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## **THE REGIONAL MUNICIPALITY OF NIAGARA**

### **PUBLIC WORKS AND UTILITIES COMMITTEE**

#### **REPORT 12-2003**

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Minutes of a meeting of the Public Works and Utilities Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario, on Tuesday, June 10, 2003 commencing at 1:30 p.m.

#### **ATTENDANCE**

Committee: Councillors Badawey, Chair; Regional Chair Zimmerman; Davidson, Eke, Forster, Konkle, McMullan, Redekop, Trombetta.

Staff: Messrs. Trojan, Chief Administrative Officer; Neville, Commissioner, Public Works, Sidawi, Director, Operational Support Services; Cousins, Director, Transportation Services; Brcic, Director, Water and Wastewater Services; Bousfield, Manager, Property and Facilities Management; David Smith, Waste Management Engineer; Lisa Ricci, Acting - Legislative Assistant, Pam Gilroy, Deputy Clerk.

Other: Mr. D. Merriman, Technical Lead, MacViro Consultants Inc.

#### **DELEGATION**

250. Reconstruction of Regional Road 41 (Woodlawn Road)  
And Proposed Closing of Median  
City of Welland  
Refer to PWC 34-2003 on Addendum

Mr. Gerry Repple, of Burger King presented his concerns to the Committee regarding the affect that the proposed closing of median and reconstruction of Regional Road 41 (Woodlawn Road) will have on his business. He states that his business is already experiencing problems and that closing the median would ultimately cut off access to his establishment from Woodlawn and intensify these issues further. Mr. Repple supplied the Committee with copies of documentation that he had received from the Region regarding a study/review that had been done on the number of related accidents pertaining to this location from 1995 – 2002. He stated emphatically that after reviewing the data he felt there was no proof that any of these documented accidents were caused as a result of the median being open. He suggested postponement of the closing of the median, and signage to deter travelers from making left-hand turns or tapering the median so people couldn't turn left.

Mr. Joe Cousins, Director, Transportation Services, stated that he understands the delegate's position and his staff has offered to work with both him and the Seaway Mall to reach a mutually appealing solution. The decision to close the median was made due to the results of an Environmental Assessment Study. The conclusion of the study was that the median was unsafe and that with the Highway 406 development and impending addition of a fourth lane the existing problems would be intensified.

Mr. Cousins informed the Committee that a report had already been filed to the Ministry and that the 30 day restriction period had been activated. The 30 day period is issued to entitle businesses to submit a Part II order, and that although they had received already two Part II orders he felt that they had no technical merit and would be dismissed easily. Because the initial period had passed, we (The Region) offered an extension of an additional 30 days to allow Mr. Repple the opportunity of presenting his concerns to this Committee; however they stood by their decision that the median is unsafe.

Committee members made suggestions (e.g. a legal "U" Turn sign, roundabouts, trial "No Left Turn" signs etc.) to find some solution to this problem, relocation of the entrance/exit, to keep a viable business in the Welland region.

Moved by Councillor McMullan  
Seconded by Councillor Forster

That staff report back to this Committee on the feasibility of the suggestions made today to resolve the concerns expressed about the closing of the median.

Carried.

### **CLOSED SESSION**

251. Moved by Councillor Konkle  
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.

252. Project to Develop Sustainable Infrastructure  
To Generate Green Energy

Mr. Sam Sidawi, Director, Operational Support Services provided an update to the Committee regarding a Project to Develop Sustainable Infrastructure to Generate Green Energy.

Moved by Councillor McMullan  
Seconded by Councillor Eke

That staff be authorized to proceed as recommended.

Carried.

253. Moved by Councillor Konkle  
Seconded by Councillor Davidson

That this Committee do now rise with report.

Carried.

For Committee Consideration

The Committee considered the following staff recommendations contained in the PWA Summary, May 6, 2003:

254. Proposed Property Disposal  
Northland Manor Long Term Care Facility  
City of Port Colborne  
**PWA 88-2003 (COM 36-2003)**

That an approximately eight-acre parcel of property, known as the Northland Manor site, be declared surplus to Regional requirements and that a further report will follow regarding its disposal. (Operational Support Service)

255. Landfill Gas Utilization Project  
Closed Glenridge Quarry Landfill Site  
City of St. Catharines  
**PWA 89-2003**

That the proposed agreement negotiated with Integrated Gas Recovery Services Inc./ St. Catharines Hydro Generation Inc. to develop a project to utilize the landfill gas from the closed Glenridge Quarry Landfill Site in the City of St. Catharines be accepted.

