

## **Municipal Grants for Maintenance of Private and Unassumed Roads - A Case Study**

by Don Payne, FOCA Volunteer Roads Advisor, from FOCA Report to the Membership Spring 2004

*Special thanks go to Donna DeLong, who took the time to keep FOCA informed, and in giving permission to share her knowledge and experiences with all FOCA members.*

In the face of rising property taxes, and the threat of loss of 911 Emergency Service and garbage collection because of the poor condition of their road, the ratepayers decided to go to their township and demand assistance in maintaining it.

The road, on the north side of Little Lake in the Township of Cramahe, is 1.1Km long, on a 20 foot wide deeded access across two parcels of land owned by non-residents. It services 59 residents, 25 of which are year-round.

On February 7, 2003, Donna DeLong, a member of the Little Lake Association in Colborne Ontario and Secretary-treasurer of the to-be-created McDonald Road Committee, emailed FOCA asking for help with their road problem.

On December 5, 2003 Donna emailed FOCA again with WONDERFUL news about Resolution 03-186 passed by the Council of the Township of Cramahe. Her summarization of the resolution follows.

“That Council approves and adopts the following protocol for the authorizing of grants for the purposes of assisting road maintenance costs to property owners on private and unassumed roads:

1. The property owners fronting and/or utilizing one or more private or unassumed road(s) must form a ratepayers or similar association, duly constituted with a bank account and officers which membership shall include/represent at least two-thirds (2/3) of those households;
2. The grant to be provided shall be \$1000 per km of road length, and an amount of \$50 per household;
3. Approved grants shall be given in 2 draws, spring and fall, which is intended to reflect the seasonality of maintenance needs;

4. Applications shall be accompanied by a budget of estimated annual expenditures and a statement of current uncommitted funds on hand in the Association's bank account;
5. The Association's constitution, slate of officers and books shall be supplied to the Municipality with the application for a grant annually and all applications shall be considered only when the protocols have been met;
6. All applications shall be forwarded to the Municipal Treasurer who shall have the responsibility/authority of determining grant eligibility and authorizing grants based on having met the protocols;
7. The Association will be solely responsible to oversee the administration and supervision of annual work programs and related budget, and furthermore, the Township will have no responsibility, obligation or exercise any degree of operational control with respect to maintenance of the affected roads;
8. Grants are not guaranteed and may be curtailed at any time by resolution of Council;
9. Council may from time to time establish further conditions on the approval of grants that may be generally applied or specific to a particular situation."

On February 10, FOCA's Roads Advisory Group, reached into its files and found a number of things that it thought would help the ratepayers to convince the Township that it should help with the cost of keeping the road in good condition. Donna went on to say that: "There are really no restrictions on how we spend the money, as long as it's reasonable (e.g. any expense the municipality might incur on their own roads, liability insurance included).

It was indicated by Council that any major construction costs would be looked at on a shared-cost basis. 'Who pays what' will have to be negotiated on a per project basis, but they indicated a 50/50 split after our reserves are depleted if the project is deemed 'necessary'.

The resolution must be adopted annually to be included in annual budget. The amount to be budgeted by Council is to be reviewed and adjusted annually by the same percentage increase as experienced by the municipality's road department. However, Council held the budget static for 2003 and 2004 until the numbers come in. (We are quite happy with that)."

As far as the negotiating process was concerned, she said: "It actually seemed to take a long time to get the ball rolling, because the CEO and a few members of Council kept putting up roadblocks, and deferring the decision. We started with a petition signed by each member in July/02. This petition was sent to Council, and followed by MANY meetings. We were unrelenting and demanding, and made a presentation at every meeting. We made sure that every member of Council received a copy of all correspondence, so that they were all in the loop. At each meeting, our numbers grew, and soon other roads joined in. At some point, I think Council knew they wouldn't be able to brush us off. This issue affected over 300 voting

residents, and in a small community, this can make or break a political candidate (which we brought to their attention).”

Further, “... we were well prepared for every meeting and flooded Council with information. We were able to provide numerous spreadsheets containing assessment and tax related information, showing how we paid the lion’s share of taxes and received an inequitable level of services. We had statistics on the municipality’s road costs, costs of other services such as policing and fire per household, and tax reduction scenarios such as phase-ins and area ratings, etc. We also focussed on the issue of safety (i.e. access by emergency vehicles), and this was probably the one issue that Council members really agreed on. Of the tax scenarios presented, we were able to show Council that the most suitable choice was to provide a grant and allow the ratepayers to administer the road maintenance, thereby relieving the municipality of any liability.”

The ratepayers on the McDonald Road have now set up their road committee and to get their road grant of \$4,050 in 2004 ( $\$1,000/\text{Km} \times 1.1 \text{ Km} + \$50/\text{resident} \times 59 \text{ residents}$ ).

Property taxes are very much in the forefront of issues in cottage country, so FOCA is excited and happy to report the success that the members of Little Lake Association have had in getting increased value for their property tax dollar.