

## THE REGIONAL MUNICIPALITY OF NIAGARA

### PLANNING AND PUBLIC WORKS COMMITTEE

#### REPORT 8-2006

Minutes of a meeting of the Planning and Public Works Committee held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Wednesday, May 17, 2006 commencing at 1:10 p.m.

#### ATTENDANCE

Committee: Councillors Rigby, Co-Chair; Angelone, Baty, Bodner, Brock, Burroughs, Eke, Goulbourne, Harry, Hildreth, Hodgson; Leavens, Redekop, Salci, Timms, Trombetta.

Staff: Messrs. Trojan, Chief Administrative Officer; Cambray, Commissioner, Planning & Development Department; Neville, Commissioner, Public Works; Brcic, Director, Water & Wastewater Services; Cousins, Director, Transportation Services; Friesen, Director, Waste Management Services; Sidawi, Director, Operational Support Services; Farley, Director, Planning Services; Ms. Gilroy, Regional Clerk; Ms. Staines, Legislative Assistant.

Staff (Part Time): Mr. Hughes, Associate Director, Transportation Engineering; Mr. Smith, Associate Director, Waste Management Engineering; Ms. Crawley, Waste Management Services; Mr. Kyne, Director, Legal Services; Ms. Ray, Legal Services; Mr. Semple, Senior Planner; Mr. Goldsworthy, Planner; Mr. Nicholson, Senior Coordination Planner.

There being a lack of ordinary quorum at the meeting, the Committee Chair determined that the ordinary quorum for the meeting be reduced to ten members, pursuant to Part 15, Section 15.8.2 of the Procedural By-law 120-2005.

#### DELEGATIONS

267. Disposal of Surplus Regional Property Located in the Township of West Lincoln  
**PWA 92-2006**

Mr. Gaston Grandmount, supported by Mr. Stanley Young, addressed the Committee regarding the Disposal of Surplus Property Located in the Township of West Lincoln. The two residents received a letter from Properties staff, Public Works Department at the beginning of February offering Regional surplus property adjacent to their residences. Staff pointed out that if the residents declined the

property, it would be sold to the Niagara Peninsula Conservation Authority. Messrs. Grandmount and Young met with Properties staff February 20 and expressed their interest in accumulating this property. Mr. Grandmount described the character of the property as 80% wetland, and advised that for the last twelve years he and his neighbour have maintained this area in order to keep it clean and conserve it. Mr. Grandmount and Mr. Young are concerned that if the Conservation Authority obtained the land it would be used by off-road vehicles destroying the vegetation and wildlife. The residents would be willing to cover the costs of surveying the property if the Region would consider passing this property to them.

Moved by Councillor Trombetta  
Seconded by Councillor Angelone

That the presentation by Mr. Grandmount be received and referred to discussions respecting PWA 92-2006, Disposal of Surplus Regional Property Located in the Township of West Lincoln.

Carried.

268. Wainfleet Servicing

Chado Brcic, Director, Water and Wastewater Services Division, updated the Committee on the status of Wainfleet Servicing. Mr. Brcic advised that since the Boil Water Advisory was issued April 10 and the subsequent announcement that funding under the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) provincial program had been denied, technical and other assessments are being pursued to review possibilities with respect to servicing part or whole of the Wainfleet area and the costs associated with the alternative options. Several consultants are thoroughly reviewing all options, and a preliminary report is anticipated to be brought to the June 7th meeting of this Committee.

Councillor Harry expressed the concern of his Council as to whether they should apply for COMRIF 3, and it is his understanding that Regional Chair Partington has contacted Mr. Caplan from the province to discuss this issue. Councillor Harry suggested that income from the proposed wind power/green power revenues could be re-directed to cover some of the costs of the Wainfleet servicing, and asked Public Works to investigate this possibility. It was suggested that Environment Canada or the Ministry of the Environment should also be approached for funding, as this issue affects not only Wainfleet residents but the larger community in the Region. It was also suggested that the project could be phased in to reduce the impact on budgets.

(Refer to Staff Directions)

269. Forest Conservation By-law

Mr. John Potter, a woodlot owner in North Pelham and Past President of the Niagara Woodlot Association (a chapter of the Ontario Woodlot Association) addressed the Committee respecting the proposed Forest Conservation By-law. Mr. Potter stated that his Association members share a common interest in maintaining healthy and productive woodlots and believe in effective management for sustainability of forests. The Executive of the Niagara Woodlot Association approve of the decision to direct the thrust of the By-law toward the use of Good Forestry Practice (GFP) and to eliminate the old practice of diameter-limit cutting of trees to encourage the health and productivity of the forest. The Association also supports the local municipalities delegating Forest Conservation responsibilities under the By-law to the Region to ensure a consistent approach assisting the goal of increasing total woodland area in the Region and improving ecological aspects such as groundwater retention, flood control, etc. The Niagara Woodlot Association considers the proposed Forest Conservation By-law to be a substantial improvement from the previous Tree Conservation By-law and urges the acceptance of the new By-law by the Committee.

