

1. ASSUMPTION OF EAST BARRHAVEN TRUNK SANITARY SEWER
CITY OF NEPEAN
-

COMMITTEE RECOMMENDATION AS AMENDED

That Council approve the assumption of the East Barrhaven Trunk Sanitary Sewer per the request resolution of the City of Nepean, and require the City of Nepean to continue to make the payments to permit the discharge of the associated \$500,000.00 debt.

DOCUMENTATION:

1. Environment and Transportation Commissioner's report dated 24 Apr 98 is immediately attached.
2. Extract of Draft Minute, 12 May 98, follows the report and includes a record of the vote

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. **50 05-94-0017-B**
Your File/V/Réf.

DATE 24 April 1998

TO/DEST. Co-ordinator, Planning and Environment Committee

FROM/EXP. Commissioner, Environment and Transportation Department

SUBJECT/OBJET **ASSUMPTION OF EAST BARRHAVEN TRUNK SANITARY
SEWER - CITY OF NEPEAN**

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Council approve:

- 1. The assumption of the East Barrhaven Trunk Sanitary Sewer per the request resolution of the City of Nepean;**
- 2. The payment of the municipal debt associated with the East Barrhaven Trunk Sewer in the amount of \$500,000;**
- 3. Transfer of the necessary funds from the Sewer Reserve Fund.**

BACKGROUND

On 13 November 1968 Regional Council established a policy for the assumption of existing trunk sewers from local municipalities. The policy, as adopted, provided that the Region would assume and maintain existing trunk sewers if these sewers had a theoretical capacity equal to or in excess of 6 cubic feet per second (c.f.s.) (170 litres per second (l/s) and which:

- a) lead directly to a sewage treatment work under the jurisdiction of the Regional Municipality of Ottawa-Carleton, or;
- b) currently service or have the potential to service more than one municipality, provided the potential capacity to any municipality is not less than 3 c.f.s. (85 litres per second (l/s)), and that the foregoing criteria be applied to all future trunk sewer assumptions.

This policy is consistent with the policy in the new Regional Official Plan for designating proposed wastewater works to be works of Regional significance.

DISCUSSION

The City of Nepean, by resolution of Council on 8 August 1995 made the application to the Regional Municipality of Ottawa-Carleton to assume the East Barrhaven Trunk Sanitary Sewer from Greenbank Road to Merivale Road as shown in Annex 'A'. This sewer meets the above-referenced criteria (a) for Regional Assumption in that it has a theoretical capacity in excess of 6 c.f.s. (170 l/s) and connects directly to a Regional Sewer System.

In addition to meeting the above criteria, the East Barrhaven Trunk Sanitary Sewer is required as an outlet for the proposed leachate pipeline from the Trail Road and Nepean Landfill sites. Further information on this pipeline is outlined in a separate Report, tabled today at Planning and Environment Committee, and titled Amendment 1 to the Regional Official Plan.

From the date that the request for assumption of this sewer was received, staff requested confirmation from the City that all easements associated with this sewer were in place. The City of Nepean has recently confirmed that all outstanding easement issues will be resolved at the City's expense. In the interim, the City of Nepean assumes any potential liability where easements have not been finalized. An Agreement will be executed in this regard.

Upon Nepean's request for assumption, RMOC staff inspected the works and all deficiencies identified by RMOC personnel have been corrected by the City of Nepean.

CONSULTATION

The public consultation process is not applicable, as this activity is only a transfer of ownership of already existing infrastructure and will have no impact on the public.

FINANCIAL STATEMENT

Committee and Council agreed to assume the trunk sewer per Item 7 of Regional Council Report of 12 March 1975 (Annex 'B'). Funds in the amount of up to a maximum of \$880,000 were identified in the 1988 Capital Budget under the extension of the West Rideau Collector for the assumption of this East Barrhaven Trunk Sanitary Sewer. These funds are now located within the Sewer Reserve Fund. The infrastructure being considered for assumption has an outstanding municipal debt of \$500,000 estimated by the City of Nepean on 30 June 1998. The actual amount owing at time of assumption would be paid by the Region and calculated as of the date of adoption of this report by Regional Council. All outstanding easement issues will be resolved at the City of Nepean's expense. Annual operating and maintenance costs are estimated at \$10,000 and will be included in the Operating Budget.

