

**THE REGIONAL MUNICIPALITY OF NIAGARA**

**PUBLIC WORKS COMMITTEE**

**REPORT 1-2012**

**OPEN SESSION**

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Minutes of a meeting of the Public Works Committee held in Council Chamber, Regional Municipal Building, Thorold, Ontario, on Tuesday, January 10, 2012 commencing at 9:38 a.m.

**ATTENDANCE**

Committee: Regional Chair Burroughs; Councillors Rigby (Chair), Augustyn, Badawey, Bentley, Caslin, Diodati, Eke, Greenwood, Hodgson, Jeffs, Joyner, Lepp, Luciani, McMullan, Marshall, Martin, Petrowski.

Staff: Messrs. Trojan, Chief Administrative Officer; Brothers, Commissioner Public Works; Colosimo, Director Development Services; Cousins, Director Transportation Services; Ms. Matthews-Malone, Director, Water and Services; Ms. Habermehl, Associate Director, Collection and Diversion Operations; Ms. McManus, Legislative Assistant

Others: Messrs. Robinson, Executive Officer to the Regional Chair; Weir, Director Administration; Steele, Associate Director, Strategy Business Management; Cowan, Associate Director, Public Works Finance; Ms. Rae, Legal Counsel.

1. Moved by Councillor Bentley  
Seconded by Councillor McMullan

That Correspondence Item PWC 4-2012 respecting Niagara Region Transit Pilot Project;

That Report PWA 08-2012 January 10, 2012, respecting Fares on Niagara Region Transit (NRT) Buses for Post-Secondary Students; and

That Report PWA 06-2012, January 10, 2012, respecting Award of Contract 2011-T-121 (RN 11-21) Anger Avenue Wastewater Treatment Plant Upgrades In the Town of Fort Erie Project ZSW0716/SW1021, be brought forward and dealt with following delegations.

Carried.

**DELEGATIONS**

2. Niagara Regional Transit and Post Secondary Students

Mr. Daud Grewal, President, Brock University Students' Union, along with Mr. Will Parent, VP Finance and Administration, Brock University Students' Union and Mr. Brian Costantini, President, Niagara College Student Administration Council, appeared before the Committee to provide information respecting the benefits to accepting the U-Pass on Regional Transit.

Moved by Councillor Badawey  
Seconded by Councillor Hodgson

That the presentation by Mr. Daud Grewal, President, Brock University Students' Union, along with Mr. Will Parent, VP Finance and Administration, Brock University Students' Union and Mr. Brian Costantini, President, Niagara College Student Administration Council respecting Niagara Regional Transit and Post Secondary Students, be received and referred to the consideration of Report PWA 08-2012.

Carried.

(A copy of the presentation is attached to these minutes.)

3. Award of Contract 2011-T-121 (RN 11-21)  
Anger Avenue Wastewater Treatment Plant Upgrades  
In the Town of Fort Erie  
Project ZSW0716/SW1021  
**PWC 05-2012**

Mr. Vincent J. Petrozza of Jeviso Construction Corporation appeared before the Committee to state his opposition of the awarded bid contained within Report PWA 06-2012, January 10, 2012, respecting Award of Contract 2011-T-121 (RN 11-21) Anger Avenue Wastewater Treatment Plant Upgrades In the Town of Fort Erie Project ZSW0716/SW1021.

Moved by Councillor McMullan  
Seconded by Councillor Lepp

That PWC 5-2012 respecting the notes submitted by Mr. Vincent J. Petrozza of Jeviso Construction Corporation respecting Award of Contract 2011-T-121 (RN 11-21) Anger Avenue Wastewater Treatment Plant Upgrades In the Town of Fort Erie Project ZSW0716/SW1021, be received and referred to the consideration of Report PWA 06-2012.

Carried.

(A copy of PWC 5-2012 is attached to these minutes.)