That a capital budget allocation in the amount of \$250,000 towards the cost to expand the existing on-site Landfill Gas Collection and Flaring System, as outlined in the Business Plan prepared by MacViro Consultants Inc. dated April 7, 2003, be funded from the Reserve Fund – Solid Waste.

That the Clerk be directed to ensure that the appropriate by-law is prepared for submission to Council on June 19, 2003 authorizing the Chair and Clerk to execute this contract on behalf of the Regional Municipality of Niagara.  
(Waste Management Services)

256. Financial Approval and Transfer of Funds

Waste Management Capital Projects

**PWA 90-2003 (CSD 83-2003)**

That debenture financing (1-10 years) in the amount of \$2,370,000 be approved for Project ZGL0216 Capital Purchases/Upgrades for New Materials Recycling Facility included in the approved 2003 Waste Management Capital Budget.

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 \$18,165 be transferred from Project ZGL0109/GL0109 Relocation Study for Materials Recycling Facility.
- ii) previously approved debenture financing (1-10 years) in the amount of \$5,104 be transferred from Project ZGL0018/GL0018 Materials Recycling Facility Improvements.
- iii) previously approved financing (Waste Management Reserve) in the amount of \$20,887 be transferred from Project ZGL9904/GL9904 Niagara Recycling Plant Improvements.
- iv) previously approved financing (Waste Management Reserve) in the amount of \$50,000 be transferred from Project ZGL0120/GL0120 Feasibility Study for Public Drop-off Centre.
- v) previously approved debenture financing (1-10 years) in the amount of \$137,000 be transferred from Project ZGL0214/GL0214 Preliminary Site Servicing.
- vi) previously approved financing (Waste Management Reserve) in the amount of \$40,000 be transferred from Project ZGL0307/GL0307.

That previously approved debenture financing (1-10 years) in the amount of \$92,000 be transferred from Project ZGL0214/GL0214 Preliminary Site Servicing to Project ZGL0226/GL0226 New Materials Recycling Facility.

That the Regional Clerk be directed to ensure that the appropriate bylaw(s) are prepared for presentation to Regional Council on June. (Operational Support Services)

257. Tender Award for Contract RN 03-15  
Elm Street Landfill site, Phase II and III  
Leachate Collection System Improvements  
City of Port Colborne

**PWA 91-2003**

That Contract RN. 03-15, Elm Street Landfill Site, Phase II and III Leachate Collection System Improvements, in the City of Port Colborne, be awarded to V. Gibbons Contracting Ltd. at its tender price of \$1,945,733.19 plus G.S.T.

That a contingency allowance of \$100,000.00 be provided for this project.

That the firm of Urban & Environmental Management Inc. is retained to provide Engineering Services with regards to Contract Administration for the project at an estimated cost of \$208,860.00 plus GST.

That the Regional Clerk be directed to ensure that the appropriate by-law be prepared for submission to Regional Council on June 19, 2003 authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara.

That the project costs be charged against Capital Works Project ID GL9901, GL0201 and GL0304. (Waste Management Services)

258. Building Encroachment  
Regional Road 20, 17 Highway 20 West  
Community of Fonthill  
Town of Pelham

**PWA 92-2003**

That the Region enter into an agreement with David Rose and Suzanne Rose to permit the encroachments of a building at #17 Highway 20 West onto Regional Road No. 20 in the Community of Fonthill, Town of Pelham. (Operational Support Services)

259. Port Weller Digester Gas Co-Generation Pilot Project

**PWA 93-2003**

That Regional Niagara proceed with the execution of the Energy Services Agreement (ESA) with St Catharines Hydro Generation Inc. (SCHGI) as previously authorized by Council in report PWA 213-2002, subject to final negotiation of terms and conditions. (Water & Wastewater Services)

260. Project to Develop Sustainable Infrastructure  
To Generate Green Energy

**PWA 94-2003**

That, based on the results of the wind monitoring program in the Township of Wainfleet, staff be authorized to complete the terms of reference and seek a qualified consultant to undertake an environmental assessment;

That the Region and Rankin Construction Inc. be identified as the proponent for this environmental assessment and that a partnership agreement be developed to reflect this. (Operational Support Services)

(also refer to Confidential Correspondence PWC 35-2003)

Carried.

261. Retention of Consulting Services for  
Developing a Water and Wastewater Servicing Plan  
For the Township of Wainfleet

**PWA 96-2003**

That the consulting engineering firm of Earth Tech Canada Inc. be retained to provide engineering services for developing a water and wastewater servicing plan for the Township of Wainfleet.