*Approved by
M.J.E. Sheflin, P.Eng.*

GV/jbl

ANNEX 'A'

Area/Street	Legal Description	From	To
1. South Merivale Business Park	Easements req'd. (by Nepean)	Merivale Road	NCC Lands
2. NCC Lands	Easements req'd. (by Nepean)	South Merivale Business Park	Woodroffe Ave.
3. Longfields Drive	Part 1 Plan 4R-1087 (no easement required)	Woodroffe Ave.	west limit of Longfields Drive
4. Barton Lands	Pt. of Lot 19, Conc. 2 Part 2 Plan 4R-1087 Easements req'd. from 26 owners: parts 1 to 46 & parts 49 to 53 Plan 4R-12215 (by Nepean) Block 13; Parts 47 & 48 Plan 4R-12215 (transfer from Nepean to RMOC)	Longfields Drive	Mulligan property
5. Mulligan Lands	Part 2 Plan 4R-7064 (Nepean to assign easement in part for sanitary sewer)	Barton Lands	Nepean Lands
6. Nepean Lands	Parts 1 and 2 Plan 4R-11916 (transfer from Nepean to RMOC) (Nepean Hydro to transfer Part 3 Plan 4R-7921 to RMOC)	Mulligan Lands	CNR Lands
7. CNR crossing	Amendment to Nepean's rail crossing required	Mulligan Lands	Nepean property
8. Nepean property (park)	Pt. of Block A Plan M-189 Part 3 Plan 4R-11916	CNR crossing	Carleton Condominium #159 (Foxhill Way)
9. Carleton Condominium	Part 4 Plan 4R-11916	Nepean property	Henfield Ave.

Corporation #159 (Foxhill Way)	(easement pending)	(park)	
10. Henfield Avenue	Existing R.O.W. (no easement required)	Foxhill Way	Foxfield Drive
11. Foxfield Drive	Existing R.O.W. (no easement required)	Henfield Avenue	Greenbank Road

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7 BARRHAVEN SEWER - REGIONAL ASSUMPTION

The Executive Committee has considered the following report from the Works Commissioner:

Quote

The Township of Nepean is presently constructing a sanitary sewer in the same trench as a storm sewer in the Barrhaven Action Housing Area. This 30" and 36" sanitary sewer is being installed between Greenbank Road and Woodroffe Avenue in advance of need to take advantage of cost savings as part of a joint contract. At some future date the section from Woodroffe Avenue to the proposed West Rideau Collector Sewer will be constructed to serve the Barrhaven area. (See page 618)

The size of the sanitary sewer presently being installed is such that it meets the criterion for a regional sanitary sewer as established by Regional Council on November 13, 1968. The policy, as adopted, provided that the Regional Council would assume and maintain existing trunk sewers where these sewers had a theoretical capacity equal to or in excess of 6 cfs which -

- (a) lead directly to a sewage treatment work under the jurisdiction of the Regional Municipality; or
- (b) currently service or have the potential to service at some point in their length more than one municipality, provided the potential capacity to any municipality is not less than 3 cfs;

and that the foregoing formula be applied to all future trunk sewer construction.

The collector sewer in question satisfies these conditions in that the minimum capacity at the Greenbank Road will be 16.5 cfs and will ultimately be connected directly into the regional sewer system leading to the Green Creek Pollution Control Centre.

The Township of Nepean on January 16, 1975, have noted that provincial legislation provides for certain municipalities (regions) to apply through the Ministry of the Environment to the Province for a grant of 15% for certain trunk sewers.

They have been given to understand that if the Ministry of the Environment is assured that the Region will "assume" the sewer, they will make this grant of 15% of the cost.

The Township of Nepean have indicated that at the present time they intend to fund the sewer from current funds. However, depending upon the financial outcome of the services for the Housing Action Program, they may have to finance some portion of the sewer.

