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The Regional Municipality of Durham

MINUTES

WORKS COMMITTEE

Wednesday, October 2, 2019

A regular meeting of the Works Committee was held on Wednesday, October 2, 2019 in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM

Present: Councillor Mitchell, Chair
Councillor Marimpietri, Vice-Chair, attended the meeting at 9:34 AM
Councillor Barton
Councillor Crawford
Councillor McLean
Councillor John Neal
Councillor Smith
Regional Chair Henry attended the meeting at 10:03 AM

Also

Present: Councillor Collier left the meeting at 10:15 AM
Councillor Wotten

Staff

Present: E. Baxter-Trahair, Chief Administrative Officer
J. Demanuele, Director of Business Services, Works Department
J. Hunt, Director of Legal Services, Corporate Services – Legal Services
R. Inacio, Systems Support Specialist, Corporate Services – IT
R. Jagannathan, Director of Transportation and Field Services, Works Department
M. Januszkiewicz, Director of Waste Management, Works Department
A. Naeem, Solicitor, Corporate Services – Legal Services
J. Paquette, Manager (Works), Corporate Communications
J. Presta, Acting Commissioner of Works, Works Department
S. Penak, Committee Clerk, Corporate Services – Legislative Services
R. Tindall, Manager, Plant Operations, Works Department

1. Declarations of Interest

There were no declarations of interest.

2. Adoption of Minutes

Moved by Councillor Smith, Seconded by Councillor Barton,
(128) That the minutes of the regular Works Committee meeting held on
Wednesday, September 4, 2019, be adopted.

CARRIED

Clarification was made with respect to the minutes being recorded without
note or comment as per the Municipal Act, 2001, and Councillor names
only being noted in the minutes if there was direction to staff to report
back to a Councillor on a matter.

3. Statutory Public Meetings

There were no statutory public meetings.

4. Delegations

There were no delegations to be heard.

5. Presentations

5.1 Rich Tindall, Manager, Plant Operations, re: presentation of "The Water Environment Federation 2019 Operator Ingenuity Award – WEFTEC 2019"

R. Tindall, Manager, Plant Operations, presented "The Water Environment
Federation 2019 Operator Ingenuity Award – WEFTEC" to George Pelzowski,
Chief Maintenance Operator, Corbett Creek. R. Tindall provided a brief
PowerPoint presentation.

Highlights from his presentation included:

- A Serious and Recurring Problem
- An Innovative Solution
 - A Homemade Tool to Clean Existing Frame Tracks
 - Gates Installed in the Surcharge Containment Area

R. Tindall advised that staff at the Corbett Creek Water Pollution Control
Plant encountered serious problems with the sewage channel manual stop
gates; the aluminum parts were becoming solidly bound, and as a result,
inoperable. He stated that staff retro-fitted newly ordered stainless-steel slide
gates with side-slide tabs that fit in the original stop gate channel frame. The
result is a proper functioning slide gate with no issues of aluminum to
aluminum binding, as well as the elimination of health and safety risks
associated with the old stop gates.

G. Pelzowski responded to questions from the Committee.

The Works Committee extended congratulations to G. Pelzowski and his team.

6. Waste

6.1 Correspondence

A) Information Report #2019-INFO-59: Durham York Energy Centre Ambient Air Monitoring Program: Total Suspended Particulate Exceedance

Moved by Councillor Marimpietri, Seconded by Councillor Barton,
(129) That Information Report #2019-INFO-59 of the Commissioner of Works be received for information.

CARRIED

6.2 Reports

There are no Waste Reports to consider.

7. Works

7.1 Correspondence

There were no communications to consider.

7.2 Reports

A) Award of Request for Proposal # 660-2019 to Establish a Registry of Qualified Ontario Land Surveyors to Provide Surveying Services with Estimated Individual Project Values up to \$125,000 (2019-W-69)

Report #2019-W-69 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Councillor Smith,
(130) That we recommend to Council:

A) That Request for Proposal #660-2019 be awarded to the four (4) selected companies listed below to form the Registry for the Provision of Surveying Services having an estimated value of up to \$125,000* per project for a term of three (3) years from the date of award:

- Delph & Jenkins North Ltd.
- IBW Surveyors
- J.D. Barnes Limited
- Young and Young Surveying Inc.; and

B) That the Commissioner of Finance be authorized to execute the necessary agreements.

