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To: Abraham Zebian, Mayor, West Hants Regional Municipality
From: Keith P. AuCoin
Subject: Joint Resolution Committee
Date: November 14, 2024

Mayor Zebian.

This memo is a follow-up to the motion that went before Council at the Nov. 12 Committee of the Whole (COTW) meeting to consider establishing a joint sub-committee of two Councilors, staff and a selection of affected Stannus Street residents. This was proposed as an initiative to guide the process of creating a program for a buy-out of the subject homes in the affected area of Stannus St. from numbers 364 to 430 inclusive. It was thought that a smaller and involved group of participants would be more productive and focused than the full Council. The intent was to move the buy-out program along as quickly as possible and then pass it on to Council for approval. I think this is still a viable strategy that should offer a degree of balance to the process and present some oversight and promptness in reaching an agreeable solution. This could also include completion of the policy document.

The creation of the draft policy to guide the process still needs some modification and it was thought that the committee could advance the document to near completion. So far, the draft policy has been in the development process for the last several months and it was felt this committee could move the policy quickly to the point of being near completion and then send it back to Council for approval. Following approval, the housing appraisals could then be assessed for their realistic values, the issues around some form of tax relief for substantial tax increases should be discussed, residents paying for services before reimbursement needs consideration, the list of expected expense items for inclusion needs to be discussed, consideration should be given to the list of family adjustments that need to be made, timelines need to be considered and the committee should assess the impact the personal & family issues will have on the final decision to move. A financial bridging-gap should also be discussed so as to make the transactions viable. As a reminder of the circumstances driving this project, it should be noted that the participation of the local residents in any relocation initiative will not be of their own choosing. Hence, the residents should be included in managing the details of the program.

At the Council meetings, some of the observers were having difficulty hearing all of the conversations around the Council table from the back of the room so I must admit that I didn't fully hear all of the remarks clearly that were made prior to the vote on the motion to create the committee. If any of my follow-up remarks seemed a little off the mark, it could have been due to the acoustics in the room. If I misinterpreted anything, please accept my apology.

I didn't hear clearly all the logic offered for not approving the committee at this time, hence my question about legal advice having been offered prior to the decision. If you wish to offer a response about receiving legal advice on this file, I would appreciate it. After listening clearly today to all the comments made prior to the vote on the motion on YouTube, I have a better understanding of the discussion.

Regarding the second motion to request financial assistance from the Provincial and Federal Governments, I note you sent a similar request to Minister Lohr on July 5, 2024 but his response only noted flood waters in general and not CSO flooding. Perhaps with the new correspondence, the response may be different if he and Minister Sajjan were aware of the complications offered by CSO circumstances.

The affected residents on Stannus St. really need to see some progress on this file and after an extended time frame and ongoing stress and trauma, it's time these families received some encouragement. I still think the residents input will be essential and together with staff and Councilors, the issues can be dealt with in detail and in a more prompt manner. If you reconsider the offer, we would be pleased to start the meeting process immediately.

Respectively,
Keith AuCoin, (for the local residents)

CC - All West Hants Councilors
 - CAO, Mark Phillips
 - Involved Stannus St. residents

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E-mail: [REDACTED]
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To: Abraham Zebian, Mayor, West Hants Regional Municipality
From: Keith P. AuCoin
Subject: Windsor CSO Issues and Solutions
Date: August 4, 2024

Mayor Zebian.

I would like to start by offering my appreciation for the West Hants Municipal Council's latest decision to eventually take some meaningful action that may help to alleviate some of the stress, trauma and financial burden that the local residents of south end Stannus Street have endured during the past three years. Sadly it took another overwhelming rain storm on July 11 of this year, and personal visits to the site by you and several other councillors, to recognize the tragic consequences that such a rain storm along with sewer overflow (CSO) has on the lives of the local families and their children. The challenge for Council now is to ensure you can meet the September 10 time frame you set to offer a realistic solution. Time is of the essence with this situation.

To look back in time, my concern started in 2013/14 when the Town planned to upgrade the water and sewer services on Stannus St. I spoke with the then Director of Public Works and questioned him about why the Town was not upgrading the storm and sewer line into two separate discharges as was the case in almost all municipal upgrades in Canada. His response was to the effect that "due to past performance of the combined system, there was no need for a dual upgrade". The 2009 directive from the Canadian Ministers of the Environment regarding Municipal Wastewater Effluent stated that "Currently, no Canadian jurisdiction allows the construction of new combined sewers, although existing ones may be replaced or rehabilitated. The primary objective of overflow management is to reduce the impact of existing combined sewer and sanitary sewer overflows on surface waters by meeting the national standards for overflows. Further, since sanitary sewer overflows should not occur, the objective for sanitary sewer overflows is elimination through corrective measures. Jurisdictions may determine site-specific objectives." "There shall be no increase in combined sewer overflow frequency due to development or redevelopment, unless it occurs as part of an approved combined sewer overflow management plan". I'm not aware of a management plan by the Municipality that supports the decision to keep the same combined system for the 2014 upgrade project for Stannus St.

