

THE REGIONAL MUNICIPALITY OF NIAGARA

PUBLIC WORKS AND UTILITIES COMMITTEE

REPORT 16-2004

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

ATTENDANCE

Committee: Councillors Rigby, Chair; Regional Chair Partington, Bailey, Bodner, Brock, Eke, Goulbourne, Harry, Hodgson, Leavens, Redekop, Salci.

Staff: Messrs. Neville, Commissioner, Public Works; Cousins, Director, Transportation Services; Payne, Director, Waste Management Services; Brcic, Director, Water & Wastewater Services; Ms. Pilon, Legislative Assistant.

Staff (Part-Time): Messrs. Bousfield, Manager, Property and Facilities Management; Ventresca, Acting Commissioner, Community Services Department; Banting, Director, Legal Services; Ms. Ralph, Manager of Waste Policy and Planning.

DELEGATIONS

304. Sale of Surplus Property – Contract RN 04-12
Former Sunset Haven Long Term Care Facility
City of Welland

PWA 131-2004 (COM 58-2004)

Ms. Italia Gilberti, Solicitor in attendance on behalf of 16020502 Ontario Limited (Tony Lupia) requested that the Committee not approve staff recommendations contained in Report PWA 131-2004 (COM 58-2004) respecting the Former Sunset Haven Long Term Care Facility in the City of Welland and authorize staff to negotiate with her client.

Moved by Councillor Eke
Seconded by Councillor Harry

That Ms. Gilberti's presentation be referred to Report PWA 131-2004 (COM 58-2004), August 10, 2004, respecting the Sale of Surplus Property – Contract RN 04-12, Former Sunset Haven Long Term Care Facility in the City of Welland.

Carried.

Please refer to Minute Item 307 and 310 for the Committee's decision on this matter.

305. Parking Prohibition
Regional Road 83 (Carlton Street)
City of St. Catharines
PWA 136-2004

Ms. Susan Wiinholt of 218 Carlton Street advised the Committee of the safety concerns that exist when parking is allowed on either side of Regional Road 83 (Carlton Street) in the vicinity of her home.

Ms. Wiinholt noted that the residents of the area have difficulties exiting their driveways, when there are cars, vans, etc. parked on either side of their driveways and that it also creates a safety hazard for the children who walk on the sidewalks, as the residents entering their driveways are unable to see the children that are obstructed by the cars parked on the street.

Ms. Wiinholt also noted that the residents are unable to back into their driveways, as the street is too busy and the volume of traffic does not allow residents the time or space required.

Ms. Wiinholt advised the Committee that the proposed parking prohibition suggested by staff in Report PWA 136-2004, provides the residents with some relief, however, the prohibition of parking altogether would be the most suitable solution for the residents of the area.

Mr. Cousins advised the Committee that the proposed parking prohibition is an interim measure until the City of St. Catharines has completed their parking study.

Moved by Councillor Harry
Seconded by Councillor Bodner

That Ms. Wiinholt's presentation be referred to PWA 136-2004, August 10, 2004, respecting the Parking Prohibition, Regional Road 83 (Carlton Street) in the City of St. Catharines.

Carried.

Please refer to Minute Item 312 for the Committee's decision on this matter.

ADMINISTRATION

306. Moved by Councillor Bailey
Seconded by Councillor Eke

That Report PWA 131-2004 (COM 58-2004), August 10, 2004, respecting the Sale of Surplus Property – Contract RN 04-12, Former Sunset Haven Long Term Care Facility in the City of Welland, be lifted from PWA Summary – August 10, 2004, and dealt with separately at this time.

Carried.

307. Contract RN 04-12
Sale of Surplus Property
Former Sunset Haven Long Term Care Facility
City of Welland

PWA 131-2004 (COM 58-2004)

Moved by Councillor Harry
Seconded by Councillor Salci

That Report PWA 131-2004 (COM 58-2004), August 10, 2004, respecting the Sale of Surplus Property – Contract RN 04-12, Former Sunset Haven Long Term Care Facility in the City of Welland, be received.

