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The Regional Municipality of Durham

MINUTES

WORKS COMMITTEE

Wednesday, April 6, 2022

A regular meeting of the Works Committee was held on Wednesday, April 6, 2022 in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was offered for this meeting.

1. Roll Call

Present: Councillor Mitchell, Chair
Councillor Marimpietri, Vice-Chair
Councillor Barton was absent for part of the meeting
Councillor Crawford
Councillor McLean
Councillor John Neal
Councillor Smith
Regional Chair Henry

Also

Present: Councillor Highet
Councillor Wotten

Staff

Present: E. Baxter-Trahair, Chief Administrative Officer
G. Anello, Director of Waste Management
J. Demanuele, Acting Commissioner of Works
W. Holmes, General Manager, DRT
J. Hunt, Regional Solicitor/Director of Legal Services, Corporate Services –
Legal Services
R. Inacio, Systems Support Specialist, Corporate Services – IT
R. Jagannathan, Director of Transportation and Field Services
J. Presta, Director of Environmental Services
K. Ryan, Solicitor, Corporate Services – Legal Services
N. Taylor, Commissioner of Finance
N. Prasad, Assistant Secretary to Council, Corporate Services – Legislative
Services
K. Smith, Committee Clerk, Corporate Services – Legislative Services

2. Declarations of Interest

There were no declarations on interest.

3. Adoption of Minutes

Moved by Councillor Marimpietri, Seconded by Councillor Barton,
(30) That the minutes of the regular Works Committee meeting held on
Wednesday, March 2, 2022, be adopted.

CARRIED

4. Statutory Public Meetings

There were no statutory public meetings.

5. Delegations

5.1 Linda Gasser, Durham Resident, re: Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington (2022-WR-3) [Item 7.2 A]

Linda Gasser, Durham resident, appeared before the Committee regarding Report #2022-WR-3: Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington.

L. Gasser stated that the primary purpose of clear bags is to reduce garbage generation and motivate residents to sort and participate in diversion programs. She feels that increases in diversion are a positive by-product of clear bags; and that clear bags will prepare Durham residents to improve sorting and participation in advance of the transition of the Blue Box so recyclables don't migrate to the garbage bag.

L. Gasser stated that the City of Orillia started the Clear Bag Program in February 2022 and provided statistics regarding their waste collection data for the first five weeks of the program. She also provided an overview of the City of Markham's data from 2010 to 2021 which highlighted the implementation of different programs. She stated that Markham adopted clear bags in 2013 and provided statistics on their diversion rates.

L. Gasser expressed the following concerns with regards to Report 2022-WR-3: timing; the pilot should account for seasonal fluctuations in waste; the report takes a punitive approach; staff should consider audit and pilot from July to December 2023; baseline audits should be for the same routes over the same period; and, the Municipality of Clarington must have input into all communications with residents. She requested that the report be sent back to staff to consider concerns raised or consider amendments to the recommendation and pilot parameters.

L. Gasser responded to questions of the Committee.

5.2 Wendy Bracken, Durham Resident, re: Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington (2022-WR-3) [Item 7.2 A]

Wendy Bracken, Durham resident, appeared before the Committee regarding Report #2022-WR-3: Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington.

W. Bracken stated that a Clear Bag Policy is needed and would be a positive step forward to reducing garbage and protecting health and environment. She stated that it is especially important in Durham since there is an incinerator and it is important to reduce the amount of toxic materials in the garbage stream. She expressed concerns that a clear bag policy needs to be balanced and not designed to be punitive. She feels there is an opportunity to educate and increase participation, and that clear bags would be the best enforcement tool when the Blue Box program moves to Producers.

W. Bracken stated that according to the Continuous Improvement Fund, 40 municipalities have successfully implemented a clear bag policy with the primary rationale for the policy change being: increased worker safety; removal of hazardous waste items from the waste stream; and, increased diversion of recyclables.

W. Bracken also expressed concerns regarding: the length of the study being a 6-month period is not optimal with seasonal fluctuations; staff should shorten the period between the notice of the pilot and commencement; performance measures should include electronic waste; review the costs; involve the Municipality of Clarington; review the zero-tolerance policy; inform residents why the clear bag policy is being launched; and, study comparisons must be clearly defined. She requested that the report be referred back to staff; and that other municipalities be invited to speak to the recommendations.

W. Bracken responded to questions of the committee.

6. Presentations

6.1 Gioseph Anello, Director, Waste Management Services re: Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington (2022-WR-3) [Item 7.2 A]

Gioseph Anello, Director, Waste Management Services, provided a PowerPoint Presentation regarding Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington. A copy of the presentation material was provided to members in advance of the meeting.

Highlights of the presentation included:

- Clear Garbage Pilot for the Municipality of Clarington

- Proposed 2023 Clear Bag Pilot
- Proposed 2023 Pilot – Measuring Results
- Lessons Learned – Durham 2009 Pilot
- Lessons Learned – Other Municipal Programs
- Mixed Waste Pre-sort and Anaerobic Digestion

G. Anello advised that the purpose of the Clear Bag Pilot is to measure the impact on diversion and to evaluate the program for Region-wide implementation. He stated that staff is suggesting a 6-month pilot on selected routes in the Municipality of Clarington with mandatory participation after a 4-week transition period. He stated that opaque bags will be left at the curb; residents will be allowed one privacy bag per clear garbage bag; and any quantity of visible Blue Box or Green Bin material will result in rejection at the curb.

