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THE REGIONAL MUNICIPALITY OF NIAGARA

PUBLIC WORKS AND UTILITIES COMMITTEE

REPORT 5-2004

Minutes of a meeting of the Public Works and Utilities Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario, on Tuesday, February 10, 2004 commencing at 1:35 p.m.

ATTENDANCE

- Committee: Councillors Redekop, Vice-Chair; Regional Chair Partington; Bailey, Bodner, Burroughs, Eke, Goulbourne, Harry, Hodgson, Trombetta.
- Staff: Messrs. Trojan, Chief Administrative Officer; Neville, Commissioner, Public Works; Brcic, Director, Water & Wastewater Services; Cousins, Director, Transportation Services; Bousfield, Manager, Property and Facilities Management; Ms. Pilon, Legislative Assistant.
- Staff (Part-Time): Messrs. Banting, Director, Legal Services; Murphy, Manager, Policy & Development; Ms. Murphy, Manager Current & Capital Budgets; Ms. Barrow, Process Engineer, Operations.

PRESENTATION

49. Niagara Biosolids Management

Mr. Brcic provided the Committee with background information on Niagara Region's Biosolids Management, which lead to the preparation of Niagara's Biosolids Master Plan in 2001 and the selection of the proposed alternative process to reduce the amount of liquid land application.

Ms. Barrow provided the Committee with an overview of the process that was followed and resulted in the selection of IMS/N-Viro for the long-term management of 25% or more of Niagara Region's annual biosolids produced.

The Committee was advised of the Alternative Biosolids Management contract details (PWA 25-2004) and the details of the contract extension (PWA 26-2004) that has been negotiated with the present firm that performs the liquid land application for Niagara Region, which has resulted in an increase in cost per unit.

ADMINISTRATION

50. Moved by Councillor Burroughs
Seconded by Councillor Harry

That Reports PWA 25-2004, February 10, 2004, respecting Niagara's Alternative Biosolids Management Service Contract Approval and PWA 26-2004, February 10, 2004, respecting the Extension of Niagara's Biosolids Liquid Land Application Program, be lifted and dealt with separately at this time.

Carried.

51. Niagara's Alternative Biosolids Management
Service Contract Approval
PWA 25-2004 (CSD 23-2004)

Moved by Councillor Burroughs
Seconded by Councillor Harry

That Report PWA 25-2004 (CSD 23-2004), February 10, 2004, respecting Niagara's Alternative Biosolids Management Service Contract Approval, be received by Committee and Council and that the recommendations, as outlined below, be approved;

That approval be given to initiate financing in the gross and net amount of \$5,000,000 from the 2004 Wastewater Capital Budget for Project ZSW0302 Alternative Biosolids Management Program.

That financing in the amount of \$4,500,000 be approved from the Wastewater Capital Reserve and \$500,000 from the Development Charge Reserve for Project ZSW0302 Alternative Biosolids Management Program included in the 2004 Wastewater Capital Budget.

That the Alternative Biosolids Management contract be based on those matters described in the Memorandum of Understanding herein, but be in form and content satisfactory to the Region's Treasurer, Commissioner of Public Works and legal counsel;

That the signing of the Alternative Biosolids Management contract be conditional on and only occur upon the Region's receipt of security that are satisfactory to the Region's Treasurer and legal counsel over all of the assets of the N-Viro/IMS entity, upon receipt of guarantees, security and other documents that are satisfactory to the Region's Treasurer and legal counsel from other entities so as to fully secure and give effect to the contract, and receipt of the third party access agreement in form and content satisfactory to the Region's legal counsel;

That the rate for the service be based on a volume of 5,400 dry tonnes per year at an initial rate of \$422.91/ dry tonne subject to an annual CPI increase;

That the loan to the N-Viro/IMS entity in the amount of \$5.7 million to finance the capital cost of the biosolids processing facility described in the Alternative Biosolids Management contract be conditional on and only occur upon the entering by N-Viro and IMS of a loan agreement in form and content satisfactory to the Region's Treasurer, Commissioner of Public Works and legal counsel, upon the Region having received all requisite legal approvals to the making of the loan, upon the Region's receipt of security that are satisfactory to the Region's Treasurer and legal counsel over all of the assets of the N-Viro/IMS entity, upon receipt of guarantees, security and other documents that are satisfactory to the Region's Treasurer and legal counsel from other entities so as to fully secure and give effect to the loan and contract, and upon receipt of the third party access agreement in form and content satisfactory to the Region's legal counsel;