That all tenders received for the purchase of the Region's surplus property (being known as the former Sunset Haven Property) advertised for sale in Contract RN 04-12, be rejected;

That staff continues to manage and market the property for sale in accordance with Regional Policy.

Please refer to Minute Item 310 for the Committee's decision on this matter.

(Please note that Report PWA 131-2004 (COM 58-2004) is attached to the Community Services Committee minutes)

CLOSED SESSION

308. Moved by Councillor Eke
Seconded by Councillor Bailey

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

Carried.

309. Moved by Councillor Brock
Seconded by Councillor Leavens

That this Committee do now rise without report.

Carried.

ADMINISTRATION (Continued)

310. Contract RN 04-12
Sale of Surplus Property
Former Sunset Haven Long Term Care Facility
City of Welland

PWA 131-2004 (COM 58-2004)

Upon a vote being taken the Committee Chair, declared the original motion carried.

311. Moved by Regional Chair Partington
Seconded by Councillor Brock

That Report PWA 136-2004, August 10, 2004, respecting the Parking Prohibition, Regional Road 83 (Carlton Street) in the City of St. Catharines, be lifted from PWA Summary – August 10, 2004, and dealt with separately at this time.

Carried.

312. Parking Prohibition
Regional Road 83 (Carlton Street)
City of St. Catharines

PWA 136-2004

Moved by Regional Chair Partington
Seconded by Councillor Brock

That Report PWA 136-2004, August 10, 2004, respecting the Parking Prohibition, Regional Road 83 (Carlton Street) in the City of St. Catharines, be received.

That parking be prohibited on the south side of Regional Road 83 (Carlton Street) from Marquis Street to 40 metres westerly; and

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

Carried.

PUBLIC HEARING

313. Proposed Stopping Up and Conveying
Part of Regional Road 69 (Pelham Road)
City of St. Catharines

The Commissioner of Public Works introduced the above matter for public hearing and advised the Committee that the notice of the proposed by-law was published in the St. Catharines Standard on July 28th and August 4th, 2004 and in the Niagara News in the City of St. Catharines on July 30th, 2004.

The Chair asked whether any person present would like to be heard with respect to the Proposed Stopping Up and Conveying, Part of Regional Road 69 (Pelham Road) in the City of St. Catharines (there were no responses).

Moved by Councillor Brock
Seconded by Councillor Eke

That for the reasons outlined in the verbal report of the Commissioner of Public Works to this Committee on August 10, 2004, this Committee authorizes the stopping up and conveying of an untravelled portion of Regional Road 69 (Pelham Road) in the City of St. Catharines as follows:

That portion of Regional Road No. 69 (Pelham Road) designated as Part 1 on Plan 30R-11208 be declared surplus, stopped-up and conveyed to the adjoining property owner, Mr. Rainer Hummel, pursuant to the terms and conditions of an Agreement of Purchase and Sale between the Region and Mr. Hummel.

That portion of Regional Road 69 (Pelham Road) designated as Part 5 on Plan 30R-11208 be stopped-up and retained as a 0.3-metre reserve.

And this Committee further recommends that a by-law be submitted to Regional Council for this purpose.

Carried.

ADMINISTRATION (Continued)

314. Moved by Councillor Eke
Seconded by Councillor Hodgson

That Report PWA 129-2004 (PW04-075), August 10, 2004, respecting the Niagara-Hamilton WastePlan, Environmental Assessment Terms of Reference, be lifted from PWA Summary – August 10, 2004, and dealt with separately at this time.

Carried.

315. Niagara-Hamilton WastePlan
Environmental Assessment Terms of Reference
PWA 129-2004 (PW04-075)

Mr. Payne provided the Committee with a presentation on Report PWA 129-2004 (PW04-075), August 10, 2004, respecting the Niagara-Hamilton WastePlan, Environmental Assessment Terms of Reference, noting the background information that lead to Niagara and Hamilton agreeing to undertake a Joint Study of Waste Disposal to address common goals and problems; the Environmental Assessment (EA) Planning and Approvals process; the process followed in the development of the draft EA Terms of Reference; the public and agency review of the draft EA Terms of Reference; the scope of the EA Terms of Reference; the types of alternatives to manage residual wastes; the schedule for the EA Terms of Reference, as well as the WastePlan Schedule following the approval of the EA Terms of Reference.

