



Staff Report

Operations – Roads & Drainage

Report To: COW-Operations, Planning and Development Services
Meeting Date: November 28, 2023
Report Number: CSOPS.23.035
Title: Sidewalk Winter Maintenance Funding Options
Prepared by: Jim McCannell, Manager of Roads & Drainage

A. Recommendations

THAT Council receive Staff Report CSOPS.23.035, entitled “Sidewalk Winter Maintenance Funding Options”;

AND THAT Council directs Staff to implement the phase-in strategy as outlined in the report;

AND THAT Council directs Staff to include a Sidewalk Winter Maintenance capital sheet in the 2024 budget for the purchase of new equipment and Staff with a first year cost of \$ 579,000 and an anticipated program cost of \$1,653,500 to be funded from Public Works Development Charges and Long-Term Debt.

AND THAT Council directs Staff to negotiate with Blue Mountain Resorts to extend the sidewalk service contract in Craigeith to allow for the phased in strategy outlined in this report.

B. Overview

The purpose of this report is to follow up on the Council direction provided to Staff during the 2023 budget deliberation and bring forward options for Council to consider funding models and details on the required staffing resources to allow for implementation of winter sidewalk maintenance.

This strategic funding and implementation plan will allow for winter sidewalk snow removal that includes the consideration of equipment, resources, staffing, legal responsibilities, and consistency throughout the Municipality where municipal owned sidewalks exist and are planned for.

C. Background

Historically and more recently, Council and Staff have received correspondence from residents requesting winter maintenance of sidewalks in the Town and in recently assumed developments. Based on the Council discussion at the January 17, 2022, meeting, Staff

recommended the development of a comprehensive strategy for winter maintenance of Town owned sidewalks.

On February 28, 2022, Council received [Staff Report CSOPS.22.020](#), entitled "Sidewalk Winter Maintenance" and directed Staff to develop a strategy to extend winter maintenance service to public sidewalks within the Town with a proposed implementation strategy for the winter of 2024 /2025.

On July 4, 2022, Council received [Staff Report CSOPS.22.029](#), entitled "Sidewalk Winter Maintenance Implementation" where Council considered four (4) options to provide winter sidewalk service. Council approved the advancement of Option 4A including the purchase of equipment, hiring additional staff, the construction of two (2) storage and staging areas to provide a consistent level of service throughout the Town. Staff was directed to bring forward a capital budget sheet for consideration in the 2023 budget deliberations to allow for the tendering of equipment and buildings. As part of this consideration, Staff were directed to consider other Town needs and duties to determine if there are warrants for full-time staff positions (Attachment 1).

Following the 2023 budget presentation meeting, Council deferred the winter maintenance of sidewalks and directed Staff on February 13, 2023, to explore alternative funding models and future revenue opportunities with the goal of reducing the burden on the tax levy (Attachment 2).

"THAT Council direct staff to REMOVE the addition of "Sidewalk Snow Removal" of \$2,820,000 from the 2023 Draft Budget, and to include the addition of Sidewalk Snow Removal in the 2024 Draft Budget for consideration:"

"AND THAT Council direct staff to provide a report on the impact and opportunities for Special Area Rates for the provision of sidewalk snow removal and future revenue opportunities."

During the Budget deliberations, Staff brought forward a presentation highlighting the anticipated costs for equipment purchase, building costs for storage and staging and staffing costs. The total cost of the sidewalk program was 2.8 million including equipment, new facilities in Thornbury and Craigleith and additional staff. The startup cost of the program as presented was estimated to be \$1,125,000 for the purchase of five (5) sidewalk machines. The conversion of space at the Parks Operations Facility and the construction of a new storage building in Craigleith is anticipated to be \$1,230,000. The conversion of two (2) seasonal contracts to full-time shared staff between Community Services and Operations Departments was also presented, along with four (4) additional full-time permanent positions within the Operations Roads and Drainage Division. This would provide for a full complement of six (6) staff, anticipated at \$502,000.