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In that the sewer will meet all the requirements for a regional sewer and in order for the Township to qualify for the 15% grant from the Ministry of the Environment, it is recommended that Council agree to assume this trunk sewer as part of the regional sewer system, at a date to be determined by the Regional Municipality and the Township of Nepean when it is completed and connected to the West Rideau Collector Sewer.

Unquote

The Executive Committee, on the advice of the Works Commissioner, RECOMMENDS that Council approve.

"Carried" with Councillor Kennedy dissenting.

RESPECTFULLY SUBMITTED

D.M. Coolican
Chairman

report

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(See page 618)

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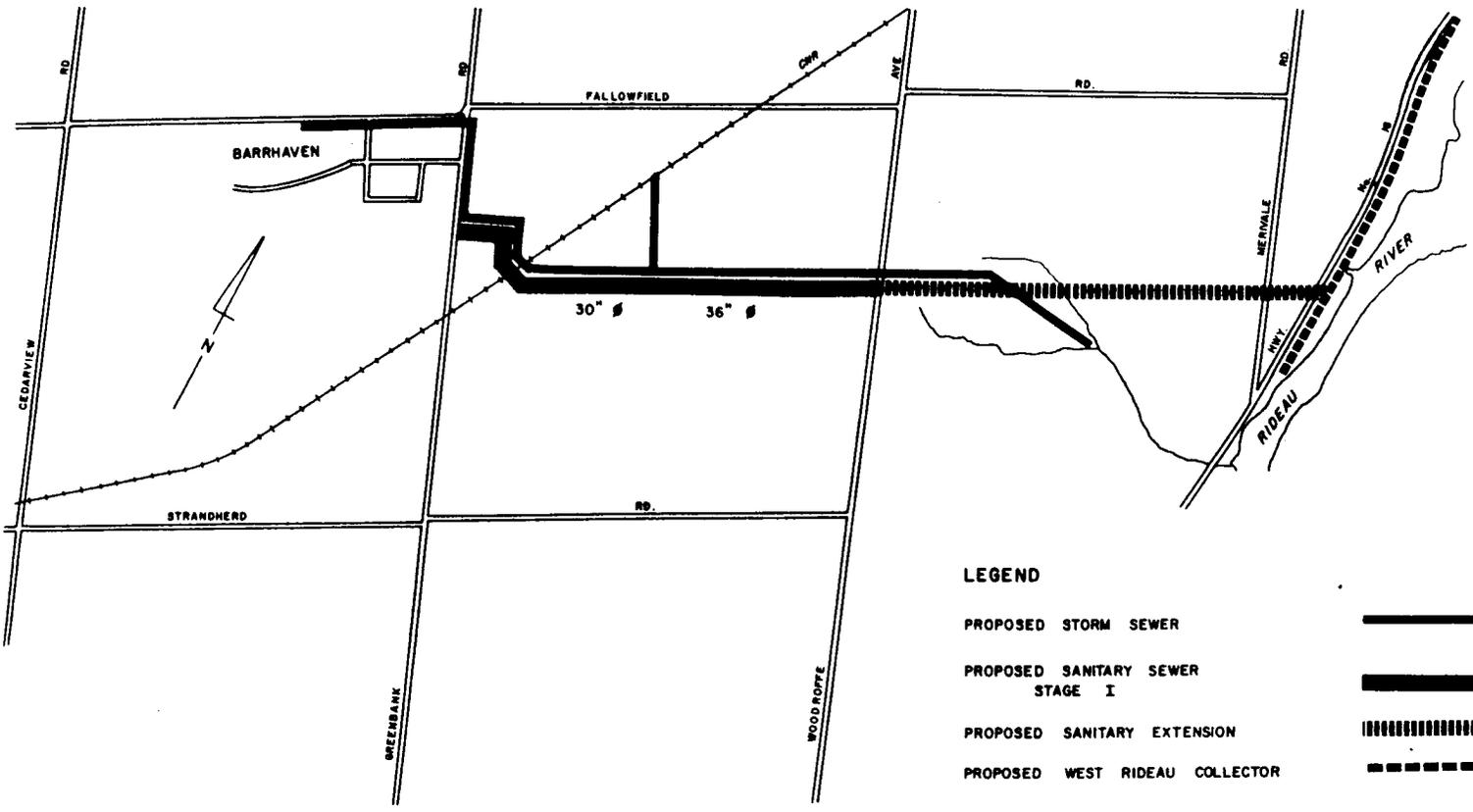
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LEGEND

- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
STAGE I
- PROPOSED SANITARY EXTENSION
- PROPOSED WEST RIDEAU COLLECTOR

3/23 - 618 -
Regional Council,
March 12th, 1975.

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12 May 1998

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CITY OF NEPEAN

- Environment and Transportation Commissioner's report dated 24 Apr 98

Mr. Sheflin, Commissioner, Environment and Transportation Department (ETD) explained this policy and project dates from 1975 and is in accordance with Regional Council's policy as attached to the report. He added the specific project is noted in the 12 March 1975 report and the request from the City of Nepean came forward in August 1995. Mr. Sheflin believed this is the last assumption to be made under this program.

Councillor Legendre, referring to page 14 of the agenda where it states: "*The Township of Nepean have indicated that at the present time they intend to fund the sewer from current funds....they may have to finance some portion of the sewer.*" felt the text makes it clear the Region would be assuming the sewer debt free and asked if there is a Regional policy which indicates that infrastructure is assumed debt free.

Mr. Joe Vincelli, Manager, Engineering Services Branch, Engineering Division, ETD, noted he is unaware of any Regional policy that states the assumption of infrastructure is debt free. He informed the Councillor the practice has been through the 1970's and 1980's that the Region will pay the municipal debt, however, in the 1990's the practice has been that the Region will not assume the municipal debt, particularly with respect to roads.

Mr. Sheflin indicated the debt associated from the assumption of this sewer would be financed from the sewer surcharge, either locally, regionally or some form of combined charge.

Councillor Hill voiced her concern with assuming a debt this size, especially in light of recent reports from the City of Nepean which indicated they are debt free. She felt she could not support assuming this \$500,000 debt from the City.

Councillor Munter, noting that roads are no longer assumed with any debt, felt the same policy should apply when dealing with sewers. He requested the item be divided as he supported assuming the sewer, however, without the associated debt.

Councillor van den Ham agreed with the concerns of the other members of the Committee, however, he felt it is important that the Region live up to their commitment made previously. He asked if the Region had, in the past, assumed other sewers with debt.

Mr. Jim Miller, Director, Engineering Division, ETD, gave the following examples of sewers assumed by the Region with debt: South Woodroffe Trunk, \$630,000 in 1972; Viewmount Drive Trunk, \$425,000 in 1976; Graham Creek Trunk, \$1,000,000 in 1976; March Wood Trunk, \$200,000 in 1983; Bilberry Creek Sewage Treatment Plant, \$200,000 in 1977 and Watts Creek Sewage Treatment Plant \$600,000 in 1974.

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Councillor Beamish did not feel the Region should assume the debt associated with this sewer and noted most of the examples cited above were from the 1970's. He asked if any sewers had been assumed more recently with debt.

Mr. Vincelli noted the March Wood Sewer Trunk was assumed in 1983 and he further pointed out that sewer infrastructure has been assumed debt free as recently as 1997. Mr. Vincelli also wished to note that Regional Council in the 1988 Capital Budget approved funds to pay the municipal debt associated with the assumption of this sewer.

Mr. Tim Marc, Solicitor, Legal Department pointed out to the Committee that although the recommendations are worded separately they cannot be divided; if the sewer is assumed by the Region, the debt must also be assumed as per the Regional Municipalities Act.

Committee Chair Hunter sympathized with the points made by Committee Members. He noted the report discusses the Trail Road Leachate Pipeline issue and questioned how the assumption of this sewer affects the pipeline.

