

THE REGIONAL MUNICIPALITY OF NIAGARA

PUBLIC WORKS AND UTILITIES COMMITTEE

REPORT 15-2005

Minutes of a meeting of the Public Works and Utilities Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario, on Tuesday, October 4, 2005 commencing at 1:30 p.m.

ATTENDANCE

Committee: Councillors Rigby, Chair; Bailey, Bodner, Burroughs, Goulbourne, Harry, Hodgson, Leavens, Redekop, Salci.

Staff: Messrs. Trojan, Chief Administrative Officer; Neville, Commissioner, Public Works; Brcic, Director, Water & Wastewater Services; Cousins, Director, Transportation Services; Sidawi, Director, Operation Support Services; Ms. Habermebl, Acting Director, Waste Management Services; Ms. Pilon, Legislative Assistant.

Staff (Part Time): Messrs. Kyne, Director, Legal Services; Smith, Associate Director, Waste Management Engineering; Mucciarelli, Associate Director, Waste Disposal Operations.

Others: Councillor Casselman.

PRESENTATION

425. Environmental Assessment for
Glenridge Naturalization Site

Ms. Mary Lorimer, Vice President, Glenridge Landfill Citizens' Committee, advised the Committee that Gartner Lee Limited has been very much involved in the negotiations for the approvals of the site including the conditions on the current Certificate of Approval (Landfill), which is one of the most comprehensive landfill approvals in Ontario. Gartner Lee Limited has also carried out the environmental monitoring program at the site since the mid-1980's as well as a major assessment of the performance of the site in the 1990's as part of the Grade Modification Proposal.

The Glenridge Landfill Citizens' Committee highly values the experience and specific site expertise acquired over the years by Gartner Lee Limited staff, and they have developed an open partnership with the Committee that has established trust.

Ms. Lorimer noted that the Niagara Region has an obligation to ensure that the natural environment is not being impacted by the closed Glenridge Quarry Landfill Site in accordance with the regulatory approvals for the site and the Environmental Protection Plan. The Glenridge Landfill Citizens' Committee believes that having Gartner Lee Limited continue to carry out the environmental monitoring program at the site for the years 2006, 2007 and 2008, completed the monitoring of the leachate remediation work, and complete the design of the stormwater diversion plan allows the Niagara Region to fulfill this obligation.

Moved by Councillor Leavens
Seconded by Councillor Bodner

That the presentation by Ms. Lorimer, Vice President, Glenridge Landfill Citizens' Committee, be referred to Report PWA 165-2005, October 4, 2005, respecting the Retention of Consulting Services, 2006 Environmental Monitoring Program, Closed Glenridge Quarry Landfill Site in the City of St. Catharines.

Carried.

DELEGATION

426. Landfill Operations Service Contract
Niagara Road 12 Landfill Site
Contract RN 05-37
Township of West Lincoln

Ms. Carol Jones, Niagara Road 12, Citizens' Liaison Committee, advised the Committee that the members of the Niagara Road 12, Citizens' Liaison Committee did not have the opportunity to review the contents of the contract prior to the Committee's recommendation to award the contract at the September 13, 2005 meeting, it was therefore, deferred at the September 22, 2005 Regional Council meeting, to allow the members of the Niagara Road 12, Citizens' Liaison Committee the opportunity to review the document.

The Committee has reviewed the document in a very short period of time and have noted their concern respecting the justification for the submission of a standard bid document for waste management, when dealing with a situation that will create adverse affects; noted portions of the contract that require editing and clarification on issues such as the type of systems that will be used in the landfill site, as they are not clearly stated i.e. the handling of toxic waste, hazardous waste and the transportation of dangerous goods.

Ms. Jones requested that the Committee take a thorough review of the contract they are signing and what the contract entails, as there are issues that have to be addressed before the contract is signed.