Accordingly, it appears the combined storm and sewer discharge system on Stannus Street that was installed in 2014 didn't comply with the national directives for such installations. As well, it was common knowledge at the time, among government officials and contractors alike, that climate change was steadily getting worse and excessive flooding would certainly be the resulting outcome. Sadly, this has all come to fruition and some of our Windsor citizens are now the victims of this neglectful decision which unfortunately permits severe flooding that contains raw sewage. The geography in Windsor has three hills funneling water down to the lower bowl which includes Stannus, Victoria, and Gray Streets and the drainage infrastructure in the lower reaches of Town is considerably undersized for what's needed now and in the near future.

The engineering solution to fully alleviate the problem on Stannus Street would take a minimum of two years to fix if it was started now. Just to reiterate the complex solution that needs to happen, it would start with a progressive engineering design that would provide comprehensive management of the local situation for at least 3 generations. The 2014 work would have to be redone with a more futuristic design that offers dual storm and sewer discharge lines, a significantly larger piping for the storm drain, a new line from the Curling Club to the pump house at the edge of Lake Pisiquid and an upgrade of the functionality of the current pump house. Even with this design, it may be necessary to build a huge underground reservoir for temporary storage of consequential rainstorm overflows to handle what we now know as annual excessive rain events.

For three+ years the local residents have been asking for municipal help to alleviate the CSO situation and no effective and timely solutions have been offered. A six month engineering study to offer a solution to the CSO problem was issued in 2021 and after the report was two plus years overdue, the Municipal Public Works Department apparently saw no problem with the lateness of the report and never pressed for a timely delivery. Since July 2021, no one in the MPW Dept. or on Council seemed to take ownership of this public health disaster and no expression of concern or haste has been shown to find a satisfactory solution.

Considering the ongoing health hazard that has been created with each excessive rain storm and the immediate negative impact this situation has had on the lives of the affected residents, words of regret with no solutions just add to the trauma the families have been experiencing. Now that the message has finally moved to some level of remedial action, the only practical short-term solution would seem to be an offer of buy-outs to the affected property owners. It's encouraging that the Municipality also sees this as a possible short-term solution to deal with this drastic problem. Due to the seriousness of this situation, it's imperative that the process move ahead with the utmost urgency.

The reality of the situation is this will not be a cheap fix. However, the cost of this solution will be minute by comparison to other solutions that may be available and certainly minuscule when compared to what the construction costs will be to remedy the "Cunnable Creek" CSO flooding situation. *It should be definitely noted that the participation of the local residents in any relocation initiative will not be of their own choosing. All affected residents moved to Stannus Street because of the benefits the area offered; if other reasonable options were available, they would stay. This will be a life altering circumstance for most of those affected so the guiding principle should be "to do the right thing and proceed as expeditiously as possible".*

I might suggest that micro managing the financial part of the process may very well extend the timeline of the project, it could add additional costs and it will surely increase the stress levels for the local home owners and perhaps for municipal staff. Spending time and money on multiple property appraisals that will not likely come close to the financial amount needed to find a comparable house for the affected owners in 2024 will likely be a waste of valuable time and money. For instance, a more efficient process may be to quantify the livability of each home and property including its square footage, variety and number of rooms and attributes, and try to find an equivalent accommodation that meets the family's needs with similar amenities. In 2024 the property prices will be much higher so this will be a more realistic starting point.

As well, additional costs should definitely be part of the financial package. Moving costs, increased taxes and insurance premiums, property transfer fees, etc. are out-of-pocket/increased costs that would be an extra burden on the affect family's regular budgets. In all likelihood there will a huge increase in tax assessment due to the loss of the tax capping exemption. Accordingly, it would be prudent for the Municipality to negotiate on behalf of the local residents an extension of their current tax cap so they won't be faced with a two or three fold increase in their residential taxes for the new properties. The seriousness of these circumstances should dictate how important the financial picture is for each family in these uncertain economic times.

