact of the new budget will increase the Town contribution to \$181,353. Staff recommend that the additional \$31,353 for road works be funded from the general Roads and Bridges Reserve Fund.

E. Environmental Impacts

Servicing Georgian View Estates with municipal wastewater infrastructure will help protect ground water quality by reducing the number of septic tanks within the municipality. The removal of the sewage holding tank will reduce greenhouse gases generated by the transportation of sewage and the risk of spillage into the natural environment.

F. Attached

1. Capital Cost Recovery Development Table

Respectfully submitted,

Reg Russwurm
Director, Engineering and Public Works

For more information, please contact:
Reg Russwurm
russwurm@thebluemountains.ca
(519) 599-3131 x260

Tender Award Committee

Paul Graham
CAO

Reg Russwurm
Director of Engineering
& Public Works

Sherri Adams
Manager of Purchasing

Attachment #1

**Georgian View Estates Sanitary Sewer Extension
 Preliminary Wastewater Works Estimates**

Number of Units	
Local Residents	39
Development Units	83
Future Development Units	11
Total Number of Units	133

Wastewater Extension			
Expenditures	Road	Sanitary	TOTAL
Engineering	\$ 118,867	\$ 93,395	\$ 212,262
Construction	\$ 704,239	\$ 548,985	\$ 1,253,224
Land Acquisition & Misc	\$ 22,400	\$ 58,416	\$ 80,816
Contingency	\$ 84,000	\$ 66,000	\$ 150,000
Total	\$ 929,506	\$ 766,796	\$ 1,696,302
Revenues	Road	Sanitary	
Developer (83 units)		\$ 478,527	
Developer Front-ending (11 units)		\$ 63,419	
Local Residents (39 units)		\$ 224,850	
Grant - Ont Roads & Bridges Infrastructure Investment	\$ 566,800		
Developer Contribution	\$ 181,353		
Town Contribution	\$ 181,353		
Total	\$ 929,506	\$ 766,796	\$ 1,696,302

Capital Sewer Charge per Unit	
Total of 133 Units - Wastewater Works	\$ 5,765.38
Capital Charges	
Camperdown Area Specific	\$ 6,546.00
Thornbury Wastewater Plant	\$ 5,998.00
Total per Unit Cost	\$ 18,309.38
Town Financing Option	
15 years at 6%	\$ 1,630.10
20 years at 6%	\$ 1,329.98

STAFF REPORT: Financial and Information Services



REPORT TO: Infrastructure and Recreation Committee
MEETING DATE: September 22th, 2009
REPORT NO.: F.I.S.09.51
SUBJECT: Georgian View Estates and Area Wastewater Extension
PREPARED BY: Elizabeth Thompson, Deputy Treasurer; Reg Russwurm, Director of Engineering and Public Works

A. Recommendations

THAT Council receive Staff Report F.I.S.09.51 "Georgian View Estates and Area Wastewater Extension" for information purposes,

B. Background

On Saturday, August 29th, 2009 a public information session was held to review the wastewater service extension with the Georgian View Estates and area benefiting property owners and to allow the residents an opportunity to comment (servicing Indian Circle, Scott's Circle, Aberdeen Court and Collen's Court will also be serviced). The residents of the Georgian View Estate subdivision were generally concerned with the cost of the servicing and requested additional financial assistance from the Town.

Historical Reserve/Reserve Fund Contributions

In other historic wastewater service extension projects, Council has offered funding support from the Craigleith Sewer Reserve Fund as follows;

- In October 2000, Craigmere Cres., Settler's Way, and Pioneer Lane, in the amount of \$4,000 per unit (no other Reserve/Reserve Fund contributions)
- In March 2001, Lakeshore Rd, Kitzbuhl Cres., and Sleepy Hollow Rd, in the amount of \$434 per unit (other Reserve/Reserve Fund contributions for Rd and Storm sewer costs \$290,918)
- In December 2002, Jozo Weider Blvd, Lucille Wheelr Cres., and Lucille Wheeler Lane, in the amount of \$500 per unit (other Reserve/Reserve Fund contributions for Rd and Storm sewer costs \$185,322)
- And most recently in December 2007, St. Moritz Cres. and Chamoniz Cres., in the amount of \$1,000 per unit. (other Reserve/Reserve Fund contributions for Rd and Storm sewer costs \$663,026.95)

Various combinations of reserve and reserve fund contributions have been made to past projects to fund the roads and storm sewer component of the project.

