

THE REGIONAL MUNICIPALITY OF NIAGARA

PUBLIC WORKS AND UTILITIES COMMITTEE

REPORT 26-2004

Minutes of a meeting of the Public Works and Utilities Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario, on Tuesday, December 7, 2004 commencing at 1:35 p.m.

ATTENDANCE

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

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

Staff (Part-Time): Messrs. Bacchus, Commissioner, Corporate Services; Roach, Manager, Public Works Financial Services; Ms. Ralph, Manager, Waste Policy and Planning; Ms. Lambe, Business Partner, Strategic Communications.

CLERK'S OFFICE – CORPORATE SERVICES DEPARTMENT

502. Procedure to Select the Committee Chair and
Vice-Chair of Each Standing Committees
CSD 174-2004

Regional Chair Partington called for nominations for the position of Chair of the Public Works and Utilities Committee.

Moved by Councillor Harry
Seconded by Councillor Burroughs

That Councillor Rigby be appointed Chair of the Public Works and Utilities Committee.

Carried.

Regional Chair Partington called a second and third time for nominations for the position of Chair of the Public Works and Utilities Committee.

Moved by Councillor Redekop
Seconded by Councillor Brock

That the nominations for the position of Chair of the Public Works and Utilities Committee be closed.

Carried.

There being no other nominations, Regional Chair Partington, with the agreement of Councillor Rigby, declared him Chair of the Public Works and Utilities Committee.

Councillor Rigby assumed the Chair for the balance of the meeting and called for nominations for the position of Vice-Chair of the Public Works and Utilities Committee.

Moved by Councillor Harry
Seconded by Councillor Eke

That Councillor Redekop be appointed Vice-Chair of the Public Works and Utilities Committee.

Carried.

Councillor Rigby called a second and third time for nominations for the position of Vice-Chair of the Public Works and Utilities Committee.

Moved by Councillor Salci
Seconded by Councillor Brock

That the nominations for the position of Vice-Chair of the Public Works and Utilities Committee be closed.

Carried.

There being no other nominations, Councillor Rigby, with the agreement of Councillor Redekop, declared him Vice-Chair of the Public Works and Utilities Committee.

Moved by Councillor Harry
Seconded by Councillor Burroughs

That the Report CSD 174-2004, December 8, 2004, respecting the Procedure to Select the Committee Chair and Vice-Chair for each of the Standing Committees, be received.

Carried.

(Please note that Report CSD 174-2004 can be found behind the JNT RPTS Blue Book Tab)

503. Day and Time of Regular Meetings for
Standing Committees
CSD 175-2004

The regular meetings of the Public Works and Utilities Committee will be held on Tuesdays at 1:30 p.m. in accordance with a schedule approved, from time to time, by Regional Council, with special meetings, being held at such times and such places as may be appropriate, pursuant to the provisions of the procedural by-law.

(Please note that Report CSD 175-2004 can be found behind the JNT RPTS Blue Book Tab)

ADMINISTRATION

504. Core Services Review Process and Results to Date
CAO 26-2004

Moved by Councillor Eke
Seconded by Councillor Burroughs

That staff be directed to arrange an appropriate number of meetings for Regional Councillors, to educate and explain the refinements of mandated and non mandated services.

Carried.

Moved by Councillor Harry
Seconded by Councillor Bailey

That Report CAO 26-2004, December 2, 2004, be presented to all Standing Committees for discussion purposes and forwarded to Regional Council for decision.

Carried.

(Please note that Report CAO 26-2004 can be found behind the JNT RPTS Blue Book Tab)

(Refer to Staff Directions)

505. 2005 Budget Prioritization Process Update
CAO 27-2004

Mr. Neville provided the Committee with a copy of the Public Works Department Reduction Template and the Proposed 2005 Current Budget Reductions for Account 4209 – Transportation Operations, which has been attached to the back of Report CAO 27-2004 found in the Blue Book.

Moved by Councillor Harry
Seconded by Councillor Bailey

That Report CAO 27-2004, December 2, 2004, respecting the 2005 Budget Prioritization Process Update, be presented to all Standing Committees for discussion purposes and forwarded to Regional Council for decision.

Carried.

(Please note that Report CAO 27-2004 can be found behind the JNT RPTS Blue Book Tab)

506. Moved by Councillor Redekop
Seconded by Councillor Goulbourne

That Report PWA 223-2004, December 7, 2004, respecting the Update on Follow Up Action, Regarding Wainfleet Servicing Class, Environmental Assessment in the Township of Wainfleet, be lifted from the PWA Summary Addendum – December 7, 2004, and dealt with separately at this time.