That the Acting Regional Clerk be directed to notify the Minister of Education of the loan arrangement pursuant to the provisions of the Municipal Act 2001 relating to Municipal Capital Facilities;

That the ongoing operations and annual service costs of \$2,283,714.00, subject to CPI, resulting from the recommended proposal, be budgeted in the 2005 and subsequent current annual budgets;

That the financing required for Niagara's Alternative Biosolids Management capital investment be funded from Capital Works Project ZSW0302 (Alternative Biosolids Management Program);

That the Acting Regional Clerk be directed to ensure that the appropriate by-law is prepared for submission to Regional Council authorizing the Regional Chair and Regional Clerk to execute the Agreement on behalf of the Region.

Carried.

(Please note that Report PWA 25-2004 (CSD 23-2004) is attached to the Corporate and Financial Services Committee minutes)

52. Extension of Niagara's Biosolids
Liquid Land Application Program
PWA 26-2004

Moved by Councillor Burroughs
Seconded by Councillor Harry

That Report PWA 26-2004, February 10, 2004, respecting the Extension of Niagara's Biosolids Liquid Land Application Program, be received.

That approval for a contract to be signed with Terratec Environmental Ltd. for a two-year term commencing January 1, 2004 for the management of Niagara's biosolids liquid land application program;

That the rate for the services included in the contract agreement, be approved in accordance with Appendix 'A' attached, with an estimated total cost of \$3,420,000.00 in the first year and \$3,055,000.00 in the second year;

That costs associated with this service delivery be charged to the appropriate cost centres in the water and wastewater services current budgets for 2004 and 2005.

That the Regional Clerk be directed to ensure that the appropriate by-law is prepared for submission to Regional Council authorizing the Regional Chair and Regional Clerk to execute the Agreement on behalf of the Region of Niagara.

Carried.

For Committee Consideration

The Committee considered the following staff recommendations contained in the PWA Summary, February 10, 2004:

53. Expropriation
Title/Ownership Defect
Humberstone Landfill Site
City of Welland
PWA 24-2004 (CSD 20-2004)

That Report PWA 24-2004 (CSD 20-2004), February 10, 2004, respecting the Expropriation Title/Ownership Defect, Humberstone Landfill Site in the City of Welland, be received.

That Regional Council receive the attached applications of The Regional Municipality of Niagara for approval to expropriate lands legally described as Lot 267, Plan 984 and Lot 375, Plan 984 in the City of Welland, pursuant to the *Expropriations Act*.

(Please note that Report PWA 24-2004 (CSD 20-2004) is attached to the Corporate and Financial Services Committee minutes)

54. Limited Parking Restrictions
Regional Road 527 (Burgar Street)
City of Welland

PWA 27-2004

That Report PWA 27-2004, February 10, 2004, respecting the Limited Parking Restrictions, Regional Road 527 (Burgar Street) in the City of Welland, be received.

That the existing metered on-street parking on the west side of Regional Road 527 (Burgar Street) be replaced with a ten minute maximum limited parking restriction; and

That the Regional Clerk be requested to ensure that the necessary by-law amendment is presented to Council on February 19, 2004.

55. Tender Award for Contract RN 04-01
Rehabilitation of Regional Road 98 (Montrose Road)
at Preakness Street – Stage 2A
City of Niagara Falls

PWA 28-2004

That Report PWA 28-2004, February 10, 2004, respecting the Tender Award for Contract RN 04-01, Rehabilitation of Regional Road 98 (Montrose Road) at Preakness Street – Stage 2A in the City of Niagara Falls, be received.

