

**THE REGIONAL MUNICIPALITY OF NIAGARA**  
**PLANNING AND PUBLIC WORKS COMMITTEE**

**REPORT 17-2007**

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Minutes of a meeting of the Planning and Public Works Committee held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Wednesday, December 12, 2007 commencing at 1:05 p.m.

**ATTENDANCE**

Committee: Councillors, Rigby, Co-Chair; Smeaton, Co-Chair; Partington, Regional Chair; Augustyn, Badawey, Baty, Burroughs, Casselman, D'Angela, Goulbourne, Henderson, Hodgson, Lepp, Marshall, Martin, McMullan, Partington, Puttick, Salci, Timms, Trombetta, Zimmerman

Staff: Messrs. Trojan, CAO; Farley, Director, Planning Services; Brothers, Commissioner, Public Works; Flora, Associate Director, Transportation Services; Friesen, Director, Waste Management Services; Ms. Matthews-Malone, Director, Water & Wastewater; Ms. Gilroy, Regional Clerk; Ms. Ricci, Legislative Assistant; Ms. Staines, Legislative Assistant.

Others: Messrs. Robson, Director of Community Integration; Scholz, Associate Director Transportation Services; Hughes, Associate Director Transportation Services; Lockyer, Director, Financial Management; Roach, Manager, Public Works Financial Services; Ms. Sims, Process Specialist.

**PRESENTATIONS**

497. Final Recommendations Report  
Regional Policy Plan Amendment 7-2007  
Regional Road Allowance Policies  
Portage Road – Niagara-on-the-Lake  
**DPD 129-2007**

Mr. Frank Racioppo, Queenston Quarry Reclamation Company noted he, along with Lafarge, had been working together for the last two (2) years on a plan amendment with the Niagara Escarpment Commission (NEC) and that this plan would be coming forward (Town of Niagara-on-the-Lake and Council) by next week.

Mr. Racioppo stated that currently his main concerns were:

- Permitted uses on the site; any proposed plans for the intersection of Stanley Avenue with Portage and Townline Roads, and two potential access points to their site along Portage Road (at the eastern end of their property and at the northern end of the curve in the road)
- The capacity of the sanitary sewer on Stanley Avenue and signage to direct traffic

In closing, Mr. Racioppo stated that Planning staff had copies of his comments and that he would be willing to work with the Planning and Transportation Departments concerning traffic flow and the design process to ensure that a solution for the International gateway was achieved.

498. Peace Bridge Capacity Expansion Project  
Bi-National Integrated Environmental Assessment  
Design Report Draft Environmental Impact Statement (DEIS) Status Update  
**PWA 170-2007**

Ms. Bernadette Secco

Ms. Bernadette Secco, a resident of Niagara Falls and experienced speaker on Bi-National border crossings, stated that she was present today to advise Committee members of the negative impact that the expansion of the bridge plaza on the U.S. side of the border will have on a variety of issues, most importantly, air quality and human health.

Ms. Secco stated that although she would support recommendations 1. and 3. of PWA 170-2007 she could not support recommendation 2. which reads:

“That Regional Council reiterate it’s support for this project and recommend that the PBA proceed with either Alternative 1 or Alternative 3 as quickly as possible.”

She felt that the above recommendations were unfair due to:

- The Draft Environmental Impact Statement (DEIS), which represents the next step in a long process to acquire the necessary approvals to construct a new bridge and U.S. plaza, had not been approved for publication
- The DEIS contained a detailed analysis of noise and air quality on the US side but that the DEIS clearly and significantly omitted the “Canadian Impact” by stating, that the measuring and modeling of noise levels and air quality impacts “will be analyzed and reported as part of the preparation of a Canadian Environmental Assessment process” (not to be released until Spring 2008)

- Reports that a surrounding 120 historical homes (Buffalo, NY) and 90 buildings will be removed
- Report that Fort Erie waterfront will be reduced

Ms. Secco further stated that under the “Analysis” section of the report it states, “In Canada, the Federal Government has advised that approvals under the *Canadian Environmental Assessment Act (CEAA)* for the Second Peace Bridge Project that was tendered in 1998 are still valid and current”, is untrue.