Carried.

507. Update on Follow Up Action
Regarding Wainfleet Servicing Class
Environmental Assessment
Township of Wainfleet
PWA 223-2004

The Committee requested a breakdown of the engineering fees, it was therefore;

Moved by Councillor Redekop
Seconded by Councillor Salci

That Report PWA 223-2004, December 7, 2004, respecting the Update on Follow Up Action, Regarding Wainfleet Servicing Class, Environmental Assessment in the Township of Wainfleet, be deferred to the December 16, 2004 Regional Council meeting in order to receive additional information respecting the engineering fees.

Carried.

508. Moved by Councillor Bodner
Seconded by Councillor Brock

That Report PWA 224-2004, December 7, 2004, respecting the Appointments to the Public Liaison Committee, Elm Street Landfill Site/Compost Facility in the City of Port Colborne, be lifted from the PWA Summary Addendum – December 7, 2004, and dealt with separately at this time.

Carried.

509. Appointments to the Public Liaison Committee
Elm Street Landfill Site/Compost Facility
City of Port Colborne

PWA 224-2004

Moved by Councillor Bodner
Seconded by Councillor Brock

That Report PWA 224-2004, December 7, 2004, respecting the Appointments to the Public Liaison Committee, Elm Street Landfill Site/Compost Facility in the City of Port Colborne, be received.

That the Public Liaison Committee appointees for the Elm Street Landfill Site/Compost Facility in Port Colborne be as follows:

Beatrice Greenizan, Edward Kaczmarczyk, Dan O'Hara, and Diana Wiggins as resident representatives; and Councillor Gary Bruno as municipal representative from the City of Port Colborne.

That one Regional Councillor representing the City of Port Colborne and one Regional Councillor representing the City of Welland, be appointed to the said Public Liaison Committee in accordance with Appendix 1.

Carried.

Moved by Councillor Bodner
Seconded by Councillor Brock

That Councillor Saracino, subject to his approval, be appointed as the representative for the City of Port Colborne on the Public Liaison Committee, Elm Street Landfill Site/Compost Facility in the City of Port Colborne; and

That Councillor Bodner, be appointed as Councillor Saracino's alternate on the Public Liaison Committee, Elm Street Landfill Site/Compost Facility in the City of Port Colborne.

Carried.

Moved by Councillor Goulbourne
Seconded by Councillor Brock

That Councillor Mastroianni, subject to his approval, be appointed as the representative for the City of Welland on the Public Liaison Committee, Elm Street Landfill Site/Compost Facility in the City of Port Colborne.

Carried.

510. Moved by Councillor Leavens
Seconded by Councillor Burroughs

That Report PWA 225-2004 (CSD 182-2004), December 7, 2004, respecting the Amendments to the 2005 Waste Management Services Division Operating Budget, be lifted from the PWA Summary Addendum – December 7, 2004, and dealt with separately at this time.

Carried.

511. Amendments to 2005 Waste Management Services
Division Operating Budget
PWA 225-2004 (CSD 182-2004)

Moved by Councillor Leavens
Seconded by Councillor Burroughs

That Report PWA 225-2004 (CSD 182-2004), December 7, 2004, respecting the Amendments to the 2005 Waste Management Services Division Operating Budget be presented as additional information to be considered with the November 23, 2004 minutes of the Joint meeting of the Corporate and Financial Services Committee and Public Works and Utilities Committee at Regional Council on December 16, 2004.

(Please note that Report PWA 225-2004 (CSD 182-2004) can be found behind the JNT RPTS Blue Book Tab)

(Refer to Staff Directions)

512. Moved by Councillor Redekop
Seconded by Councillor Goulbourne

That Report PWA 215-2004 (CSD 177-2004), December 7, 2004, respecting the Request for Capital Budget Allocation and Financing, Approval for Projects ZSS0501, ZSW0511, ZCW0518 and ZGG0503, Vehicle and Equipment Replacement and Additions, be lifted from the PWA Summary – December 7, 2004, and dealt with separately at this time.

Carried.

513. Request for Capital Budget Allocation and Financing
Approval for Projects ZSS0501, ZSW0511,
ZCW0518 and ZGG0503
Vehicle and Equipment Replacement and Additions
PWA 215-2004 (CSD 177-2004)

Moved by Councillor Redekop
Seconded by Councillor Goulbourne

That Report PWA 215-2004 (CSD 177-2004), December 7, 2004, respecting the Request for Capital Budget Allocation and Financing, Approval for Projects ZSS0501, ZSW0511, ZCW0518 and ZGG0503, Vehicle and Equipment Replacement and Additions, be presented to Public Works and Utilities Committee and Corporate and Financial Services Committee for discussion purposes and forwarded to Regional Council for decision.