For this project, if Council allocates reserve funds to this project those benefiting properties would be 39 units in the Georgian View Estates plus 32 equivalent units for the Georgian Bay Golf Club for a total of 71 units.

Circulation of August , 2009

Notice of pending construction circulated to the residents of the Georgian View Estates, indicated an agreement had been reached between the adjacent developer and the Town. Such an agreement has not been reached. Regrettably a miscommunication between Town staff lead to the announcement that an agreement had been reached. The Town has reached agreement in principle with the adjacent developer and is currently working to document the terms.

Cost Sharing of Road Reconstruction

Through the information session with the resident, there were several questions around the cost of the road construction and the residents felt the road costs to be a taxation cost and not to be paid through the capital construction costs. Staff indicated that as a result of the construction of sewer works, the roads within Georgian View Estates will need to be re-built. The roads within the Georgian View Estates have deficiencies but are not at the end of their useful life. Instead of typical maintenance activities such as overlay paving to extend the road life another 15 – 20 years, the roads are being fully reconstructed sooner than typical as necessitated solely by the sewer installation. Since the sewer works is the driver for the early reconstruction of the road, it is appropriate that a sizeable proportion of the road costs less deficiencies be assessed to the sewer installation costs. This arrangement however would make this project unaffordable to the residents under Town criteria. To facilitate the affordability of the project, the Town allocated Ontario Roads & Bridges Investment Grant funds of \$566,800 to the road works within this project. In addition, the Town is contributing \$150,000 to address current deficiencies.

Recent Build Canada Grant Announcement

The Build Canada Grant program was also discussed with regard to these funds assisting the Georgian View Estates Subdivision Sanitary Sewer Construction and Road Reconstruction project. Staff explained the Build Canada Grant program briefly, indicating this grant application only allows one project to be applied for and that Council had chosen the “Carmichael, Kinsey, Plater, Campbell, Plan 915 Project” to be their priority for this round of grant applications.

Council Project Approvals

The proposed funding of Georgian View Estates Subdivision Sanitary Sewer Construction and Road Reconstruction project, presented to Council is based on estimated costs and will be presented to Council with the actual costs in a Capital Charges By-law when the actual costs are available.

On August 10, 2009, Council received Staff Report EPW.09.066 and further awarded the tender for Georgian View Estates Subdivision Sanitary Sewer Construction and Road Reconstruction Tender (TBM-2009-57) to Brantford Engineering and Construction Limited in the amount of \$1,253,224.00, excluding GST. Council also approved a budget increase to the 2009 Capital Budget for Roads and Wastewater, funded from the *Municipal Act*, the Ontario Roads & Bridges Infrastructure Investment grant, Developer Contribution, and Town Contributions.

Through Staff Report EPW.09.066, Council authorized the recovery of costs of the Georgian View Estates Sanitary Sewer Construction and Road Reconstruction works from benefiting property owners on an equivalent unit basis, with cost payment options to be offered to the property owners include:

- (a) Payment in full, or
- (b) repaid through four payments per year, for a term of 15 year, calculated at 6.0% interest per annum (currently at 4.5%); with payments over time being added to the tax bill. The balance owing on the loan may be repaid at any time, including interest to that date, with no penalty applied. If a property is sold or transferred, the balance of the loan becomes due and payable.

Permanent Trail to Georgian Trail

During the discussions regarding the Town obtaining an easement over the block from Indian Circle to the Georgian Trail, it was suggested that a permanent trail could be constructed over the sewer easement. The feedback from the residents at that time was that the trail was not wanted. Therefore the construction of a permanent trail was not part of the easement agreement.

The Town has recently been requested to install a permanent trail connection. Although Staff are prepared to recommend installing a permanent trail as part of the servicing project, the easement agreement does not permit it. Since the block is owned in common by all the 38 properties of Georgian View Estates, an agreement will be required with all 38 property owners. Should a petition be made to the Town that clearly documents the property information, the registered owner and the owner's signature, staff are prepared to recommend the construction of a permanent trail over the easement. Given that the Town does not own the property nor has an easement to the same effect, the maintenance of the trail will rest with the Georgian View Estates property owners.