Moved by Councillor Harry
Seconded by Councillor Goulbourne

That Report PWA 129-2004 (PW04-075), August 10, 2004, respecting the Niagara-Hamilton WastePlan, Environmental Assessment Terms of Reference, be received.

That the Niagara Region and City of Hamilton Joint Study on Waste Disposal, Environmental Assessment Terms of Reference, attached as Appendix 1 to report PWA 129-2004, be approved, and

That the Environmental Assessment Terms of Reference be submitted to the Minister of Environment for approval on behalf of the Regional Municipality of Niagara and the City of Hamilton, being the proponents for this Environmental Assessment.

Carried.

Councillor Goulbourne noted that the development of the Environmental Assessment Terms of Reference is the product of two municipalities working aggressively and cooperatively and that all those involved should be commended.

316. Moved by Councillor Leavens
Seconded by Councillor Harry

That PWA 144-2004, August 10, 2004, respecting the National Water & Wastewater Benchmarking Results 2003 Report, be lifted from PWA Summary – August 10, 2004, and dealt with separately at this time.

Carried.

317. National Water & Wastewater Benchmarking Results - 2003 Report
PWA 144-2004

Mr. Brcic advised the Committee that all of the area municipalities will be forwarded compact disc versions of the 2003 National Benchmarking Initiative Final Report.

Mr. Brcic provided the Committee with a better understanding of the benchmarking results and the manner in which they are reached.

Moved by Councillor Salci
Seconded by Councillor Eke

That Report PWA 144-2004, August 10, 2004, respecting the National Water & Wastewater Benchmarking Results 2003 Report, be received.

That staff be directed to distribute the 2003 National Benchmarking Initiative Final Report to the 12 area municipalities, subject to confidentiality conditions;

That approval be given to participate in the next phase of the national water and wastewater benchmarking initiative at a total cost of \$36,000.00.

That project costs related to this initiative be distributed equally between Project CW0111, Benchmarking Water Services and SW0113, Benchmarking and Performance Studies.

Carried.

318. Moved by Councillor Redekop
Seconded by Councillor Salci

That Report PWA 146-2004 (CSD 122-2004), August 10, 2004, respecting the Waste Management Financing Options Study, be lifted from PWA Summary – August 10, 2004, and dealt with separately at this time.

Carried.

319. Waste Management Financing Options Study
PWA 146-2004 (CSD 122-2004)

Ms. Ralph provided the Committee with a presentation on Report PWA 146-2004 (CSD 122-2004), August 10, 2004, respecting the Waste Management Financing Options Study, which provided the Committee with the process that was followed in the development of the recommendation for allocating costs to Niagara's residents.

The Committee was also provided with an outline of the four-year implementation strategy and the activities to be completed.

The Committee members noted their concerns with respect to the proposed Waste Management Financing Options Study: the social economic concerns that could result in the municipality bearing the costs of cleaning up areas of the Region; a suitable adjustment to the UDR; the level of service and the 'no' opting out provision.

Following the discussion on the report, the original motion was **amended** as follows:

Moved by Councillor Redekop
Seconded by Councillor Salci

That Report PWA 146-2004 (CSD 122-2004), August 10, 2004, respecting the Waste Management Financing Options Study, be received.

That these Committees recommend to Regional Council that the Waste Management Financing Options Study recommendations, attached as Appendix I to this report, be approved; and

That the recommended method of allocating waste management service costs to the Area Municipalities for 2005 and 2006, **be deferred until September 2004**; and

That staff be directed to report back to Public Works and Utilities Committee by September 2005 regarding the outcome of the Level of Service Review; and

That staff be directed to report back to both Committees by June 2006 regarding the setting of container tag fees, long term Uniform Disposal Rate and the proposed methodology of setting the uniform cost per property sector, that would be applied in 2007.

That this report be circulated to the area municipalities for comment.

Carried.

