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THE REGIONAL MUNICIPALITY OF NIAGARA
CORPORATE AND FINANCIAL SERVICES COMMITTEE

REPORT 15-2003

Minutes of a meeting of the Corporate and Financial Services Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario, on Wednesday, September 10, 2003, commencing at 10:00 a.m.

ATTENDANCE

Committee: Councillors Martin, Chair; Zimmerman, Regional Chair; Beamer; Bentley; Burroughs; Davidson; Hildreth; Muir; Partington; Saracino; Timms.

Staff: Mr. Trojan, Chief Administrative Officer; Mr. Bacchus, Commissioner of Corporate Services; Mr. Hollick, Regional Clerk; Mr. Lockyer, Treasurer; Ms. Reilly, Legislative Assistant.

Staff
(Part-time): Mr. Banting, Director, Legal Services; Mr. Bousfield, Manager, Properties and Facilities Management; Mr. Brcic, Director, Water and Wastewater Services; Ms. Chamberlain, Fixed Assets Analyst; Ms. Hepplewhite, Manager, Records; Ms. M. Murphy, Manager, Budgets & Reporting; Mr. Nicol, Commissioner, Human Resources; Mr. Roach, Manager of Finance, P.W.; Mr. Smith, Waste Management Engineer; Mr. Weaver, Corporate Effectiveness and Financial Performance Analyst.

CLERK'S DEPARTMENT

204. Records Retention By-law

Moved by Councillor Saracino
Seconded by Councillor Bentley

That Report CLK 23-2003, September 10, 2003, respecting the Records Retention By-law be received; and

That the changes proposed to the Records Retention by-law be accepted and referred to the Region's auditor for approval.

Carried.

205. Criteria for Closed Session Items

Moved by Councillor Muir
Seconded by Councillor Davidson

That Report CLK 25-2003, September 8, 2003, respecting Criteria for Closed Session Items, be received for information and included in the Council Orientation materials.

Carried.

206. Monthly Web Site Activity Report – June 2003

Moved by Councillor Beamer
Seconded by Councillor Hildreth

That Report CLK 26-2003, respecting Monthly Web Site Activity Report – June 2003, be received for information.

Carried.

207. Monthly Web Site Activity Report – July 2003

Moved by Councillor Beamer
Seconded by Councillor Hildreth

That Report CLK 27-2003, respecting Monthly Web Site Activity Report – July 2003, be received for information.

Carried.

208. Monthly Web Site Activity Report – August 2003

Moved by Councillor Beamer
Seconded by Councillor Hildreth

That Report CLK 28, 2003, respecting Monthly Web Site Activity Report – August 2003, be received for information.

Carried.

CORPORATE SERVICES DEPARTMENT

Conflict of Interest

Councillor Timms declared an indirect pecuniary interest with respect to Report CSD 120-2003, as his family has an interest in a development company and he therefore took no part in the discussion of or voting on this matter.

209. Impact of Amendment to Development Charges By-law 111-1999

Moved by Councillor Bentley
Seconded by Councillor Hildreth

That Report CSD 120-2003, September 10, 2003, respecting Impact of Amendment to Development Charges By-law 111-1999, be received for information.

Carried.

Conflict of Interest

Councillor Timms declared an indirect pecuniary interest with respect to Report CSD 121-2003, as his family is an associate of the company awarded the contract, and he therefore took no part in the discussion of or voting on this matter.

210. Awards of Contracts
Contract RN 03-03 Engineering, Procurement and Construction
Materials Recycling Facility
Contract RN. 03-25 Site Development Works
Niagara Enviro-Centre, City of Niagara Falls

Moved by Councillor Partington
Seconded by Councillor Hildreth

That Report CSD 121-2003, September 10, 2003 (PWA 145-2003 September 9, 2003), respecting the Award of Contracts, Contract RN 03-03 – Engineering Procurement and Construction on Materials Recycling Facility; Contract RN 03-25 – Site Development Works, Niagara Enviro-Centre in the City of Niagara Falls, be received.