Project Information

For several years it has been a priority of the Town to provide sanitary servicing to the Georgian View Estates community. In April 2007, the project was tendered and bids were received that were substantially higher than the Engineer's estimate and exceeded the Town's affordability criteria, therefore, Council did not award that contract.

The Town re-issued the tender at this time to extend wastewater service to Indian Circle, Scott's Circle, Aberdeen Court and Collen's Court as shown on the map below. In addition, this work will enable the removal of a sewage holding tank at the end of Indian Circle for the Georgian Bay Golf Clubhouse and adjacent development lands. The Town is planning to undertake the construction of approximately 931 meters of 200 mm diameter and 223 meters of 250 mm diameter sanitary sewer; 39 sanitary service connections; 15 meter length of jack and bore installation; associated maintenance holes; connections to existing sanitary sewer; road reconstruction; and Georgian Trail reinstatement.

Special consideration has been given to the work along the Georgian Trail. The Georgian Trail Board of Management has been contacted on the project and is in agreement that temporary trail linkage be constructed to take users along Indian Circle to Grey Road 40 and back to the Trail. The sewer installation will start along the trail lands. The trail will be reinstated prior to the Contractor continuing with the remainder of the works and the removal of the temporary trail linkage.



Project Cost Sharing

In order to aid with the affordability of this project by the residents, the Town has been able to re-allocate the Ontario Roads and Bridges Infrastructure Investment grant of \$566,800 to this project from works now receiving economic stimulus funding, recently announced, to help pay for the road works. As previously budgeted the Town will contribute \$150,000 to fund the road works. The residents therefore need only pay an appropriate share of the sanitary system installation. There are a total of 133 sharing units of which 39 units are allocated to the existing properties of Georgian View Estates, 32 units are existing Georgian Bay Golf Club and 62 units for Future Development of adjacent lands.

The benefiting property owners fronting the proposed wastewater works plus the future benefiting units will be required to pay the Capital Sewer Costs estimated at \$1,481,302 or \$5,748.15 per unit. Updated estimates will be circulated to the affected properties as the actual costs become available. In addition, the benefiting property owners are responsible for the Camperdown Area Specific Charge of \$6,546, and the allocation share of the Thornbury Wastewater Plant of \$5,998. The total per unit cost is estimated at \$18,292.15. For those not wishing to make a lump sum payment, the Town will offer payment options to the benefiting property owners (to be determined by Town Council). For example, repayment over 15 years at 6% percent results in an annual payment of \$1,645.82. Those property owners that choose to pay over time may pay off the balance owing at any time, including interest to that date, with no penalty applied. At the time a property is sold or transferred, the balance of the loan will become due and payable. If the financing option is chosen, the annual payments will be collected by the Town through the four annual tax installments. If Council allocates \$1,000 per unit, for example from the Craighleith Sewer Reserve Fund to help offset the costs of this project, a total of \$71,000 would be required and would reduce the annual payment over 15 years at 6% interest to approximately \$1,545.00 and the total cost per unit to \$17,292.15.

In the event that an agreement with the future developers has not been entered into, the Town will finance this portion of costs until the developer's contributions have been received. The construction contract has been executed with the knowledge that the future development share of the costs will be recovered at the development agreement stage. Any such cost recovery will be subject to interest until payment is received.

C. The Blue Mountains' Strategic Plan

Ensuring long-term financial sustainability and providing a strong, well managed municipal government.

D. Environmental Impacts

Servicing Georgian View Estates with municipal wastewater infrastructure will help protect ground water quality by reducing the number of septic tanks within the municipality. The removal of the sewage holding tank will reduce greenhouse gases generated by the transportation of sewage and the risk of spillage into the natural environment.