During the review to further refine the program, Staff began exploring new opportunities for facilities in Thornbury and Craigleith. There are two (2) sites that have become available since the last presentation to Council. In Thornbury, the use of the Town building located at Cedar

Grove Park on Bay Street has presented itself. In Craighleith, Fire Hall 2 is an alternative location that could be used in place of a new building and could reduce facility costs.

D. Analysis

Given the Council direction to allow for a maximum annual budget increase of 2.5%, Staff have identified a brief overview of level of service options as identified below.

Level of Service review

Increase the level of service as directed by Council

Details related to increasing our current level of service to all Town owned sidewalks across the entire municipality has been previously outlined and discussed in [Staff Report CSOPS.22.020](#) and [Staff Report CSOPS.22.029](#). Implementation options and related funding sources are outlined below. The addition of staff, equipment and facilities is an increase in service for the Roads and Drainage Division and will affect the year-round activities.

Staff is recommending an increase in the level of service to include winter maintenance of all Town owned sidewalks to be serviced by internal forces.

Current Level of Service

The current level of service allows for the plowing of all sidewalks in Thornbury, Clarksburg and the commercial areas of the Blue Mountain Resort (BMR) village by service contract.

Town forces (staff) using Town owned equipment could clear sidewalks in Thornbury and Clarksburg albeit with an increase in operating costs. The service contract with BMR would remain in place.

Currently the Town does winter maintenance on 21 kilometers leaving 11 kilometers closed for the winter. This represents roughly 2/3 maintained and 1/3 are closed during the winter.

Staff is not recommending this as it does not meet the direction provided by Council.

Decrease in Level of Service

Council may also wish to reduce costs and consider closing all sidewalks in the winter. This would close sidewalks that are currently maintained. The closure of all sidewalks in the winter would apply a consistent level of service across the Town while reducing the impact on operating costs. Winter maintenance costs would be significantly reduced by closing all sidewalks (by By-law) during the winter control period of November 1 to April 15 each year. All summer inspection and repair activities would remain unaffected. The reduction of service would only be applied to winter inspections and plowing/sanding operations thereby allowing for a significant reduction in costs.

Section 44 (9) of the Municipal Act states *“Except in case of gross negligence, a municipality is not liable for personal injury caused by snow or ice on a sidewalk”*. This means that if the Town chose to remove the service completely there is no additional liability to the Town due to the unmaintained sidewalks.

An alternative Council may wish to consider is the closing of all secondary sidewalks and plowing only priority sidewalks in the commercial areas and around the school. This would remove winter service from the secondary sidewalks in residential areas. The cost savings are less if plowing only priority sidewalks as there are fixed costs for equipment and staff although staff time applied to plowing in the winter would be reduced allowing for other works to occur.

Staff is not recommending this as it does not meet the direction provided by Council.

Implementation Options

There are several options that could be taken to fund and implement winter maintenance of sidewalks. [Staff Report CSOPS.22.029](#) provides greater detail on the assessment of the following options.

OPTION 1	PRO	CON
Internalize Winter Sidewalk Maintenance		
<ul style="list-style-type: none"> • Town hires staff, purchases several sidewalk machines, establishes 2 storage and staging facilities. • The program is managed and operated by Town staff. 	<ul style="list-style-type: none"> • Staff control training, timing, and level of service. • Retains ability to meet the Council prescribed Level of Service. • Build on existing staff resources by converting existing Community Services seasonal positions to full-time. • Increased resident safety as they aren't walking on the roadways. 	<ul style="list-style-type: none"> • Large upfront capital and ongoing operating costs. • Increased risk management if the Town doesn't meet the level of service due to an unforeseen issue.
<p>Recommendation – Preferred</p> <p>Council provided previous direction to Staff to pursue this option and that the service be provided by internal resources, using Town staff and Town owned equipment (see Attachment 2).</p>		