4. Niagara Region Transit Pilot Project  
**PWC 4-2012**

Moved by Councillor Luciani  
Seconded by Councillor Greenwood

That Correspondence Item PWC 4-2012 a letter (received January 9, 2011) from Area CAO's respecting Niagara Region Transit Pilot Project, be received and referred to the consideration of Report PWA 08-2012 January 10, 2012, respecting Fares on Niagara Region Transit (NRT) Buses for Post-Secondary Students.

Carried.

5. Minutes – Transportation Strategy Steering Committee  
**December 6, 2011**

Moved by Councillor Bentley  
Seconded by Councillor Eke

That the following motions contained within the December 6, 2012 Minutes of the Transportation Strategy Steering Committee, be lifted, received and referred to the Consideration of Report PWA 08-2012 January 10, 2012, respecting Fares on Niagara Region Transit (NRT) Buses for Post-Secondary Students.

That this Committee recommends to Regional Council on December 8, 2011, that students use their U-Pass to board Niagara Region Transit buses for a pilot period January to April 2012.

That a report be brought back to Committee and Council prior to the signing of the next transit contracts.

Carried.

**ITEMS FOR CONSIDERATION**

6. Fares on Niagara Region Transit  
(NRT) Buses for Post-Secondary Students  
**PWA 08-2012**

Moved by Councillor Badawey  
Seconded by Councillor Caslin

That Report PWA 08-2012 January 10, 2012, respecting Fares on Niagara Region Transit (NRT) Buses for Post-Secondary Students, be received;

That the Committee endorse the following option with respect to fares on Niagara Region Transit (NRT) buses for the post-secondary students from Brock University and Niagara College for the period January to April 2012;

That the valid U-Passes are accepted on the Niagara Regional Transit (NRT) buses without the need for a fare supplement (as on the Local Municipal transit systems).

That all parties to the Pilot Project Agreement formally establish the Pilot Project Coordination Committee, as outlined in paragraph 14 "...each of the Service providers shall name one representative and the Region shall name three representatives to the six member Pilot Project Coordination Committee...";

That the process for communication between the Pilot Project Coordination Committee and the Transportation Strategy Steering Committee be formalized;

That the principles and provisions agreed to in the Pilot Project Agreement be honoured, specifically paragraph 14 which states "...The (Pilot Project Coordination) Committee shall be responsible for ... overseeing the cooperative revising from time to time as the Committee deems appropriate, the routes, stops, times and fares of the Services.";

That negotiations between the Pilot Project Coordination Committee and Brock University Students' Union / Niagara College Student Administrative Council be allowed to continue;

That the local transit providers be consulted as part of any further U-Pass related discussions;

That all partners recognize the need to find new revenue sources, not redistribute existing ones, to ensure long-term viability of Niagara Regional Transit;

That the Communications plan for Niagara Regional Transit as originally drafted by Regional staff, be fully implemented as soon as possible in 2012 and that new promotional initiatives be explored and advanced quickly; and

That the Customer Service function, established by Regional staff as a valuable resource to launch the pilot, will continue to be fully supported.

Following a lengthy discussion, it was:

Moved by Councillor Badawey  
Seconded by Councillor Marshall

That the question now be put.

Carried.

Upon a vote being taken, the Committee Chair declared the original motion respecting Fares on Niagara Region Transit (NRT) Buses for Post-Secondary Students, Carried.

### **CLOSED SESSION**

7. Moved by Councillor Marshall  
Seconded by Councillor Badawey

That this Committee do now meet in Closed Session for purposes of receiving information of a confidential nature relating to advice that is subject to solicitor-client privilege, including communications necessary for that purpose respecting Matters of Solicitor-Client Privilege Award of Contract 2011-T-121 (RN 11-21) Anger Avenue Wastewater Treatment Plant Upgrades In the Town of Fort Erie Project ZSW0716/SW1021.

Carried.

This Committee moved in to Closed Session at 11: 20 a.m.

Open Session resumed at 11:36 a.m.

**ATTENDANCE**

Committee: Regional Chair Burroughs; Councillors Rigby (Chair), Augustyn, Badaway, Bentley, Caslin, Diodati, Eke, Greenwood, Hodgson, Jeffs, Joyner, Lepp, Luciani, McMullan, Marshall, Martin, Petrowski.