E. Budget Impact

The capital construction costs of the project will be based on the actual costs when levied to the benefiting property owners. The following are **estimates** of the capital construction costs of the project:

Construction	\$1,253,224
Final Design and Tender Preparation	\$ 112,262
Contract Administration	\$ 35,000
Land Acquisition	\$ 40,816
Geo-technical	\$ 25,000
Utility Relocation	\$ 10,000
Miscellaneous (ads, mailings, etc)	\$ 5,000
Total Project Cost Estimate	\$1,481,302*
Less	
- Future Development	\$ 356,383
- Ontario Roads & Bridges Infrastructure Investment Grant	\$ 566,800
- Municipal Road Contribution	\$ 150,000
Total Project Construction Costs	\$ 408,119
Estimated 71 Existing Benefiting Properties per Unit	\$ 5,748.15
Capital Charges	
Camperdown Area Specific	\$ 6,546.00
Thornbury Wastewater Plant	\$ 5,998.00
Total per Unit Estimated Costs	\$ 18,292.15**

Annual Payment over 15 years at 6% would be approximately **\$1,645.82**

* the above is based on estimated costs and will be re-calculated using the actual construction costs prior to levying a charge on the benefiting property owners. Please note the estimates have been revised since the last report of August 10th, 2009, EPW.09.066.

** the unit costs will be re-calculated based on the actual construction costs and will be levied on each of the existing benefiting property owners on a per unit bases.

If Council allocates \$1000 per unit from the Craigleith Sewer Reserve fund to this project, a total of \$71,000 would be required and would reduce the annual payment over 15 years at 6% interest to approximately \$1,545.00 and the total cost per unit to 17,292.15.

F. Attached (Relevant documentation not personal information about an identifiable person)

None.

Respectfully submitted,

Elizabeth Thompson,
Deputy Treasurer

For more information, please contact:

Name Elizabeth Thompson

Email Address ethompson@thebluemountains.ca

Business Telephone with Extension 519-599-3131 ex 250

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2011-

BEING A BY-LAW TO IMPOSE CAPITAL SEWER CHARGES FOR THE USE OF THE TOWN'S SEWAGE SYSTEM (Camperdown Service Area – Georgian View Estates)

WHEREAS sections 9, 11 and Part XII of the *Municipal Act, 2001*, as amended, (the *Act*) and the *Regulations* thereto enables a municipality to impose by by-law, fees or charges for the use of a sewage system;

AND WHEREAS *Ontario Regulation 581/06* provides that fees or charges imposed for the use of a sewage system under the Act and added to the tax roll under subsection 398(2) of the Act have priority lien status as described in section 1 of the Act;

AND WHEREAS By-law 2010-11 provided the a capital sewer charge for the use of the sewage system on a per unit basis in an amount to be determined by the Council will be imposed on each of the future benefitting owners, as described therein, by a By-law enacted by the Council at some later point in time when the sewage system is extended to provide sewage service to the future benefitting owners;

AND WHEREAS the benefitting owners described in this By-law were described as future benefitting owners in By-law 2010-11;

AND WHEREAS the sewage system which consists of the sewage collection works and the sewage plant has now been extended to provide sewage service to the benefitting owners and will provide a benefit to the benefitting owners;

AND WHEREAS the Council deems it necessary to impose upon the benefitting owners a capital sewer charge for the use of the sewage system to pay a portion of the capital cost of the sewage collection works and to pay a portion of the capital cost of the sewage plant;

AND WHEREAS the Town has held a public meeting before passing this By-law and has provided notice of the public meeting and its intention to pass this By-law and has made available to members of the public information with respect to the capital sewer charge.

NOW THEREFORE the Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

Definitions

1. In this By-law, including the recitals thereto:

“Act” means the *Municipal Act, 2001*, as amended;

“Benefit” means an immediate benefit accruing to the benefitting owners which is derived or derivable from the sewage system;

“Benefitting owner” means the registered owner of an estate in fee simple of a benefitting property;

“Benefitting property” means each separately assessed property connected to or fronting on the sewage system as set out in Schedule “B”;

“Capital cost” means the cost of constructing the sewage collection works and the sewage plant, inclusive of all items of cost usually and properly chargeable to capital account, and where applicable, the interest amounts payable on the debentures to be issued for these works and the imputed interest cost on the money supplied from the funds of the Town to finance the benefitting owners’ share of the cost of these works;

“Capital sewer charge” means the capital sewer charge on a per unit basis in the amount

set out in Schedule "D" which includes the capital sewer charge (sewage collection works) and the capital sewer charge (sewage plant) as set out in Schedule "D";

"Council" means the Council of The Corporation of the Town of The Blue Mountains;