That the engineering fee be calculated on a time plus expenses basis estimated to an upset limit of \$159,820 exclusive of GST.

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.

That the costs associated with this project be charged against Project SW0241.  
(Water & Wastewater Services)

262. Tender Award for Contract RN. 03-23  
2003 Substructure Rehabilitation Program  
Project ID: ZRC0328

**PWA 97-2003 (CSD 92-2003)**

That debenture financing (1-10 years) in the amount of \$225,000.00 be transferred from Project ZRC0218, Rehabilitation of Structure No. 025205, to Project ZRC0328;

That Contract RN 03-23, 2003 Substructure Rehabilitation Program, be awarded to the low tenderer, Hard Rock Construction Inc. (Hard Rock), at the bid price of \$712,240.00;

That a contingency amount of \$45,000.00 be provided for this contract;

That the engineering agreement with the firm of Ellis Engineering Inc., (Ellis) be extended to include contract administration and inspection services, with the engineering fees being calculated on a time plus disbursements basis, estimated at \$30,000.00, 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 June 19, 2003, and;

That all project costs be charged against Capital Works Project ID No. ZRC0328, (Substructure Rehabilitation Program). (Transportation Services)

263. Tender Award for Contract RN 03-28  
Reconstruction of Regional Road 50  
(Glenridge Avenue) from Edgedale Road to  
Regional Road 91 (Westchester Avenue)  
City of St. Catharines

**PWA 98-2003 (CSD 93-2003)**

That Contract RN 03-28, Reconstruction of Regional Road 50 (Glenridge Avenue), from Edgedale Road to Regional Road 91 (Westchester Crescent), in the City of St. Catharines, be awarded to the low tenderer, Provincial Construction (Niagara Falls) Limited, at its bid price in the amount of \$4,022,567.46 (*excluding GST*), subject to MOE approval and subject to confirmation of cost sharing with the City of St. Catharines and St. Catharines Hydro;

That a contingency allowance in the amount of \$500,000.00 be provided for this contract;

That the consulting firm of Totten Sims Hubicki be retained to provide contract administration and inspection services with the fees being calculated on a time plus disbursement basis, estimated at \$290,000.00 (*excluding GST*);

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 June 19, 2003;

That the Reconstruction of Regional Road 50 (Glenridge Avenue) from Shaver Hospital to Lockhart Drive (Section '3', Contract RN 02-26) be deferred until 2004, to allow the Region to resolve a property acquisition issue;

That Contract RN 02-26, with Steed & Evans Limited be extended to 2004, subject to negotiation of the contractors bid price to recognize the time lapse between tendering (September 2002) and construction (2004);

And further, that all project costs be charged against Capital Works Parent Project ZRC0021, Project ID No. RC0148 and Project ID RC0021.  
(Transportation Services)

264. 2003 Roads Rehabilitation Program

Hot Mix Resurfacing – Part 1

**PWA 99-2003**

That the proposed 2003 Hot Mix Resurfacing – Part 1 list as detailed in Appendix “1”, be approved;

That the project costs for Part 1 of the strengthening and resurfacing program be charged to Parent Project ZRC0301, 2003 Road Rehabilitation Program.  
(Transportation Services)

265. Moved by Councillor McMullan  
Seconded by Councillor Trombetta

That the PWA Summary, dated June 10, 2003, and the foregoing recommendations of Reports PWA 88-2003 and PWA 99-2003, be received and accepted.

Carried

266. Moved by Councillor McMullan  
Seconded by Councillor Trombetta

That staff report back to Committee regarding the correspondence submitted to Mr. David Smith, Waste Management Engineer from Councillor Badawey pertaining to “Thermal Depolarization Process”.

Carried.

**CORRESPONDENCE**

267. Communications listed in Report PWC Summary, dated June 10, 2003, were received and dealt with as follows:

PWC 31-2003 – (May 30, 2003) – **Brian Hughes**, Associate Director, Transportation Engineering, to the Clerk of the Town of Fort Erie, being a response on a resolution passed by Town Council regarding Regional Road 112 (Point Abino Road) and requirement for immediate repairs.

-- Receive

PWC 32-2003 – (May 20, 2003) - **Russ Howell**, Manager of Fleet Services, to the City of Port Colborne, advising that the Region's Public Works Department is pleased to make our Safety and Training Officer available for backhoe training for City staff.

-- Receive

PWC 33-2003 – (May 5, 2003) – **Robert Lee**, President, Bruce Trail Association, thanking Niagara for its participation and financial commitment for the bridge project.