Mr. Alfred Coppola

Mr. Alfred Coppola, a resident of the Westside of Buffalo New York and past State Senator, advised Committee members that he was present today to discuss his concerns surrounding the expansion of the bridge plaza on the U.S. side of the border.

Mr. Coppola advised members that, “you do not have all the information”. He highlighted for members the following information:

- Plans to build berms around D'Youville College area
- Impact of having trucks back up to the valuable homes located in this area
- The importance of preserving the homes in this area
- The uproar from residents who have financially invested in their homes only to have them devalued by this plan
- The impact, of tearing down the proposed 100 homes, to tax rolls, water and sewer revenue
- The impact this will have on the already reported cases of asthma

In closing Mr. Coppola thanked members for their time and asked that before making a decision they please survey the area and ask residents for their views.

499. Tree and Forest Conservation By-law Amendments  
**DPD 133-2007**

Mr. Roger Miller

Mr. Roger Miller, representing Pelham as a member of the Tree By-law Advisory Committee, directed Committee member's attention to Section 11 of the 2006 edition of the Tree and Forest Conservation By-law. He stated that this section addresses the roles and responsibilities of the Advisory Committee and that today's amendments to that By-law suggested that they be removed entirely and that the role and reporting process of the Committee instead be included in the proposed Service Agreement between the Region and the Niagara Peninsula Conservation Authority (NPCA).

Mr. Miller stated that although he is not opposed to having the roles and responsibilities located in the service agreement (as opposed to in the By-law), he felt that the service agreement should clearly state “who” is represented on the Committee and “who” the Committee would report to.

Mr. Miller than advised members of his main concerns:

- Is this amendment to the Tree and Forest Conservation By-law suggesting that the Tree By-law Advisory Committee report directly to the NPCA board?
  - Would this then mean that the Committee would become a committee of the NPCA or would they remain a technical advisory committee of the Region?
- How would a member of the general public, reading the By-law, even know that an Advisory Committee existed if it is not mentioned?

Mr. Miller thanked Committee members for their time.

500. Moved by Councillor Timms  
Seconded by Councillor Marshall

That Report PWA 170 -2007, December 12, 2007, respecting Peace Bridge Capacity Expansion Project Bi-National Integrated Environmental Assessment Design Report Draft Environmental Impact Statement (DEIS) Status Update and that Report DPD 133-2007, December 12, 2007, respecting Tree and Forest Conservation By-law Amendments be brought forward and dealt with at this time.

Carried.

501. Peace Bridge Capacity Expansion Project  
Bi-National Integrated Environmental Assessment  
Design Report Draft Environmental Impact Statement (DEIS) Status Update  
**PWA 170-2007**

Councillor Martin provided Committee members with a brief overview as to Report PWA 170-2007 Peace Bridge Capacity Expansion Project Bi-National Integrated Environmental Assessment Design Report Draft Environmental Impact Statement (DEIS) Status Update history.

He stated that he would obtain information respecting the status of permits and any existing study of asthma in children living in the immediate vicinity of the truck plaza on the U.S. side of the bridge crossing.

Moved by Councillor Martin  
Seconded by Councillor Trombetta

That Report PWA 170-2007, December 12, 2007, respecting Peace Bridge Capacity Expansion Project Bi-National Integrated Environmental Assessment Design Report Draft Environmental Impact Statement (DEIS) Status Update, be received;

That the following recommendations, approved by the Transportation Strategy Steering Committee at its November 20, 2007 be recommended to Regional Council for approval;

That the Buffalo and Fort Erie Public Bridge Authority (PBA) be advised that based on the review of the Peace Bridge Expansion Project Draft Environment Impact Statement (DEIS), Regional Niagara continues to support this Bi-nations Integrated Environmental Process.

That Regional Council reiterate its support for this project and recommend that the PBA proceed with either Alternative 1 or Alternative 3 as quickly as possible.

That Regional Niagara staff monitor the Peace Bridge Expansion project and report back to this Committee and Council as further information becomes available.

