

Dear Council,

The residents of Davison Crescent would like to thank the Committee of the Whole for discussing our road maintenance issues at their meeting on January 11, 2022 and for recognizing the predicament we find ourselves in with no local businesses available to provide snow clearing services for Davison Crescent. Thank you Councilor Ferguson for getting this conversation started. Thank you Deputy Mayor Minnille and Councilor Guerard for your amendment recommending an extension until May 2022 to the winter maintenance part of the expired contract.

We have received a quote for the prorated cost of winter maintenance from CAO Ken Kelly. It was clear that the intent of the committee was for the original quote of \$22,000 to be prorated and changed to reflect "bare cost recovery" as stated by Deputy Mayor Minnille and "a more reasonable amount charged" as stated by Councilor Guerard. Unfortunately, it seems that this quote has only been prorated and not adapted to reflect cost recovery as directed by the Committee of the Whole.

Upon review of the 2021 municipality budget we have determined the following:

Source; Mississippi Mills Transportation operating budget 2021					
Grading pg 74 of MM 2021 budget					
Line 113	49,575.00				
Line 114	3,570.00				
Line 115	56,100.00				
Total	109,245.00				
Snowplowing pg 74 of MM 2021 budget					
Line 123	75,480.00				
Line 124	32,640.00				
Line 125	145,860.00				
Total	253,980.00				
Sanding Salting pg 75 of MM 2021 budget					
Line 131	18,975.00				
Line 132	12,240.00				
Line 133	35,700.00				
Line 134	387,500.00				
Total	454,415.00				
Total	817,640.00				
MM total KM maintained	379	per MM Roads and public works budget narrative Pg			
Total cost per KM	2,157.36				
cost to provide Davison with winter maintenance and grading per year at .7 of a KM	1,510.15				
paid to MM 2021 for road maintenance	1932.22				

Mc. Joanne

Councilor email: 141

The following is an excerpt from the rationale written by Troy Dunlop in 2016 for determining the amount to be charged for recovery of the road maintenance costs for Davison Crescent: “The Department has reviewed average servicing costs for winter control and grading and has determined that the average costs per km are in the order of \$1,190 per km/year. In addition, the costs for grading are approximately \$300 per km/year. Understanding the length of Davison Crescent is 0.71km, the provision of the “on the ground” service would be around \$1,060 plus HST. Please note that all winter control operations carry an obligation to perform winter patrols and as such we would have to add some consideration to those costs as well. Overall, I anticipate that if a contract renewal were to be considered, the Public Works Department will be recommending somewhere further in the \$1,500 to \$2,000 range (tbd).”

As suggested by Acting Director Cory Smith at the Jan 11, 2022 meeting, we calculated the cost of plowing on an hourly rate of \$400 and determined the following:

At 10km/hr, it would take 4.26 minutes per pass to drive Davison Crescent. At two passes per plowing event, that would be 8.52 min.

10 min x 50 passes = 500 min

8.3hr x \$400 = \$3333.33/year

All three of the above scenarios come up with a cost of approximately \$2000-\$3500 for winter maintenance +/- grading services for Davison Crescent. DCRA and the council have asked CAO Kelly and Acting Director Cory Smith to provide a rationale for determining the amount of the original quote of \$22,000 and we have not received a definitive answer. We believe that the above three calculations show that the prorated quote of \$11,253.00, like the original quote, is grossly overpriced to reflect cost recovery.

We would like to negotiate a price that reflects cost recovery with the municipal staff for this year's winter maintenance. We are then hopeful that we can discuss our long term options to resolve our road maintenance issues with the council.

We would like to take this opportunity to clarify some gaps in information so that the council can make informed decisions re: Davison Crescent going forward. The following questions were left unanswered during the January 11, 2022 meeting:

**1) Has DCRA contacted anyone to plow Davison Crescent or were they unaware that the contract was going to end?**

Our road association and the members were aware that the current road maintenance contract was ending Dec 31, 2021. Despite our best efforts, we were unable to find an alternative as no business was able to provide the snow clearing, sanding and grading required.

In fact, the road association has been trying to find a solution to the maintenance issues since the inception of the road. Every Spring, since 2006, the road association contacts

various snow plowing companies with the intent to find a company that can provide road maintenance for Davison Crescent. We have been unable to find a company able or willing to do this.

In Spring 2021, we reached out to every contractor we could find from Carleton Place to Arnprior. Through email and voicemail we explained our situation and asked that they provide a written response so that we would have proof that we had done this. These emails were shared with the council in the presentation of our petition on October 3, 2021. The companies from Carleton Place, Almonte and Arnprior informed us that they do not plow in Pakenham. Many companies informed us that they do not have the equipment to provide winter or annual maintenance for our road and, most importantly, that they could not obtain appropriate liability insurance to plow a road. Our road committee has met half a dozen times from Spring to the end of 2021. We have held three special meetings and one Annual General Meeting in 2021 of the road association. We have also incorporated DCRA to facilitate signing contracts.

