

FLOOD ADVISORY COMMITTEE

A meeting of the Flood Advisory Committee was held in Council Chambers on Monday, May 13, 2024 at 9:00 am.

Present: Councillor Tim Johnson, Chair
Councillor Mike Cooper
Mayor Christine Blair
Hank Kolstee, Citizen Representative
Robert Monk, Citizen Representative
Michelle Boudreau, Director of Public Works
Dan Troke, CAO
Rod MacLennan, Project Supervisor/Consultant
Terry McKay, Manager of Land Protection, NS Agriculture
Dennis James, Municipal Solicitor

Regrets: Councillor Lisa Patton
Charlotte Sullivan, NS Environment & Climate Change

Approval of Agenda: Item 6, Consulting Proposal 2024/25, was moved to 10.b.

Moved by Hank Kolstee and seconded by Councillor Cooper

“That the agenda be approved as amended.” Motion carried.

Approval of Minutes: Moved by Hank Kolstee and seconded by Mayor Blair

“That the Minutes from the meeting on February 26, 2024 be approved as presented.” Motion carried.

Business Arising from the Minutes: Council approved the Committee’s \$100K and 25% contingency budget request for 2024/25.

Legal Review: With the Municipal Solicitor present, a discussion was held on policy, release forms, and current approaches and processes to assess if the Committee is staying within its mandate and legal requirements.

Funding of Work on Commercial Properties:

- In the past, the Committee has completed work on commercially assessed properties.
- The current policy outlines 50% cost sharing for commercial properties.
- Applications from commercial properties are currently under review by the Committee.
- As per the Municipal Government Act, municipalities are not permitted to directly or indirectly fund commercial entities unless any funds used on commercial properties are incidental in protecting larger regional interests.
- Often times, a property can have multiple assessments including residential, resource and/or commercial.
- While there may be instances where the committee can support work on a property that is partially commercially assessed, due diligence and extra review is required to make sure the committee is staying within the provisions of the

MGA.

- Active farming/farmland are considered a business operation and therefore have a commercial assessment.
- Michelle to draft some policy revisions and bring back to the Committee for review.

Release Form:

- The committee currently uses a single release form for both allowing work on an applicant's property, but also to allow access across adjacent properties.
- The limitations on liability included in the form are not appropriate in cases where it is being used for access only.
- A specific access form should be created which includes a commitment to reinstating properties that have been used to access a project site.
- Staff to draft form

Larger Securities:

- The committee discussed the current requirement for a 50% deposit on projects, and whether or not it protected the Municipality in the case of default on payment or quick sale of the property by the applicant.
- The cost sharing amounts for flood work are set up as liens against the property until they are paid in full, are collected in the same manner as taxes, and if unpaid, can fall under the tax sale process.
- No specific changes were recommended on this item.

Alterations to Work:

- Recent issue arose where an owner modified work completed by the FAC, having a negative impact on a neighbouring property. The matter is currently between the two property owners.
- The question of Municipal liability in this case was raised.
- Nothing in the current agreement prevents any alterations or addresses transfer of liability to new property owners. The agreement should be modified to include some of these considerations.
- Committee needs to be mindful of going back and completing maintenance work after project has been completed – increases risk of liability.

Policy Review:

- The Committee discussed work on residential property, and if support should be limited to projects that protect the principal residence only. The matter of improvements to access roads and driveways was also discussed.
- Current \$2,500 residential cap only applies to work protecting principal residences, however under the current policy, any type of work on residential property can be supported.
- Policy already limits work to primary residences, excluding cottages and secondary properties.
- Staff to review options to update the policy to limit residential work to protection of dwellings, with a potential cap on

driveway improvements.

- Members expressed concern with lack of completion of projects in prior years. The tendering process was discussed as a possible way to speed up work. In past, the tendering process included bids by invitation from three contractors for hourly rates on equipment and rock. An approved suppliers list could move things along more quickly, where anyone on the list could be utilized to complete projects. Staff to review.
- The committee also discussed their role in providing support in emergency situations.
- Michelle to draft some potential changes to the policy to reflect the discussions, to be reviewed by the Committee at their next meeting.