(Please note that Report PWA 146-2004 (CSD 122-2004) is attached to the Corporate and Financial Services Committee minutes)

(Refer to Staff Directions)

320. Moved by Councillor Redekop
Seconded by Councillor Bodner

That Report PWA 132-2004, August 10, 2004, respecting Salt Management Plan, be lifted from PWA Summary – August 10, 2004, and dealt with separately at this time.

Carried.

321. Salt Management Plan
PWA 132-2004

Councillor Redekop requested that the motion be **amended** to include the circulation of the report to the area municipalities, it was therefore:

Moved by Councillor Redekop
Seconded by Councillor Bodner

That Report PWA 132-2004, August 10, 2004, respecting Salt Management Plan, be received.

That the report entitled “Salt Management Plan” (June 2004), prepared by staff and the consulting firm, Ecoplans Ltd., be received and adopted to ensure compliance with the requirements of the Code of Practice for the Environmental Management of Road Salts, issued on April 3, 2004, by Environment Canada;

That the Regional Municipality of Niagara report information annually to Environment Canada, as per Annex “C” of the Code of Practice; and

That a copy of the report be forwarded to the Ecological Environmental Advisory Committee **and the area municipalities** for their information.

Carried.

Conflict of Interest:

Councillor Goulbourne declared an indirect pecuniary interest with respect to Report PWA 145-2004, August 10, 2004, respecting the Niagara College Training for Water and Wastewater Maintenance, as he is employed by Niagara College, and he therefore took no part in the discussion of, or voting on, these matters.

For Committee Consideration

The Committee considered the following staff recommendations contained in the PWA Summary and Addendum, August 10, 2004:

322. Comments on Proposed Terms of Reference
Walker Waste Disposal Environmental Assessment
City of Niagara Falls

PWA 130-2004 (DPD 95-2004)

That Report PWA 130-2004 (DPD 95-2004), August 10, 2004, respecting the Comments on Proposed Terms of Reference, Walker Waste Disposal Environmental Assessment in the City of Niagara Falls, be received.

That this report be approved and forwarded to the Ministry of Environment noting that:

- a) There are no substantive issues from Regional Niagara's perspective regarding the proposed Terms of Reference; and
- b) The remaining issues set out in Appendix III to this report should be addressed prior to the initiation of the Environmental Assessment Study.

That this report be circulated for information purposes to Walker Industries, all local municipalities, the Niagara Escarpment Commission and the Regional Niagara Ecological and Environmental Advisory Committee.

(Please note that Report PWA 130-2004 (DPD 95-2004) is attached to the Planning Services Committee minutes)

323. Allanport Road Municipal Drain
City of Thorold
Region of Niagara Apportioned Cost of Drainage Works

PWA 133-2004

That Report PWA 133-2004, August 10, 2004, respecting the Allanport Road Municipal Drain in the City of Thorold, Region of Niagara Apportioned Cost of Drainage Works, be received.

That the Regional Municipality of Niagara make payment to the City of Thorold for its share of the costs associated with the construction of the Allanport Road Municipal Drain, in the amount of \$583,277.25. This project was undertaken in accordance with the Engineer's report dated October 1, 1999 and as revised per order of the Drainage Tribunal July 20, 2001.

324. Proposed Stopping Prohibitions
Regional Road 40 (South Service Road)
Town of Grimsby

PWA 134-2004

That Report PWA 134-2004, August 10, 2004, respecting the Proposed Stopping Prohibitions, Regional Road 40 (South Service Road) in the Town of Grimsby, be received.

That the existing parking prohibition on Regional Road 40 (South Service Rd.) from Regional Road 10 (Casablanca Blvd.) to 100 metres west of Industrial Drive be changed to a stopping prohibition; and

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

325. On-Street Disabled Person Parking
Regional Road 1 (Dominion Road)
Town of Fort Erie

PWA 135-2004

That Report PWA 135-2004, August 10, 2004, respecting the On-Street Disabled Person Parking, Regional Road 1 (Dominion Road) in the Town of Fort Erie, be received.