Moved by Councillor Burroughs  
Seconded by Councillor Eke

That the presentation by Mr. Potter respecting the Forest Conservation By-law be received and referred to discussions on Report DPD49-2006, Update of the Tree Conservation By-law: The Forest Conservation By-law.

Carried.

Several other members of the public in attendance also indicated their support of the new by-law.

270. Forest Conservation By-law

Ms. Grandoni addressed the Committee further to her correspondence, Item PD 23-2006. Mrs. Grandoni advised that her aim is to encourage a no clear-cutting policy in the Region, particularly in urban areas. She suggested that permits to cut be advertised before being granted. She also referred to suggested wording changes outlined in her letter.

Ms. Grandoni was especially concerned about the enforcement of the By-law on weekends and holidays when much of the illegal cutting takes place. Ms. Grandoni requested a number or person to call if illegal cutting was witnessed in order to get a "Stop Work" order issued before it was too late. Councillor Burroughs also expressed concern about the problem of enforcement on weekends.

Moved by Councillor Harry  
Seconded by Councillor Salci

That the presentation by Ms. Grandoni be received and referred to discussions on Report DPD49-2006, Update of the Tree Conservation By-law: The Forest Conservation By-law.

Carried.

271. Forest Conservation By-law

Mr. John Lynn reviewed a letter from Mr. John Bacher, (PD 27-2006), Preservation of Agricultural Lands Society (PALS) supporting the proposed By-law, which represents the culmination of lengthy research and extensive public consultations. The By-law contains numerous safeguards to ensure that cutting practices foster sustainable forestry and farming is not obstructed sustainable forestry and farming is not obstructed. The By-law is basically similar in its approach to the regulation now in effect in the Halton Region. It was developed in co-operation with the Niagara Escarpment Commission and is viewed by them as a good model for planning authorities within its jurisdiction.

Moved by Councillor Harry  
Seconded by Councillor Salci

That the presentation by Mr. Lynn be received and referred to discussions on Report DPD49-2006, Update of the Tree Conservation By-law: The Forest Conservation By-law.

Carried.

**OPERATIONS**  
**(STATUS REPORTS)**

272. Update of the Tree Conservation By-law:  
The Forest Conservation By-law  
**DPD 49-2006**

Concern was expressed about the enforcement side of the By-law. Mr. Cambrey noted that under the existing by-law the Region could not issue "Stop Work" orders, which can be done with the new By-law. The issue of enforcement on weekends will have to be addressed, and a further report will be issued on this subject. It was suggested that municipalities be advised of any information regarding weekend enforcement availability.

Moved by Councillor Redekop  
Seconded by Councillor Salci

That the title of the By-law be **amended** from Forest Conservation By-law **to Tree and Forest Conservation By-law.**

Carried.

It was confirmed that applications received prior to the passage of the new By-law and in compliance with the previous By-law would be processed. It is the intent that once a development has been approved, then it proceeds according to the approval conditions. It was noted that the new By-law does not require the use of advertising signs; however the permit must be posted prominently on the property.

It was explained that the Region's authority for tree conservation only covers properties over one hectare in size. Properties with less than one hectare are the responsibility of the local municipalities. For example the Town of Fort Erie has its own By-law dealing with properties less than one hectare; however they are considering giving the Region the responsibility for enforcing the By-law. Councillor Redekop offered to send copies of Fort Erie's By-law to other municipalities on request.

Moved by Councillor Harry  
Seconded by Councillor Trombetta

That Report DPD 49-2006, May 17, 2006, respecting the Update of the Tree Conservation By-law: The **Tree and** Forest Conservation By-law, be received **as amended**;

That the Clerk be directed to prepare the appropriate By-law for the adoption of a **Tree and** Forest Conservation By-law attached as Appendix 1 of this report;

That all Area Municipalities, relevant agencies, groups and individuals and those in the logging/forestry industry be provided with a copy of the new By-law;

That each of the Area Municipalities, Regional Planning staff, the Federations of Agriculture, the Regional Ecological and Environmental Advisory Committee, the Regional Agricultural Sub-Committee, the Ministry of Natural Resources and the Niagara Woodlot Association be requested to submit the name of individuals to serve on the **Tree and** Forest Conservation By-law Advisory Committee, and that the existing Committee continue until a new one is formed;

That the Clerk be directed to prepare an amendment to the Regional Fees and Charges By-law to incorporate the fees listed in the **Tree and** Forest Conservation By-law;

That the forms and notices attached as Appendix 2 be used for the purposes as set out; and

That the following staff members be appointed as Officers under the Forest Conservation By-law for the purpose of enforcing the **Tree and** Forest Conservation By-law:

- Vincent Goldsworthy, Planner
- Thomas Bernard, Planning Technician
- Donald Campbell, Planner (alternate)

Carried.