Mr. Ken Durham, Niagara Road 12, Citizens' Liaison Committee, advised the Committee of sections of the contract that require some clarification: the days of operation; the bid amount including GST and costs of the Household Hazardous Waste Site; the acceptance of Household Hazardous Waste from the whole of Niagara Region, rather than the approved four municipalities; whether the Certificate of Approval has been amended or if it is in the process of being amended; which facilities within the 200 km will be utilized for the transfer of recyclables from the landfill site; whether the landfill site will be used as a transfer site and the party responsible for the enforcement of the insurance policies.

The Committee Chair noted that only Ms. Carol Jones was listed as a presenter on the Committee's agenda and that the Committee permitted Mr. Ken Durham to speak as a courtesy; and that a request from another speaker from the same Committee to speak, would require the approval of the Committee, it was therefore,

Moved by Councillor Redekop
Seconded by Councillor Harry

That Ms. Magdalene Boilard, be permitted to make a presentation to Committee respecting the Niagara Road 12 Landfill Site, Operations Service Contract.

Carried.

Ms. Magdalene Boilard, Niagara Road 12, Citizens' Liaison Committee, advised the Committee of the discrepancies within the proposed contract respecting the duration of the contract. The proposed contract states that the Region may extend the contract for up to seven years and if that is the case the Niagara Road 12, Citizens' Liaison Committee has some conflicts with this section and would like one of the options for the extension removed and would prefer that it be the one to extend the contract by seven years.

Ms. Boilard advised the Committee that the standards within the contract should be high and should be in compliance with governmental regulations.

ADMINISTRATION

427. Moved by Councillor Harry
Seconded by Councillor Redekop

That Reports PWA 165-2005 and PWA 170-2005, October 4, 2005 respecting the Retention of Consulting Services, 2006 Environmental Monitoring Program, Closed Glenridge Quarry Landfill Site in the City of St. Catharines and the Response to Presentation by Carol Jones, Re: Landfill Operations Service Contract, Niagara Road 12 Landfill Site, Contract RN 05-37 in the Township of West Lincoln, respectively, be lifted from PWA Summary and Addendum, October 4, 2005 and dealt with separately at this time.

Carried.

428. Retention of Consulting Services
2006 Environmental Monitoring Program
Closed Glenridge Quarry Landfill Site
City of St. Catharines
PWA 165-2005

Councillor Casselman advised the Committee that she became involved with the Glenridge Landfill Citizens' Committee in 1992 and that Ms. Mary Lorimer and Ms. Dee Dickman have been members of the Committee since its inception in 1984. Like Ms. Lorimer and Ms. Dickman, Gartner Lee Limited have been a part of the process for a number of years and have attained the knowledge and experience required to complete the environmental monitoring program (2007, 2008 and 2009) at the closed Glenridge Quarry Landfill Site, not to mention the credibility and trust that has been earned over the years with the Committee.

The Committee was advised that the issuance of a Request for Proposal for the three year environmental program at the closed Glenridge Quarry Landfill Site, is not necessary and that the hiring of a new firm would only delay the project as it would take time to bring a new consultant up to date.

Councillor Casselman requested on behalf of the Glenridge Landfill Citizens' Committee that the Committee not approve staff recommendations approve a three-contract extension with the current contractor.

Moved by Councillor Redekop
Seconded by Councillor Goulbourne

That Report PWA 165-2005, October 4, 2005, respecting the Retention of Consulting Services, 2006 Environmental Monitoring Program, Closed Glenridge Quarry Landfill Site in the City of St. Catharines, be received.