-- Receive

PWC 34-2003 – (June 4, 2003) – **Cam Milne**, Project Manager, Transportation Engineering, to Joe Cousins, Director of Transportation Services, providing background information to the Burger King request to maintain the median cut on Woodlawn road, east of Niagara Street in the City of Welland.

-- Receive and refer to Delegation at 1:30 p.m.

PWC 35-2003 – (June 5, 2003) – **Sam Sidawi**, Director of Operational Support Services, being a confidential memorandum as support documentation to PWA 94-2003, Project to Develop Sustainable Infrastructure to Generate Green Energy.

-- Receive and refer to PWA 94-2003..

PWC 36-2003 – (June 6, 2003) – **C. Brcic**, Director Water & Wastewater Services, letter to Ms. Carolyn J. Kett, A.M.C.T.- Town Clerk, Town of Fort Erie acknowledging their letter of May 14, 2003 regarding Hauling of Sludge via Town Streets – Town of Fort Erie.

-- Receive

PWC 37-2003 – **Resolution from the Town of Midland** re “Safe Drinking Water Act 2002” and petition to MOE to define specific actions.

-- Receive

268. Moved by Councillor Eke  
Seconded by Councillor Trombetta

That the PWC Summary, be received and dealt with as directed by this Committee and as noted in these minutes.

Carried.

**PROGRESS REPORTS**

269. Collection Contractors  
2003 First Quarter Performance

Moved by Councillor Konkle  
Seconded by Councillor Forster

That Report PWP 57-2003, June 10, 2003, respecting the Collection Contractors –  
2003 First Quarter Performance, be received for information.

Carried.

270. Construction Progress Report  
Waste Management Services Capital Projects

Moved by Councillor Konkle  
Seconded by Councillor Forster

That Report PWP 58-2003, June 10, 2003, respecting Construction Progress  
Report Waste Management Services Capital Projects, be received.

Carried.

271. Niagara Water Quality Protection  
Strategy - Update

Moved by Councillor Konkle  
Seconded by Councillor Forster

That Report PWP 59-2003, June 10, 2003, respecting Niagara Water Quality  
Protection Strategy - Update, be received for information.

Carried.

**MINUTES**

272. Minutes of the Transportation Steering Committee  
Meeting of Tuesday, May 20, 2003

Moved by Councillor Eke  
Seconded by Councillor Forster

That the minutes of the Transportation Steering Committee meeting held on  
Tuesday, May 20, 2003, be received and the recommendations contained therein  
approved.

Carried.

273. Minutes of the Bicycling Committee  
Meeting of Thursday, May 8, 2003

Moved by Councillor Eke  
Seconded by Councillor Forster

That the minutes of the Bicycling Committee meeting held on Thursday, May 8, 2003, be received and the recommendations contained therein approved.

Carried.

**OTHER BUSINESS**

274. Environmental Assessment Level Review  
Of Mid-Term Disposal Alternatives  
City of Welland

Councillor Forster updated the Committee on the approximate 70 public attendees present at Welland Council, who were there to stress concern regarding the submission of the Mid-Term Disposal Study to Committee on July 15, 2003 and then to Council 2 days later on the 17<sup>th</sup> of July 2003.

Councillor Forster suggested delaying Council approval of the study until September to allow sufficient time for it's review.

Ms. Janine Ralph, Manager, Solid Waste Policy & Planning stated that they can accommodate this change in the approval schedule.

Moved by Councillor McMullan  
Seconded by Councillor Eke

That the Environmental Assessment Level Review of Mid-Term Disposal Alternatives, be received for information at the July 15<sup>th</sup>, 2003 Public Works Committee and be presented to Regional Council at the first scheduled meeting in September 2003.

Carried.

275. 1.6 Million  
Over run costs – due to snow

Councillor McMullan raised expressed concern respecting the 1.6 million over-run incurred by the Public Works Department because of heavy snow fall. He suggested that funds be found corporately to offset this deficit.

Mr. Joe Cousins, Director, Transportation Services advised that a report on this issue is being drafted and will be submitted to the Committee at the July 15<sup>th</sup> scheduled meeting; listing all mitigating measures concerning these costs.

Mr. Mike Trojan, Chief Administrative Officer stated that he plans to look at the more positive areas of this report and their outcomes from all Departments and then identify the areas that could offset these costs.

### **ADJOURNMENT**

The Committee adjourned at 4:02 p.m., to meet again in Committee Room 4 on July 15, 2003 at 1:30 p.m.

Vance Badawey  
Chair

Lisa Ricci  
Acting, Legislative Assistant

Thomas R. Hollick  
Regional Clerk