273. Third Technical Exchange Mission in Canada – FCM Program

Counsellor Eke advised the Committee that Niagara Region and the City of Tuy Hoa, Viet Nam are partners in the Federation of Canadian Municipalities Municipal Partnerships Program. The Municipal Partnerships Program is funded by the Canadian International Development Agency. The Third Technical Exchange Mission is the fifth activity between Niagara Region and Tuy Hoa under the municipal partnership program.

The goals of the Niagara Region - Tuy Hoa Municipal Partnership Program are to increase the capacity of Tuy Hoa staff to address environmental/waste management challenges at the local level, and to create a clean and healthy physical environment for the people of Tuy Hoa. The partnership program focuses on two waste management initiatives; waste collection and diversion, and waste disposal. The objectives of the partnership program are to enhance the efficiency and effectiveness of Tuy Hoa's waste collection and diversion service, and to ensure that Tuy Hoa's waste disposal sites are properly designed, managed, operated, closed, and maintained. These objectives will be achieved by developing new waste management/environmental tools, systems, and procedures for Tuy Hoa.

The three person Tuy Hoa delegation was introduced to Committee:

**Loc Kim Mai, Vice-Chairman of the City of Tuy Hoa People's Committee/Project Manager**

**Hung Duc Ho, Chief of the City of Tuy Hoa Office/Project Coordinator**

**Hung Manh Nguyen, Vice-Director of the Company of Housing Development and Municipal Construction**

**PUBLIC HEARING**

274. Construction of Underpass on Regional Road 70 (Taylor Road)  
City of Niagara Falls

Councillor Rigby, Committee Co-Chair, introduced the public hearing with respect to Construction of an Underpass on Regional Road 70 (Taylor Road) approximately 50 metres south of Regional Road 101 (Mountain Road) in the City of Niagara Falls, and asked whether any person present would like to be heard (there were no responses).

Mr. Hughes, Associate Director, Transportation Engineering, advised the Committee that the costs associated with this project would be the responsibility of Walker Brothers Inc. and the work will be completed by them to the satisfaction of the Region. Notice of the proposed by-law was published in the St. Catharines

Standard and Niagara Falls Review on May 3, May 10 and May 13, 2006. A Public Meeting was held on May 9<sup>th</sup> with one resident attending. The project is scheduled to begin in late June or early July and be completed in three months.

Moved by Councillor Bodner  
Seconded by Councillor Eke

That for the road modifications outlined in the Public Notice of May 3, 2006, and the Public Works Report PWA 75-2006, April 26, 2006, this Committee authorizes that the construction of an Underpass on Regional Road 70 (Taylor Road) in the City of Niagara Falls, may proceed.

Carried.

275. Public Works Week

Councillor Rigby announced that the week of May 22 - 27 has been designated as National Public Works Week by the American Public Works Association (APWA) to call attention to the importance of public works in community life. To celebrate, Niagara Region is sponsoring a number of events:

- May 24 – barbecue lunch. Councilors are invited to attend the “Kick off” lunch in the Headquarters cafeteria.
- May 24 – tours of the Glenridge Quarry Naturalization Site
- May 24 – tours of the Niagara Recycling Centre
- May 26 – guided tours of the newly renovated Niagara Falls Water Treatment Plant (for Regional Council and staff only)
- Displays and hands-on activities at the Pen Centre. Recycling containers will be available for purchase and a fundraising event “Pull for the Kids”, benefiting the Lung Association, will take place where area teams will race to pull a 13 tonne fire truck across the finish line.

276. Minutes of Meetings

Moved by Councillor Burroughs  
Seconded by Councillor Bodner

That the following minutes of meetings be approved with the indicated action:

Arts Culture and Heritage Committee meeting held on March 20, 2006,

Ecological and Environmental Advisory Committee meeting held on March 30, 2006,

Ecological and Environmental Advisory Committee meeting held on April 27, 2006,

Greater Niagara Circle Route Committee meeting held on April 26, 2006.

Carried.

277. Disposal of Surplus Regional Property Located  
In the Township of West Lincoln  
**PWA 92-2006**

Concern was expressed by Councillors on how the Region would ensure and control the continued maintenance of lands if they were conveyed to the adjacent residents.