Moved by Mayor Blair and seconded by Councillor Cooper

“That the Flood Advisory Committee follows the Municipal Government Act and only accepts applications and completes work on clearly defined residential properties.” Motion carried.

(Dennis James left at 10:00am)

Moved by Councillor Cooper and seconded by Hank Kolstee

“That Staff draft some changes to the Small Flood Damage Reduction Projects Policy surrounding property access options.” Motion carried.

Status of Payments from Property Owners:

All projects from 2023-24 have been paid in full.

New Applications:

The following new applications have been received:

Mountain Lee Road, North River (Morrison):

- Site visit completed
- No road frontage – driveway off another driveway
- Brook runs through culvert under driveway
- Starting to cause erosion issues but does not affect the dwelling

Duck Pond Road, Five Houses (Vajda):

- Site visit completed
- Pit located on the property behind this one with a pond but everything was dry at the time; outlet location unknown
- Lack of drainage in this area
- Private road requires ditching, new culvert and raising the road
- Policy does not cover private road work, or work on cottages as secondary residence

Moved by Hank Kolstee and seconded by Robert Monk

“That a letter be sent to the property owner that this application does not meet the Small Flood Damage Reduction Projects Policy and will not be completed.” Motion carried.

It was noted that applications must be reviewed against the policy that was in place at the time of receipt. Current applications cannot be reviewed against potential policy upgrades. Where applications do not meet policy, the Committee cannot provide expertise as they will assume any liability.

An application was received from a resident on Granville Drive. Due to legal circumstances, this application will not be discussed.

(Terry McKay left at 10:40am)

Review of Projects for 2024/25:

The following updates were made to the project list:

Farnham Road, Bible Hill:

- Owner wants berm extended onto private property
- Last time it flooded, water was over the driveway
- Could put a culvert in the driveway but won't solve all issues

MacLand Drive, Lower Onslow:

- Terry and Rod to meet with Fred Hamilton
- Discussion required on repaving of Smith driveway

Wharf Road, Great Village:

- Site visit complete
- Brook floods basement
- Requires construction of berm
- Cost estimate \$7,500

Moved by Hank Kolstee and seconded by Robert Monk

“That the construction of a berm on the Wharf Road property be approved to a maximum of \$7,500.” Motion carried.

Onslow Mountain Road, Belmont:

- Scope of work has changed since recent ice jam
- Impossible to fix flooding problems in this area
- Could install a flood-way culvert and extend downstream; requires assistance from NSPW
- Michelle to send request to Chris Verge for cross culvert upgrades

Mountain Lee Road, North River:

- One property has sold and will require the new owner to be made aware of the project and sign new release form

Lower Harmony Road, Harmony:

- Does not require NSE approval

Salmon River Road, Salmon River:

- As per legal review, this project does not meet policy as it is commercial

Moved by Councillor Cooper and seconded by Mayor Blair

“That as per the Municipal Government Act, the Municipality is unable to complete any work on commercial properties and as the property on Salmon River Road is assessed as commercial, the application will be removed from the project list and the owner to be notified as such.” Motion carried.

New Business:

Staff to request a Joint Flood Advisory Committee meeting with the Town to discuss the Marsh project.

**Consulting Proposal
2024/25:**

A new consulting proposal was submitted by Rod MacLennan for the 2024/25 year. The monthly stipend increased from \$500 to \$600 with the construction/supervision fees of 10% of project costs and \$75/hour for site inspections remaining the same.

Moved by Mayor Blair and seconded by Hank Kolstee

“That the Proposal for Engineering Consulting Services as submitted by Rod MacLennan be approved as presented for 2024/25.” Motion carried.

Future Meeting Dates:

The next meeting is scheduled for Monday, June 17, 2024 at 9:00 am in Council Chambers.

Adjournment:

Moved by Robert Monk

“That the meeting adjourn at 11:09 am.” Motion carried.

Crystal Deuille,
Recording Secretary