OPTION 2	PRO	CON
<p>New By-Law Requiring Fronting Property Owner to Maintain Public Sidewalks</p>		
<ul style="list-style-type: none"> • Create a By-law directing property owners to clear and maintain the sidewalk adjacent to their home and or businesses. • By-law will require the homeowner/property owner, or their contractor, to clear the sidewalk to a certain condition within a certain time. • By-law could require the sidewalk be cleared to a smooth snow packed conditions within 24-48 hours of a snow event. • Require additional By-law Staff in order to enforce 24–48-hour time limit. • Approach is used in some municipalities, mainly larger urban centers, such as Ottawa, Toronto and Hamilton. 	<ul style="list-style-type: none"> • Transfers burden of checking the sidewalk and removing snow and adding sand or salt to the adjacent property owner. • Reduces capital costs for the Town (e.g. purchasing of sidewalk machines, storage/maintenance buildings, etc.). • Could utilize Administrative Monetary Penalties (AMPs) to support enforcement efforts and cost recovery of additional By-law Staff. 	<ul style="list-style-type: none"> • Despite the By-law, the Town would still have an overriding duty to ensure the sidewalks are clear of snow and ice. • The Town maintains a responsibility to monitor the sidewalk conditions and cannot transfer the liability for the sidewalks condition onto the property owner. • Town would retain responsibility to monitor and enforce the By-law. • Town would remain legally liable for any claims or damages. • Costs of additional By-law Staff not recovered via AMPs would be funded through general taxation. • Challenging to ensure consistency across all sidewalks following a snow event.

Recommendation – Not Preferred

Not a preferred option as Staff believe it will cause undue hardship on property owners and residents that may not be able to undertake the work themselves or financially able to pay for the works to be done. Poses challenges with overall administration and monitoring of the program / By-law. If Council wish to choose this option a possible recommendation is below.

AND THAT COUNCIL direct Staff to bring forward a By-law to consider winter maintenance of sidewalks by the adjacent landowner in order to reduce the financial burden on the Town’s Operating budget. ”

OPTION 1 – PREFERRED RECOMMENDATION DETAILS

Staff Duties and Other Works

To provide proper winter maintenance for the Town will require five (5) operators plus one (1) lead hand/spare operator for a total of six (6) employees. Four (4) routes would require four (4) drivers, each driver would be on a five (5) day, 44-hour shift with two (2) days on stand-by. The spare operator and the lead hand would both be available to cover shifts due to illness and other issues. The annual labour component will require the hiring of six (6) full-time, FTE staff. Half or Fifty (50%) percent of these costs will be applied to winter sidewalk maintenance. The remaining fifty (50%) percent will be funded by either the Roads and Drainage Division (4 positions) or Parks and Trails Division (2 positions) for summer work.

Two (2) of the six (6) full-time staff could transition to the Community Services, Parks and Trails Division, in the summer months to be utilized for Town maintenance and return to the Roads and Drainage Division for the winter months. Currently there are seven (7) summer seasonal labourers in the Parks and Trails Division, two of these contracts would be converted to full-time permanent positions. The remaining Parks and Trails staff are not available for winter employment. The other four (4) full-time staff would remain in the Roads and Drainage division all year. See table #3. This would allow for continuity of service for six (6) employees for the entire year.

Table #3

Winter Positions	6 staff assigned to Sidewalks
Summer Positions	2 staff assigned to CS- Parks
	4 staff assigned to OPS- R&D

In addition to sidewalk maintenance, Operations Staff can help with the demand for service requests received by the Town daily. A total of 393 service requests were assigned to the Roads and Drainage Division in 2022, with almost half of those occurring between January and April. Service requests included: sidewalk conditions, dangerous trees, boulevard damage, storm

drains, ditching, blocked culverts and flooding. The implementation of the sidewalk maintenance program would allow for these service requests to be addressed in a timelier fashion and allow trouble areas to be addressed before escalating to a service request by residents. Summer works would include expanding the removal of hazard trees that are being destroyed by the Emerald Ash Borer. Following the removal of the Ash trees additional duties will include the maintenance and replacement of street trees. Additional vehicles and other equipment may be required in the future to facilitate the transition to the asset management of Town owned trees. (i.e. bucket truck, pole saws, wood chipper).