Councilor Dalgity had mentioned that DCRA could approach whomever plows the Mount Pakenham parking lot to provide winter maintenance of Davison Crescent. Mount Pakenham plows their own parking lot, usually using their off-road hill groomer which is a heavy tracked vehicle that is not licensed to drive on roads with traffic. They also do not have a wing plow or grader. Mount Pakenham has been asked if they would plow Davison Crescent but they are unable to provide this service.

In June 2021, when we were certain that there were no companies able to help us, members started communicating with councilors and municipal staff. As a result, our petition was heard in October and then there was some delay in getting a motion brought to the council as the DCRA did not understand the process or the timelines to make this happen.

**2) What services does the municipality provide to Davison Crescent residents?**

For a cost of \$1932.22, the municipality provides plowing, sanding and up to 3 gradings of Davison Crescent. DRCA members pay for the gravel needed to maintain the road. DCRA members also pay for any road upgrades required, like the culvert that was changed to fix a water drainage issue.

DCRA obtains our own general liability insurance for the road and we name the municipality as an additional insured. Since incorporating, we have also obtained Director and Officers insurance.

The residents of Davison Crescent pay approximately \$80,000 in taxes plus \$1932.22 for sanding/plowing/grading. The only additional service we receive is garbage pickup for an additional levy fee of \$225 per household.

At the Jan 11, 2022 meeting, the terms “full annual maintenance” vs “winter maintenance” were used. We would like to clarify that “winter maintenance” includes sanding and plowing and that “full annual maintenance” would only add grading services. The road association has always arranged our own gravel and upgrades as needed.

**3) Why did DCRA hire a lawyer?**

A lawyer’s opinion was required when we were not getting any response from council re: our October 3 petition request. We were informed by CAO Ken Kelly on November 21, 2021 that DCRA had to make a written proposal that staff could bring forward to Council before November 29th. We thought that we had already done this with our petition to the council on October 3rd, 2021. Given that there was no direction on what was required for a proposal, and that we needed someone who understood this process, we had a lawyer provide this proposal for us.

The DCRA and our members would prefer to work with council, and the municipal staff to come to an agreement without having to use lawyers if possible.

**4) Why is the municipality involved in plowing Davison Crescent?**

Councilor Ferguson mentioned that the municipality “is not in the business of plowing private roads.” The Township of Pakenham and subsequently, the Municipality of Mississippi Mills has held a contract to provide winter maintenance to Davison Crescent for over forty years.

Prior to Ski Hill Road being assumed by the municipality in 2006, there was a contract for winter maintenance and grading of both Ski Hill Road and Davison Crescent. Since that assumption, Davison Crescent residents have had a contract with the municipality to provide these services.

**5) Who owns Davison Crescent?**

Davison Crescent is owned by a numbered company which has no obligation to maintain the road and has no legal liability if it fails to do so. The residents association was given a letter by that numbered company which allows any resident or road association to maintain or hire companies to service the road.

**6) Why is Davison Crescent still a private road?**

At the time of its inception, Davison Crescent was arguably up to Pakenham township road standards. To our knowledge the intent of the township was to assume this road. Otherwise, why would they have allowed 43 lots to be developed? Pakenham Township was unable to assume Davison Crescent because it was at the end of Ski Hill Road, which was privately owned by Russ Wilson.

Ski Hill Road was upgraded and assumed by the municipality in 2006. Davison Crescent residents were then informed that the road would need to be upgraded to meet 2006 municipal standards before it could be assumed.

There are other municipally owned gravel roads in Pakenham, for example Carbine Road, of similar width and water drainage features. It seems that Ski Hill Road being privately owned was the only reason that Davison Crescent was not assumed in 1969 when the subdivision was established and approved by Pakenham Township.

This is where things get complicated with previous OMB rulings that may not have been executed. This would also be where lawyers would need to get involved to determine a legal resolution. We would like to avoid having to speak through lawyers by working with the council to come to a resolution for our road maintenance.

**7) Has there been any discussion re: upgrading Davison Crescent?**

On Nov 4, 2021, CAO Ken Kelly informed the DCRA that the council would consider extending the contract for winter maintenance of Davison Crescent if we entered into an agreement to upgrade our road to municipal standard.

