

# THE REGIONAL MUNICIPALITY OF NIAGARA

## CORPORATE SERVICES COMMITTEE

### REPORT 10-2010

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Minutes of a meeting of the Corporate Services Committee held in Council Chambers, Regional Municipal Building, 2201 St. David's Rd., Thorold, Ontario, on Wednesday, July 28, 2010 commencing at 9:35 a.m.

#### ATTENDANCE

Committee: Councillors Augustyn, Co-Chair; Martin, Co-Chair; Bentley; Burroughs; Bylsma; Casselman; D'Angela; Garcia, Greenwood; Henderson; Lepp; Puttick; Saracino.

Staff: Mr. Trojan, Chief Administrative Officer; Mr. Diakow, Director, IT Solutions; Mr. Bain, Regional Clerk; Ms. Reilly, Legislative Assistant.

Staff

Others: Corporate Services: Ms. Elliott, Director, Human Resources; Mr. Hughes, Director, Properties Management; Mr. Kyne, Director, Legal Services; Ms. Learn, ESC; Ms. Moffatt, Manager, Property Management; Mr. Pilon, Associate Director, Service Quality & Improvement; Mr. Roach, Manager, Financial Services (P.W.); Ms. Sandwell-Lavergne, Interim Lead, Finance Operations.  
Community Services: Mr. Ventresca, Director, Seniors Services.  
Integrated Community Planning: Ms. Swigger, Student.  
Public Works: Mr. Cousins, Director, Transportation Services; Mr. Niesink, Biosolids Manager.

#### Quorum

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

Councillor Augustyn advised that an additional item will be included on the agenda regarding the Police Services Arbitration Award which will be dealt with under "Other Business".

*(A quorum was reached at 9:40 a.m.)*

**ITEMS FOR CONSIDERATION**

140. Section 275 Municipal Act “Lame Duck” Provisions –  
Municipal Election 2010 and Delegation of Authority  
**CSD 76-2010**

Moved by Councillor Bylsma  
Seconded by Councillor Henderson

That Report CSD 76-2010, July 28, 2010, respecting Section 275 Municipal Act “Lame Duck” Provisions – Municipal Election 2010 and Delegation of Authority, be received.

That, conditional and effective on, the triggering of the section 275 *Municipal Act* restrictions with respect to the 2010 municipal election, Council delegate to the Chief Administrative Officer (CAO), only to the extent not already delegated, authority over the following actions:

- (a) the appointment or removal from office of any officer of Niagara Region;
- (b) the hiring or dismissal of any employee of Niagara Region;
- (c) the disposition of any real or personal property of Niagara Region which has a value exceeding \$50,000 at the time of disposal; and
- (d) making any expenditures or incurring any other liability which exceeds \$50,000,

provided that such authority shall extend only until the first meeting of the new Council, and that the CAO shall report to the new Council all actions taken pursuant to this delegation.

Carried.

141. 2010 Claw Back Percentages and  
Municipal Tax Adjustments  
**CSD 77-2010**

Moved by Councillor Greenwood  
Seconded by Councillor Saracino

That Report CSD 77-2010, July 28, 2010, respecting 2010 Claw Back Percentages and Municipal Tax Adjustments, be received.

That the percentage claw back for the affected property classes, under section 330 (1) of the Municipal Act, be established as follows:

Multi-Residential	42.1858%
Commercial	34.8356%
Industrial	21.2066%

That the Region act as a banker, under section 330 (6) of the Municipal Act, on October 12, 2010 for the 2010 Municipal Tax Adjustments.

That the Regional Clerk be instructed to prepare the necessary by-law.

That this report be received and circulated to the Councils of the area municipalities for information.

Carried.

142. Extension of Niagara's Biosolids Management Agreement  
**CSD 78-2010 (PWA 67-2010)**

Moved by Councillor Bentley  
Seconded by Councillor Bylsma

That Report CSD 78-2010, July 28, 2010 (PWA 67-2010, July 27, 2010), respecting Extension of Niagara's Biosolids Management Agreement, be received.