That Contract RN. 03-03 Engineering, Procurement and Construction of the Material Recycling Facility at the Niagara Enviro-Centre in the City of Niagara Falls be awarded to Integrated Municipal Services in association with CP Manufacturing, Inc., Timbro Design Build Contractors, and Sandwell Consulting Engineers Ltd. at the negotiated price of \$6,920,246 excluding the Goods and Services Tax;

That Contract RN. 03-25 Site Development Works for the Niagara Enviro-Centre in the City of Niagara Falls be awarded to Centennial Construction & Contracting (Niagara) Inc. at the amended tender price of \$1,999,243 excluding the Goods and Services Tax;

That Gartner Lee Limited be retained to carry out the contract administration and field inspection services for said Contract RN. 03-03 at an estimated cost of \$144,960 excluding the Goods and Services Tax with the fees being calculated on a time-plus disbursement basis;

That Gartner Lee Limited be retained to carry out the contract administration and field inspection services for said Contract RN. 03-25 at an estimated cost of \$130,000 excluding the Goods and Services Tax with the fees being calculated on a time-plus disbursement basis;

That an additional contingency allowance in the amount of \$150,000.00 be provided for said Contract RN 03-25;

That the following transfers to Project ZGL0216/GL0216, Capital Purchases/Upgrades for New Materials Recycling Facility be approved:

- i) Previously approved debenture financing (1-10 years) in the amount of \$750,000 be transferred from Project ZGL9805/GL9805, Long Term Development Plan, Line 5 Landfill Site.
- ii) Previously approved financing (Waste Management Reserve) in the amount of \$416,547 be transferred from Project ZGL0221/GL0221, Repayment of Waste Management Transition Costs.
- iii) Previously approved debenture financing (1-10 years) in the amount of \$350,000 be transferred from Project ZGL0004/GL0004, Property Value Protection Plan at Niagara Road 12 Landfill, West Lincoln.
- iv) Previously approved debenture financing (1-10 years) in the amount of \$150,000 be transferred from Project ZGL0104/GL0104, Property Value Protection Plan at Niagara Road 12 Landfill, West Lincoln.
- v) Previously approved debenture financing (1-10 years) in the amount of \$376,000 be transferred from Project ZGL0130/GL0130, Construction – New Compost Pad – Humberstone Landfill Site

That approval be granted to increase the total gross project budget by the SuperBuild funding amount of \$1,980,000;

That the Clerk be directed to ensure that the appropriate by-laws including the by-law authorizing the Chair and Clerk to execute the contracts on behalf of

the Regional Municipality of Niagara are presented to Council on September 18, 2003.

That the project costs be charged against Capital Works Parent Project ZGL0216. (Waste Management)

Carried.

Conflict of Interest

Councillor Timms declared an indirect pecuniary interest with respect to Report CSD 123-2003, as the Broker is a client of his, and he therefore took no part in the discussion of or voting on this matter.

Carried.

211. 2003-2004 Insurance Renewal

Moved by Councillor Partington
Seconded by Councillor Davidson

That Report CSD 123-2003, September 10, 2003, respecting 2003-2004 Insurance Renewal, be received.

That Regional Council approve the renewal of the Region's insurance program as set out in this report.

Carried.

212. Tender Award for Contract RN 03-10
Niagara Falls Water Treatment Plant
Phase 1 Upgrade
City of Niagara Falls

Moved by Councillor Muir
Seconded by Councillor Davidson

That Report CSD 122-2003, September 10, 2003 (PWA 144-2003 September 9, 2003), respecting the Tender Award for Contract RN 03-10, Niagara Falls Water Treatment Plant, Phase 1 Upgrade in the City of Niagara Falls, be received.

That financing (Water Capital Reserve) in the gross and net amount of \$3,250,000 be transferred from Project ZCW9622 / CW9719 Water Improvements Shoalts Drive Reservoir to Project ZCW9504 / CW0128 Niagara Falls WTP Upgrade Phase I.

That Contract RN 03-10, Niagara Falls Water Treatment Plant Phase 1 Upgrade be awarded to Maple Engineering & Construction Canada Ltd at their bid price of \$16,587,299.00, excluding GST.

That a contingency amount of \$600,000.00 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, 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 ZCW9504 / CW0128.
(Water & Wastewater Services)

Carried.

213. The Greater Niagara Circle Route Trail System

Moved by Chair Zimmerman
Seconded by Councillor Saracino

That Report CSD 124-2003, September 10, 2003 (DPD 102-2003), respecting The Greater Niagara Circle Route Trail System, be received.

That the budget allocation in the gross and net of \$100,000 from the 2002 Capital budget be approved for Project ZPL9710, Welland Canal Parkway Trail System.