Moved by Councillor Trombetta  
Seconded by Councillor Harry

That Report PWA 92-2006, May 17, 2006, respecting, Disposal of Surplus Regional Property Located in the Township of West Lincoln, be referred back to staff for more information related to land value as per current policy and, if sold to abutting owners, can encumbrances be placed on title to mitigate filling or other changes to lands that would impede free flow of waterway.

Carried.

(Refer to Staff Directions)

278. Proposed Surplus Property  
258 Merritt Street and 1 Pinecrest Avenue  
City of St. Catharines  
**PWA 94-2006**

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report PWA 94-2006, May 17, 2006, respecting, Proposed Surplus Property, 258 Merritt Street and 1 Pinecrest Avenue, City of St. Catharines, be received; and

That the remnant portions of 258 Merritt Street and 1 Pinecrest Avenue in the City of St. Catharines be declared surplus and disposed of according to policy.

Carried.

279. Automated Solar Drying Bed Pilot Project  
For Niagara Biosolids  
**PWA 95-2006 (CSD 70-2006)**

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report PWA 95-2006 (CSD 70-2006), May 17, 2006, respecting the Automated Solar Drying Bed Pilot Project for Niagara Biosolids, be received;

That approval be given to increase the gross budget in the amount of \$495,000 to reflect subsidy from the Federation of Canadian Municipalities and cost sharing with the Ministry of the Environment and Region of Waterloo for Project SW0523 Solar Drying Bed Pilot Facility; and

That the Regional Clerk be directed to ensure that the appropriate by-law(s) are prepared for presentation to Regional Council.

Carried.

*(Please note that Report PWA 95-2006 (CSD 70-2006) can be found behind the JNT RPTS Blue Book Tab)*

280. Landfill Operation – Humberstone Landfill Site  
City of Welland  
**PWA 96-2006**

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report PWA 96-2006, May 17, 2006, respecting the Landfill Operation – Humberstone Landfill Site, City of Welland, be received;

That Contract No. 2006-T-12 Waste Disposal Operation for the Humberstone Landfill Site in Welland be awarded for a five year period, commencing on January 1, 2007, to the low bidder, F.A.Y. Farms Ltd., at its bid price of \$1,043,726.32 for Year 1 and that the annual price for subsequent years be adjusted based on the Consumer Price Index; and

That the Regional Clerk be directed to ensure that the appropriate by-law is prepared for submission to Regional Council on May 25, 2006 authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara.

Carried.

281. Short Term Landfill Utilization Options  
**PWA 97-2006**

To be re-submitted at next Planning and Public Works Committee meeting.

282. Landfill Operations, Elm Street Landfill Site, Port Colborne  
And Station Road Landfill Site, Wainfleet  
**PWA 98-2006**

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report PWA 98-2006, May 17, 2006, respecting Landfill Operations, Elm Street Landfill Site, Port Colborne and Station Road Landfill Site, Wainfleet, be received;

That Contract No. 2006-T-112 Waste Disposal Operations for the Elm Street Landfill Site and the Station Road Landfill Site be awarded for a five year period, commencing on July 1, 2006, to the low bidder, F.A.Y. Farms Ltd., at its bid price of \$468,381.88 for Year 1 and that the annual price for subsequent years be adjusted based on the Consumer Price Index; and

That the Regional Clerk be directed to ensure that the appropriate by-law is prepared for submission to Regional Council on May 25, 2006 authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara.

Carried.

283. 2006 Move Ontario Funds  
**PWA 99-2006 (CSD 71-2006) AMENDED**

Mr. Cousins noted that a total of \$18.2 million was received by the Region and various municipalities under this program. This report recommends a combined use for the funds allocated to Niagara Region.

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report PWA 99-2006 (CSD 71-2006), May 17, 2006, respecting the 2006 Move Ontario Funds, be received **as amended**;

That page 2 under Financial Implications be **amended** to read "... for the three **completed or substantially completed** projects"; page 3, paragraph 3 under "Roads & Bridges" be **amended** to read "... net levy by 2.5% **in 2007**", and page 4, last line of first paragraph be amended to read "... previously forecast **and a corresponding reduction in the overall impact on the 2007 tax levy from 2.5% to 2.3%.**";

That the following recommendations be approved for the allocation of Move Ontario funds received from the Provincial Government;

That funding in the amount of \$5,000,000 be used to substitute previously approved long term financing for the following projects, ***which would otherwise require debenture financing from the Region's next debenture issue:***

