



MUNICIPALITY OF EAST HANTS

P.O. Box 190 Shubenacadie, N. S. B0N 2H0

Date: December 8, 2006
To: Executive Committee
From: Connie Nolan CA
RE: Storm Drainage

Staff have posted a “draft” policy on storm drainage, to hopefully get discussion started in a meaningful way. **IT IS NOT EXPECTED OR RECOMMENDED THAT THIS POLICY BE ADOPTED BY COUNCIL IN DECEMBER** However, it is hoped that some principles can be adopted which will govern future drafts.

There are many issues involved in proper consideration of a storm drainage policy, some which will change the business processes of the Municipality in many divisions.(engineering, planning etc)

The bigger storm drainage issues related to infiltration of the sanitary sewer systems will be front and center within months, because of changing environmental regulations and the fact that the capacity of the municipalities sewer systems are being significantly eaten up by such infiltration.

Examples of these issues include;

1. Should the municipality begin to inspect properties to ensure that drainage pipes are not extended into the ditches or do we continue to assume that residents do so at their own risk? Alternatively should council accept the use of the ditches as a personal drainage vessel and instead inspect for use of the mandated back flow valve?
2. Should the municipality have a policy and enforce a policy that roof drains should be discharged to 'soft' landscaping (lawns, gardens, flower beds, etc.)?
3. Will the Municipality begin to force disconnection of sump pumps and foundation drains from the sanitary sewer system?

All these issues and ones like them require weeks of analysis and engineering consideration before logical and workable policies can be recommended.

Some of the conclusions reached in the study of this issue to date include:

1. The municipality needs to undertake an education exercise to assist homeowners to understand the purpose of ditches and their role as part of personal drainage system plans.
2. The magnitude of this issue leads easily to a conclusion that existing staff resources will not be able to implement policy decisions in this area in any meaningful way, without significant impact on existing projects.

The principles behind the draft policy:

1. The municipality has to be very careful not to accept legal liability for personal issues and issues between multiple homeowners. At the same time the Municipality has an interest in making significant storm drainage issues go away overtime. Even providing advice to residents can mean a significant drain on staff time. East Hants has no technical staff time to work on this issue without it impacting other projects in the queue. On top of that, there is a risk that any staff advice on personal drainage issues can be misinterpreted and lead the municipality into greater potential liability. **As a principle Council either needs to accept or reject the idea that drainage issues on personal property are not the responsibility of the Municipality.**
2. Storm drainage is a massively expensive issue. Given the tax burden already faced by East Hants Taxpayers, involvement and solutions will have to be done in a way that limits the amounts spent each year. In other words there will need to be a waiting list. **It is recommended that Council approve the principle of approving a given amount annually (perhaps \$40,000) that will be available to fund storm drainage work.**
3. With the passing of amendments to the subdivision bylaw which require buried storm drainage systems, the Municipality has already increased its involvement in storm drainage. Buried storm systems have to be maintained. Being part of the transportation system, the costs of this would become part of the general tax burden. In addition the ditches on roads that are already owned by the Municipality carry a level of responsibility to maintain. These too are considered part of the transportation system. **Council needs to agree or disagree on a general principle that Storm drainage costs, as related to the transportation system is a general tax rate responsibility.**
4. There are some very good and logical arguments why the Municipality should accept some moral obligation to find solutions to personal storm drainage issues and/or accept some financial responsibility- again within a limited financial means.

The Municipality approved the development of property around existing properties and those decisions, particularly under prior bylaws, can have impact on existing homes. Where an existing resident is clearly and significantly impacted (more than an inconvenience) by these larger development decisions, the municipality may wish to have some involvement in what would otherwise be considered a personal problem. The involvement might be limited, however to circumstances where the homeowner has not made decisions in regard to their own drainage system that have contributed significantly to the problem (eg lack of backwater valve, roof drains connected to footing drains, inadequate lot grading, inappropriate house elevation etc)

This can take the form of providing a lump sum or percentage contribution to projects considered personal projects, where a group of residents are prepared to pay their share of the solution. The funding is really a good will gesture. Unless strictly controlled, this can lead to unmanageable demand both financially and from a staff resource perspective. **Council should accept or reject the idea of providing a small percentage (draft policy says 20%) toward projects that are done to address personal drainage issues- within budget allowances. Council should accept or reject the idea that no cost sharing would be available for curb and gutter projects. Council should accept or reject the principle that these contributions be shared 50/50 between general tax rate and Urban service Rate.**

The draft policy attempts to adhere to the principles advocated in this memo.

If there is an agreement on these principles we suggest Council direct staff to go back and flesh out the policy with the details.

In terms of the project under active discussion-Oak Mount/Spruce Land, it is staff's opinion that such principles will lead **Council to accepting 100% financial responsibility of the cost to do some ditch work in the area(probably between \$20,000-\$45,000) to increase and perhaps equalize flows in the ditches. This amount would be charged to the general tax rate as a "transportation" charge. The earliest that this work could be accomplished is summer 2007, in which case work should begin now to plan for that. This may have consequences for one or more projects already in the queue such as Shubie Heights, Irving, Road work in Park, sidewalks etc). The specific work to be done may be different than any solution identified in the consultants report pending further review by staff and detailed design.**

In addition Council may offer a contribution of 20% towards a buried storm sewer project to any group of taxpayers who are prepared to pick up the remaining 80% of the cost. The 20% would be shared 50/50 between general tax rate and urban service rate.

If the basic principles are accepted as outlined above, staff feel that this decision is not seen as precedent setting when other situations arise for discussion.