Carried.

502. Tree and Forest Conservation By-Law Amendments  
**DPD 133-2007**

Committee members discussed Mr. Roger Miller's aforementioned concerns respecting the proposed amendments to the Tree and Forest Conservation By-law.

The following, in part, was discussed:

- The need to continue to properly convey the importance of the Advisory Committee and their input
- The need to have Section 11.1, concerning the roles and responsibilities of the Advisory Committee, attached as an Appendices to the By-law
- Having the NPCA enforcing the By-law is beneficial but the Region needs to govern the By-law
- The By-law is still a work in progress and will need further amendments
- The proposed reporting process of the Advisory Committee to the NPCA; Committee felt that it is vital that the Region continue to manage the Committee and their input

Moved by Councillor Casselman  
Seconded by Councillor Burroughs

That Report DPD 133-2007, December 12, 2007, respecting Tree and Forest Conservation By-law Amendments be deferred subject to the receipt of a staff report on the proposed reporting procedure between the NPCA and Tree and Forest Conservation By-law Advisory Committee.

Carried.

503. 2008 Current and Capital Budgets  
Public Works Department

Mr. Ken Brothers, Commissioner, Public Works Department, presented the Public Works Department 2008 Budget. He highlighted information from the Budget Review Committee of the Whole meeting of November 29<sup>th</sup> wherein Mr. John Bergsma, Commissioner, Corporate Services Department, apprised the Committee of the guideline set by Regional Council of 3.4% which would denote a levy impact of \$9.2 million and rate impact of \$4.2 million for a total of \$13.4 million. It was noted that the guideline has been achieved and the proposed budget represents a levy impact of \$4.8 million and rates impact of \$4.2 million for a total of \$9.0 million. The combined impact on a typical householder would be an increase of \$26 for 2008 over 2007.

Mr. Brothers highlighted information related to the Capital Budget that was also presented at the November 29<sup>th</sup> Budget Review Committee of the Whole meeting, noting that the following guiding principles were used in preparation of the 2008 Capital Budget:

- Meet infrastructure needs
- Manage financing
- Split debt limit into “levy” and “rate”
- Stabilize levy
- Match rate financing to asset life

The 2008 summary of capital projects was presented for a total of \$118 million. A chart depicting the 2008 Capital vs. prior years from 2001 to 2007 was also provided.

Issues impacting the Capital Budget, to be addressed in a revised Capital Budget Strategy in the first and second quarter of 2008 for 2009 and beyond, were described as follows:

- Debt charge increases
- Development Charges
- Infrastructure needs and funding
- Police facilities
- Cash flow forecasts
- Affordability/sustainability

Mr. Brothers stated that the Public Works Department functional responsibilities were Administration, Transportation, Waste Management, Wastewater and Water.

The proposed 2008 Public Works Department budget totals budget of \$251,854,504 (2008 net expenditures of \$165,419,504, 2008 Capital Budget of \$86,435,000) which represents a levy increase of 1.46% and a rate increase of 3.4%.

Mr. Brothers advised committee members that he would pass the podium over to staff to address each of the division presentations; Mr. Ralph Scholz & Brian Hughes for Transportation, Mr. Barry Friesen for Waste Management Services and Ms. Betty Matthews-Malone for the Water & Wastewater Services.

Mr. Scholz highlighted the programs activities, responsibilities, opportunities, challenges, OMBI Performance Measures, Budget Drivers, Program Changes, a current Budget overview by cost centre, capital budget program Roads – Major 2008 Projects and Vehicle & Equipment Replacement. Mr. Hughes stated that the Transportation Services 2008 net (including all cost centres) would be \$19,870,904 representing an increase of 379,886 or 1.95%.