That a contract amendment and extension with Terratec Environmental Ltd., for a 3-year term commencing January 1, 2011, for the management of Niagara's biosolids liquid land application, be approved;

That the 2011 rates for the services, included in the amended contract, be approved in accordance with Appendix 'A' attached;

That the annual inflationary adjustment be calculated based on an 80% Canadian Price Index (CPI) Ontario Index and a monthly diesel fuel adjustment based on 20% Diesel Ontario Index, as per the existing terms of the agreement;

That the contract be amended to include a "Change in Law" clause to address pending changes from the January 1<sup>st</sup>, 2011 implementation of Ontario Regulation 267/03, the nutrient management regulation;

That costs associated with this service are charged to the appropriate cost centres in the Water and Wastewater Services operating budgets for years 2011, 2012, and 2013; 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 Agreement on behalf of Niagara Region upon final contract review and approval by the Regional Solicitor.

Carried.

*(Please note that Report CSD 78-2010 (PWA 67-2010) can be found behind the Joint Reports Blue Book Tab)*

143. Brownfield Financial Tax Assistance Program Application  
583 Welland Avenue, City of St. Catharines  
**CSD 80-2010**

Moved by Councillor Bylsma  
Seconded by Councillor Martin

That Report CSD 80-2010, July 28, 2010, respecting Brownfield Financial Tax Assistance Program Application 583 Welland Avenue, City of St. Catharines, be received.

That Regional Council approve the resolution attached as Appendix I to this report which authorizes cancellation of all or a portion of the taxes levied for municipal purposes by the Region, for a period of up to three years, on the property known municipally as 583 Welland Avenue, City of St. Catharines, under the Brownfield Financial Tax Assistance Program.

Carried.

Conflict of Interest

Councillor Bylsma declared a pecuniary interest with respect to Report CSD 81-2010, Five Year Extension to Agreement with Niagara Regional Broadband Network for High Speed Telecommunications Services, as they are a client of his and he therefore took no part in the discussion of, or voting on, this matter.

144. Five Year Extension to Agreement with Niagara Regional  
Broadband Network for High Speed Telecommunications Services  
**CSD 81-2010**

Moved by Councillor Henderson  
Seconded by Councillor Greenwood

That Report CSD 81-2010, July 28, 2010, respecting Five Year Extension to Agreement with Niagara Regional Broadband Network for High Speed Telecommunications Services, be received.

That the Regional Chairman and Regional Clerk be authorized to sign a five year extension to the existing Niagara Regional Broadband Network (NRBN) Regional Broadband Implementation and Services Agreement;

That the extension be reviewed by and satisfactory to the Director of Legal Services.

Carried.

145. Initiation of Project ZGG1001  
Emergency Capital Levy Program  
Emergency Repairs to HVAC at The Woodlands of Sunset  
**CSD 85-2010 (COM 38-2010)**

Moved by Councillor Bentley  
Seconded by Councillor Martin

That Report CSD 85-2010, July 28, 2010 (COM 38-2010, July 27, 2010), respecting Initiation of Project ZGG1001 Emergency Capital Levy Program emergency Repairs to HVAC at The Woodlands of Sunset, be received.

That Capital Levy financing in the amount of \$100,000, gross and net, be approved for Project ZGC1001 Emergency Capital Levy Program included in the 2010 Capital Budget, and that this amount be initiated to complete the emergency repairs to the air-conditioning system at The Woodlands of Sunset long-term care home in Welland/Pelham;

That the Regional Clerk be directed to ensure that the appropriate by-law(s) are prepared for presentation to Regional Council on August 5, 2010;

That all project costs be charged against Emergency Repairs to the air-conditioning at The Woodlands of Sunset.

Carried.

*(Report CSD 85-2010/COM 38-2010 can be found behind the Joint Reports tab in the Blue Book.)*

146. Contract Award 2010-RFP-39, Roof Replacement Bulk Storage Facility, Welland Patrol Yard  
**CSD 86-2010 (PWA 76-2010)**

Moved by Councillor Puttick  
Seconded by Councillor D'Angela

That Report CSD 86-2010, July 28, 2010 (PWA 76-2010, July 27, 2010), respecting Contract Award 2010-RFP-39 Roof Replacement Bulk Storage Facility Welland Patrol Yard, be received.

That the Contingency reserve be used as funding in the amount of \$995,000 and allocated to Project GD1020 Roof Replacement Bulk Storage Facility, Welland Patrol Yard. The original cost of the roof/structure was approximately \$950,000.00;

That subject to the confirmation of structural adequacy by the Region's structural consultant, a contract for proposal No 2010-RFP-39, Welland Patrol Yard Roof Replacement, be awarded to Olympia Fabric Structures Of Ontario Corporation at the bid price of \$899,400.00;

That a contingency allowance in the amount of \$30,000.00 be provided for this contract.