(*) before applicable taxes

CARRIED

B) Options for Redistribution of Frontage Charges for a Watermain on Range Road, Lakeridge Road and Ontoro Boulevard, in the Town of Ajax (2019-W-70)

Report #2019-W-70 from S. Siopis, Commissioner of Works, was received.

Detailed discussion ensued with respect to the petition process and the possibility of re-issuing the petition and the potential delay that would cause; concerns over taxpayers having to pay the difference of adjusting the maximum frontage charged to 75 metres; other municipalities having similar projects (precedence setting); bringing a by-law forward that addresses these concerns; and any new changes that might happen would be on a go-forward basis.

Councillor Collier noted that when it comes to residential lots, there is no threshold specified in the Regional By-Law #89-2003 to calculate frontage charges. The only threshold specified is for agriculture. Since the Region's By-law is silent for residential lots, he stated that O. Reg 586/06, s.16 (4)(b) must be followed which states: if the matter is not dealt with by by-law, 30 metres shall be used as the threshold. Legal staff confirmed that if a Regional by-law is silent, the Ontario Regulation would prevail. In response to Councillor Collier's question regarding re-petitioning, staff indicated that they would not recommend taking this action.

In response to a question, J. Presta advised that the lots in the centre of the map of Attachment #1 to Report #2019-W-70 of the Commissioner of Works, are vacant lots where the watermain is not proposed to be placed. He advised if they were to be developed in the future, they would be subject to the regular frontage charges.

Moved by Councillor Crawford, Seconded by Councillor Marimpietri,
(131) That we recommend to Council:

- A) That Regional By-Law 89-2003 be amended to apply a limit of Regional Frontage Charges for water supply of 75 m for successful water supply petitions in the Greenbelt;
- B) That should the amendment of the By-Law be applied with the limit of Regional Frontage Charges for water supply of 75 metres, that it be reflected with the registration of an agreement with the property owner or a notice on the subject property, in the event future planning approvals are revised, in which case the current Regional Frontage Charges would be applicable; and
- C) That Corporate Services – Legal Services be directed to prepare the required amending by-law.

REFERRED BACK TO STAFF
(See Following Motions)

Moved by Councillor Crawford, Seconded by Councillor Marimpietri,
(132) That the main motion (131) of Councillor Crawford and Councillor Marimpietri be amended by replacing the words '75 metres' with '30 metres'.

REFERRED BACK TO STAFF
(See Following Motion)

Moved by Councillor McLean, Seconded by Councillor Barton,
(133) That the main motion (131) of Councillor Crawford and Councillor Marimpietri, and the amending motion (132) of Councillor Crawford and Councillor Marimpietri, be referred back to staff for a report that will review the implications of setting a maximum limit (lot width) for applying water supply frontage charges; what Fielding Court would cost as a result of setting a maximum limit; and the option to re-issue both petitions.

CARRIED

- C) Sole Source Engineering Services Agreement for Detailed Design to Replace Existing Watermains with the Ontario Ministry of Transportation (MTO) Simcoe Street South and Albert Street Bridge Replacement projects at Highway 401 in the City of Oshawa (2019-W-71)
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Report #2019-W-71 from S. Siopis, Commissioner of Works, was received.

In response to a question, staff advised that the bridge involved is part of the Simcoe Street South and Albert Street Bridge Replacement project in coordination with the Ministry of Transportation. Staff also advised that both City and Regional staff are involved in the project to ensure all interests are considered.

Staff advised that they will forward a copy of the bridge design to the Committee.