"Camperdown Service Area" means area shown in heavy outline and identified as the Camperdown Service Area on Schedule "A";

"Sewage collection works" means all of the sewage collection works described in Schedule "C" necessary for the collection and transmission of sewage in and from the Camperdown Service Area to the sewage plant, or any part of such works;

"Sewage plant" means the Thornbury Wastewater Treatment Plant for the treatment and disposal of sewage;

"Sewage system" means the sewage plant and the sewage collection works, all of which are necessary for the collection, transmission, treatment and disposal of sewage;

"Town" means The Corporation of the Town of The Blue Mountains;

"Treasurer" means the person appointed by Council, as the Treasurer for the Town or his designate;

"Unit" means a residential dwelling unit.

Unless the context otherwise requires in this By-law, words importing the singular include the plural and vice versa and words importing gender includes all genders.

Capital Costs

2. The capital cost of the sewage collection works and the portions of this capital cost to be paid by the benefitting owners are set out in Schedule "C".
3. The capital cost of the sewage plant and the portions of this capital cost to be paid by the benefitting owners are set out in Schedule "C";

Charges Imposed

4. The roll number and description of each benefitting owner's benefitting property and the number of units on each benefitting property for which a capital sewer charge is imposed by this By-law are set out in Schedule "B". Any benefitting property shown as vacant land on the latest revised assessment roll shall be deemed to have one unit on it for the purposes of this By-law.
5. A capital sewer charge for the use of the sewage system on a per unit basis in the amounts set out in Schedule "D" for the Service Area set out in Schedule "D" is hereby imposed on each of the benefitting owners to pay for a portion of the capital cost of the sewage collection works and to pay for a portion of the capital cost of the sewage plant.
6. In accordance with section 90(3) of the Act, if new parcels of land are created from existing benefitting properties or new units are constructed on existing benefitting properties, the capital sewer charge as set out in section 5 is imposed on the benefitting owner of the new parcel of land or of the new unit in the manner set out in this By-law.

Notification

7. The Treasurer shall forthwith after the enactment of this By-law mail to the benefitting owners, by prepaid regular mail, a copy of this By-law together with an explanation of this By-law and an election form prescribed by the Treasurer for the purpose of the benefitting owners making the election referred to in section 11.

Charges Due and Payable

8. The capital sewer charges imposed by this By-law constitute a debt of the benefitting owners to the Town and subject to section 9, are hereby due and payable on December 12, 2011.

9. In the event a benefitting owner makes the election provided for in section 11 by December 12, 2011, the capital sewer charge imposed on that benefitting owner by this By-law shall become due and payable in the amounts, at the times and in accordance with section 11 and the instalment provisions as set out in Schedule "D".
10. In the event a benefitting owner fails to make an election provide for in section 11 by December 12, 2011 the full amount of the capital sewer charge imposed on that benefitting owner by this By-law shall become due and payable on December 12, 2011.

Payment Option

11. (1) A benefitting owner may elect, by notice of election delivered to the Treasurer by no later than December 12, 2011, in the form prescribed by the Treasurer in accordance with section 7, to pay the capital sewer charge in instalments, with interest thereon as set out in Schedule "D".
- (2) Subject to section 11(3), a benefitting owner may at any time or times pay the whole of the unpaid balance of the capital sewer charge together with interest thereon to the date of payment.
- (3) In the event of a benefitting owner selling, conveying or transferring title to the benefitting property to any person or corporation the unpaid balance of the capital sewer charge and interest thereon shall forthwith become due and payable.

Collection of the Capital Sewer Charges

12. The Treasurer is hereby authorized and directed to add the capital sewer charges to the tax rolls for the benefitting properties set out in Schedule "B" in accordance with subsection 398(2) of the Act and to collect the capital sewer charges in the same manner as municipal taxes.
13. The capital sewer charges added to the tax rolls under subsection 398(2) of the Act have priority lien status as described in section 1 of the Act, and the capital sewer charges, including interest:
 - (1) may be collected in the same manner as taxes on the benefitting property;
 - (2) may be recovered with costs as a debt due to the Town from the assessed owner of the benefitting property at the time the capital sewer charges are added to the tax roll and from any subsequent owner of the benefitting property or any part of it;
 - (3) are a special lien on the property in the same manner as are taxes under subsection 349(3) of the Act; and
 - (4) may be included in the cancellation price under Part XI of the Act in the same manner as are taxes on the benefitting property.