That Gartner Lee Limited be retained to carry out the 2006 Environmental Monitoring Program at the closed Glenridge Quarry Landfill Site in the City of St. Catharines at an estimated cost of \$120,000 excluding the Goods and Services Tax;

That the Clerk be directed to ensure that the appropriate by-law is prepared for submission to Council on October 13, 2005 authorizing the Chair and Clerk to execute an agreement on behalf of The Regional Municipality of Niagara;

That the 2006 costs associated with the 2006 Environmental Monitoring Program be charged to the 2006 Current Budget Account Number 5947-2014;

That the 2007 costs associated with the 2006 Environmental Monitoring Program be subject to the approval of the 2007 Current Budget; and

That staff be authorized to issue a Request for Proposal for a three year environmental monitoring program (2007, 2008 and 2009) at the closed Glenridge Quarry Landfill Site. (Waste Management)

Carried.

429. Landfill Operations Service Contract
Niagara Road 12 Landfill Site
Tender RN 05-37
Township of West Lincoln &
Response to Presentation by Carol Jones
**PWA 159-2005 Revised – Deferred Report &
PWA 170-2005**

The Committee noted that there have been a number of concerns raised by the Niagara Road 12 Citizens' Liaison Committee and that if time permits the Committee should defer their decision on this matter, until staff and the members of the Niagara Road 12 Citizens' Liaison Committee have had the opportunity to discuss the proposed contract further.

Mr. Trojan noted that discussions with Modern will be undertaken to determine whether there are any monetary risks involved in delaying the awarding of the contract, prior to the October 13, 2005 Regional Council meeting.

Moved by Councillor Redekop
Seconded by Councillor Burroughs

That Deferred Report PWA 159-2005 Revised, September 13, 2005 and Report PWA 170-2005, October 4, 2005, respecting the Landfill Operations Service Contract, Niagara Road 12 Landfill Site, Contract RN 05-37 in the Township of West Lincoln and the Response to the Presentation by Carol Jones, be deferred to the October 25, 2005 Public Works and Utilities Committee meeting; and

That the existing contract for the Niagara Road 12 Landfill Site be extended to the end of November 2005, in order to provide staff and the members of the Niagara Road 12 Citizens' Liaison Committee the opportunity to have further discussions on the proposed contract and address concerns raised by the Citizens' Liaison Committee.

Carried.

430. Capital Projects
June 2005 Variance Report
CSD 123-2005

Moved by Councillor Goulbourne
Seconded by Councillor Leavens

That Report CSD 123-2005, August 24, 2005, respecting the Capital Project, June 2005 Variance Report, be received for information.

Carried.

For Committee Consideration

The Committee considered the following staff recommendations contained in the PWA Summary, October 4, 2005:

431. Presentation at the 2005 International Awards
Livable Communities Finals – La Coruna, Spain
November 3 to 7, 2005
Glenridge Quarry Naturalization Site
City of St. Catharines

PWA 166-2005

That Report PWA 166-2005, October 4, 2005, respecting the Presentation at the 2005 International Awards, Livable Communities Finals – La Coruna, Spain, November 3 to 7, 2005, Glenridge Quarry Naturalization Site in the City of St. Catharines, be received.

That a Niagara Region delegation be authorized to make a presentation with respect to the Glenridge Quarry Naturalization Site in St. Catharines at the 2005 International Awards for Livable Communities Finals (Environmentally Sustainable Project Category) to be held in La Coruna, Spain from November 3 to 7, 2005. (Waste Management)

432. Authorization for Award of Contract RN 05-46
Niagara Parkway Sanitary Trunk Sewer Replacement
And Battery Street Road Reconstruction
Town of Fort Erie
Project ZSW0115 / SW0418

PWA 167-2005 (CSD 136-2005)

That Report PWA 167-2005 (CSD 136-2005), October 4, 2005, respecting the Authorization for Award of Contract RN 05-46, Niagara Parkway Sanitary Trunk Sewer Replacement and Battery Street Road Reconstruction in the Town of Fort Erie, Project ZSW0115 / SW0418, be received.

That subject to confirmation of cost-sharing with the Town of Fort Erie, Contract RN 05-46, Niagara Parkway Sanitary Trunk Sewer Replacement and Battery Street Road Reconstruction in the Town of Fort Erie, be awarded to Nexterra Substructures at a bid price of \$ 358,803.75

That a contingency amount of \$36,000.00 be provided for this project.