Mr. Friesen highlighted some of the Waste Management Services 2008 cost drivers as being:

- Re-launch of the Green Bin Program, at a cost of \$3,000,000, funded from Waste Management Reserve Fund
  - Ensure every household has a Green Bin
  - Development of a communications strategy and implementation plan for Green Bin Program
  - Increase diversion rate towards 65% goal
- New Composting Technology - \$500,000 to adjust base budget
- PCAB Impact: \$1,630,000 in Capital expenditures at Closed Landfills

Mr. Friesen confirmed that the proposed Waste Management portion of the Capital Budget can be broken down as follows:

- Recycling Centre – Equipment Improvements:  
\$1.885 M
- Landfill Site Works – Station Road/Niagara Road 12:  
\$1.13 M
- Equipment Replacement:  
\$400,000

Ms. Matthews-Malone provided committee members with a system overview, program opportunities and challenges, performance measures and main budget drivers (succession planning, PSAB, CSO's, Pump Stations, SOTI).

Ms. Matthews-Malone noted that the Capital Budget highlights for Water would be as follows:

- Concentrating on Works in Progress
- 2008 Recommendations
  - Risk Mitigation (\$100K)
  - Upgrades (Pump Stations, Transmission & Plants) (\$100K)
  - System Reliability/Interconnection (\$2M)

Moved by Councillor Timms

Seconded by Councillor Salci

That the presentation by Ken Brothers, Commissioner, Public Works Department, Mr. Scholz, Associate Director, Transportation Services, Mr. Hughes, Associate Director, Transportation Services, Mr. Friesen, Director Waste Management, and Ms. Matthews-Malone, Director Water and Wastewater regarding the 2008 Current and Capital Budgets, Public Works Department, be received.

Carried.

504. 2008 Current and Capital Budgets  
Planning Department

Mr. Patrick Robson, Director Community Integration, provided an overview of the Planning Department 2008 Budget priorities.

Mr. Robson stated that the Planning and Development major goals would be:

- To continue with the implementation of Planning Function Memorandum of Understanding in order to achieve its purpose
- To position/resource the Department to address broader 'regional' community planning imperatives – related to integrated sustainability per Council Business Plan
- To engage the community in an innovative manner
- To continue to implement the Niagara Growth Management Strategy collaboratively with out local municipal partners

Mr. Robson further advised that the proposed 2008 Planning and Development Budget net expenditures (\$2,343,918) represents an increase over 2007 of 1.08% or \$24,994.

Moved by Councillor Rigby  
Seconded by Councillor Trombetta

That the presentation by Patrick Robson, Director Community Integration, regarding the 2008 Current and Capital Budgets, Planning Department, be received.

Carried.

### **ITEMS FOR CONSIDERATION**

505. Town of Niagara-on-the-Lake  
Transportation Master Plan Study  
**PWA 168-2007**

Moved by Councillor Timms  
Seconded by Councillor Baty

That Report PWA 168-2007, December 12, 2007, respecting; Town of Niagara-on-the-Lake Transportation Master Plan Study, be received; and

That the *Recommended Roadway Implementation Strategy* and *Jurisdiction Financial Summary* (Executive Summary – Tables E.2 and E.3) be referred to Public Works – Transportation Services staff for their review with respect to (i) the Region's Capital Management Policy; and (ii) the Transportation Services Sustainability Review.

Carried.

506. Transfer of Funds  
Towpath Road Sewage Pumping Station and  
Welland North Trunk Sewer Extension Phase II  
Town of Pelham, City of Welland and City of Thorold  
**PWA 171-2007/CSD 175-2007**

Moved by Councillor Goulbourne  
Seconded by Councillor Salci

That Report PWA 171-2007/CSD 175-2007, December 12, 2007, respecting Transfer of Funds Towpath Road Sewage Pumping Station and Welland North Trunk Sewer Extension Phase II Town of Pelham, City of Welland and City of Thorold, be received;

That the contract agreement for Contract RN 05-49 with Sona Construction be amended to include the additional construction cost in the amount of \$242,900;

That the contract agreement for Contract RN 05-55 with Terra Infrastructure Inc. be amended to include the additional construction cost in the amount of \$158,905;

That the engineering agreement with Hatch Mott Macdonald be amended to include additional engineering fees in the amount of \$172,100.00;

That previously approved Wastewater Reserve Fund financing in the amount of \$415,000 be transferred from Project ZSW0209/SW0209 Gravity Sewer, Hurricane Road, Rice Road, Quaker Road, Towpath Road to Project ZSW9815/SW0622, Towpath Road Sewage Pumping Station;

That previously approved Wastewater Reserve Fund financing in the amount of \$158,905 be transferred from Project ZSW0209/SW0209 Gravity Sewer, Hurricane Road, Rice Road, Quaker road, Towpath Road to Project ZSW9816/9815, Welland North Trunk Sewer Extension Phase II Project; and

That these costs be charged against Project ZSW9815/SW0622 and ZSW9815/SW9815 respectively.