Carried.

(Please note that Report PWA 215-2004 (CSD 177-2004) can be found behind the JNT RPTS Blue Book Tab)

For Committee Consideration

The Committee considered the following staff recommendations contained in the PWA Summary, December 7, 2004:

514. Agreement for Roadworks
Pallek Farm Commercial Blocks
Applicant: Nastani Holdings Ltd.
Clearance of Condition to Facilitate
Site Plan Approval
Regional Road 55 (Niagara Stone Road)
Town of Niagara-on-the-Lake

PWA 214-2004 (CSD 167-2004)

That Report PWA 214-2004 (CSD 167-2004), December 7, 2004, respecting the Agreement for Roadworks, Pallek Farm Commercial Blocks, Applicant: Nastani Holdings Ltd., Clearance of Condition to Facilitate Site Plan Approval, Regional Road 55 (Niagara Stone Road) in the Town of Niagara-on-the-Lake, be presented to Public Works and Utilities Committee and Corporate and Financial Services Committee for discussion purposes and forwarded to Regional Council for decision.

(Please note that Report PWA 214-2004 (CSD 167-2004) can be found behind the JNT RPTS Blue Book Tab)

515. Tender Award for Contract RN 04-32
Ontario Road/Ridge Road/Highway 140
Trunk Watermain
City of Welland

PWA 216-2004

That Report PWA 216-2004, December 7, 2004, respecting the Tender Award for Contract RN 04-32 for Ontario Road / Ridge Road / Highway 140, Trunk Watermain in the City of Welland, be received.

That Contract RN-04-32, Watermain Construction on Ontario Road/Ridge Road/Highway 140 be awarded to Provincial Construction (Niagara Falls) Ltd. at their bid price of \$1,659,268.14.

That a contingency amount of \$150,000.00 be provided for this project.

That the Regional Clerk be directed to ensure that the appropriate by-laws are 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 cost associated with this project be charged against Project ID ZCW9813/CW0308.

516. Additional Engineering Fees
QEW and Glendale Watermain Relocation
Town of Niagara-on-the-Lake

PWA 217-2004

That Report PWA 217-2004, December 7, 2004, respecting the Additional Engineering Fees, QEW and Glendale Watermain Relocation in the Town of Niagara-on-the-Lake, be received.

That McCormick Rankin Corporation be approved for additional scope of engineering and related services for the QEW and Glendale Watermain Relocation project in the amount of \$38,000.00

That the cost associated with this work be charged again Project ID CW0132.

517. Proposed Disposal of Property
Part of Nidel's Yard
City of Welland

PWA 218-2004

That Report PWA 218-2004, December 7, 2004, respecting the Proposed Disposal of Property, Part of Nidel's Yard in the City of Welland, be received.

That the Region's 0.227 acre parcel of land, described as being Part 9 on Plan 59R-3972, in the City of Welland, be declared surplus to Regional requirements.

That staff be authorized to dispose of these lands through a transfer of same to the City of Welland for the sum of two dollars.

That the Region's Solicitor be authorized to prepare, and the Regional Chair and Clerk be authorized to execute a document granting a right-of-way for access over Regional lands, described as being Part 8 on Plan 59R-3972, to the City of Welland.

518. Reconstruction of Regional Road 89 (Glendale Avenue)
Between Mountain Street and CNR
City of St. Catharines

PWA 219-2004

That Report PWA 219-2004, December 7, 2004, respecting the Reconstruction of Regional Road 89 (Glendale Avenue) between Mountain Street and CNR in the City of St. Catharines, be received.

That subject to approval by Regional Council of the 2005 Capital Budget, the consulting firm of Totten Sims Hubicki Associates be retained to provide the engineering services required to undertake the detailed design for the Reconstruction of Regional Road 89 (Glendale Avenue) between Mountain Street and CN Railway, in the City of St. Catharines;

That an engineering agreement with the consulting firm of Totten Sims Hubicki Associates be prepared for design fees of \$209,192 with the engineering fees being calculated on a time plus disbursements basis;

Further, that all project costs be charged against Capital Project ZRC0238, Reconstruction of Regional Road 89 (Glendale Avenue) between Mountain Street and CN Railway, in the City of St. Catharines.