That approval be given to increase the gross budget in the amount of \$170,560.00 to reflect the cost-sharing with the Town of Fort Erie for the costs associated with the design and construction of a section of local watermain, storm sewers and Battery Street reconstruction as requested by the Town.

That the Regional Clerk be directed to ensure that the appropriate by-laws are prepared for submission to Regional Council, including authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara.

That all project costs be charged against Project ZSW0115 / SW0418. (Water & Wastewater)

433. Moved by Councillor Goulbourne
Seconded by Councillor Leavens

That the PWA Summary, dated October 4, 2005, and the foregoing recommendations of Reports PWA 166-2005 to PWA 167-2005 (CSD 136-2005) inclusive, be received and accepted.

Carried.

CORRESPONDENCE

434. Communications listed in the PWC Summary, dated October 4, 2005, were received and dealt with as follows:

PWC 52-2005 – (September 8, 2005) – **Russ Howell**, Manager of Fleet Services, to David Lane of the Township of West Lincoln, offering the services of the Region's Safety and Training Officer for chainsaw certification training for West Lincoln staff.

-- Received.

PWC 53-2005 – (September 12, 2005) – **Ewald Kuczera**, Director of Public Works, Town of Niagara-on-the-Lake, to Joe Cousins, Director of Transportation Services, requesting the Region's endorsement of the Town's Transportation Master Plan Study Final Report.

-- Received and referred to Transportation Services.

PWC 54-2005 – (June 23, 2005) – **Karin Wright**, Manager of Donna's, Main St. West in the Town of Grimsby, on the need to improve the downtown area of Grimsby.

-- Received and referred to 2006 budget deliberations.

PWC 55-2005 – (August 11, 2005) – **Shawn Hogan**, Nelles Blvd. in Grimsby, on the need to improve the downtown area of Grimsby.

-- Received and referred to 2006 budget deliberations.

435. Moved by Councillor Goulbourne
Seconded by Councillor Leavens

That the contents of the PWC Summary, dated October 4, 2005, be received and dealt with as directed by this Committee and as noted in these minutes.

Carried.

PROGRESS REPORTS

436. Community Odour Surveys
August 2005
Elm Street Compost Facility and Landfill Site

The Committee was advised that it is not the Region's responsibility to advise local industry of odours being emitted from their plants, it is the Ministry of the Environment's responsibility and staff does forward the information from every odour report to the Ministry.

The Committee noted that the Ministry of the Environment should play a role in talking to the local industries that are emitting odours.

Mr. Neville advised the Committee that the Ministry of the Environment has advised the Region that they are dealing with all producers of odours in the area, as they are responsible for meeting the Ministry's standards as well. Staff can however, follow up with Ministry staff for further information for the Committee.

Moved by Councillor Leavens
Seconded by Councillor Goulbourne

That Report PWP 70-2005, October 4, 2005, respecting the Community Odour Survey, August 2005, Elm Street Compost Facility and Landfill Site, be received for information.

Carried.

437. Odour Assessment
Elm Street Landfill/Compost Facility
City of Port Colborne

Moved by Councillor Harry
Seconded by Councillor Redekop

That Report PWP 71-2005, October 4, 2005, respecting the Odour Assessment, Elm Street Landfill/Compost Facility in the City of Port Colborne, be received for information.

Carried.

MINUTES

438. Elm Street Landfill Site/Compost Site
Public Liaison Committee (PLC)
Wednesday, July 6, 2005

The Committee was advised that the recommendation from the Elm Street Landfill Site/Compost Site, Public Liaison Committee (PLC) is based on the Committee's disagreement with the Region's selection of RWDI as the consultant for this project. The Region followed the approved tendering process and assessed RWDI as being capable.