- ZRC9817 / RC0446 Rehabilitation RR 98 (Montrose Rd) \$1,000,000
- ZRC0014 / RC0257 Reconstruction RR 18  
(Ontario St – ***Town of Lincoln***) \$3,200,000
- ZRC0232 / RC0232 Reconstruction RR 83 (Carlton St) \$ 800,000

That approval be given to increase the gross budget in the amount of \$2,500,000 to reflect the Move Ontario funding for Project ZRC0628 Reconstruction of RR 69 (Pelham Road) from First Street to Louth Street in the City of St. Catharines;

That approval be given to increase the gross budget in the amount of \$900,000 to reflect the Move Ontario funding for Project ZRC0635 Culvert Replacement on RR 81 from Vinehaven Trail to Bartlett Avenue in the Town of Lincoln;

That approval be given to increase the gross budget in the amount of \$324,105 to reflect the Move Ontario funding for Project ZRC0609 Reconstruction of RR 87 (Main Street) from Henley Avenue to Verdun Street in the City of St. Catharines;

That an exception be permitted to the Capital Management Policy to allow the recommended projects, being fully funded with external contributions, to be added to the 2006 Capital Budget;

That the Regional Clerk be directed to ensure that the appropriate by-law(s) are prepared for presentation to Regional Council.

Carried.

*(Please note that Report PWA 99-2006 (CSD 71-2006) **AMENDED** can be found behind the JNT RPTS Blue Book Tab)*

284. Baker Road Wastewater Treatment Facility  
Servicing Strategy Plan  
**PWA 100-2006**

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report PWA 100-2006, May 17, 2006, respecting Baker Road Wastewater Treatment Facility Servicing Strategy Plan, be received; and

That the 'Servicing Strategy Plan' for the Baker Road Wastewater Treatment Facility, as outlined in this report, be approved.

Carried.

285. Niagara-on-the-Lake Wastewater Treatment Facility  
Servicing Strategy Plan  
**PWA 101-2006**

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report PWA 101-2006, May 17, 2006, respecting the Niagara-on-the-Lake Wastewater Treatment Facility Servicing Strategy Plan, be received; and

That the 'Servicing Strategy Plan' for the Niagara-on-the-Lake Wastewater Treatment Facility, as outlined in this report, be approved.

Carried.

286. Tender Award for Contract RN 06-12  
Decew Falls Water Treatment Plant  
And Kent Avenue Pumping Station Roof Replacement  
**PWA 102-2006**

Moved by Councillor  
Seconded by Councillor

That Report PWA 102-2006, May 17, 2006, respecting the Tender Award for Contract RN 06-12, Decew Falls Water Treatment Plant and Kent Avenue Pumping Station Roof Replacement, be received;

That Contract RN 06-12, Decew Falls Water Treatment Plant and Kent Avenue Pumping Station Roof Replacement, be awarded to Roque Roofing Incorporated at their bid price of \$148,000;

That a contingency amount of \$20,000.00 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; and

That the costs associated with this project be charged against Project ZCW0520/CW0520.

Carried.

287. Tender Award for Contract RN 06-11  
Fort Erie, Niagara Falls and Baker Road  
Wastewater Treatment Plants Roof Replacement  
**PWA 103-2006**

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report PWA 103-2006, May 17, 2006, respecting the Tender Award for Contract RN 06-11, Fort Erie, Niagara Falls and Baker Road Wastewater Treatment Plants Roof Replacement, be received;

That Contract RN 06-11, Fort Erie, Niagara Falls and Baker Road Wastewater Treatment Plants Roof Replacement, be awarded to Roque Roofing Incorporated at their bid price of \$297,000.00;

That a contingency amount of \$30,000.00 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; and

That the costs associated with this project be charged against Project ZCW0520/CW0520.

Carried.

### **CONFLICT OF INTEREST**

Councillor Leavens declared an indirect pecuniary interest with respect to personal knowledge of the applicants for the Waste Management Advisory Committee and therefore he took no part in the discussion of, or voting on, this matter.

288. Waste Management Advisory Committee Member Replacement  
**PWA 104-2006**

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report PWA 104-2006, May 17, 2006, respecting the Waste Management Advisory Committee Member Replacement, be received; and

That the appointment of Scott Mudie as a resident representative on the Waste Management Advisory Committee (WMAC) be approved.

Carried.