Staff: Messrs. Trojan, Chief Administrative Officer; Brothers, Commissioner Public Works; Colosimo, Director Development Services; Cousins, Director Transportation Services; Ms. Matthews-Malone, Director, Water and Services; Ms. Habermehl, Associate Director, Collection and Diversion Operations; Ms. McManus, Legislative Assistant

Others: Messrs. Robinson, Executive Officer to the Regional Chair; Weir, Director Administration; Steele, Associate Director, Strategy Business Management; Cowan, Associate Director, Public Works Finance; Ms. Rae, Legal Counsel.

**ITEMS FOR CONSIDERATION (continued)**

8. Award of Contract 2011-T-121 (RN 11-21)  
Anger Avenue Wastewater Treatment Plant Upgrades  
In the Town of Fort Erie  
Project ZSW0716/SW1021  
**PWA 06-2012**

Moved by Councillor Martin  
Seconded by Councillor Petrowski

That Report PWA 06-2012, January 10, 2012, respecting Award of Contract 2011-T-121 (RN 11-21) Anger Avenue Wastewater Treatment Plant Upgrades In the Town of Fort Erie Project ZSW0716/SW1021, be received;

That Contract 2011-T-121 (RN11-21), Anger Avenue Wastewater Treatment Plant Upgrades in the Town of Fort Erie, be awarded to Kingdom Construction Limited at their corrected bid price of \$6,197,477.00, excluding taxes;

That a contingency amount of \$1,000,000 be provided to manage the risks associated with constructability (poor soil conditions including high groundwater levels), and maintaining the plant in operation during construction;

That Hatch Mott MacDonald be retained to provide contract administration and construction supervision, SCADA integration, programming, testing and commissioning services in the amount of \$741,261 including contingencies;

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 cost associated with this project be charged against Project ZSW0716/SW1021.

Carried.

Councillor Caslin assumed the Chair in Councillor Rigby's brief absence.

9. Niagara Region Blue Box  
Recycling Plan 2011-2015  
**PWA 01-2012**

Moved by Councillor Augustyn  
Seconded by Councillor Eke

That Report PWA 01-2012 January 10, 2012, respecting Niagara Region Blue Box Recycling Plan 2011-2015, be received; and

That Niagara Region's 2011-2015 Blue Box Recycling Plan be approved.

Carried.

Councillor Rigby assumed the Chair for the remainder of the meeting.

10. Proposed Amendments to the Solid Waste By-Law No. 04-2011  
**PWA 02-2012**

Moved by Councillor Lepp  
Seconded by Councillor Eke

That Report PWA 02-2012, January 10, 2012, respecting Proposed Amendments to the Solid Waste By-Law No. 04-2012, be received;

That the Solid Waste Management System By-Law No. 04-2011 be repealed and replaced with the proposed Solid Waste Management System By-law as outlined in Appendix 1 to the report;

That the proposed set fines and short form wording of the Schedule "B" offences be forwarded to the Chief Judge of the Ontario Court (Provincial Division) as required under the *Provincial Offences Act*. Upon approval including any changes by the Chief Judge, the set fines and short form wording become part of the updated By-law without further amendment; and

That a copy of the amended Solid Waste Management System By-law and the subject report be forwarded to the area municipalities, for information.

Carried.

11. Retention of Consulting Services for an Environmental Assessment to Expand the Humberstone Landfill Site  
**PWA 03-2012**

Moved by Councillor Eke  
Seconded by Councillor Luciani

That Report PWA 03-2012, January 10, 2012, respecting Retention of Consulting Services for an Environmental Assessment to Expand the Humberstone Landfill Site, be received;

That Golder Associates Ltd. be retained to provide consulting services to undertake an Environmental Assessment for a vertical expansion of the Humberstone Landfill Site in the City of Welland, at a cost of \$752,975 excluding HST;

That a contingency amount of \$25,000, referenced in the RFP, be provided for this project;

That the Regional Chief Administrative Officer be authorized to execute the agreement on behalf of the Corporation; and,

That the costs associated with this project be charged against Waste Management Capital Project GL1124.