Moved by Councillor Burroughs
Seconded by Councillor Harry

That the minutes of the Elm Street Landfill Site/Compost Site, Public Liaison Committee (PLC) meeting of Wednesday, July 6, 2005, be received for information.

Carried.

439. Waste Management Planning Steering Committee
Tuesday, September 13, 2005

Moved by Councillor Burroughs
Seconded by Councillor Harry

That the minutes of the Waste Management Planning Steering Committee meeting of Tuesday, September 13, 2005, be received and the recommendations contained therein be approved.

Carried.

440. Niagara-Hamilton WastePlan
Joint Working Group
August 11, 2005

Moved by Councillor Burroughs
Seconded by Councillor Harry

That the minutes of the Niagara-Hamilton WastePlan, Joint Working Group meeting of August 11, 2005, be received for information.

Carried.

OTHER BUSINESS

441. Fuel Costs – Impact on Existing Contracts

Mr. Neville advised the Committee that as per Council's direction a Task Force has been struck to review the Fuel Costs and the Impact on the Region's Existing Contracts. The Task Force met for their first meeting last week and are in the process of narrowing down the contracts that will be impacted from the fuel costs.

The Committee was also advised that some of the Region's suppliers have put the Region on notice that costs may be adjusted to reflect the higher fuel costs.

Moved by Councillor Goulbourne
Seconded by Councillor Burroughs

That the oral presentation from Mr. Neville on the Fuel Costs and the Impact on Existing Contracts, be received.

Carried.

442. Niagara-Hamilton WastePlan
Public Information Sessions

Councillor Burroughs advised the Committee of the scheduled Public Information Centres being held on October 4, 2005 at the Hamilton City Hall from 3:00 to 9:00 p.m. and October 5, 2005 at Niagara Region Headquarters from 3:00 to 9:00 p.m. to provide members of the community with information on the Alternative Waste Disposal Systems being evaluated in the Environmental Assessment Study.

The Committee was also advised of the meetings being held on October 11, 2005 at Niagara Regional Headquarters from 7:00 to 9:00 p.m. and on October 13, 2005 at the Stoney Creek Municipal Building from 9:00 to 11:00 a.m. where delegations have been invited to present comments on how best to manage the waste remaining after community diversion programs such as reduction, reuse, recycling and composting.

443. Premier McGuinty's Interview on CFRB
Re: Incineration

Councillor Burroughs advised the Committee that he listened to Premier McGuinty's interview on CFRB where he spoke on the subject of incineration, in response to that interview Councillor Burroughs has forwarded a letter to the Premiere's office.

CLOSED SESSION

444. Moved by Councillor Harry
Seconded by Councillor Bodner

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

Carried.

445. Purchase of Federal Lands
Northeast Sewage Pumping Station
City of Thorold
PWA 168-2005 CONFIDENTIAL

Moved by Councillor Leavens
Seconded by Councillor Harry

That this Committee recommends to Regional Council that Confidential Report PWA 168-2005, October 4, 2005, respecting the Purchase of Federal Lands, Northeast Sewage Pumping Station in the City of Thorold, be received and the recommendations therein approved.

Carried.

446. Compost Management Associates Ltd.
Cost Recovery
PWA 169-2005 CONFIDENTIAL

Moved by Councillor Goulbourne
Seconded by Councillor Leavens

That Confidential Report PWA 169-2005, October 4, 2005, respecting Compost Management Associates Ltd., Cost Recovery, be deferred to the October 25, 2005 meeting of the Public Works and Utilities Committee.

Carried.

447. Moved by Councillor Burroughs
Seconded by Councillor Harry

That this Committee do now rise with report.

Carried.

ADJOURNMENT

The Committee adjourned at 3:05 p.m., to meet again in Committee Room 4, October 25, 2005 at 1:30 p.m.

Tim Rigby
Chair

Janet Pilon
Legislative Assistant

Pam Gilroy
Regional Clerk