That an on-street parking space on the south side of Regional Road 1 (Dominion Road) in front of the People's Memorial United Church be designated for disabled person parking; and

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

326. Reconstruction of Regional Road 102 (Stanley Avenue)
Phase 2 - Dixon Street to Robinson Street
City of Niagara Falls

PWA 137-2004

That Report PWA 137-2004, August 10, 2004, respecting Reconstruction of Regional Road 102 (Stanley Avenue), Phase 2 - Dixon Street to Robinson Street in the City of Niagara Falls, be received.

That the Corporate Management Team be authorized to award the contract for the reconstruction of Regional Road 102 (Stanley Avenue), Phase 2 – Dixon Street to Robinson Street, in the City of Niagara Falls, up to a budget limit of \$2,100,000.00, to the successful bidder following the closing of tenders scheduled for late August;

That the project costs be charged to Parent Project ZRC0320, Reconstruction of Regional Road 102 (Stanley Avenue) from Ferry Street to Main Street, in the City of Niagara Falls.

327. Expropriation
Glenridge Avenue Reconstruction Project
City of St. Catharines

PWA 138-2004 (CSD 117-2004)

That Report PWA 138-2004 (CSD 117-2004), August 10, 2004, respecting the Expropriation – Glenridge Avenue Reconstruction Project in the City of St. Catharines, be received.

That the Region's Legal Services Division be authorized to initiate expropriation procedures for the acquisition of a property required to accommodate the Glenridge Avenue Reconstruction Project in the City of St. Catharines.

That Regional Council receives the attached application of The Regional Municipality of Niagara for approval to expropriate that parcel of land described as being Lot 4 on Plan 192 for the City of St. Catharines, pursuant to the Expropriations Act.

That all expropriation costs be charged against Capital Works Project I.D. RC0433 (Reconstruction of Regional Road 50 (Glenridge Avenue) from Glendale Avenue to the CNR Overpass).

(Please note that Report PWA 138-2004 (CSD 117-2004) is attached to the Corporate and Financial Services Committee minutes)

328. Proposed Cable Guy Wire Encroachment
Niagara Falls Golf Course Ltd.
Regional Road 20 (Lundy's Lane)
City of Niagara Falls

PWA 139-2004

That Report PWA 139-2004, August 10, 2004, respecting the Proposed Cable Guy Wire Encroachment, Niagara Falls Golf Course Ltd., Regional Road 20 (Lundy's Lane) in the City of Niagara Falls, be received.

That the Regional Chair and Clerk be authorized to execute an agreement with Niagara Falls Golf Course Ltd. to permit the encroachment of cable guy wire supports associated with a golf practice range on Regional Road No. 20 (Lundy's Lane) in the City of Niagara Falls.

329. Continued Encroachment
Regional Road 24 (Victoria Avenue)
Town of Lincoln

PWA 140-2004

That Report PWA 140-2004, August 10, 2004, respecting the Continued Encroachment on Regional Road 24 (Victoria Avenue) in the Town of Lincoln, be received.

That the Regional Chair and Clerk be authorized to execute an Encroachment Agreement for the continued encroachment of the former Vineland Pentecostal Church at 3994 Victoria Avenue and being mostly located on Lot 219, Plan M-2, Town of Lincoln, onto Regional Road 24, subject to the usual terms and conditions as deemed necessary by the Region's Solicitor.

330. Retention of Consulting Services
Seaway WWTP Phase 3 Upgrade and Expansion
City of Port Colborne

PWA 141-2004

That Report PWA 141-2004, August 10, 2004, respecting the Retention of Consulting Services, Seaway WWTP Phase 3 Upgrade and Expansion in the City of Port Colborne, be received.

That the consulting engineering firm of XCG Consulting Ltd. be retained to provide engineering services for the Seaway WWTP Phase 3 Upgrade and Expansion in the City of Port Colborne.

That the engineering fee be calculated on a time plus expenses basis estimated to an upset limit of \$135,190.00 exclusive of GST.

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 contract on behalf of the Regional Municipality of Niagara.

That the costs associated with this project be charged against Project SW0005.