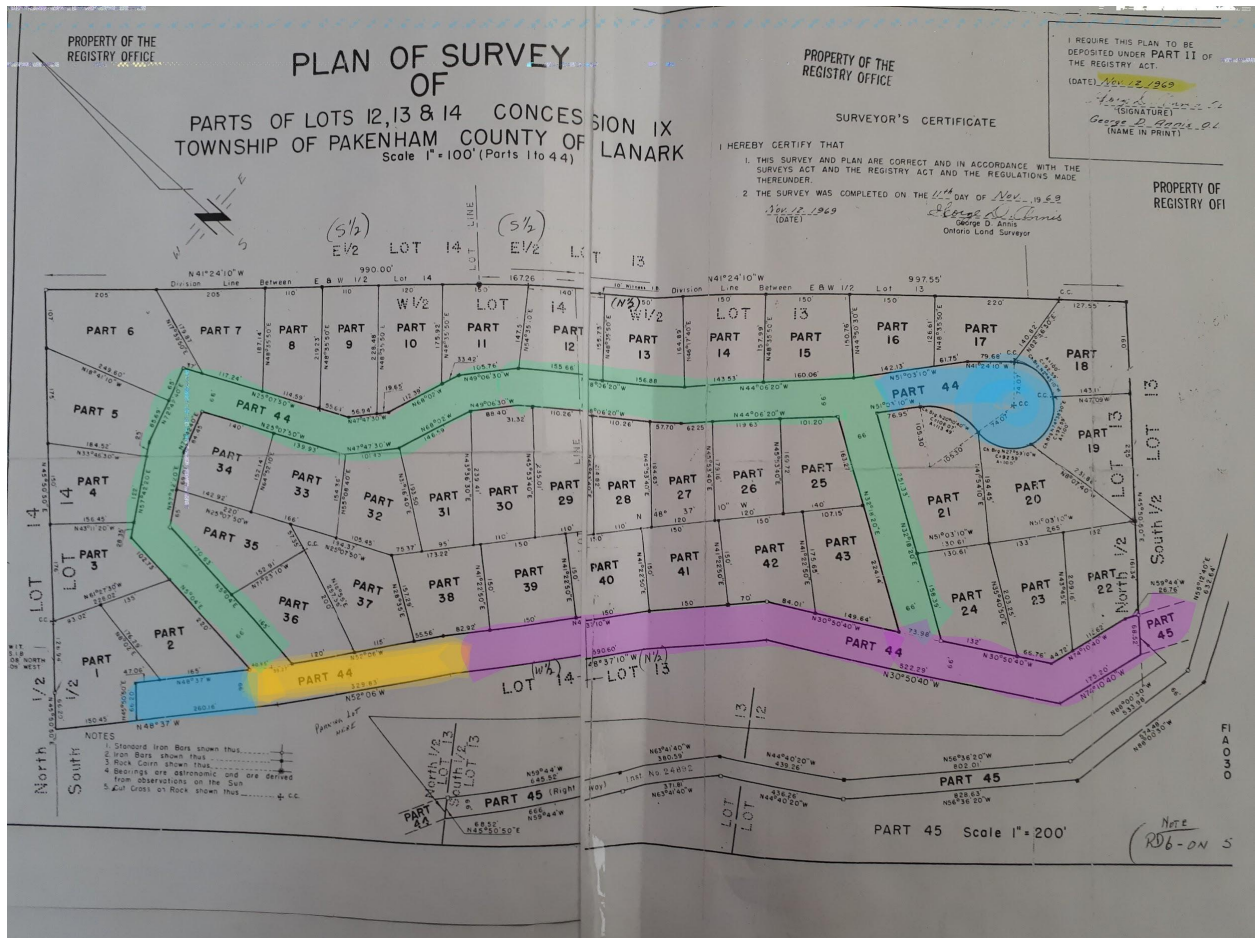
We informed him that we needed more information to be able to enter such an agreement. There were too many unknowns to even entertain this verbal proposal. To what standard? At what cost? Is there a way to fund a project like this? Do our residents want to upgrade the road? How would this affect property owners re: laneways and landscaping features on Davison Crescent? Can we purchase the road?

We provided the information for upgrading the road to the DCRA members and it was met with the same questions. There is also concern that our current community would be ruined by putting a two lane paved road through it and that it could cost up to \$1M. The DCRA members would not be able to upgrade Davison Crescent without answers to these outstanding questions. Some of these questions cannot be answered without an Ontario Land Tribunal ruling and that would bring us back to requiring lawyers. Again, we would like to avoid having to do this.

**8) Where does Ski Hill Road end and Davison Crescent begin?**

The photo below shows the original Plan of Survey of the Davison Crescent Subdivision. You can see that Part 44 included Ski Hill Road and Davison Crescent. The green highlighter shows the road that is now known as Davison Crescent.

The blue parts of the map show the portions of Part 44 that are independently maintained as laneways of the homes adjacent to those parts. Part 2 of Ski Hill Road is highlighted in pink.



Part 1 of Ski Hill Road is the gravel/dirt road past the Mount Pakenham entrance and it was assumed in 2006 by the Municipality of Mississippi Mills. The yellow highlighter shows the gravel portion of Part 1 of what is now known as Ski Hill Road. The yellow part of the road is the used roadway which is owned by and requires full road maintenance by the municipality. All residents are concerned that the municipality will not be plowing this yellow part of the road as CAO Kelly and Acting Director Smith had informed us, at the Nov 4, 2021 meeting, that Ski Hill Road “essentially stops at the ski hill parking lot.” According to the Plan of Survey and the 2006 Bylaw to assume Ski Hill Road, they seem to be misinformed. When the plow travels down the gravel (yellow) part of Ski Hill Road, it makes sense to continue around Davison Crescent as a turn around as there is no turn around circle at the end of Ski Hill Road.