Carried.

214. Tender Award
Contract RN 03-22
Road Improvements on Regional Road 81 (York Road)
From Regional Road 90 (Airport Road) to Townline Road
In the Town of Niagara-on-the-Lake
Project ID ZRC0018

Moved by Councillor Davidson
Seconded by Councillor Beamer

That Report CSD 125-2003, September 10, 2003 (PWA 143-2003, September 9, 2003), respecting the Tender Award for Contract RN 03-22, Road

Improvements on Regional Road 81 (York Road) from Regional Road 90 (Airport Road) to Townline Road in the Town of Niagara-on-the-Lake, be received.

That previously approved debenture financing (1-10 years) in the amount of \$400,000.00 be transferred from Project ZRC0320, Widening of Regional Road 102 (Stanley Avenue) from Ferry Street to Main Street, to Project ZRC0018;

That development reserve funding in the amount of \$500,000.00 be transferred from Project ZRC0320 to Project ZRC0018;

That Contract RN 03-22, Road Improvements on Regional Road 81 (York Road), from Regional Road 90 (Airport Road) to Townline Road, in the Town of Niagara-on-the-Lake, be awarded to the low tenderer, Rankin Construction Inc., at the bid price of \$2,481,310.00;

That a contingency amount of \$50,000.00 be provided for this contract;

That the engineering agreement with the firm of Delcan Corporation be extended to include additional preliminary engineering, contract administration, and inspection services, with the engineering fees being calculated on a time plus disbursement basis, estimated at \$185,000.00, plus G.S.T.;

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 September 18, 2003;

That the Region enter into an agreement with 2000377 Ontario Inc. (Zelijko Holdings Ltd.) related to site servicing in the Regional Right-of-Way for a proposed hotel to be constructed on the northwest quadrant of Regional Road 81 (York Road) and the northerly extension of Glendale Avenue;

That the Agreement outline responsibilities and secure financial commitments associated with the construction of the required road improvements at this location;

That the Director of Legal Services be requested to prepare the necessary Agreements;

That the Regional Chair and Regional Clerk be authorized to execute those Agreements;

That the Town of Niagara-on-the-Lake be circulated a copy of this report; and,

That all project costs be charged against Capital Works Project ID No. ZRC0018, Widening of RR81 (York Rd) Taylor to Townline. (Transportation Services)

Carried.

215. Forecast of Year-End Results and Budget to Actual Comparison
For the Month Ended July 31, 2002 Current Budget

Moved by Councillor Davidson
Seconded by Councillor Bentley

That Report CSD 126-2003, September 10, 2003, respecting Forecast of Year-End Results and Budget to Actual Comparison for the Month Ended July 31, 2003 Current Budget, be received.

That temporary measures totaling \$2.764 million be approved for implementation, as indicated in this report, to address the anticipated deficits for 2003.

That temporary measures be booked to departments' 2003 operating budgets for reduction tracking purposes (by either reducing budgets, or making "memo charges" for the targets etc. – method to be determined) so as not to affect base budget for purposes of preparing the 2004 budget.

That final resolution of 2003 year end results be addressed in the Year End Transfer report to be approved by Corporate and Financial Services Committee and Council as part of year end finalization procedures, and

That all proposed transfers to reserves during the year arising from any department with net levy spending, be included in the above year end transfer report to be approved by Committee and Council.

Carried.

216. 2003 Winter Control Expenditures

Moved by Councillor Partington
Seconded by Chair Zimmerman

That Report CSD 127-2003, September 10, 2003 (PWP 69-2003, September 9, 2003, respecting 2003 Winter Control Expenditures, be received for information.

Carried.

217. Municipal Performance Measurement Program
Results for the Year 2002

Moved by Councillor Davidson
Seconded by Councillor Beamer

That Report CSD 129-2003, September 10, 2003, respecting Municipal Performance Measurement Program Results for the Year 2002, be received.

That this report be posted on the Regional Municipality of Niagara Internet site to comply with the requirement of the Municipal Performance Measurement Program regarding the publication of Niagara's 2002 performance measurement information.

Carried.

