

South Innisfil Creek Drain Question and Answer Session  
September 25, 2013

Topic	Question	Answers
Court of Revision	Residents have had significant damage and costs as a result of the substantial storm of 2005 and significant costs related to those costs were not reflected. Can that be dealt with in the Court of Revision?	These costs will not be a part of this process.
Assessment Costs	Were partial costs attributed to culverts? Were landowners paying 25% of costs of culvert construction? Can this be brought to the Court of Revision?	Those works that happened prior to the order for drainage works are not covered under this report or from the Order of the Drainage Referee
Culverts	Many undersized culverts in the Report	Cannot force work for undersized culverts, unless its causing blockage in the drainage area
	Can slide deck be sent out?	Yes, it will be uploaded.
Assessment Costs	Where can the names of residents of Churchill be found in the Report.	Churchill is covered under a block assessment which includes several people under one assessment. Need to find property on map to confirm that you are located in a block. Clusters of homes are assessed this way – same size, similar value, etc. which helps cut the cost. Total block assessment is divided by the number of properties in the block or cluster.
Assessment Report	Requested clarification on the difference between watershed and municipal drain?	Watershed are lands that drain into the drain and Town pays. Drain area as defined on schedule is what property owners are responsible for.
Assessment Costs	What are special benefits?	If you access your property by crossing a municipal drain it entitles owners to a special benefit. Residents are asked to refer to Schedule D.

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Assessment Report	Why is Council in hurry to adopt report and where is the order? Many unanswered questions and who has reviewed this report? Will there be a peer review? Is the report accurate? There should be a peer review.	Timelines are set under the Drainage Act. Once a report is filed, sequential timelines kick in under the Act that must be followed. Notice along with report (compliance). What would ordinarily be a peer review were removed by Drainage Referee's Order in August 2006. Report will go to Council on Oct 2 <sup>nd</sup> .
Assessment Report	Has Council approved the report? Has the Conservation Authority approved?	The Nottawasaga Valley Conservation Authority has approved report, and all approvals have been received. Council will consider report on October 2, 2013.
Assessment Report	Hwy 89 in Cookstown Marsh – looking at the maps the watershed seems to be shrinking. Why have some properties been removed from the catchment area?	Accurate geographical and site work has enabled more accurate results for properties that exist upstream of the drain area so these properties were removed from the catchment area.
Assessment Report	What is the cost efficiency of moving likelihood of storm activity for a longer period? Is this going to be the right decision? Should the period of two years be extended longer?	The Town is looking at all options – good issue and is still a possibility.
Zoning	Property is zoned Agriculture. Property owner own the land but leases to another farmer to crop.	You would need to check the tax assessment. If assessment says you are agricultural, then you are assessed as agricultural.
Assessment Report	Why are residents of Churchill included in the Assessment Report.	Water enters the South Innisfil Creek Drain because it's at the lowest point – therefore benefit will be associated with your property because the drain crosses other land before it reaches these properties. The South Innisfil Creek Drain gives the right to drain water and Churchill water drains into it.  It's common law surface water - Drainage Act requires water issue to managed collectively to stop ponding.
Assessment Costs	How were the calculations regarding property assessment costs made?	Calculations are complicated, however, the Drainage report doesn't normally accommodate that.  The Town is looking at the possibility of having this available to residents on-line.

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Assessment Costs	Is the Special Benefit calculated into the total cost?	The Special Benefit is already calculated into results shown on spreadsheet.
Assessment Costs	Do property owners who lease their land to farmers to crop qualify for agricultural benefits?	If taxes are agricultural, you are eligible to apply to OMAFRA for grant money. Only the owner qualifies for grant, not the farmer who is leasing the land to farm.
Assessment Costs	How do you apply to OMAFRA for assistance?	The Town automatically takes care of this for the agricultural properties.
Assessment Costs	Do the the assesst costs in the Report reflect agricultural discounts?	No.
Assessment Report	Why is this process taking place? Who will benefit from this initiative?	A Court Order to proceed with work originating as a result of flooding incidents back in 2004 & 2005. Benefactors will be everybody who is assessed on the drain.
Assessment Report	Can you clarify what an assessment is and what an allowance is?	An Assessment is liability to property owner - invoiced for benefit of improvements. An Allowance is a credit for use of land for this drain.
Assessment Report	What were some of the factors used to determine costs to individual properties.	Part is a factored calculation by acreage based on use – i.e. parking lot vs farm and water retention/rate of release the rest is based on benefit – function, improvement, how far along the drain you are? How it is improving the function of your property.
Assessment Report	Can you clarify why the Report talks about flooding events every 1.5 years changing to every two (2)years.	Drainage is not intended to be a fix for all storm events, but for some storm flood events. No guarantees that this drain will handle all flood events. We are trying to reasonably control which are acceptable by municipal standards. This is to help reduce the frequency of flooding and consider the cost of doing so.
Assessment Report	How often have drainage studies occurred in this area?	Only as requested sometimes by municipal by-law. Once a report is adopted then a municipal by-law is put in place.