331. Retention of Consulting Services for
Project Management for the Development of the
Water and Wastewater Database Model

PWA 142-2004

That Report PWA 142-2004, August 10, 2004, respecting the Retention of Consulting Services for Project Management for the Development of the Water and Wastewater Database Model, be received.

That the consulting firm of Conestoga-Rovers & Associates be retained to provide the project management services to scope, design, develop and implement a centralized database model for the water and sewer network in Niagara at an estimated cost of \$107,300.00, excluding GST.

That the costs associated with this project be charged against Capital Project ZCW0107/CW0413.

332. Retention of Consulting Services for the
Smithville Reservoir and Water Booster Pumping Station
Township of West Lincoln

PWA 143-2004

That Report PWA 143-2004, August 10, 2004, respecting the Retention of Consulting Services for the Smithville Reservoir and Water Booster Pumping Station in the Township of West Lincoln, be received.

That the consulting firm of Delcan Corporation be retained to provide the engineering design, contract administration, and construction supervision services for the construction of the new Smithville Reservoir and Water Booster Pumping Station located in the Township of West Lincoln at the existing London Road Water Storage facility at an estimated cost of \$295,546.00 excluding GST.

That the costs associated with this project be charged against Capital Project CW0303.

333. Niagara College Training for Water and Wastewater Maintenance

PWA 145-2004

That Report PWA 145-2004, August 10, 2004, respecting the Niagara College Training for Water and Wastewater Maintenance, be received.

That the next phase of the maintenance training program that was originally developed by Regional Niagara staff and Niagara College be accepted and that approval be given to enter into a contract with the College to deliver the program.

334. Tender Award Contract RN 04-20
Bridge Rehabilitation Prince Charles Drive Bridge
Regional Road 54 (Prince Charles Drive)
0.32 km north of Broadway Street/Ontario Road
City of Welland

PWA 151-2004 (CSD 123-2004)

That Report PWA 151-2004 (CSD 123-2004), August 10, 2004, respecting the Tender Award Contract RN 04-20, Bridge Rehabilitation Prince Charles Drive Bridge, Regional Road 43 (Prince Charles Drive) 0.32 km north of Broadway Street/Ontario Road in the City of Welland, be received.

That approval be given to initiate debenture financing (1-10 years) in the amount of \$470,000 for the Project ZRC0223 (Rehabilitation of Structure No. 054205, Prince Charles Dr. Bridge over CNR);

That capital levy financing in the amount of \$50,000 be transferred from Project ZRC0401/RC0401, 2004 Hot Mix Program – Part 1 to Project ZRC0223/RC0223;

That Contract RN 04-20, Bridge Rehabilitation, Prince Charles Drive Bridge (Structure No. 054205), Regional Road 54 (Prince Charles Drive), 0.32km north of Broadway Street/Ontario Road, in the City of Welland, be awarded to the low tenderer, Precision Contracting Services Inc., at the bid price of \$379,119;

That a contingency amount of \$50,000 be provided for this contract;

That the engineering agreement with the firm of Acres International Ltd (Acres) be extended to include contract administration and inspection services, with the engineering fees being calculated on a time plus disbursements basis, estimated at \$50,000;

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 August 19, 2004; and,

That all project costs be charged against Capital Works Project ID No. RC0223, (Rehabilitation of Structure No. 054205, Prince Charles Dr. Bridge over CNR).

(Please note that Report PWA 151-2004 (CSD 123-2004) is attached to the Corporate and Financial Services Committee minutes)

335. Tender Award for Contract RN 04-23
Pavement Rehabilitation
Regional Road 81 (York Road)
Townline Road to Tanbank Road
Town of Niagara-on-the-Lake

PWA 152-2004

That Report PWA 152-2004, August 10, 2004, respecting Tender Award for Contract RN 04-23, Pavement Rehabilitation, Regional Road 81 (York Road), Townline Road to Tanbank Road in the Town of Niagara-on-the-Lake, be received.