519. Geometric Improvements on Regional Road 81
(King Street/ St. Paul Street West)
Between Ninth Street and Seventh Street
Town of Lincoln and City of St. Catharines
Project ZRC0236/RC0236

PWA 220-2004 (CSD 180-2004)

That Report PWA 220-2004 (CSD 180-2004), December 7, 2004, respecting the Geometric Improvements on Regional Road 81 (King Street/St. Paul Street West) between Ninth Street and Seventh Street in the Town of Lincoln and the City of St. Catharines, Project ZRC0236 / RC0236, be presented to the Public Works and Utilities Committee and Corporate and Financial Services Committee for discussion purposes and forwarded to Regional Council for decision.

(Please note that Report PWA 215-2004 (CSD 177-2004) can be found behind the JNT RPTS Blue Book Tab)

520. Initiation of Expropriation Procedures
Reconstruction of Regional Road 89 (Glendale Avenue)
City of St. Catharines

PWA 221-2004

That Report PWA 221-2004, December 7, 2004, respecting the Initiation of Expropriation Procedures, Reconstruction of Regional Road 89 (Glendale Avenue) in the City of St. Catharines, be received.

That subject to approval of the 2005 budget, the Region's Legal Services Division be authorized to initiate expropriation procedures for the acquisition of those properties required to accommodate the reconstruction of Regional Road No. 89 (Glendale Avenue) at the intersection of Merritt Street in the City of St. Catharines.

That Regional Council receive the attached application of The Regional Municipality of Niagara for approval to expropriate lands described as Lot 451, Corporation Plan 6, municipally known as 1 Pinecrest Avenue and part of Lots 450 and 466, Corporation Plan 6 being part of the lands municipally known as 258 Merritt Street, (as illustrated on Appendix 1), in the City of St. Catharines, pursuant to the *Expropriations Act*.

That all expropriation costs be charged against Capital Works Project ZRC0238.

521. Moved by Councillor Eke
Seconded by Councillor Burroughs

That the PWA Summary, dated December 7, 2004, and the foregoing recommendations of Reports PWA 214-2004 (CSD 167-2004), PWA 216-2004 to PWA 221-2004 inclusive, be received and accepted.

Carried.

CORRESPONDENCE

522. Communications listed in Report PWC Summary, dated December 7, 2004, were received and dealt with as follows:

PWC 48-2004 – (November 25, 2004) – **Joe Cousins**, Director, Transportation Services Division, to Holly Dowd, Clerk, Town of Niagara-on-the-Lake, being a response to Town Council resolution on inter-municipal specialized transit, Regional Bylaw 64-2004, and outlining our Regional Solicitor's opinion.

-- Received.

PWC 49-2004 – (November 25, 2004) – **Joe Cousins**, Director, Transportation Services Division, to Maria Mauro, Director of Finance for the City of Thorold, being a response to City Council resolution on inter-municipal specialized transit, Regional bylaw 64-2004, and outlining our Regional Solicitor's opinion.

-- Received.

PWC 50-2004 – (November 24, 2004) – **Carolyn Kett**, Clerk, Town of Fort Erie, to Regional Clerk Pam Gilroy, being a Town Council resolution requesting the Region of Niagara to defer 2005 Water and Sewer Rates effective date from January 1, 2005 to March 1, 2005.

-- Received.

PWC 51-2004 – (November 15, 2004) – **Leona Dombrowsky**, Minister of Environment, to Ralph Scholz, Senior Transportation Project Engineer, providing clarification and outlining conditions for the environmental assessment for the proposed Regional Road 20 reconstruction and widening from Pelham Street to Highway 406 in the Town of Pelham and City of Thorold.

-- Received.

523. Moved by Councillor Goulbourne
Seconded by Councillor Trombetta

That the contents of the PWC Summary, December 7, 2004, be received and dealt with as directed by this Committee and as noted in these minutes.

Carried.

PROGRESS REPORTS

524. Construction Progress Report
Waste Management Services Capital Projects

Moved by Councillor Trombetta
Seconded by Councillor Goulbourne

That Report PWP 64-2004, December 7, 2004, respecting Construction Progress Report, Waste Management Services Capital Projects, be received.

Carried.

525. Precipitation and Flooding in Niagara -
Supplementary Information

Moved by Councillor Trombetta
Seconded by Councillor Goulbourne

That Report PWP 65-2004, December 7, 2004, respecting Precipitation and Flooding in Niagara - Supplementary Information, be received for information.

Carried.

(Refer to Staff Directions)

526. Construction Progress Report
Transportation Services

Moved by Councillor Trombetta
Seconded by Councillor Goulbourne

That Report PWP 66-2004, December 7, 2004, respecting Construction Progress Report, Transportation Services, be received.