Non-payment of Charges

14. On all Capital sewer charges which are in default on the day following each due date a penalty of 1 ¼ percent shall be added and thereafter a penalty 1 ¼ percent per month will be added on the first day of each and every month the default continues until December 31 in the current year. On all capital sewer charges in default on January 1 of the following year, interest will be added at the rate of 1 ¼ percent per month for each month or fraction thereof of default.

Application to the Ontario Municipal Board

15. No application shall be made to the Ontario Municipal Board under clause 71(c) of the *Ontario Municipal Board Act* on the grounds that the capital sewer charges imposed under this By-law are unfair or unjust.

Administration

16. This By-law shall be administered and enforced by the Treasurer.

Schedules

- 17. Schedules "A", "B", "C" and "D" are hereby declared to form part of this By-law.
- 18. This By-law shall come into force and take effect upon the enactment thereof.

ENACTED AND PASSED this ____ day of _____, 2011

The Corporation of the Town of The Blue Mountains

.....
Ellen Anderson, Mayor

.....
Corrina Giles, Clerk

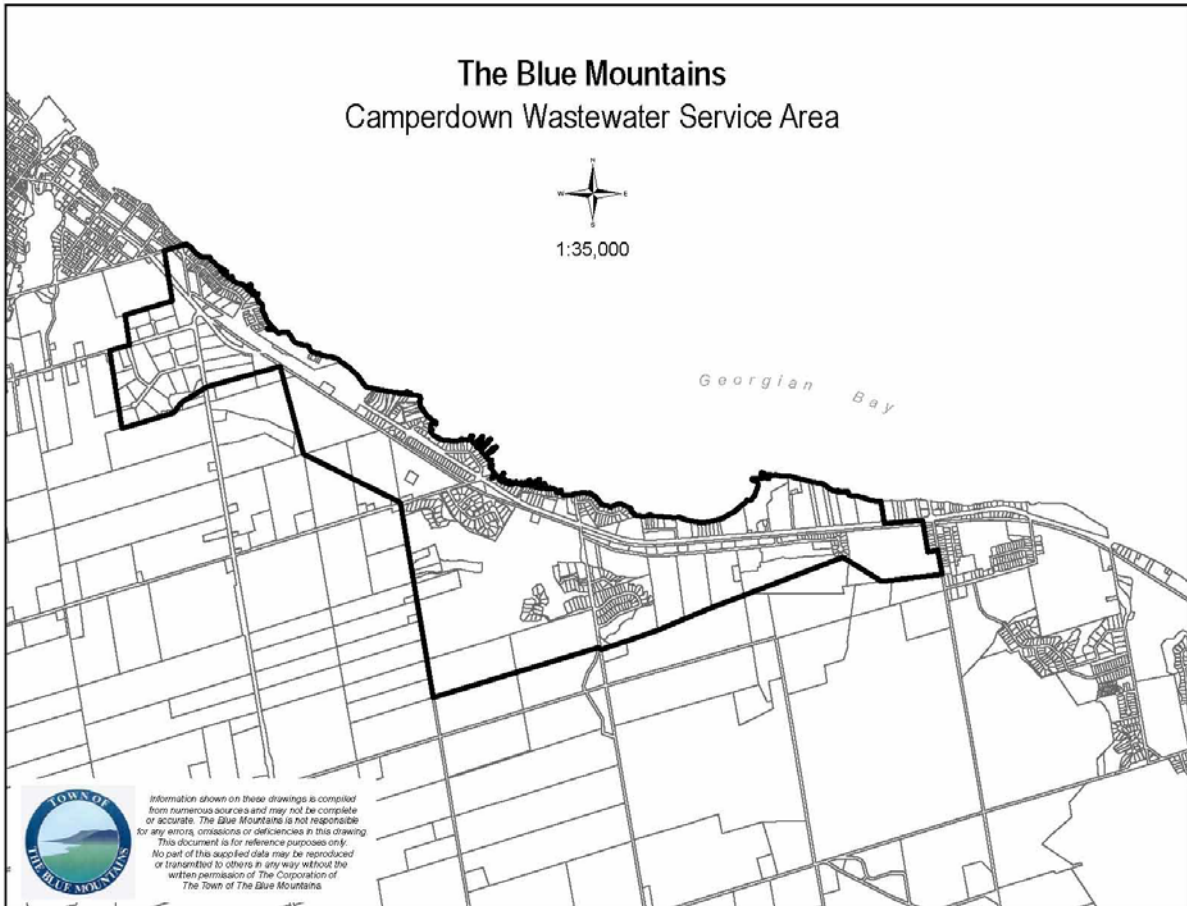
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THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2011 –