That Contract RN 04-23, Pavement Rehabilitation, Regional Road 81 (York Road), between Townline Road and Tanbank Road, in the Town of Niagara-on-the-Lake, be awarded to the low tenderer, NorJohn Contracting Limited (NorJohn), at the revised price of \$474,337.36 (reduced from \$747,300.00);

That a contingency amount of \$25,000.00 be provided for this contract;

That the engineering agreement with the firm of Landtek Limited (Landtek) be extended to include contract administration and inspection services, with the engineering fees being calculated on a time plus disbursements basis, estimated at \$33,575.00,

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 August 19, 2004; and,

That all project costs be charged against Capital Works Project ID No. ZRC0401/RC0447 (Pavement Rehabilitation of Regional Road 81 (York Road) from Conc 6 to Tanbark Road).

336. Moved by Councillor Eke
Seconded by Councillor Harry

That the PWA Summary and Addendum, dated August 10, 2004, and the foregoing recommendations of Reports PWA 130-2004 (DPD 95-2004), PWA 133-2004 to PWA 135-2004 inclusive, PWA 137-2004 to PWA 143-2004 inclusive, PWA 145-2004, PWA 151-2004 (CSD 123-2004) and PWA 152-2004, be received and accepted.

Carried.

CORRESPONDENCE

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

PWC 29-2004 - (June 18, 2004) – **Honourable David Caplan**, Minister of Public Infrastructure Renewal, to Pam Gilroy, Acting Regional Clerk, being a response to the Region's request for a one-year extension to the Canada Ontario Infrastructure Program (COIP).

-- Received.

338. Moved by Councillor Bailey
Seconded by Councillor Eke

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

Carried.

PROGRESS REPORTS

339. Niagara Region – Tuy Hoa, Viet Nam
Municipal Partnership Program
FCM Municipal Partnerships Program

Moved by Councillor Redekop
Seconded by Councillor Bodner

That Report PWP 41-2004, August 10, 2004, respecting Niagara Region – Tuy Hoa, Viet Nam Municipal Partnership Program, FCM Municipal Partnerships Program, be received for information.

Carried.

340. Construction Progress Report
Waste Management Services Capital Projects

Moved by Councillor Redekop
Seconded by Councillor Bodner

That Report PWP 42-2004, August 10, 2004, respecting Construction Progress Report, Waste Management Services Capital Projects, be received.

Carried.

341. Region of Niagara's Waste Diversion Strategy – 2004 Update

Moved by Councillor Redekop
Seconded by Councillor Bodner

That Report PWP 43-2004, August 10, 2004, respecting the Region of Niagara's Waste Diversion Strategy – 2004 Update, be received for information; and

That a full Waste Diversion Strategy Report be submitted to Regional Council in September 2004.

Carried.

342. Construction Progress Report
Transportation Services

Moved by Councillor Redekop
Seconded by Councillor Bodner

That Report PWP 44-2004, August 10, 2004, respecting the Construction Progress Report, Transportation Services, be received for information.

Carried.

MINUTES

343. Waste Management Planning Steering Committee
Meeting of Tuesday, July 27, 2004

Moved by Councillor Brock
Seconded by Councillor Bailey

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

Carried.

344. Smarter Niagara Steering Committee
Meeting of Wednesday, July 14, 2004

Moved by Councillor Brock
Seconded by Councillor Bailey

That the minutes of the Smarter Niagara Steering Committee meeting of Wednesday, July 14, 2004, be received and the recommendations contained therein be approved.

Carried.

(Please note that the Smarter Niagara Steering Committee minutes are attached to the Planning Services Committee minutes)

345. Water Strategy Implementation Committee
Meeting of Tuesday, July 13, 2004

Moved by Councillor Brock
Seconded by Councillor Bailey

That the minutes of the Water Strategy Implementation Committee meeting of Tuesday, July 13, 2004, be received and the recommendations contained therein be approved.

Carried.

OTHER BUSINESS

346. Flooding and Precipitation

Mr. Brcic distributed information on flooding and precipitation during the storms that occurred July 30, 31 and August 3, 2004.

The Committee was advised to contact Mr. Brcic if they need any further information on the material.

347. Flooding on Gorham Road
Town of Fort Erie

The Committee was advised that staff has devised a plan to address the flooding on Gorham Road in the Town of Fort Erie.