If this appears to be an exceedingly complex project with very tight timelines, while at the same time being an expensive initiative, then that would be an accurate assessment of the situation. However, it shouldn't be considered as precedent setting as much as being a new venture for the Municipality to create a solution to a serious problem for which they have responsibility but have few options. There could very well be other similar situations in the future as society copes with the new reality of living with the uncertainty of global warming in the 21 century while facing an ever evolving climate change environment. Without corrective action, this type of situation will persist indefinitely but from a positive perspective, it could be a learning experience for local governments on how to manage these unexpected events.

With sincere appreciation,

Yours truly,

Keith P. AuCain

CC. -West Hants Municipal Councillors

-Mark Phillips, CAO

Keith P. AuCoin, P Eng, NSLS, CLS
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E-mail: [REDACTED]
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To: Abraham Zebian, Mayor, West Hants Regional Municipality
From: Keith P. AuCoin
Subject: Windsor CSO Issues and Solutions
Date: October 2, 2024

Mayor Zebian.

I was one of several Stannus Street residents who were present at the Sept. 26 Council meeting and I was pleased that Council finally took the opportunity to discuss the pros and cons of the draft policy on "Residential Property Buy-out", pertaining specifically to the Combined Sewer Overflow (CSO) situation on Stannus Street. While it was comforting to see almost all of Council participating in the discussion of many of the draft clauses, it was obvious that some members were not fully apprised on the seriousness of the flooding and the trauma experienced by the local residents. This memo should help bring them up to speed.

As I listened to the thoughts of the Councilors and the CAO about what should be included in the policy, some of the limitations that were being suggested, as well as the timelines being offered, gave cause for concern. I feel that the local residents really should have input into the discussion before final decisions were made on the approval of the policy. Accordingly, I recommend that a special group meeting of Councilors and residents should be held sooner than later. Although you and 3 of your councilors saw first-hand the surface devastation experienced by the affected residents on July 11, 2024, the hidden trauma, the ruination inside the homes and the very serious health hazards endured with each flood are not fully understood by all Councilors. As was suggested in my memo of August 4, 2024, this buy-out and relocation initiative is clearly being done not at the choosing of the local residents. These families were happy to move to Stannus Street and had there been no CSO intrusion, they would have been more than willing to stay. In years past, the Municipality has made some serious errors of judgement in several aspects of managing the local discharge infrastructure and ultimately it is now responsible for the CSO situation. However, because of the nature of the buy-out initiative, the local residents should be equal partners with the Municipality in reaching the decisions on how their lives can be restructured from this life altering experience.

Considering the results of the first property assessments on all of the affected homes as of this date, it appears that the market value of the affected homes was determined to be in the range of \$300K to \$400K. Several of the local residents have been researching the housing market in West Hants for the past several months and there seems to be no comparable properties anywhere near that price range that meets the family's needs. The price range of comparable housing currently available in West Hants would seem to be in the \$450K to \$650K $\pm$ range. I've reviewed the assessment of our property with the three houses selected for comparison in this price range and it suggests very strongly that this type of evaluation process is at best a rough approximation, as well as being a very subjective exercise. These comparisons were made with properties that were upgraded and presented for display in order to increase the sale value. The affected homes on Stannus Street were not presented in this manner, as it is illogical to upgrade homes that may be demolished, and I believe that all properties would have received much higher appraisals had that occurred. In today's environment, houses are mostly sold at elevated prices because of a depleted housing market. If our houses were being sold, I suggest all the owners would have spent \$25-50K on upgrades and increased the sale value by approximately \$50-\$100K. To sell without upgrading would basically be a missed financial opportunity.

If the present appraisal price for the affected properties is accepted without adjustment, the families will have to create new mortgages of \$100-250K more than their buy-out prices in order to complete the purchase of a comparable property in West Hants. In reality, the residents may have to move outside the County to find a new home that meets their needs in their price range. One of the suggested clauses in the buy-out proposal restricts the residents to relocating in West Hants and circumstances suggest that the process may meet with failure before it's effectively used. Hence, a reasonable adjustment fee will be required to span the differential. This can be easily justified as compensation to off-set ongoing personal stress, potential very serious health hazards, disruption of and adjustments to daily life routines, and ongoing personal trauma. For example, to move away from this area would mean finding a new family Doctor, a Dentist, extra travel to work, perhaps a change in job, registering with a new drug store, a new school, a new Church, changing all communication information, developing new friends and a variety of other services for each family. For some, this is like starting a new life. For others, there isn't a lot of time to make all these adjustments.