The best chance to establish a program that is sustainable is to hire full-time Town staff. Offering full-time jobs attracts better candidates and improves retention which in turn supports the community.

Staff is recommending the addition of two (2) winter contract positions and four (4) full-time year-round (FTE) operators to the Roads and Drainage Division of the Operations Department to align with the phased strategy show below.

REVENUE OPPORTUNITIES

Council directed Staff to assess opportunities for revenue streams from the introduction of this new program and level of service (see Attachment 2). There are currently 4.58 kms of privately owned sidewalks in the Town which could provide revenue to help off-set the cost of the program.

Staff discussed this option with our corporate insurance provider who advised that if the Town took on winter sidewalk maintenance than it would assume all the liability that might arise. In addition, this added level of risk is not normally what would be accepted or expected by an insurer. There are other complications that may arise with damages to the sidewalk such as other private contractors working in the area on behalf of the condo corporation, etc.

Staff also reached out to other municipalities that are currently providing winter sidewalk maintenance and all that responded stated that the risk is too high and they would never contemplate taking on that kind of legal exposure in comparison to the potential revenue.

Staff have also discussed cost sharing and revenue opportunities with stakeholders in the Craigeith area and determined there is limited to no opportunity for revenue generation.

PHASE-IN STRATEGY

Staff are proposing a phase-in strategy for this new program given the significant capital cost associated with the full implementation of internalizing winter sidewalk maintenance. Staff understand and acknowledge that a delay in sidewalk snow removal may not be well received by residents who have raised concerns about the need for this increased level of service and there may be further issues raised regarding equity across the communities. By applying a phase-in approach the Town will be able to take advantage of new proposed buildings in both the both Craigeith and Thornbury service areas and, maintain existing level of service via existing snow removal contracts. Town Staff have plans in place to rebuild the existing

Community Services building at the Cedar Grove Park and design and construct a new Fire Hall #2 at a new location in Craighleith (leaving the current station vacant for other use). Both facility projects will eliminate the need to construct two (2) additional/new depot buildings to support winter snow removal staff and equipment. By utilizing the new phase-in strategy the Town would save \$1,230,000 in capital costs for new depots. These two (2) depot locations were initially required as part of Option 4A in [Staff Report CSOPS.22.029](#) and supported by Council (see Attachment 2).

A 3-year phase-in strategy is being proposed as outlined below and as shown on the service area maps in Attachment 3.

Year 1 – Thornbury / Clarksburg / Blue Mountain Village Resort Service Areas

- Maintain our existing level of service.
- Invest in additional staff and sidewalk machines.
- Utilize two (2) existing Community Services summer seasonal positions to create two (2) full-year positions.
- New Community Services coverall building constructed in 2023 has space for equipment.
 - Requires additional works to support winter use/maintenance.
- Rely on existing contract with BMR to continue with existing service levels in this area.
- Refer to Service Map in Attachment 3.

YEAR	SERVICE AREA/S	STAFF / EQUIPMENT NEEDS	ADDITIONAL BUDGET
Phase 1 (anticipated to be 2024/2025)	Thornbury / Clarksburg Blue Mountain Village Resort Area	2 sidewalk machines (\$450,000) Additional works to support winter storage/use at Tomahawk (\$25,000) Conversion of 2 Parks and Trails summer contracts to full-time permanent (\$104,000). Additional Compliance Coordinator, part of the year (\$13,000) Additional facility and machinery operating costs (\$82,500) Extension of existing BMR contract (\$15,000) already in the Roads and Drainage base budget.	\$475,000 Capital Costs \$199,500 Operating Costs

Year 2 – Lora Bay Service Area

- Would start the increased level of service for the Lora Bay area only.
- Invest in additional staff and sidewalk machines.
- Staff will stage from the existing Tomahawk facility to service Lora Bay (following the completion of additional works in the building to support winter use identified in Year 1).
- Thornbury/Clarksburg staff will move into expanded Community Services building at Cedar Grove (identified in 2024 capital plan).
 - Staging from this rebuilt facility will create efficiencies by reducing transit time and be closer to the work area.
- Rely on existing contract with BMR to continue with existing service levels in this area.
- Refer to Service Map in Attachment 3.