TILE DRAINAGE

218. Moved by Councillor Hildreth
Seconded by Councillor Burroughs

WHEREAS By-law No. 5988-90 authorizes the Regional Municipality of Niagara to borrow an amount not exceeding \$4,657,000 and to issue debentures therefor, payable to the Treasurer of Ontario pursuant to The Tile Drainage Act, 1971, as may be directed by resolution of the Regional Council upon application of an area municipality from time to time;

BE IT RESOLVED THEREFORE THAT the Regional Chair and the Treasurer be and they are hereby authorized to issue a debenture of The Regional Municipality of Niagara payable to the Treasurer of the Province of Ontario to borrow on behalf of the area municipalities listed below the amounts specified for such area municipalities respectively, for the purpose of The Tile Drainage Act.

Niagara-on-the-Lake	\$19,300.00
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Carried.

MINUTES

219. Report 5-2003

Moved by Councillor Bentley
Seconded by Councillor Muir

That Report 5-2003, being the minutes of the Audit Committee meeting of August 13, 2003, be approved.

Carried.

220. Report 2-2003

Moved by Councillor Saracino
Seconded by Councillor Timms

That Report 2-2003, being the minutes of the Public Information and Communications Advisory Committee meeting of September 8, 2003, be approved.

Carried.

CORRESPONDENCE

221. Moved by Councillor Bentley
Seconded by Councillor Partington

That the following communications be received and dealt with as directed by this Committee and as noted in these minutes:

CFS 58-2003 J. E. Fryett, G&J Developments Inc., (August 21, 2003)
requesting relief from Development Charges for their
River Wood Garden Homes Mears Crescent project
based on the Smart Growth Development Policies.

--Received and referred to the Regional Development
Charges Task Force.

CFS 59-2003 Janet Ecker, Minister of Finance (August 28, 2003)
respecting the regulation excluding the interim Casino
Niagara from the 5% cap.

--Received for information.

Carried.

CLOSED SESSION

222. Moved by Councillor Muir
Seconded by Councillor Burroughs

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

Carried.

223. Ambulance Station
City of Port Colborne

Moved by Councillor Saracino
Seconded by Councillor Hildreth

That Report CD 132-2003, September 10, 2003 (PHD 59-2003, September 8, 2003/PWA 130-2003, September 9, 2003), be received and that staff be authorized to negotiate the purchase of the existing facility at a value more in line with the appraisal(s) and provide a further report to Committee for final approval of that value.

Carried.

224. Lease Renewals
P.O.A. Court Location
Cities of Niagara Falls, St. Catharines and Welland

Moved by Chair Zimmerman
Seconded by Councillor Hildreth

That Report CLK 29-2003, September 10, 2003 (PWA 140-2003, September 9, 2003) respecting Lease Renewals P.O.A. Court Location, Cities of Niagara Falls, St. Catharines and Welland, be received and the recommendations therein be approved.

Carried.

225. Regional Wastewater Billing Error
City of Welland

Moved by Councillor Davidson
Seconded by Councillor Hildreth

That the Chief Administrative Officer be authorized to proceed as directed by Committee on the issue of the Regional Wastewater Billing Error in the City of Welland.

Carried.

Conflict of Interest

Councillor Beamer declared an indirect pecuniary interest with respect to the Wholesale Water Billing to Pelham as he is Mayor of Pelham and he therefore vacated the room and took no part in the discussion of or voting on this matter.

226. Wholesale Water Billing to Pelham

Moved by Councillor Davidson
Seconded by Councillor Hildreth

That the oral report regarding Wholesale Water Billing to Pelham, be received.

Carried.

227. Corporate Services Department – Payroll

Moved by Councillor Partington
Seconded by Councillor Beamer

That staff be authorized to proceed as per the oral report and recommendations and discussions held in Committee and that funding be taken from available reserves for this purpose.

Carried.

228. Moved by Councillor Partington
Seconded by Councillor Hildreth

That this Committee do now rise with report.

Carried.

STAFF DIRECTION

That Staff be directed to:

- (1) Provide the list being prepared for Councillor Burroughs of the properties owned and leased by the Region, as well as the property that has been acquired for road improvements, etc. Operational Support Services, to the Corporate and Financial Services Committee for information.

ADJOURNMENT

Committee adjourned at 11:50 a.m. to meet on Wednesday, September 24, 2003, at 10:00 a.m. in Committee Room 4, Regional Headquarters.

Doug Martin
Chair

Gail Reilly
Legislative Assistant

Thomas R. Hollick
Regional Clerk