Carried.

12. Transfer of Road Jurisdiction  
In the Town of Grimsby  
**PWA 04-2012**

Moved by Councillor Bentley  
Seconded by Councillor Petrowski

That Report PWA 04-2012, January 10, 2012, respecting Transfer of Road Jurisdiction In the Town of Grimsby, be received;

That, pursuant to its authority under subsection 52 (4) of the *Municipal Act, 2001*, the Region remove the following highway in the Town of Grimsby from its system: Regional Road 39 (North Service Road) from the boundary between the Regional Municipality of Niagara and the City of Hamilton easterly to Olive Street;

That a copy of this report and a copy of Regional Council's decision be forwarded to the Town of Grimsby;

That once the legal survey and description have been finalized, the Regional Clerk present the required by-law to Regional Council to effect the removal of the highway from the Region's highway system;

That a copy of the by-law be forwarded to the Town of Grimsby, as the highway will be under the jurisdiction of the Town once the by-law is approved;

That, pursuant to its authority under subsection 52 (1) of the *Municipal Act, 2001*, the Region add the following lower-tier highway in the Town of Grimsby to its highway system: Clarke Street from Regional Road 12 (Christie Street) easterly to Nelles Road North;

That a copy of this report and a copy of Regional Council's decision be forwarded to the Town of Grimsby;

That once the legal survey and description have been finalized, the Regional Clerk present the required by-law to Regional Council to effect the addition of the highway to the Region's highway system; and

That a copy of the by-law be forwarded to the Town of Grimsby, as the highway will be removed from the jurisdiction of the Town once the by-law is approved.

Carried.

13. Niagara Region Biosolids Master Plan  
Water & Wastewater Services  
**PWA 05-2012**

Moved by Councillor Petrowski  
Seconded by Councillor Badawey

That Report PWA 05-2012, January 10, 2012, respecting Niagara Region Biosolids Master Plan Water & Wastewater Services, be received;

That the Biosolids Master Plan be approved and used as a strategic guide for management of the Regions' Biosolids Program;

That the Region approve continuation of the existing liquid land application of biosolids and dewatering with contracted processing / product sale of biosolids;

That the Region consider implementing onsite dewatering at Baker Road Waste Water Treatment Plant and monitor transportation costs;

That the Region develop a contingency plan for biosolids management and review risk management and contingency planning annually; and

That the Region develop an inter-Region taskforce with the purpose of determining the advantages of co-operative programs for biosolids processing and use within the Region.

Carried.

14. Completion of the Class Environmental Assessment (EA) Study for Burgoyne Bridge (Structure No. 081220) In the City of St. Catharines  

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**PWA 07-2012**

Moved by Councillor Jeffs  
Seconded by Councillor McMullan

That Report PWA 07-2012, January 10, 2012, respecting Completion of the Class Environmental Assessment (EA) Study for Burgoyne Bridge (Structure No. 081220) In the City of St. Catharines, be received **as amended**;

That this report be received for information on the status of the Burgoyne Bridge Class Environmental Assessment and Preliminary Design;

That Committee approves the use of the traditional Design-Bid-Build strategy for completing the Burgoyne Bridge replacement project;

That Committee approves the decision to issue the Request for Proposal (RFP) for the detailed design assignment to the three (3) firms that were pre-qualified and short-listed to supply proposals for the environmental assessment and preliminary design study. The three firms are: 1) AECOM (St. Catharines); 2) Delcan Corporation (Markham/Niagara Falls); and 3) Hatch Mott MacDonald (Mississauga); and

That Committee approves the proposed scoring and evaluation criteria to be used in selecting an Engineering Consulting firm to perform the detailed design assignment for the replacement of the Burgoyne Bridge; **and**

***That staff prepare a report for the Public Works Committee which identifies what can be done to expedite the Burgoyne Bridge (Structure No. 081220) current project timelines.***

Carried.