YEAR	SERVICE AREA/S	STAFF / EQUIPMENT NEEDS	ADDITIONAL BUDGET
Phase 2 (Anticipated to be 2025/2026)	Lora Bay / Westridge Blue Mountain Village Resort Area	1 sidewalk machines (\$225,000) 1 R&D FTE positions (\$99,600) Winter sidewalk plowing program increased to provide 2 routes and 3 staff. One (1) new summer R&D position for regular duties. Additional hours for Compliance Coordinator (\$43,000) Additional facility and machinery operating costs (\$47,500) Staff will stage from the rebuilt Community Services building at Cedar Grove. Extension of existing BMR contract (\$15,000) already in the Roads and Drainage base budget	\$225,000 Capital Costs \$190,100 Operating Costs

Year 3 – Craigleith Service Area

- Would start the increased level of service for the Craigleith area.
- Invest in additional staff and sidewalk machines.
- Staff will stage from the repurposed public works facility currently Fire Hall #2.

- Rely on existing contract with BMR to continue with existing service levels in a reduced service area.
- Refer to Service Map in Attachment 3.

YEAR	SERVICE AREA/S	STAFF / EQUIPMENT NEEDS	ADDITIONAL BUDGET
Phase 3 (Anticipated to be 2026/2027)	Craigeleith Blue Mountain Village Resort Area	2 sidewalk machines (\$450,000) 3 R&D FTE positions (\$298,800) Winter sidewalk plowing program increased to provide 4 routes and 6 staff. Three (3) New summer R&D position for regular duties. Additional facility and machinery operating costs (\$95,000) Staff will stage from the repurposed Fire Hall #2 (proposed that Fire Hall #2 to be relocated by this time) Extension of existing BMR contract (\$15,000)	\$450,000 Capital Costs \$393,800 Operating Costs

If Council would like additional information or explore other options for the winter maintenance of sidewalks and these works are not to be included in the 2024 budget, than Staff is looking for authority to negotiate with the current service provider to extend the service contract for one (1) additional winter season, ending in April 2025. The current contract is set to expire on April 15, 2024 and Staff is looking to engage the contractor to provide this service for an additional winter season. A possible resolution is show below.

“AND That Council directs Staff to negotiate with Bay Valley Services for a one year extension of Contract 2019-02-T-OPS for Sidewalk and Parking lot winter maintenance, snowplowing, sanding and salting.”

E. Strategic Priorities

1. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

2. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

F. Financial Impacts

The financial impact of this report is split between capital and operating costs. This report addresses the capital costs first, along with funding and then moves into operating costs with two funding options.

Capital

The capital costs consist of purchasing five sidewalk clearing machines and the building/renovating of facility space to store the machines. Although they are third party contractor owned the Town has two (2) sidewalk clearing machines in inventory and therefore the full costs are not all growth related, the funding is split 2/5 long-term debt (taxation) and 3/5 Public Works Development Charges. The chart below outlines these costs and funding sources.

	Dollar Value
Sidewalk Clearing Machines	\$1,125,000
Facilities alterations to Tomahawk	\$25,000
Total Capital Cost	\$1,150,000
<u>Funding Break-Down</u>	
Long-Term Debt (Taxation) ¹	40% of \$1,150,000 = \$460,000
Public Works Development Charges	60% of \$1,150,000 = \$690,000
Total Funding	\$1,150,000

¹The Long-Term Debt impact is included in the operating cost analysis as the annual repayments would be included in the annual budget. Depending on the outcome of the potential sale of 125 Peel Street, the sale revenues could be used to offset this long-term debt.

Operating

Analysis has been done on years one and two of the program as it is not scheduled to start until November of 2025. The chart below outlines the operating costs for both 2025 and 2026.