Carried.

*(Report CSD 86-2010/PWA 76-2010 can be found behind the Joint Reports tab in the Blue Book.)*

**CORRESPONDENCE**

147. Moved by Councillor Greenwood  
Seconded by Councillor Martin

That the following communications be received:

CSC 18-2010 Deb Morton, Executive Director, Regional Municipality of Niagara Police Services Board (June 28, 2010) regarding Niagara Regional Police Services By-law No. 297-2010, User Fees and Charges 106.2010

CSC 19-2010 Deb Morton, Executive Director, Regional Municipality of Niagara Police Services Board (June 28, 2010) regarding Niagara Regional Police Service Purchase of HP Backup Solution 103.2010.

Carried.

**MINUTES**

148. Regional Municipality of Niagara  
Police Services Board

Moved by Councillor Casselman  
Seconded by Councillor Bentley

That the minutes of the Regional Municipality of Niagara Police Services Board meeting of Thursday, May 27, 2010, be received.

Carried.

**OTHER BUSINESS**

149. Update – Niagara Regional Police Services Arbitration Award

Councillor Martin advised that the arbitrator, Mr. George Adams rendered a decision to the Niagara Region Police Association to award the Association members a cumulative hike of 9.96%, phased in over six increments. The Police Services Board will be meeting on Thursday, July 29, 2010 to assess the impact on their budgets. A full update will be presented at the Regional Council meeting on August 5, 2010.

150. Correspondence from Ray and Liz Kowalik  
Respecting the Request to Waive the Application fee of \$500.00  
To Permit Operation of a Driving Range  
**PWC 21-2010**

Councillor Burroughs advised that the Public Works Committee waived the fee for the above matter and that while he is in support of the waiving of this fee, he has concerns on the accounting for these matters. He recommended that the treatment of any matters such as these be directed to the Audit Committee to ensure that there is a process in place to accommodate these decisions.

(Refer to Councillor Information Requests.)

*(PWC 21-2010 can be found behind the Public Works Committee tab in the Blue Book.)*

**CLOSED SESSION**

151. Moved by Councillor Lepp  
Seconded by Councillor Henderson

That this Committee do now meet in Closed Session for purposes of receiving information of a confidential nature relating to A Proposed Acquisition of Land by the Municipality, Lease Extension Agreement with Mountainview Homes Limited, City of Thorold and Matters Concerning Labour Relations: Employee Negotiations and Identifiable Individuals – Position of Treasurer/Director of Financing Management and Planning.

Carried.

152. A Proposed Acquisition of Land by the Municipality  
Lease Extension Agreement with Mountainview Homes Limited  
City of Thorold  
**CSD 79-2010 (PHD 41-2010) (Confidential)**

Moved by Councillor Saracino  
Seconded by Councillor Martin

That Confidential Report CSD 79-2010, July 28, 2010 (PHD 41-2010, July 27, 2010) respecting A Proposed Acquisition of Land by the Municipality Lease Extension Agreement with Mountainview Homes Limited city of Thorold, be received and the recommendations contained therein be approved.

Carried.

153. Matters Concerning Labour Relations: Employee Negotiations  
And Identifiable Individuals – Position of Treasurer/Director of  
Financial Management and Planning  
**CSD 84-2010 (Confidential)**

Moved by Councillor Martin  
Seconded by Councillor Puttick

That Confidential Report CSD 84-2010, July 28, 2010, respecting Matters Concerning Labour Relations: Employee Negotiations and Identifiable Individuals – Position of Treasurer/Director of Financial Management and Planning, be received and the recommendations contained therein be approved.

Carried.

154. Moved by Councillor Bentley  
Seconded by Councillor Bylsma

That this Committee do now rise with report.

Carried.

### **COUNCILLOR INFORMATION REQUESTS**

That staff:

- (i) Direct any decisions permitting the waiving of fees to the Audit Committee to ensure that there is an appropriate accounting process in place to accommodate these decisions. (Burroughs) Refer to minute 150.

### **ADJOURNMENT**

Committee adjourned at 10:50 a.m. to meet again on Wednesday, September 15, 2010, at 9:30 a.m. in Council Chambers, Regional Headquarters.

Dave Augustyn  
Co-Chair

Gail Reilly  
Legislative Assistant

Doug Martin  
Co-Chair

Kevin Bain  
Regional Clerk