289. Tender Award for Contract RN 06-14  
Reconstruction of Regional Road 87 (Main Street) – Phase 1  
Henley Island Drive to Verdun Avenue  
In the City of St. Catharines, Project ZRC0609
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**PWA 106-2006**

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report PWA 106-2006, May 17, 2006, respecting the Tender Award for Contract RN 06-14, Reconstruction of Regional Road 87 (Main Street) – Phase 1, Henley Island Drive to Verdun Avenue in the City of St. Catharines, Project ZRC0609, be received;

That Contract RN 06-14, Reconstruction of Regional Road 87 (Main Street) – Phase 1, Henley Island Drive to Verdun Avenue in the City of St. Catharines, be awarded to the low tenderer, Alfidome Construction Limited, at its bid price in the amount of \$711,673.75, subject to confirmation of cost sharing by the City of St. Catharines;

That a contingency allowance in the amount of \$70,000.00 be provided for this contract;

That the Engineering Agreement with the consulting firm of Kerry T. Howe Engineering Limited be extended to include additional design fees (\$38,000.00), utility co-ordination fees (\$5,500.00), and contract administration and inspection services of (\$38,000), with the engineering fees being calculated on a time plus disbursements basis, estimated at \$82,300.00;

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 May 25, 2006;

That all project costs be charged against Capital Works Parent Project ZRC0609;  
and

That the funding is subject to approval of the Allocation of 2006 Move Ontario Funding report.

Carried.

290. Retention of Consulting Services for  
Baker Road Wastewater Treatment Plant Sewershed Pollution Control Plan  
in the Towns of Grimsby and Lincoln and Township of West Lincoln  
Project ZSW0006/SW0616  

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**PWA 107-2006 (CSD 72-2006)**

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report PWA 107-2006 (CSD 72-2006), May 17, 2006, respecting the Retention of Consulting Services for Baker Road Wastewater Treatment Plant Sewershed Pollution Control Plan in the Towns of Grimsby and Lincoln and Township of West Lincoln, Project ZCSW0006/SW0616, be received;

That the consulting firm of XCG Consultants Limited be retained to provide consulting engineering services for the Baker Road Wastewater Treatment Plant Sewershed Pollution Control Plan in the Towns of Grimsby and Lincoln and Township of West Lincoln at an estimated upset limit of \$133,846.00;

That approval be given to increase the gross budget in the amount of \$66,930.00 to reflect the estimated cost sharing to be split equally between the Town of Grimsby, Town of Lincoln and Township of West Lincoln for Project ASW0006/SW0616 Baker Road Wastewater Treatment Plant Sewershed Pollution Control Plan;

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; and

That the costs associated with this project be charged against Capital Project ZSW0006/SW0616.

Carried.

*(Please note that Report PWA 107-2006 (CSD 72-2006) can be found behind the JNT RPTS Blue Book Tab)*

291. 2006 Roads Rehabilitation Program  
**PWA 108-2006**

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report PWA 108-2006, May 17, 2006, respecting the 2006 Roads Rehabilitation Program, be received;

That the proposed 2006 strengthening and resurfacing lists as detailed in Appendix "1" and Appendix "2", be approved;

That staff be authorized to proceed forthwith with tender calls for the strengthening and resurfacing contracts covering the streets listed in Appendix "1"; and

That the project costs be charged to Parent Project ID ZRC0601, 2006 Road Rehabilitation Program.

Carried.

292. Water Strategy Implementation Committee  
April 11, 2006

Moved by Councillor Bodner  
Seconded by Councillor Redekop

That the minutes of the Water Strategy Implementation Committee meeting held on April 11, 2006, be received and the recommendations contained therein be approved.

Carried.

**PLANNING AND PRIORITIES (STRATEGIC PLANNING/POLICY)**

293. Background Information Report  
Proposed Regional Policy Plan Amendment 2-2006  
Waterline Extension – St. John's Stevensville United Church  
Town of Fort Erie  

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**DPD 50-2006**

Mr. Cambray clarified that this is a background report for information. A Public Meeting will be scheduled through the Review Process.

Moved by Councillor Baty  
Seconded by Councillor Goulbourne

That Report DPD 50-2006, May 17, 2006, respecting the Background Information Report, Proposed Regional Policy Plan Amendment 2-2006, Waterline Extension – St. John's Stevensville United Church, Town of Fort Erie, be received for information.

Carried.

294. Preferred Consultant  
Raw Water for Agricultural Irrigation – Phase 2 Study  
**DPD 51-2006 (CSD 73-2006)**

It was noted by Councillor Burroughs that Niagara-on-the-Lake has an excellent system for agricultural irrigation system. It was agreed by Mr. Cambrey that Phase 2 of the Raw Water for Agricultural Irrigation Study will be looking at expansion of the Niagara-on-the-Lake system as well as systems in Lincoln, West St. Catharines and Pelham.