15. Minutes - Transportation Strategy Steering Committee  
**December 6, 2011**

Moved by Councillor Badawey  
Seconded by Councillor Bentley

That the minutes of the Transportation Strategy Steering Committee meeting of December 6, 2011, be received and the following recommendations be approved:

That the Provincial government be lobbied/petitioned to amend the Development Charges Act to enable municipalities to levy charges for all transportation infrastructure, especially transit.

That Communication TSSC 173-2011, respecting QEW-406 East West Corridor – Advocacy Program, be received and referred to staff for options with respect to the QEW-Hwy 406 advocacy program.

Carried.

**CONSENT ITEMS FOR INFORMATION**

16. Moved by Councillor Badawey  
Seconded by Councillor Eke

That the following reports, correspondence and minutes be received for information:

PWP 01-2012	2009-2010 Blue Box Program Plan Monitoring Report
PWC 1-2012	Letter to Chair Burroughs from MPP Kim Craiton on Re: "Ontario One Call Program"
PWC 2-2012	Letter from Port Colborne – Council resolution "Private Sector Remediation Under the Region of Niagara combined Sewer Overflow Funding Policy"
PWC 3-2012	Letter (dated December 19, 2011) from the Federation of Canadian Municipalities to the City of Hamilton respecting Canada – European Community Free Trade Agreement – Impact on City of Hamilton.

Carried.

17. Minutes -Waste Management Planning Steering Committee  
**December 5, 2011**

Moved by Councillor Augustyn  
Seconded by Councillor Badawey

That the minutes of the Waste Management Planning Steering Committee meeting of December 5, 2011, be received and the following recommendations be approved:

That Mr. Daryl Wakunick be appointed to the Humberstone Landfill Public Liaison Committee.

Carried.

**OTHER BUSINESS**

18. Geneva/Niagara/St. Paul Street Inter-section  
In the City of St. Catharines

Moved by Councillor McMullan  
Seconded by Councillor Petrowski

That Regional staff prepare a report for the Public Works Committee which addresses the issues currently being experienced at the Geneva Street / Niagara Street / St. Paul Street intersection in the City of St. Catharines; and

That Regional staff be directed to work in co-operation with City of St. Catharines staff and meet with businesses within the area to find solutions to improve traffic flow; and that recommendations be implemented in coordination with the City of St. Catharines with a goal that all work be completed prior to the Wine Route's relocation through downtown St. Catharines in 2013.

Carried.

19. Update – Regional Transit Fares and Ridership

Councillor Petrowski inquired about when Committee could expect a detailed report with respect to Regional Transit Fares (revenue shortcomings and expected future revenues) and Ridership numbers.

Mr. Brothers advised that a fulsome report would be coming to the January 31, 2011 meeting of the Public Works Committee.

20. Update – Niagara District Airport

Councillor Petrowski inquired about when Committee could expect a detailed report with respect to the Niagara District Airport.

Mr. Brothers advised that he was currently speaking with both the Administration and Regional Chair's offices about the most suitable arena for such a discussion; he further advised that he would provide updates as he receives them.

21. Garbage Tags

Moved by Councillor Petrowski  
Seconded by Councillor Lepp

That this Committee recommend to Regional Council:

That the staff Report respecting Garbage Tags be sent directly to the Public Works Committee, bypassing the Waste Management Planning Steering Committee, in order to expedite the consideration of the Report by Regional Council.

Carried.

22. Park Road – Town of Grimsby

Councillor Bentley requested that staff provide a report addressing the recent community sewer odour concerns at Park Road in the Town of Grimsby which are believed to be emanating from the West Lincoln Treatment Plant.

**ADJOURNMENT**

The Committee adjourned at 12:37 a.m. to meet again at 9:30 a.m. on Tuesday, January 31, 2012 in the Council Chamber, Regional Headquarters.

Councillor Rigby  
Chair

Lisa McManus  
Legislative Assistant

Kevin Bain  
Regional Clerk