That approval be given to initiate financing in the amount of \$1,234,000.00 gross and net from the proposed 2004 Roads Capital Budget for Project ZRC9817, Rehabilitation of Regional Road 98 (Montrose Road) at Preakness Street – Stage 2A, in the City of Niagara Falls;

That approval be given to fund project ZRC9817/RC0430 with debenture financing (not exceeding 10 years) in the amount of \$734,000.00 and Development Charge Reserve of \$500,000.00;

That approval be given to increase the gross budget by \$67,000.00 to reflect cost sharing with the City of Niagara Falls;

That Contract RN 04-01, Rehabilitation of Regional Road 98 (Montrose Road), at Preakness Street – Stage 2A, in the City of Niagara Falls be awarded to the low tenderer Hard Rock Construction Inc. at its bid price in the amount of \$1,164,230.00, (excluding GST), subject to confirmation of cost sharing by the City of Niagara Falls for the sidewalk;

That a contingency allowance in the amount of \$120,000.00 be provided for this contract;

That the Engineering agreement with the consulting firm of Earth Tech Canada Inc. be extended to include additional design fees (\$13,000.00) and contract administration and inspection services (\$66,000.00), with the engineering fees being calculated on a time plus disbursements basis, estimated at \$79,000.00, excluding GST;

That the Regional Clerk be directed to ensure that the necessary by-laws, including the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara, are presented to Regional Council on February 19, 2004;

That all project costs be charged against Capital Works Parent Project ZRC9817/RC0430, and ZGL0216.

56. Sale of Undedicated Widening
Forks Road (Former Regional Road 23)
City of Port Colborne
PWA 29-2004

That Report PWA 29-2004, February 10, 2004, respecting the Sale of Undedicated Widening Forks Road (Former Regional Road 23) in the City of Port Colborne, be received.

That a 20 foot undedicated road widening purchased by the County of Welland by Instrument #14834A on July 22, 1958, from Charles A. Kramer, Lawrence Kramer and Clara Kramar, save and except a portion described as Part 19 on Plan 59R-535, be transferred to the City of Port Colborne for the nominal sum of \$1.00, to correct a landlocked situation.

57. Naming of New Aligned Townline Road/
Mountain Road and Renaming of Existing
Beechwood Road, City of Niagara Falls
PWA 30-2004

That Report PWA 30-2004, February 10, 2004, respecting the Naming of New Aligned Townline Road/Mountain Road and Renaming of Existing Beechwood Road in the City of Niagara Falls, be received.

That staff be authorized to advertise the proposed naming of the new aligned Townline Road/Mountain Road and renaming of a portion of Beechwood Road, as described in detail in Report PWA 30-2004, and shown on Appendix "A" attached, as per Section 47 in the Municipal Act, 2001.

58. Proposed Exchange of Lands
With the City of Niagara Falls
Region of Niagara
PWA 31-2004

That Report PWA 31-2004, February 10, 2004, respecting the Proposed Exchange of Lands with the City of Niagara Falls in the Region of Niagara, be received.

That the Regional Municipality of Niagara exchange with the City of Niagara Falls the lands owned by each more particularly described as a portion of the Region's former Dorchester Manor site being Parts 2 and 3 on Plan 59R-12048, and a portion of City lands being Parts 2 and 10 on Plan 59R-12076, both in the City of Niagara Falls, with the City paying to the Region the difference in value of \$9,410.00.

59. Moved by Councillor Harry
Seconded by Councillor Eke

That the PWA Summary, dated February 10, 2004, and the foregoing recommendations of Reports PWA 24-2004 and PWA 27-2004 to PWA 31-2004 inclusive, be received and accepted.

Carried.

CORRESPONDENCE

60. Communications listed in Report PWC Summary, dated February 10, 2004, were received and dealt with as follows:

PWC 05-2004 – (January 28, 2004) – **Chado Brcic**, Director, Water & Wastewater Services Division, being a memorandum to file, providing information on the Niagara Biosolids Management Contingency Dewatering for 2003.

-- Received.

61. Moved by Councillor Eke
Seconded by Councillor Bailey

That the contents of the PWC Summary, February 10, 2004, be received and dealt with as directed by this Committee and as noted in these minutes.

Carried.

PROGRESS REPORTS

62. Water and Sewage Quantities by Municipality
Report for the 3rd Quarter 2003

Moved by Regional Chair Partington
Seconded by Councillor Burroughs

That Report PWP 06-2004, February 10, 2004, respecting the Water and Sewage Quantities by Municipality, Report for the 3rd Quarter 2003, be received for information.

Carried.

63. Water and Sewage Quantities by Municipality
Report for the 4th Quarter 2003

Moved by Regional Chair Partington
Seconded by Councillor Burroughs

That Report PWP 07-2004, February 10, 2004, respecting the Water and Sewage Quantities by Municipality, Report for the 4th Quarter 2003, be received for information.