Carried.

*(Please note that Report PWA 171-2007/CSD 175-2007 can be found behind the JNT RPTS Blue Book Tab)*

507. Niagara's Alternative Biosolids Management  
Contract Amendments  
**PWA 172-2007/CSD 176-2007**

Moved by Councillor Augustyn  
Seconded by Councillor Timms

That PWA 172-2007/CSD 176-2007, December 12, 2007, respecting Niagara's Alternative Biosolids Management Contract Amendments, be received;

That approval be given for the transfer of the Alternative Biosolids Management Contract, Loan Agreement, and all related agreements currently with Niagara Biosolids Corporation (NBC) to NBC Limited Partnership (NBLP);

That approval be given for the execution of amendments to the Alternative Biosolids Management Contract, Loan Agreement, release of the Loan and Guarantee Agreement, and all related documents to reflect the above-noted transfer; and

That the Regional Clerk be directed to ensure that the appropriate by-law is prepared for submission to Regional Council authorizing the Regional Chair and Regional Clerk to execute the consent/approval and the above referenced amendments on behalf of the Region.

Carried.

*(Please note that Report PWA 172-2007/CSD 176-2007 can be found behind the JNT RPTS Blue Book Tab)*

508. Terms of Reference for the Establishment of a Project  
Development Structure to Manage the Implementation of  
The Wainfleet Servicing Project  
**PWA 173-2007/PHD 79-2007/CSD 178-2007/DPD 130-2007**

Moved by Councillor Baty  
Seconded by Councillor Goulbourne

That Report PWA 173-2007/PHD 79-2007/CSD 178-2007/DPD 130-2007, December 12, 2007, respecting Terms of Reference for the Establishment of a Project Development Structure to Manage the Implementation of The Wainfleet Servicing Project, be received;

That the organizational framework outlined in the report be established to carry out the tasks required to implement this next phase of the Wainfleet Servicing Project;

That members of the Standing Committees (Planning and Public Works, Corporate Services and Public Health and Social Services) be appointed to the Wainfleet Servicing Project Joint Advisory Committee, in accordance with this report;

That Wainfleet Township be requested to appoint representatives to the Wainfleet Servicing Project Joint Advisory Committee, the Project Team and the Public Liaison Committee, in accordance with this report; and

That the City of Port Colborne be requested to appoint a representative to the Wainfleet Servicing Project Joint Advisory Committee and the Project Team, in accordance with this report.

Carried.

*(Please note that Report PWA 173-2007/PHD 79-2007/CSD 178-2007/DPD 130-2007 can be found behind the JNT RPTS Blue Book Tab)*

509. Final Recommendations Report  
Regional Policy Plan Amendment 7-2007  
Regional Road Allowance Policies  
Portage Road – Niagara-on-the-Lake  
**DPD 129-2007**

Moved by Councillor Timms  
Seconded by Councillor Marshall

That Report DPD 129-2007, December 12, 2007, respecting Final Recommendations Report Regional Policy Plan Amendment 7-2007 Regional Road Allowance Policies Portage Road – Niagara-on-the-Lake, be received;

That Regional Policy Plan Amendment 7-2007 as set out in Appendix I be approved;

That the Regional Clerk ensure that a Regional Amendment by-law is prepared for Council adoption;

That a notice of Council's decision be circulated in accordance with Planning Act requirements; and

That a copy of this report be forwarded to Niagara-on-the-Lake and Niagara Falls for information.

Carried.