Expense	Phase 1	Phase 2	Phase 3
Operator Costs	\$104,000	\$99,600	\$298,200
Compliance Coordinator	\$13,000	\$43,000	\$0
Facility Costs	\$2,500	\$7,500	\$15,000
Machinery Operating Costs	\$80,000	\$40,000	\$80,000

Expense	Phase 1	Phase 2	Phase 3
Sub-Total Costs	\$199,500	\$190,100	\$393,800
Long-Term Debt ¹	\$0	\$0	\$232,000
Annual Transfer to Asset Management Reserve Fund – Machinery	\$0	\$0	\$161,000
Annual Transfer to Asset Management Reserve Fund – Facilities	\$0	\$0	\$56,000
Total All Costs	\$199,500	\$190,100	\$842,800
Less: Existing Cost for Sidewalk Snow Removal	\$53,750	\$0	\$0
Total Cost	\$145,750	\$190,100	\$842,800

¹Five-year repayment terms at 4.72%.

Funding Option #1 – Town Wide

Under this option, the costs would be included in the annual tax levy and borne by all households. Please note that this analysis is based on the 2023 tax levy, weighted assessment, and average household assessment; the percentages are subject to change with updated information in 2024 and beyond.

	Phase 1	Phase 2	Phase 3
Increased Cost to the Tax Levy	\$145,750	\$190,100	\$842,800
2023 Tax Levy	\$19,605,000	\$19,605,000	\$19,605,000
Impact on 2023 Tax Levy	0.74%	0.97%	4.30%
Average Assessed Household	\$555,840	\$555,840	\$555,840
Impact on Household	\$17	\$22	\$96

The final impact to the average household will be \$134 (\$17 + \$22 + \$96) annually for sidewalk winter maintenance.

Funding Option #2 – Special Area Rate

Under this option only the households within the urban areas are levied for annual sidewalk maintenance. The urban areas are Clarksburg, Thornbury, Lora Bay, and Craigleith. This option is being included at the direction of Council however Staff do not recommend this option as rural property owners still have access to the Town’s sidewalk network when they are in one of the urban areas.

	Phase 1	Phase 2	Phase 3
Increased Cost to the Tax Levy	\$145,750	\$190,100	\$842,800
2023 Tax Levy	\$19,605,000	\$19,605,000	\$19,605,000
Impact on 2023 Tax Levy	0.74%	0.97%	4.30%
Average Assessed Household	\$555,840	\$555,840	\$555,840
Impact on Household	\$25	\$33	\$145

The final impact to the average urban household will be \$203 (\$25 + \$33 + \$145) annually for sidewalk winter maintenance whereas the average rural household would save \$48 annually.

G. In Consultation With

Shawn Everitt, Chief Administrative Officer

Sarah Traynor, Manager of Human Resources

Ryan Gibbons, Director of Community Services

Phil Pesek, Manager of Facilities and Fleet

Terry Green, Manager of Parks and Trails

Sam Dinsmore, Acting Director of Finance

Serena Wilgress, Manager of Purchasing and Risk Management

Jason Petznik, Communications Coordinator

H. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required.

Any comments regarding this report should be submitted to Jim McCannell, Manager of Roads and Drainage managerroadsdrainage@thebluemountains.ca .

I. Attached

1. Attachment 1 Council Resolution dated July 4, 2022
2. Attachment 2 Council Resolution dated February 13, 2023
3. Attachment 3 Service Maps.

Respectfully submitted,

Jim McCannell
Manager of Roads & Drainage

Shawn Carey
Director Operations

For more information, please contact:
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Report Approval Details

Document Title:	CSOPS.23.035 Sidewalk Winter Maintenance Funding Options.docx
Attachments:	- Attachment 1 Council Resolution dated July 4, 2022.pdf - Attachment 2 Council Resolution dated February 13, 2023.pdf - Attachment 3 Service Area Maps.pdf
Final Approval Date:	Nov 17, 2023

This report and all of its attachments were approved and signed as outlined below:

Jim McCannell - Nov 17, 2023 - 1:10 PM

Shawn Carey - Nov 17, 2023 - 2:03 PM