



## Municipality of the District of Argyle

Item: Kings Lake Lot Owners Association fiscal request

Date: October 20, 2022

### VISION

We see Argyle as home to a healthy and thriving rural population. Our municipality promotes and supports economic and social opportunities for the region and engages in the active expression of our unique Acadian heritage. We are a place of choice for rural living and are widely recognized for our warm hospitality and joie de vivre. Surrounded by fresh air and cool ocean breezes, we work and play in the great outdoors. People choose to live in Argyle because of our commitment to each other, to our community and to our neighbors. Argyle is a place we are proud to call home.

### **Background:**

As part of our fall grants to organizations process, we received a funding application of a unique nature, being the request from the Kings Lake Lot Owners Association for assistance in the construction of a new garbage collection location.

#### History

The Kings Lake Lot Owners Association (the Association) is a nonprofit society that was created to be included in our Bylaw 41, “The Maintenance and Improvement of Private Roads”. As you are aware, this is a significant development in the Belleville area, and the road is privately constructed and now owned by the Association. The intent of the Association is to enable Kings Lake to maintain their road with our assistance. Argyle’s role is to pay for the expenses pre-approved by the Association and bill the owners an equal fee that acts like our other property taxes. We are essentially aiding the Association with the administration of the costs, and we do not contribute to this maintenance cost in any way.

Garbage was initially collected on Armstrong Road, which is a public road and acceptable to the garbage collector as it is part of his collection route. Our Municipal Planning Strategy is clear, we do not collect garbage on private roads.

The developer approached the CAO initially on behalf of the Association with a safety issue associated with the garbage collection area. The CAO asked the Director of Operations Kyle Boudreau to join in an onsite meeting to examine the situation, and our contracted collector, Jon Duffus, also joined.

The current area is somewhat unsafe, small, and is in the DOT right of way. The developer suggested the need for an alternative location, and among the group, an area was selected, which would still enable the collector to use the Armstrong Road for collection. The developer suggested that municipal assistance would be requested for this project, as a shared cost for the location. An application was submitted to the fall grants to organizations, and Council agreed to consider it separately, both because of the amount (request = \$9,850), and due to the unique nature of the request.

## **MGA considerations:**

Funding to non profit organizations is allowable under Section 65 of the MGA, and the activity of the association is in line with municipal services.

## **Analysis of the request:**

The nature of the request is to construct a safe passageway for the Kings Lake owners to drop their garbage in a central location. The residents know that the collector is not permitted to drive down the road for roadside collection, and this is not negotiable. The location would allow lot owners to bring their waste and drive in a small passage while not parked in the Armstrong Road itself. It is a safer option, and one, properly planned with the collector, would be suitable for them also.

This type of request is coming from an Association registered under our Bylaw and would be a hard no if they were not registered. We are keenly aware of other private roads that require a central garbage pickup. No other private road has a registered association; therefore, it would be inappropriate for us to support a similar request from these residents.

It is entirely possible for these private road owners to register their own association and follow the rules as per Bylaw 41.

Facts we have been reminded of include the fact that our residents living at Kings Lake pay their share of taxes, and that part of that service includes Garbage Collection and Disposal. Furthermore, Argyle has not contributed any amount toward this development, and refused to contribute to a sign to market the location upon request from the developer at the time. It should be noted that the residents do have access to a garbage location today, and therefore do have access to the service, just not the door-to-door convenience provided on the public roads.

### **The Pros**

Positive consideration for support on this request would be threefold: First, the realization that these types of developments are critical to the longstanding revenue of the municipality, and therefore a contribution to assist a developer or the lot owners would be justified based on the revenues generated by the development. It would be a gesture of partnership and goodwill for a developer who took a substantial risk. Second, there is a safety issue here at the current location, both for the risk of wildlife getting access to the garbage, and the vehicular risk posed by parking in the main road to offload your vehicle. Third, a shared investment in this improvement is affordable, and not too onerous on Argyle operations.

### **The Cons**

Negative considerations for support on this request would largely revolve around setting precedent for this type of investment request to escalate. While this is certainly the case, Council should be reminded that this would be a shared investment, and the resident/developer would still have to find the other portion of funding through alternative forms. Furthermore, there is no policy on this type of request, or for many requests for that matter, and we are constantly funding requests supporting community improvements occurring in our region. While this process is good for the applicant, it may create a habit-forming request to Argyle,

and while we are still in good standing financially now, projects are only going to escalate in magnitude and amount, and our role is to be a steward to good accounting practices and effective controls.

### **CAO's Recommendation:**

It is recommended that, when weighing the pros and cons, and whether the project fits in our existing services or in the public interest, it is my conclusion that the project is worthy of support, as it addresses safety issues that are in the greater interest of the residents or of travelers in that location. Furthermore, the Association has indicated its willingness to financially participate in a solution that benefits the owners. Different (potential) funding requests across the municipality would be of varying magnitude, and Argyle should protect itself from running into overspending in this area because the door was opened for one. The best way from the CAO's perspective is to amend the existing Bylaw to inform residents as to our financial limits. Keep in mind that most contributions to a non-profit organization are intended to be a modest aid to their mission. Only in rare cases do we contribute a large sum of a project, or precisely what they request from us.

### **Suggested resolution:**

#### **Option one: Deny**

Move that Council deny the Kings Lake Estates Lot Owners Association's request for funding for an improved garbage collection facility.

#### **Option two : Approve**

**WHEREAS:** The Kings Lake Estates Lot Owners Association is a non-profit Association created specifically to manage road improvements on behalf of the owners:

**WHEREAS:** The development is a considerable success, bringing thousands of dollars in taxation revenue to the Municipality of Argyle per year, of which we are grateful for the choice to build in Argyle:

**WHEREAS:** The development is in need to improve the safety of its current garbage collection location, as well as find a solution on lands they own.

**WHEREAS:** The improvement will allow for more protection of the garbage from litter, or from wildlife intrusion.

**WHEREAS:** The Municipality of Argyle, while grateful for the development, cannot fully subsidize every solution of this nature, and must protect taxpayer dollars.

**WHEREAS:** The successful funding of such a request may motivate other requests to come to the Municipality as a response.

**AND WHEREAS:** The Municipality is a willing partner in this investment.

**THEREFORE BE IT RESOLVED:**

**THAT:** The Municipality supports the request from the Kings Lake Estates Lot Owners Association as a 35% contributor to the project, amounting to \$3,500.

**THAT:** The Municipality states that the funding is dependent on an approved plan from the Garbage Collector, and that is a onetime funding approval.

**THAT:** The Municipality, in anticipation of possible other requests of this nature, amend the Bylaw 41 – The Maintenance and Improvement of Private Roads, to add instructions on how Associations may apply for funding, including a list of reasons why a project may qualify for funding.

**THAT:** The Municipality shall approve funding to a maximum of 35% of the total project cost (net of HST rebates) or \$3,500, whichever is lower, and that the Municipality still reserves the right to deny or defer decisions to future budgets under certain conditions to be outlined in the Bylaw.