Carried.

MINUTES

527. Waste Management Planning Steering Committee
Tuesday, November 23, 2004

Moved by Councillor Goulbourne
Seconded by Councillor Harry

That the minutes of the Waste Management Planning Steering Committee meeting of Tuesday, November 23, 2004, be received and the recommendations therein be approved.

Carried.

Councillor Redekop assumed the Chair for the remainder of the meeting in Councillor Rigby's absence.

There being a lack of ordinary quorum at the meeting, the Committee Chair determined that the ordinary quorum for the meeting be reduced to six members, pursuant to Part II, Section 11.7 of the Procedural By-law 7174-93.

OTHER BUSINESS

528. Elm Street Landfill Site/Compost Facility
Gas Extraction System

Mr. Payne provided the Committee with an overview of the events which have occurred at the Elm Street Landfill Site/Compost Facility, which were a result of a chemical reaction.

Staff is anticipating that the Elm Street Landfill Site/Compost Facility Gas Extraction System will be back in service in two weeks from today.

Moved by Councillor Goulbourne
Seconded by Councillor Eke

That the oral report on the Elm Street Landfill Site/Compost Facility Gas Extraction System, be received.

Carried.

CLOSED SESSION

529. Moved by Councillor Bodner
Seconded by Councillor Leavens

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

Carried.

530. Roberts Street Gateway Project
City of Niagara Falls
PWA 212-2004

Moved by Councillor Bailey
Seconded by Councillor Bodner

That Report PWA 212-2004, December 7, 2004, respecting the Roberts Street Gateway Project in the City of Niagara Falls, be received.

That the Ministry of Transportation be requested to waive the disposal of surplus property restriction within the document that transferred lands from Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation for the Province of Ontario and the Regional Municipality of Niagara dated December 15, 2000.

That staff be authorized to market the subject lands surplus to the Gateway Project in an attempt to gain revenue to cover the existing overrun and shortfall in expenditures associated with the completion of the Gateway Project.

That in the meantime, staff be authorized to complete the reported purchase, in the amount indicated in this report.

Carried.

531. Road Widening Acquisitions – 2004 Budget
Widening of Regional Road 98 (Montrose Road)
Between Preakness Street and Chorozy Street
City of Niagara Falls

PWA 213-2004

Moved by Councillor Bailey
Seconded by Councillor Eke

That Report PWA 213-2004, December 7, 2004, respecting the Road Widening Acquisitions – 2004 Budget, Widening of Regional Road 98 (Montrose Road) between Preakness Street and Chorozy Street in the City of Niagara Falls, be received and the recommendations therein approved.

Carried.

532. Road Widening Acquisitions – 2005 Budget
Widening of Regional Road 98 (Montrose Road)
Between Preakness Street and Chorozy Street
City of Niagara Falls

PWA 222-2004

Moved by Councillor Bailey
Seconded by Councillor Eke

That Report PWA 222-2004, December 7, 2004, respecting the Road Widening Acquisitions – 2005 Budget, Widening of Regional Road 98 (Montrose Road) between Preakness Street and Chorozy Street in the City of Niagara Falls, be received and the recommendations therein approved.

Carried.

533. Moved by Councillor Goulbourne
Seconded by Councillor Bodner

That this Committee do now rise with report.

Carried.

STAFF DIRECTIONS

Staff was directed to:

- provide clarification on the last point on page 1 of Appendix A under Political, Issues (Refers to Minute Item 504).
- discuss the possibility of moving up the implementation of the three-week rolling schedule to earlier in the year in order to accommodate the meetings that are to be arranged for the Councillors to discuss the mandatory and non-mandatory services. (Refers to Minute Item 504).
- Provide the members of the Public Works and Utilities Committee with an entire package of the information that relates to the figures found in Report PWA 225-2004 (CSD 182-2004) – the analysis of tonnages for the last three years; the number of households per municipality and how those figures were arrived at and the charts that were mentioned by Mr. Payne. (Refers to Minute Item 511)
- Provide the Committee with the protocol respecting the overflow valves at the Region's pumping stations. (Refers to Minute Item 525)

ADJOURNMENT

The Committee adjourned at 3:40 p.m., to meet again in Committee Room 4, January 11, 2005 at 1:30 p.m.

Tim Rigby
Chair

Wayne Redekop
Vice-Chair

Janet Pilon
Legislative Assistant

Pam Gilroy
Regional Clerk/Associate Director
of Corporate Strategy