Moved by Councillor Baty  
Seconded by Councillor Goulbourne

That Report DPD 51-2006 (CSD 73-2006), May 17, 2006, respecting the Preferred Consultant, Raw Water for Agricultural Irrigation – Phase 2 Study, be received and;

That the Region retain the firm of Stantec Consulting Ltd to carry out a Phase 2 – Raw Water for Agricultural Irrigation Study and

That the Region enter into a contract with the Agricultural Adaptation Council to permit their funding of up to \$300,000 dollars for the Raw Water for Agricultural Irrigation – Phase 2 Study and

That approval be given to increase the gross budget in the amount of \$300,000 to reflect the external funding contribution under the Canada-Ontario Water Supply Expansion Program (COWSEP) as identified in Report DPD 34-2006 and

That the project costs be charged against Project ZCW0401 Water Supply for Agricultural Use.

Carried.

*(Please note that Report DPD 51-2006 (CSD 73-2006) can be found behind the JNT RPTS Blue Book Tab)*

## PUBLIC MEETINGS

*The Committee was advised that under the proposed new Planning Act, there is a requirement for the holding of an Open House at least one week prior to the Public Meeting. Councillors are not required to attend the Open House listed below, they will, however, be advised of them.*

295. Regional Policy Plan Amendment 170  
Willoughby Land Use Policies  
City of Niagara Falls  
Date: May 16, 2006  
Time: 7:00 p.m.  
Place: Niagara Falls Council Chambers
- Councillors: Angelone, \_\_\_\_\_, \_\_\_\_\_.

296. **Joint Public Open House**  
To consider the City of Niagara Falls and  
Regional Niagara's policies for Willoughby  
Date: Tuesday, May 9, 2006  
Time: 4:00 p.m. to 6:00 p.m.  
Place: Willoughby Township Hall  
11211 Sodom Road  
City of Niagara Falls

## INFORMATION

297. Bill 51: Helping Municipalities Achieve Sustainability  
**DPD 52-2006**

In response to Councillor Timms, Mr. Cambray listed a number of points regarding Bill 51:

- There is more public information and public participation earlier in the review process.
- Niagara Region has supported streamlining the development approval process by amalgamating minor variance, zoning and site plan control into one development permit system. Mr. Cambray pointed out that to succeed with one development permit system there should be clear policies in the official plan to support the development and process. The reclaiming ground work with the City of St. Catharines is an early example.
- Bill 51 encourages good urban design to ensure development is compatible with adjoining uses; greater emphasis on design character and quality of building materials that fit into neighbourhood where development is located.

- There is a disadvantage due to funding not being part of the Bill 51 for infilling and brownfield development under Smart Growth initiatives; no financial incentives offered.
- Bill 51 changes the OMB process to allow local appeal bodies to deal with matters of local significance like minor variances. Whether two or three municipalities could join to form a local appeal body remains unclear.

298. Moved by Councillor Eke  
Seconded by Councillor Timms

That the following items, be received for information:

Report DPD 52-2006, May 17, 2006, respecting Bill 51: Helping Municipalities Achieve Sustainability;

Report DPD 53-2006, May 17, 2006, respecting Consent Summary from April 6 to April 26, 2006;

Report DPD 54-2006, May 17, 2006, respecting Regional Comments on Development Proposals from April 6 to April 26, 2006;

Report DPD 55-2006, May 17, 2006, respecting N.E.C. Development Permit Decisions from January 1, 2006 to March 31, 2006;

Carried.

299. Moved by Councillor Brock  
Seconded by Councillor Harry

That the following correspondence items, be received for information:

PD 21-2006                      A news release and program update from the Waterfront Regeneration Trust, including progress on completing the Trail in Niagara;

PD 23-2006                      A letter from Jean Grandoni stating her concerns with the new Forest Conservation By-law (DPD 49-2006);

PD 24-2006                      A letter from Niagara South Federation of Agriculture regarding the proposed Forest Conservation By-law (DPD 49-2006);

PD 25-2006                      A letter from Carol Austin, a resident of the Town of Lincoln regarding the proposed Forest Conservation By-law (DPD 49-2006);

PD 26-2006                      A letter from Brigitte Bonner, Development Without Destruction regarding the proposed Forest Conservation By-law (DPD 49-2006).

Carried.

300. Moved by Councillor Leavens  
Seconded by Councillor Eke

That the following minutes of meetings be approved:

Minutes of the May 1, 2006, meeting of the Tree By-law Advisory Committee;

Minutes of the April 19, 2006, meeting of the Smarter Niagara Steering Committee;

Carried.

301. Moved by Councillor Leavens  
Seconded by Councillor Hildreth

That the following items be approved:

Report PWP 35-2006, May 17, 2006, respecting Public Works Staff Comments on Development and Related Proposals

Report PWP 36-2006, May 17, 2006, respecting Public Works Staff Comments on Municipal Servicing Applications;

Report PWP 37-2006, May 17, 2006, respecting the 2005 Reserve Wastewater Treatment Capacities;

Report PWP 38-2006, May 17, 2006, respecting the 2005 Reserve Water Treatment Capacities;

Report PWP 40-2006, May 17, 2006, respecting Community Odour Surveys for November and December 2005, Elm Street Compost Facility and Landfill Site;

Carried.