Schedule “A”

Camperdown Service Area



THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2011 -

Reference to By-law 2010 - 11

Schedule "B"

Benefitting Properties

ROLL NUMBER	LEGAL DESCRIPTION	NUMBER OF UNITS
424200001101100	208658 HIGHWAY 26 CON 7 PT LOT 27	1
424200001101201	PL 1079 LOT 1 1/38 INT IN BLKS 39,40,42,43	1
424200001101202	PL 1079 LOT 2 1/38 INT IN BLKS 39,40,42,43	1
424200001101203	PL 1079 LOT 3 1/38 INT IN BLKS 39,40,42,43	1
424200001101204	PL 1079 LOT 4 1/38 INT IN BLKS 39,40,42,43	1
424200001101205	PL 1079 LOT 5 1/38 INT IN BLKS 39,40,42,43	1
424200001101206	PL 1079 LOT 6 1/38 INT IN BLKS 39,40,42,43	1
424200001101207	PL 1079 LOT 7 1/38 INT IN BLKS 39,40,42,43	1
424200001101208	PL 1079 LOT 8 1/38 INT IN BLKS 39,40,42,43	1
424200001101209	PL 1079 LOT 9 1/38 INT IN BLKS 39,40,42,43	1
424200001101210	PL 1079 LOT 10 1/38 INT IN BLKS 39,40,42,43	1
424200001101211	PL 1079 LOT 11 1/38 INT IN BLKS 39,40,42,43	1
424200001101212	PL 1079 LOT 12 1/38 INT IN BLKS 39,40,42,43	1
424200001101213	PL 1079 LOT 13 1/38 INT IN BLKS 39,40,42,43	1
424200001101214	PL 1079 LOT 14 1/38 INT IN BLKS 39,40,42,43	1
424200001101215	PL 1079 LOT 15 1/38 INT IN BLKS 39,40,42,43	1
424200001101216	PL 1079 LOT 16 1/38 INT IN BLKS 39,40,42,43	1
424200001101217	PL 1079 LOT 17 1/38 INT IN BLKS 39,40,42,43	1
424200001101218	PL 1079 LOT 18 1/38 INT IN BLKS 39,40,42,43	1
424200001101219	PL 1079 LOT 19 1/38 INT IN BLKS 39,40,42,43	1
424200001101220	PL 1079 LOT 20 1/38 INT IN BLKS 39,40,42,43	1
424200001101221	PL 1079 LOT 21 1/38 INT IN BLKS 39,40,42,43	1
424200001101222	PL 1079 LOT 22 1/38 INT IN BLKS 39,40,42,43	1
424200001101223	PL 1079 LOT 23 1/38 INT IN BLKS 39,40,42,43	1
424200001101224	PL 1079 LOT 24 1/38 INT IN BLKS 39,40,42,43	1
424200001101225	PL 1079 LOT 25 1/38 INT IN BLKS 39,40,42,43	1
424200001101226	PL 1079 LOT 26 1/38 INT IN BLKS 39,40,42,43	1
424200001101227	PL 1079 LOT 27 1/38 INT IN BLKS 39,40,42,43	1
424200001101228	PL 1079 LOT 28 1/38 INT IN BLKS 39,40,42,43	1
424200001101229	PL 1079 LOT 29 1/38 INT IN BLKS 39,40,42,43	1
424200001101230	PL 1079 LOT 30 1/38 INT IN BLKS 39,40,42,43	1
424200001101231	PL 1079 LOT 31 1/38 INT IN BLKS 39,40,42,43	1
424200001101232	PL 1079 LOT 32 1/38 INT IN BLKS 39,40,42,43	1
424200001101233	PL 1079 LOT 33 1/38 INT IN BLKS 39,40,42,43	1
424200001101234	PL 1079 LOT 34 1/38 INT IN BLKS 39,40,42,43	1
424200001101235	PL 1079 LOT 35 1/38 INT IN BLKS 39,40,42,43	1
424200001101236	PL 1079 LOT 36 1/38 INT IN BLKS 39,40,42,43	1
424200001101237	PL 1079 LOT 37 1/38 INT IN BLKS 39,40,42,43	1
424200001101238	PL 1079 LOT 38 1/38 INT IN BLKS 39,40,42,43	1