Some of the other issues that should be discussed with the residents as a group are – a reasonable time frame to complete the relocation, consideration of tax adjustment for a period of time, moving costs, realtor fees, legal fees, potential increases in insurance premiums, etc. Financials spent to date for repairs and/or replacement of damaged or lost items should also be part of the compensation package. As well, it is being suggested that the individuals spend tens of thousands of dollars of their own money to pay for the transition services and then provide receipts to the municipality for reimbursement. This needs to be discussed as a measure of fairness.

I reviewed the draft policy prior to the meeting and had a second look recently. I will forward a separate piece pertaining to some items I feel should be reworded and a few thoughts about additional clauses for consideration.

Again, I would suggest that time is of the essence and this should be a top priority for Council and staff. I realize this is a busy time for Councilors but the necessities of the Stannus Street situation should take priority.

With sincere appreciation,

Yours truly,

Keith P. AuCoin

CC. -West Hants Municipal Councillors
 -Mark Phillips, CAO
 -Stannus St. residents

Stannus Street Residents Buy-out Issues
WH Municipal Council Chambers, 30 October, 2024 (3pm)

Minutes

Attending:

Mayor Abraham Zebian, CAO Mark Phillips, Councillor Jim Ivey, Bonnie Smith, Heather Brown, Amanda Dunfield, Dolena & Keith AuCoin (C)

Background:

Keith reviewed the chronology of events regarding the Combined Sewer Overflow (CSO) on the southeastern end of Stannus Street that occurred over the past 10 years. This started with the municipal decision to replace the water/sewer line on Stannus St. in 2014 with a combined storm/sanitary new line. As well, it was noted that a new installation of separate storm/sanitary lines was undertaken over a 5 year period on three streets on the southern hill of Windsor starting at the top and working downhill.

During the 4 years starting in 2021, it was noted that there was approximately 10 floods in the Stannus St. subject area and of these, three were extremely damaging CSO floods July 2021, July 2023 and July 2024.

As well, it was referenced that Council had directed staff to develop an emergency plan for CSO flooding for Windsor & Hantsport areas and present it at the March COTW. The motion was approved by Council Jan 23/24.

It was also noted by Heather and Amanda the degree of prolonged stress and trauma these CSO floods had on the affected families. The tension created with the news of an approaching rain storm lasted around the clock - before, during and days after the storm. Previous experience with the floods and vivid memories added to the stress.

Current Situation/Citizens Concerns:

The Chair noted that although severe rain storms cause major flooding throughout West Hants, it was the CSO situation on Stannus St. that was the current subject of concern. It was previously acknowledged that a Municipal Buy-out Program was the best and quickest strategy to help resolve the current Stannus St. situation.

Although urgency was recognized as an essential component of the buy-out strategy, it seemed that there was no defined plan or timeline to make it happen in the near future. Two other items of discussion included the fact that up to this point, there had been little or no discussion regarding the expenses and family adjustments required for the move. Further, there was no consideration about the possibility of offering a financial gap adjustment to acquire a similar but a much more expensive home. A list of expected expense items and associated, logical family adjustments were listed (a copy attached).

It was noted that property assessments had been recently carried out for four of the Stannus St. properties and the values ranged from \$300k to \$400k. From researching available properties in the WH area during the past two months, that offered some similar amenities, the price range for replacement housing was in the \$450k to \$650k range. This created a possibility that the affected home owners may have to decrease their living situation or acquire a new mortgage. For at least two of the families, a new mortgage was a non-starter.

A question was brought up regarding the municipality's proposed use of the properties following acquisition and possibility demolition. This may have a bearing on whether or not all residents accept the buy-out offer. There was no indication that this had been considered yet by the municipality.

Municipal Buy-out Policy Concerns:

-A separate list of suggested modifications for the current Buy-out Policy draft was sent in previously to the CAO. A copy is attached for reference. Several items on the list were worth noting at the meeting so the Chair references several key points.

-Considering the special circumstances of this policy, it was suggested that asking for three quotes from movers, lawyers, realtors, etc. was unnecessary and not practical due to timelines and availability of service providers.

-It was thought that asking the affected residents to pay possibly tens of thousands of out-of-pocket upfront costs for estimates and services and then submit receipts for reimbursement was not practical and in fact unreasonable.

-It was mentioned that the application approval should be a two step process so that when the homeowners reached out to purchase necessary services, their application would already have been approved. The issue of offering to sustain the tax cap or a multiyear offset tax payment needs to be clarified. Without this, a tax increase of two to three-fold will likely be a severe financial burden.