302. Moved by Councillor Baty  
Seconded by Councillor Burroughs

That Correspondence Item PWC 15-2006, a petition from the residents of 292 to 360 Pelham Road, be received. (Requested work approved under PWA 99-2006/CSD 71-2006 Amended Report.)

Carried.

**OTHER BUSINESS**

303. Review of Planning Function

Councillor Timms noted that the comment deadline on the Review of the Planning Function in Niagara paper is May 19<sup>th</sup>. A public meeting has been scheduled in the City of Niagara Falls next week. To allow time for comments to be received, Councillor Timms asked for an extension of the deadline.

Moved by Councillor Timms  
Seconded by Councillor Leavens

That the deadline for receipt of comments on the Review of the Planning Function in Niagara be extended for two weeks.

Carried.

304. Tender for Work in Pelham

Councillor Leavens asked about the date for issuing a tender for work on Towpath, Quaker and Rice Road – Contract Name, Hurricane/Rice/Quaker Road Sanitary Sewer & Watermain. Mr. Brcic advised that the tender would be issued shortly.

305. Holding Tanks

Councillor Burroughs noted the impact on residents due to the increase in fees for emptying holding tanks. Councillor Burroughs asked staff to consider the environmental impacts if tanks are not emptied properly and to consider financial incentives when charging for this service to encourage residents to “do the right thing”. Councillor Burroughs thanked Mr. Brcic for arranging a tour of the Niagara-on-the-Lake Pumping Station.

(Refer to Staff Directions)

306. Prudhomme’s Development Plan

Councillor Hodgson inquired about a letter sent May 10<sup>th</sup> to the Planning Department respecting the development at Prudhommes. Mr. Cambray advised that the comment deadline for this project has just finished, and a report will be forthcoming to Committee before the end of June.

307. Dunnville Spur Line

It was noted that a public meeting was held regarding developing a trail along the unused Dunnville spur line. Councillor Trombetta requested consideration to allow adjacent residents to purchase this property rather than developing a trail. A resolution to this effect will be forwarded by the Township of West Lincoln Council.

The purchase of this land has been included in the Niagara Peninsula Conservation Authority budget. It was noted that trails on abandoned rail lines have been very successful in other areas. Discussion on this subject was deferred until the Resolution from the Township of West Lincoln is received and the issue has been reviewed with the Niagara Peninsula Conservation Authority.

Moved by Councillor Hildreth  
Seconded by Councillor Harry

That the discussion respecting acquiring the Dunnville Spur Line for a recreation trail be deferred to a future meeting when a report is available.

Carried.

### **CLOSED SESSION**

308. Moved by Councillor Burroughs  
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 property matters.

Carried.

309. Property Purchase for Reconstruction of Regional Road 69  
(Pelham Road) City of St. Catharines  

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**PWA 93-2006 - Confidential**

Moved by Councillor Leavens  
Seconded by Councillor Trombetta

That Confidential Report PWA 93-2006, May 17, 2006, respecting the Property Purchase for Reconstruction of Regional Road 69 in the City of St. Catharines, be received and the recommendations therein approved.

Carried.

310. Moved by Councillor Harry  
Seconded by Councillor Trombetta

That this Committee do now rise with report.

Carried.

### **STAFF DIRECTIONS**

Staff was requested to:

- Investigate if income from the proposed wind power/green power revenues could be re-directed to cover some of the costs of the Wainfleet servicing (Refers to Minute Item # 268)
- approach Environment Canada or the Ministry of the Environment for funding, as this issue affects not only Wainfleet residents but the larger community in the Region. (Refers to Minute Item # 268)
- Investigate the possibility that the project be phased in to reduce the impact on budgets. (Refers to Minute Item # 268)
- review how the Region would control maintenance of conveyed lands by the adjacent residents (Refers to Minute Item #277)
- consider the amount to be requested from adjacent property owners to compensate for conveying the land (Refers to Minute Item #277)
- consider the environmental impacts of improper emptying of holding tanks and consider cutting fees charged to residents for this service (Refers to Minute Item #305)

### **ADJOURNMENT**

The Committee adjourned at 3:20 p.m., to meet again in Council Chambers, June 7, 2006 at 1:00 p.m.

Tim Rigby  
Co-Chair

Pam Gilroy  
Regional Clerk

Betty Staines  
Legislative Assistant