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2011 –

Reference to By-law No. 2010 - 11

Schedule “C”

1. Description and Capital Cost of the Camperdown Service Area Sewage Collection Works

<u>Sanitary Sewer Trunks</u>	Total Project Cost
Camperdown Road related sewer works	\$ 163,262
<u>Pumping Stations and Forcemains</u>	
Delphi Pump Station, Lakeshore Pump Station & Sewer Trunk	\$ 9,726,679
Total Capital Cost	\$ 9,894,941

2. Allocation of the Capital Cost of the Camperdown Service Area Sewage Collection Works

	Camperdown Service Area
Growth Related Units	1,003
Non Growth Related Units - Benefitting	120
Non Growth Related Units - Future Benefitting	389
	Camperdown Service Area
Growth Related Share of Capital Costs	\$ 6,565,589
Non Growth Related Share of Capital Costs	\$ 3,329,352

3. Capital Cost of the Sewage Plant

Total Capital Cost \$25,588,248

(See Town of The Blue Mountains Development Charges Background Study - February 2010)

4. Description and Capital Cost of the Local Service Construction

Project Expenses (Construction, Engineering, etc.)	
Wastewater Trunk and Services	\$ 454,958.71
Road Reconstruction	\$ 655,949.90
Asphalt Road Improvement	\$ 168,210.97
Total Expenses	\$ 1,279,119.58
Revenues	
Town Contribution (Taxation)	\$ 150,000.00
Municipal Roads & Bridges - Provincial Grant	\$ 563,301.62
Total Revenues	\$ 713,301.62
Net Recoverable from Residents	\$ 565,817.96

5. Allocation of the Capital Cost of the Local Service Construction

Local Residential Units	39
Development Units	83
Future Development Units	11
Local Residential Unit Share of Capital Costs	\$165,917
Development Unit Share of Capital Costs	\$353,104
Future Development Unit Share of Capital Costs	\$46,797

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2011 - _____

Reference to By-law No. 2010 - 11

Schedule "D"

Capital Sewer Charge (Camperdown Area Specific Sewage Collection Works) (Per Unit)

\$6,546 (Non- Interest bearing)

Capital Sewer Charge (Sewage Plant) (Per Unit)

\$5,001 (Interest Bearing)

Capital Sewer Charge (Local Servicing) (Per Unit)

\$4,254.27 (Interest Bearing)

Total Capital Sewer Charge Imposed (Per Unit)

\$15,801.27

Payment Option

A benefitting owner may elect, by notice of election delivered to the Treasurer by no later than December 12, 2011, in the form prescribed by the Treasurer in accordance with section 7, to pay the capital sewer charge in instalments as follows:

(a) the capital sewer charge (Collection Works) of \$6,546 over a period of Fifteen (15) years in four instalments per year. Instalments will be due on the dates the municipal taxes are due in each and every year from and including the first instalment in 2012 to and including the last municipal tax instalment of 2027, and the balance of this capital sewer charge shall be due and payable on the date of the last municipal tax instalment of 2027, and

(b) the capital sewer charge (sewage plant) of \$5,001 and the capital sewer charge (local servicing) of \$4,254.27 together with interest thereon at the rate of 5.0% per annum over a period of Fifteen (15) years in four instalments per year (which include a portion of the capital sewer charge and interest thereon). Instalments will be due on the dates the municipal taxes are due in each and every year from and including the first instalment in 2012 to and including the last municipal tax instalment of 2027, (such instalments to be applied first in payment of the interest due from time to time, and the balance to be applied in reduction of the capital sewer charge owing) and the balance of these capital sewer charges with interest thereon as aforesaid shall be due and payable on the date of the last municipal tax instalment of 2027.