Carried.

64. Construction Progress Report
Transportation Services

Moved by Regional Chair Partington
Seconded by Councillor Burroughs

That Report PWP 08-2004, February 10, 2004, respecting the Construction Progress Report, Transportation Services, be received for information.

Carried.

MINUTES

65. Regional Niagara Bicycling Committee
Meeting of Thursday, January 8, 2004

Moved by Councillor Bodner
Seconded by Councillor Bailey

That the minutes of the Regional Niagara Bicycling Committee meeting, of Thursday, January 8, 2004, be received and the recommendations contained therein referred back to staff for comment.

Carried.

66. Waste Management Planning Steering Committee
Meeting of Tuesday, January 27, 2004

Moved by Councillor Trombetta
Seconded by Councillor Eke

That the minutes of the Waste Management Planning Steering Committee meeting, of Tuesday, January 27, 2004, be received and the recommendations contained therein be approved.

Carried.

67. Budget Review Committee
Meeting of Thursday, February 5, 2004

Mr. Neville provided the Committee with an overview of the Budget Review Committee's recommendations.

Moved by Councillor Burroughs
Seconded by Councillor Eke

That the recommendations of the Budget Review Committee, be endorsed.

Carried.

(Please note that the Budget Review Committee minutes can be found behind the BRC tab of the Blue Book)

ACCOUNTS

68. Moved by Councillor Burroughs
Seconded by Regional Chair Partington

That the accounts list for the period ending January 31, 2004 in the amount of \$5,516,798.14, be approved for payment.

Carried.

OTHER BUSINESS

69. Waste Management Requisition
Method of Apportioning Costs

Mr. Payne advised the Committee that the method of apportioning costs in the Waste Management requisition are currently under review and recommendations from the Regional Niagara Financing Options study will recommend that the method of billing be amended through a five-year step plan.

Mr. Payne noted that there are plans to immediately change two of those municipalities on an assessment base to by household.

70. MSP/NWQPS Implementation Committee - Membership

Moved by Councillor Harry
Seconded by Councillor Burroughs

That Councillor Zimmerman be appointed as a member of the MSP/NWQPS Implementation Committee.

Carried.

71. MSP/NWQPS Implementation Committee - Orientation

Mr. Neville advised the Committee that the newly formed MSP/NWQPS Implementation Committee will hold their orientation following the February 24, 2004 Public Works and Utilities Committee meeting in Committee Room 4.

72. Niagara-Hamilton WastePlan Workshops
February 23 & 24, 2004

Councillor Burroughs extended an invitation to all of the Committee members to attend the Niagara-Hamilton WastePlan Workshops on February 23 & 24, 2004.

CLOSED SESSION

73. Moved by Councillor Bodner
Seconded by Councillor Burroughs

That this Committee do now meet in Closed Session for the purpose of receiving information of a confidential nature relating to property matters.

Carried.

74. Property Acquisition for the
Roberts Street Gateway Project
City of Niagara Falls
PWA 32-2004 CONFIDENTIAL

Moved by Councillor Bailey
Seconded by Councillor Harry

That Report PWA 32-2004, February 10, 2004, respecting the Property Acquisition for the Roberts Street Gateway Project in the City of Niagara Falls, be received.

That to facilitate the proposed Roberts Street Gateway Project the Region undertake the purchase of that property known municipally as 5366 MacDonald Street, for the purchase price reported; and

That the Regional Clerk be directed to ensure that the appropriate by-law is prepared for submission to Regional Council authorizing the Regional Chair and Clerk to execute the necessary documents.

Carried.

75. Budget Review Committee
Meeting of Thursday, February 5, 2004
Closed Session Recommendations

Moved by Councillor Harry
Seconded by Councillor Trombetta

That the Budget Review Committee, Closed Session recommendations, be approved.

Carried.

76. Moved by Councillor Bailey
Seconded by Councillor Bodner

That this Committee do now rise with report.

Carried.

STAFF DIRECTIONS

Staff was requested to:

- provide detailed breakdowns of costs in future confidential reports.

ADJOURNMENT

The Committee adjourned at 2:50 p.m., to meet again in Committee Room 4, February 24, 2004 at 1:30 p.m.

Wayne Redekop
Vice-Chair

Janet Pilon
Legislative Assistant

Pam Gilroy
Acting Regional Clerk