Moved by Councillor Barton, Seconded by Councillor Marimpietri,
(134) That we recommend to Council:

- A) That the Regional Municipality of Durham enter into a sole source engineering services agreement with WSP Inc. to undertake detailed design to replace existing watermains with the Ontario Ministry of Transportation Simcoe Street South and Albert Street bridge replacement projects at Highway 401, in the City of Oshawa, at an amount not to exceed \$246,086* to be funded 50 percent from the approved water supply budget of \$300,000 for this project and 50 percent from the Ontario Ministry of Transportation; and
- B) That the Commissioner of Finance be authorized to execute the necessary engineering services agreement.

(*) before applicable taxes and including disbursements
CARRIED

D) Report on Tenders and Additional Financing for Regional Municipality of Durham Contract D2019-036 for Maintenance Upgrades at the Michael Boulevard Sanitary Sewage Pumping Station in the Town of Whitby (2019-W-72)

Report #2019-W-72 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Councillor Smith,
(135) That we recommend to Council:

- A) That the low compliant bid of BGL Contractors Corp., in the amount of \$419,400*, be awarded for Regional Municipality of Durham Contract D2019-036 resulting in a total estimated project cost of \$626,900;
- B) That the previously approved project budget of \$250,000 be increased by \$376,900 to a revised total project budget of \$626,900;
- C) That the funding for the additional project commitments in the amount of \$376,900 be provided from the following source:

Reallocation from the 2019 Sanitary Sewerage System Capital Budget

Item 14 Works to rectify identified system deficiencies independent of road programs in various locations (Project M1999)

User Revenues	<u>\$376,900</u>
Total Reallocated Financing	<u>\$376,900</u>

- D) That the Regional Chair and Clerk be authorized to execute Regional Municipality of Durham Contract D2019-036.
(*) before applicable taxes
CARRIED

E) Amendments to Regional Traffic and Parking By-Law #44-2006 (2019-W-73)

Report #2019-W-73 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor Barton, Seconded by Councillor McLean,
(136) That we recommend to Council:

- A) That Corporate Services – Legal Services be directed to prepare a by-law to amend By-Law #44-2006, generally in the form included as Attachment #1 to Report #2019-W-73 of the Commissioner of Works, for presentation to Regional Council for passage; and

- B) That staff be authorized to take all steps required and necessary to give effect to the amendments contemplated to By-Law #44-2006 as indicated in the form included as Attachment #1 to Report #2019-W-73.

CARRIED

8. Advisory Committee Resolutions

There were no advisory committee resolutions to be considered.

9. Confidential Matters

9.1 Reports

- A) Confidential Report of the Commissioner of Works and the Director of Legal Services – Litigation or Potential Litigation, including matters before Administrative Tribunals, affecting the Regional Corporation with respect to Recovery of the Regional Municipality of Durham’s Costs Relating to the 2017 Fire at Waste Management of Canada Corporation’s Clarington Transfer Station (2019-WR-11)
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Confidential Report #2019-WR-11 from S. Siopis, Commissioner of Works, and J. Hunt, Director of Legal Services was received.

Moved by Councillor Marimpietri, Seconded by Councillor Crawford, (137) That we recommend to Council:

That the recommendations contained in Confidential Report #2019-WR-11 of the Commissioner of Works and the Director of Legal Services be adopted.

CARRIED

- B) Confidential Report of the Commissioner of Works – Litigation or Potential Litigation, including matters before Administrative Tribunals, affecting the Regional Corporation, with respect to a s. 24 Settlement Agreement under the Expropriations Act, R.S.O. 1990, c.E.26, for Lands Acquired to Facilitate the Reconstruction of Regional Road 2 (Kingston Road), in the City of Pickering (2019-W-67)
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Confidential Report #2019-W-67 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor Crawford, Seconded by Councillor Smith, (138) That the meeting be closed to the public in order to consider a matter that is subject to litigation or potential litigation as it relates to lands acquired to facilitate the reconstruction of Regional Road 2 (Kingston Road), in the City of Pickering.

CARRIED

Moved by Councillor Marimpietri, Seconded by Councillor Smith,
(139) That the Committee recess for 5 minutes.

CARRIED

The Committee recessed at 10:10 AM and reconvened at 10:15 AM.