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Assessment Costs	Inquired about the credentials of the consultant. What is the accuracy of costing? What is the Town doing to keep costs down or ensure that there's no over run?	<p>Have been preparing reports for 15 years – first time doing a \$7M drain report.</p> <p>Tendering process will let market determine price, and Town will ensure adherence to budget. There is a safety measure in place by the Province that if the final costs are over 133% of the estimate then Council must hold a public meeting.</p> <p>These costs are in line with drain work – unable to determine accuracy.</p>
Court of Revision	What are the timelines of the appeals process and what are the timelines for the Court of Revision and the process of making submissions to it?	<p>Once the Report and By-law is adopted by Council, notice must be sent to all property owners within thirty (30) days. This is the notice for right to appeal and will explain the process which must be submitted to the Clerk ten (10) days prior to November 13, 2013. Any Written submissions can be presented at the day of the hearing.</p>
Assessment Report	Why was this process not initiated at the time of flood plain marking in the 1980's?	<p>Original petition was for farmlands to reduce incidents of flooding. Water goes downstream of Hwy #89 to the lake. We're addressing local improvements to a portion of the drain.</p>
Assessment Report	What documentation is required in order to make an appeal or submission to the Court of Revision for residents who feel they are part of the South Innisfil Drain catchment area.	<p>Individual owners can contact the Town to determine if they are included. Any individual who decides to appeal would need to produce hard evidence such as mapping and tile evidence, etc.</p>
Assessment Report	Is the drain size going to increase?	<p>Specific direction has been given regarding the depth, width, berming, etc. of drain. Cannot work outside of approvals.</p>
Culverts	Have properties where the South Innisfil Drain runs through been considered for new culvert work?	<p>A few existing culverts have been identified in this report. You must approach the Town to request culvert work. Soil borings have shown that in some areas, culverts are going to be very expensive for build construction, etc. Recommendation for current work is shown in the report. Additional report is required for work outside of the South Innisfil Drain Report.</p>

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Assessment Report	Who has final decision in the undertaking of this project?	The decision to proceed is ultimately Council's and the Drainage Referee.
Cookstown specific question	Is the Village of Cookstown in the assessment area? Does the municipality authorize the dumping of snow from other areas into the SID catchment area?	Cookstown is not in the drain area. This issue will be looked into and answer will be provided in future.
Assessment Report	Where is property data gathered from?	Assessment data is from MPAC and used to make determination. Property owners should address with MPAC.  The rate is going to be the same even though use is agricultural if they're in the block.
Assessment Report	Why did Referee assess a specific property outside of the block?	Specific information can be provided and will be reviewed – contact the Town for forwarding to Tom.
Specific question	If the Town proceeds with the recommended standard in the Report and more violent storms occur, will the municipality be liable?	Hard to predict outcome of a lawsuit. Only if there is proof of improper maintenance or other obvious negligence.
Assessment Report	The Report sent to residents was released without sufficient summary and detail. Was any consideration made about a peer review for this Report?	No peer review on Drainage Report – Town was ordered to hire Engineer to report to Council.  Town relies on expertise of Conservation Authorities – Dillon has been working with Conservation Authority, therefore no reason to doubt or prepare a formal review because in house expertise doesn't exist.
Assessment Report	The Report contained detailed methodology for each parcel of land which may be difficult for some residents to understand. What general principles were used? Can that be provided as a supplement so that public can confirm calculations.	Currently under review by Staff.
Assessment Costs	Is Council considering the option of absorbing the total cost and spread it over entire tax base?	The request was received by Council and staff and will be reviewed

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Drainage Act	Question of clarification. What criteria is needed for Council to hold a Public Meeting to Review the Report.	If the contract tender exceeds 133% of the Engineer's estimate Council is required under the Drainage Act to hold a public meeting to review.
Assessment Report	Where is the Order for Work found within the Report?	There are a series of orders and although not worded verbatim, the direction was understood based on the options provided, removal of appeals, etc.  Previous orders leading up to that main order lead to the understanding that work was to proceed.
Specific question	Why were houses and barns allowed to be built in flood zones and EP land?	There is not enough tenure from existing staff to provide solid answer. Will consider comment
Municipal Drains	Has there been any maintenance done on any part of the South Innisfil Creek Drain in the last 10 years. If so, what and where.	Staff inspect all of the drains on an annual basis from easily accessed points but do not walk the entire length. Beaver dams are regularly removed from all drains when they are found. If the costs are small we haven't assessed it out as it costs more to do the accounting than the work.
Municipal Drains	What is our maintenance schedule on other municipal drains. Ie Bradford runs on a three year cycle	Maintenance is done each spring to remove any obstructions in culverts and bridges on town property and we haven't assessed this work back to property owners. Staff also inspect after major storms to see if there are any blockages. The Town is in the process of assessing over \$100,000 out to property owners for the Redfern Drain. I understand we have assessed out costs on the Carson Drain, Wilson drain and Campbell drain in the past.
Municipal Drains	What has the Town learned from this. What changes has the Town made in their operations.	Operations have not changed other than the Town knows that they have to keep up with the work. Specifically on the South Innisfil drain the Town rejected the Conservation Authority's request to do a lot of plantings along the edges as it is just food and building materials for beavers.

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