Councillor Redekop requested that a copy of the plan, be forwarded to his attention.

348. Red Light Camera Program

The Committee was advised that staff would be reviewing the proposed changes to the Highway Act, with a report being brought back to the Committee, which would include information on the Red Light Camera program.

349. Dominion Road (Rosehill & Buffalo)
Town of Fort Erie

Councillor Redekop requested that staff provide him with an update as to when the road will be reinstated.

350. Odours from the Elm Street Compost Site

Councillor Bodner advised the Committee that his office has received several complaints respecting the odours that are coming from the Elm Street Compost site.

Mr. Payne advised the Committee that staff is in the process of resolving the odour issue, in the interim, while the additional pad at the site is constructed.

Councillor Bodner requested that staff ensure that the Elm Street Compost site has the proper facilities in place prior to accepting any further material.

CLOSED SESSION

351. Moved by Councillor Brock
Seconded by Councillor Eke

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

Carried.

Conflict of Interest:

Councillor Bodner declared an indirect pecuniary interest with respect to Report PWA 147-2004, August 10, 2004, respecting the Antenna Agreement – Niagara Regional Police and Sherkston Shores Inc., in the City of Port Colborne, as he owns two businesses in the Sherkston Shores area, and he therefore left the room during the discussion and voting on, this matter.

352. Antenna Agreement -
Niagara Regional Police and Sherkston Shores Inc.
City of Port Colborne
PWA 147-2004

Moved by Councillor Leavens
Seconded by Councillor Bailey

That Report PWA 147-2004, August 10, 2004, respecting the Antenna Agreement – Niagara Regional Police and Sherkston Shores Inc., in the City of Port Colborne, be received and the recommendations therein approved.

Carried.

353. License Extension Agreement
P.O.A. Court Space
Town of Fort Erie
PWA 148-2004 (CLK 11-2004)

Moved by Councillor Redekop
Seconded by Councillor Eke

That Report PWA 148-2004 (CLK 11-2004) August 10, 2004, respecting the License Extension Agreement, P.O.A. Court Space in the Town of Fort Erie, be received.

That the Regional Chair and Clerk be authorized to execute a license extension agreement with Her Majesty the Queen in the Right of Ontario as represented by the Chair of the Management Board of Cabinet for the three year extension of the per diem use of court space at 200 Jarvis Street, Fort Erie, subject to the following terms and conditions:

That the reported per diem rate will apply for the period January 29, 2004 to January 28, 2005.

That the reported per diem rate will apply for the period January 29, 2005 to January 28, 2006.

That the reported per diem rate will apply for the period January 29, 2006 to January 28, 2007.

That the Region will have the option to renew for a further term of three (3) years at a per diem rate to be negotiated.

That either party may terminate the subject agreement by serving notice in writing thirty (30) days in advance.

That either party may alter the number of days of use per month by serving notice in writing thirty (30) days in advance.

Carried.

354. Property Lease for Water and Wastewater
Centralized Maintenance Facility

Moved by Councillor Bailey
Seconded by Councillor Harry

That Report PWA 149-2004, August 10, 2004, respecting the Property Lease for Water and Wastewater, Centralized Maintenance Facility, be received.

That the Regional Chair and Clerk be authorized to execute an agreement to lease the reported property in the City of Welland for a five (5) year period with an option to extend the lease by a further three (3) years, or should the Region decide, to purchase the property at any time during the lease period at a price agreeable to both parties.

Carried.

355. Moved by Councillor Harry
Seconded by Councillor Goulbourne

That this Committee do now rise with report.

Carried.

STAFF DIRECTIONS

Staff was directed to:

- provide the Committee with the record of Waste Management's costs and revenues as well as the comparative figures, to other municipalities. (Refers to Minute Item # 319)

ADJOURNMENT

The Committee adjourned at 4:06 p.m., to meet again in Committee Room 4, September 7, 2004 at 1:30 p.m.

Tim Rigby
Chair

Janet Pilon
Legislative Assistant

Pam Gilroy
Acting Regional Clerk