Mr. Miller noted staff deferred the Trail Road Leachate issue, which was originally scheduled to be before Committee at this meeting, and explained that legally the Region is not required to assume this sewer in order to discharge into it.

Mr. Marc further pointed out the City of Nepean does not have to permit the Region to connect to this trunk sewer if the Region does not assume it, therefore, necessitating hauling leachate to the Pickard Centre.

Councillor Bellemare asked if a provision could be made, in light of the inability to divide the recommendation, to assume the sewer provided the City of Nepean continue to make the payments to address the issue of the debt associated with it. Mr. Marc confirmed this would be possible and explained the Region would become the primary debtor on the debenture but the City of Nepean would pay the funds to the Region and then the Region would pay the debt.

Committee Chair Hunter felt the main point is this is a local sewer whose debentures and maintenance are paid through the local sewer surcharge on the water rate. He noted Trail Road Landfill Site is not on local water and not paying this surcharge and will be paying approximately \$300,000 per year to truck leachate past many local sewer openings to the Picard Centre to be treated. This proposal could see a forcemain from Trail Road to the East Barhaven Sanitary Sewer to pipe the leachate at much less than \$300,000 a year each year. He questioned why the City of Nepean should allow the Region to hook into that sewer if Trail Road does not pay the local sewer surcharge on the water rate and the Region does not assume the sewer. Committee Chair Hunter felt in the long run if the Region will be proceeding with the leachate pipeline from Trail Road then assuming this sewer and the associated debt makes good business sense for the Region. He added if the Region wants to use the sewer, they will have to make it a Regional sewer and assume it under the expectations under which it was built.

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Councillor van den Ham indicated his support of the staff recommendations and felt the Corporation's word is valuable and if the Region made the commitment to assume the sewer then the Region must live up to that. He also noted that approximately \$800,000 was identified and put aside in 1988, therefore, this is not an additional financial burden to the Region.

Mr. Sheflin commented that with respect to this assumption, he felt the Committee should honour the agreement made in 1975 as was the case with all other agreements made at that time even though the Region currently does not assume infrastructure with debt. He noted this was the last agreement from the 1970's and the Region does not enter into agreements such as this anymore.

Mr. Miller, in response to questions from Councillor Beamish, noted the approximate cost of the Trail Road Leachate Pipeline is 2 million dollars.

Councillor Beamish felt, in the end, the Committee should honour the agreement made in 1975 as were all other agreements made at that time and noted the 1975 report does not state the Region will assume the sewer once it is debt free. He agreed with the Committee Chair in that the City of Nepean could charge the Region to connect to the sewer with respect to the proposed leachate pipeline if it is not assumed by the Region.

Mr. Marc explained for Councillor Legendre that although the 1975 report does not actually state the Region would assume any associated debt, by operation of the Regional Municipalities Act assuming the sewer would automatically mean assuming the debt.

Mr. Marc, in response to Councillor Hill's question regarding imposing conditions on the City of Nepean that they not charge the Region for hooking into this sewer, he explained if the Region assumes the sewer the City will not be able to impose conditions.

Councillor Munter put forward a motion which states the Region will assume the sewer, but under the terms of the Regional Municipalities Act, the Region will bill back the City of Nepean to cover the associated debt.

There being no further discussion, the Committee then considered Councillor Munter's motion.

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Moved by Councillor Munter

That Council approve the assumption of the East Barrhaven Trunk Sanitary Sewer, and require the City of Nepean to continue to make the payments to permit the discharge of the associated \$500,000. debt.

CARRIED

YEAS: M. Bellemare, B. Hill, P. Hume, J. Legendre, A. Munter, W. Stewart....6
NAYS: D. Beamish, G. Hunter, R. van den Ham....3

The Committee then carried the staff recommendation as amended with dissents noted.

That the Planning and Environment Committee recommend that Council approve the assumption of the East Barrhaven Trunk Sanitary Sewer per the request resolution of the City of Nepean, and require the City of Nepean to continue to make the payments to permit the discharge of the associated \$500,000.00 debt.

CARRIED as amended
(D. Beamish, G. Hunter and
R. van den Ham dissented.)