(Refer to the Closed Meeting Minutes of October 2, 2019)

Chair Mitchell advised that during the closed meeting session there was an exchange of information between Council and staff pertaining to litigation or potential litigation as it relates to lands acquired to facilitate the reconstruction of Regional Road 2 (Kingston Road), in the City of Pickering.

Moved by Councillor McLean, Seconded by Councillor Barton,
(141) That we recommend to Council:

That the recommendations contained in Confidential Report #2019-W-67 of the Commissioner of Works be adopted.

CARRIED

- C) Confidential Report of the Commissioner of Works – Acquisition or Disposition of Land for Regional Corporation Purposes with Respect to the Purchase of Lands required for the Bus Rapid Transit project, in the City of Pickering (2019-W-68)

Confidential Report #2019-W-68 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor McLean, Seconded by Councillor Barton,
(142) That we recommend to Council:

That Confidential Report #2019-W-68 of the Commissioner of Works be received for information.

CARRIED

10. Other Business

- 10.1 Bus Lanes through Dixie Road and Whites Road, in the City of Pickering

Discussion ensued regarding a large section of roadway between Dixie road and Whites Road, in the City of Pickering, that does not have sidewalks; and whether the City of Pickering can put in sidewalks temporarily.

Staff advised that the exact time is unknown for this road widening project, but that Phase 2 of the Bus Rapid Transit (BRT) project is underway and can anticipate it being completed within the next 5 years.

- 10.2 Correspondence Concerning Total Suspended Particulate Exceedances

Moved by Councillor John Neal, Seconded by Councillor Marimpietri,
(143) That the Rules of Procedure be suspended in order to introduce a motion with respect to correspondence regarding total suspended particulate exceedances, and readings at the Durham York Energy Centre.

MOTION DEFEATED ON THE FOLLOWING
RECORDED VOTE:
(A 2/3rds was not attained)

Yes

Councillor Crawford
Regional Chair Henry
Councillor Marimpietri
Councillor John Neal
Councillor Smith

No

Councillor Barton
Councillor McLean
Chair Mitchell

Absent: None

Conflict: None

In response to a question, M. Januszkiewicz advised that when there is an exceedance on any of the parameters at the Durham York Energy Centre (DYEC), a report is prepared and sent to Council. In addition, a memorandum is sent to the Minister of the Environment, Conservation and Parks; is posted to the DYEC website; and shared with the Energy From Waste – Waste Management Advisory Committee.

10.3 Delpark Homes Centre

A question was raised with respect to the temporary roadwork to be completed on Harmony Road, in the City of Oshawa. R. Jagannathan advised that a temporary option has been proposed and the estimated costs have been sent to the City of Oshawa for approval. He also advised that if they hear back from the City of Oshawa in a timely manner, the temporary roadwork could be completed by year end.

10.4 Durham Region Police Service (DRPS) Vehicle Incident in 2017

A question was raised with respect to an incident that occurred in 2017 that involved a DRPS vehicle that damaged private property on Rossland Road, in the City of Oshawa, and where questions on this issue can be directed.

J. Hunt advised that this issue should be directed to the Durham Regional Police Service for their initial response, and if there was a claim it would then go through the municipal insurance pool.

10.5 Ministry of Transportation of Ontario (MTO) Work on Highways 7, 7/12, and 7A

Regional Chair Henry requested that staff follow-up with the MTO regarding the projects located on Highways 7, 7/12, and 7A in Sunderland and Port Perry where the roads are reduced to one lane and workers are never seen, and that staff provide an estimated date of completion.

R. Jagannathan advised that he will follow-up with the MTO and get back to Regional Chair Henry and Councillor Smith directly.

11. Date of Next Meeting

The next regularly scheduled Works Committee meeting will be held on Wednesday, November 6, 2019 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

12. Adjournment

Moved by Regional Chair Henry, Seconded by Councillor Barton, (144) That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:41 AM

Respectfully submitted,

D. Mitchell, Chair

S. Penak, Committee Clerk