- As part of the introductory notes, (background/alternatives) it was noted there should be a property remediation, hazardous assessment taken prior to a demolition which would suggest a municipal legal concern. However, no such concern seems to be forthcoming regarding the ongoing hazardous living condition for families on Stannus St.

Path Forward (Suggestions):

- It was noted that the residents and the municipality should approach this process as associates so as to reach common ground and advance the process in an efficient manner and timely manner. In reality we are partners in this process trying to reach a satisfactory solution as soon as possible.

- It was mentioned that the local families need defined timelines they can rely on regarding the buy-out process. Without them, family's lives hang in the balance.

- The municipality should assign a small designated group to guide the process forward with oversight & timelines and include participants from the affected families group.

- The municipality should review the lists of suggested expenses and family adjustments and, if necessary, have an exchange of views in a timely manner with the families on the viability and acceptance of the items.

- Once agreement on the content of the buy-out has been reached, then the proposal can go to Council for consideration and approval.

Comment/discussion near the end of meeting

It was mentioned that some Councilors have been receiving feed-back from their constituents that suggested the municipality should not make payments for buy-outs using tax money. Several uninformed comments suggested that "those people should not have moved into a flood zone in the first place".

The Councilors need to know that CSO overflows are different and far more devastating and harmful than severe rain water flooding. This CSO overflow is largely the responsibility of the municipality for a couple of reasons and that is why this has become such a traumatic issue. That distinction is vital in this case and this information needs to be part of that discussion.

As well, there is more than a probable likelihood that financial compensation to cover most if not all of the suggested expenses will come from the Provincial and Federal Governments.

Next Meeting:

Due to the full agenda of the new Council in the next week or so, no date was designated for a follow-up meeting but it was agreed that the Chair would keep in touch with Mark Phillips, CAO, to try and maintain momentum and move forward purposefully.

Notes: Keith AuCoin

Stannus St. Residents re: CSO Buy-out Issues
Items for Discussion regarding the Buy-out

Expense Items for Consideration

- Moving expenses
- Realtor fees
- Legal fees
- Property transfer costs
- Surveyors costs
- Registration fees
- Change of address fees
- Banking costs
- Insurance adjustment costs
- Extra travel to work
- Reno financials spent to date
- Residential Tax increases
- Rental of temporary accommodations
- Losses associated with equipment leases/fuel adjustments

Family Adjustments

- New Doctor
- New Dentist
- New Physiotherapist
- New ear/eye Doctor
- New Druggist
- New school
- New Church
- Possibly a new job
- New social network
- Change in some communications
- New childcare arrangements

Personal Issues

- Ongoing family stress or trauma
- Potential serious health hazard
- Disruptions of daily life routines
- Extra expenses

Stannus St. Residents – Difficulty in Finding New Housing
“Breaching the Gap”

The results of the Appraisals of four affected homes on Stannus Street revealed a price-range of \$300k to \$400k. As a result of two months of searching throughout West Hants, the price range for a comparable property, to the ones affected by the CSO on Stannus St., is in the price range of \$450k to \$650k. Without a financial compensation to bridge the gap, it will be impossible to make a lateral, residential move without incorporating a further, steep financial commitment in the range of \$200k to \$300k for a new mortgage. Some of the residents will not agree to another mortgage. This creates a situation whereby the residents will have to search beyond the WH borders to try and find comparable property that offers similar amenities to what they presently have. This is something that would have to be changed in the policy document if everyone's needs are to be met.

For the immediate vacating of the homes to avoid further family trauma and disruption, temporary rental for an agreed-upon period should be considered.

Review of Municipal Policy on Buy-outs

- The home owners question the need for three quotes for expenses for appraisals, moving, legal fees etc. For this process, one quote should be sufficient. If the quote is unreasonable, a second quote can be obtained. It will likely be almost impossible to get three companies to offer quotes in a reasonable time frame.
- The requirement for the residents to pay possibly tens of thousands of dollars up front for down payments and/or services then submit receipts for reimbursement is blatantly unreasonable.
- The issue on sustaining the tax cap or offering a multiyear offset payment needs to be clearly defined.
- The approval process should be a two step process so the home owners know in advance if their application has been approved before they seek quotes or request services.
- There should be a clause in the policy that provides Council with an option of disregarding a clause or modifying a clause should they deem that the circumstances warrant it.
- Remediation strategy prior to a demolition hazardous assessment suggests a municipal legal concern (Background/Alternatives) but no such concern seems to be forthcoming regarding ongoing hazardous living condition for families on Stannus St.