510. Moved by Councillor Baty  
Seconded by Councillor Bylsma

That the following minutes be received and the recommendations contained therein be approved:

Minutes of the Smarter Niagara Steering Committee meeting held Wednesday, November 14, 2007

Minutes of the Transportation Strategy Steering Committee meeting held Wednesday, November 20, 2007

Minutes of the Greater Niagara Circle Route Committee meeting held Wednesday, November 7, 2007

Carried.

### **ITEMS FOR INFORMATION**

511. Moved by Councillor Goulbourne  
Seconded by Councillor Timms

That Report PWP 77-2007 Drinking Water Quality Management Standard (DWQMS) Implementation and proposed presentation by Heather Sims be deferred to the January 9, 2007 meeting of the Planning and Public Works Committee meeting.

Carried.

512. Moved by Councillor Goulbourne  
Seconded by Councillor Salci

That the following correspondence items be received for information:

PWP 79-2007	Public Works Staff Comments on Municipal Servicing Applications
PWP 80-2007	Public Works Staff Comments on Development and Related Proposals
PWP 81-2007	Biggar Lagoon Decommissioning Project Status Update
PWP 83-2007	Project/Studies Activity Report Waste Management Services Division

PWP 84-2007      Forecast and Year-End Results and  
Budget to Actual Comparison for the  
Month Ended October 31, 2007

Carried.

Conflict of Interest

Councillor Bylsma declared a conflict with respect to Report DPD 132, 2007, December 12, 2007, Update on Wind Energy Policies Regional Policy Plan Amendment 5-2007 and therefore took no part in the discussion of, or voting on, this matter.

513. Moved by Councillor Goulbourne  
Seconded by Councillor Timms

That the following reports and minutes be received for information:

Report DPD 131-2007, December 12, 2007, respecting Update on Growth Management Strategy Project-Niagara 2031

Report DPD 132-2007, December 12, 2007, respecting Update on Wind Energy Policies Regional Policy Plan Amendment 5-2007

Minutes of the Tree & Forest Conservation Bylaw Advisory Committee meeting held Thursday, November 8, 2007

Carried.

Quorum

There being a lack of ordinary quorum at the meeting, the Committee Co-Chairs determined that the ordinary quorum for the meeting be reduced to ten members, pursuant to Section 22.10 of the Procedural By-law 96-2007.

514. Moved by Councillor Augustyn  
Seconded by Councillor Marshall

That the following items be received for information:

PWC 48-2007      Letter from City of Burlington, October 23, 2007, to the  
Regional Clerk re: Niagara to GTA Corridor: Status of EA  
Study and City of Burlington comments

PWC 49-2007 Letter from City of Welland, November 23, 2007, to the Regional Clerk re: resolution,

“THAT THE COUNCIL OF THE CITY OF WELLAND receives for information from the Niagara Region, Report PWA 165-2007 (CSC 169-2007), October 31, 2007, respecting the Niagara Water Strategy CSO Management Action Plan, Project ZSW0004.”

Carried.

### **OTHER BUSINESS**

515. **Budget Process**

Councillor Baty reminded committee members that last year at this time he had suggested that we use the week “after” Council to address all Budget issues, he added that it was too onerous a responsibility to expect Co-Chairs and staff to handle a full agenda and Budget presentations.

516. **A Matter of Security of the Property of the Municipality  
(Residential Source Separated Organics Update)**  
**PWA 174-2007/ CSD 177-2007 (Confidential)**

Moved by Councillor Goulbourne  
Seconded by Councillor Salci

That Confidential Report PWA 174-2007, (CSD 177-2007) December 12, 2007, respecting A Matter of Security of the Property of the Municipality (Residential Source Separated Organics Update), be deferred to be addressed at a Committee of the Whole Meeting on December 20, 2007.

Carried.

**ADJOURNMENT**

The Committee adjourned at 5:15 p.m., to meet again on Wednesday, January 9, 2008 in Council Chambers, Regional Headquarters.

Bill Smeaton  
Co-Chair

Tim Rigby  
Co-Chair

Pam Gilroy  
Regional Clerk

Lisa Ricci  
Legislative Assistant