G. Anello provided an overview of how audits will be conducted; what was learned from the Durham 2009 Pilot; and lessons learned from other municipal programs. With regards to mixed waste pre-sort and anaerobic digestion, he stated that clear garbage bags are not effective in multi-residential buildings with no impact on diversion and will not assist the Region in meeting its regulatory obligations; mixed waste pre-sort will effectively remove recyclable metals and organic waste from all garbage streams with no impact of resident fatigue with the program; and anaerobic digestion is capable of processing a wider variety of organic materials than composting.

Staff responded to questions with regards to the concerns raised by the delegation with regards to the timing of the communications as well as the implementation of the pilot. Staff also responded to questions regarding the differences with the City of Markham clear bag program; the effect of the pilot on the Oshawa Depots; whether the Municipality of Clarington is in support of the pilot; whether staff would be willing to discuss the pilot with the public before the election process; what happens with the rejected bags; partnering with school boards to create educational programs with a focus on the Municipality of Clarington; how would the \$500,000 be used to educate the public; and, whether there will be a designated member from Clarington council to be a main contact.

It was the consensus of the Committee to alter the agenda to deal with Item 7.2 A) next.

7. Waste

7.2 Reports

- A) Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington (2022-WR-3)
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Report #2022-WR-3 from J. Demanuele, Acting Commissioner of Works, was received.

Moved by Councillor McLean, Seconded by Councillor Marimpietri,
(31) That we recommend to Council:

- A) That the implementation of a clear garbage bag pilot program in the Municipality of Clarington be approved with the following implementation parameters:
 - i) That the clear garbage bag pilot project be implemented for a period of six months;
 - ii) That the six month clear garbage bag pilot project commence in the second quarter of 2023 include a four week transition period until participation in the program becomes mandatory;
 - iii) That the six month clear garbage bag pilot project commence after the four week transition period, implemented in a manner that reflects how the clear garbage bag program would be implemented on a permanent basis, meaning that where any visible Blue Box material, food or household hazardous waste is detected in the garbage bag during the mandatory phase, the bag will not be collected and will be left at the curb;
 - iv) That the six month clear garbage bag pilot project be conducted with the following performance measures to determine the effectiveness of the program as compared to a 2022 baseline, and to other Regional Municipality of Durham municipalities that are not part of the pilot:
 - a. Garbage generation rates compared to baseline data;
 - b. Quantity of Blue Box, Green Bin and/or household hazardous material found in the garbage bag compared to baseline data;
 - c. Collection contractor injury rate;
 - d. Collection route impacts (collection time, etc.); and
 - e. Incidence of illegal dumping complaints;
- B) That external resources (consulting or other) to support the implementation of the clear garbage bag pilot project be retained in 2022 at a cost not to exceed \$125,000* to provide:

- i) An initial communication strategy and support in the planning and operating phases of the clear garbage bag pilot, including the distribution of educational material to residents in the Municipality of Clarington and retail outlets related to the supply of clear garbage bags; and
 - ii) Waste audits to establish the 2022 baseline for the performance measures and measure performance in the Municipality of Clarington and other Regional Municipality of Durham municipalities;
- C) That financing for the incremental cost of the clear garbage bag pilot project background work required in 2022 at an estimated cost of \$125,000* be provided at the discretion of the Commissioner of Finance; and
- D) That the remaining pilot program costs currently estimated at \$405,000* reflecting anticipated additional collection contractor costs, ongoing waste audits to evaluate the results of the clear garbage bag pilot program and continued educational and promotional efforts to support the pilot be included as part of the proposed 2023 Business Plans and Budgets for Waste Management Services and subject to the approval of the new Council.
REFERRED BACK TO STAFF AS AMENDED
ON A RECORDED VOTE (SEE FOLLOWING
MOTIONS)

Moved by Regional Chair Henry, Seconded by Councillor Marimpietri,

- (32) That the main motion (31) of Councillors McLean and Marimpietri be amended by adding the following as a new Part E):

- E) That staff work with the appropriate school board to create an education module or program explaining the Clear Bag Program and that staff also work with all school boards to create programs related to waste.

CARRIED

Moved by McLean, Seconded by Councillor Marimpietri,

- (33) That the main motion (31) of Councillors McLean and Marimpietri, as amended, be referred back to staff until after the summer recess.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

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

No

Councillor Marimpietri
Chair Mitchell

Members Absent: Councillor Barton

Declarations of Interest: None

7. Waste

7.1 Correspondence

- A) Correspondence from the Municipality of Clarington regarding the Use of Incinerator Waste
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Moved by Councillor Smith, Seconded by Councillor Marimpietri,
(34) That the correspondence dated March 15, 2022 from the Municipality of Clarington regarding the Use of Incinerator Waste be referred to staff for a response.

CARRIED

7.2 Reports

- A) Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington (2022-WR-3)
-

Report #2022-WR-3 from J. Demanuele, Acting Commissioner of Works, was dealt with earlier in the meeting. (See pages 4 to 7 of these minutes).

8. Works

8.1 Correspondence

- A) Presentation Material from the Association of Municipalities of Ontario re: Waste Management Task Force Meeting (provided at the request of the Regional Chair)
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Moved by Councillor Marimpietri, Seconded by Councillor Smith,
(35) That the presentation from the Association of Municipalities of Ontario regarding the Waste Management Task Force Meeting of March 2, 2022 be received for information.

CARRIED

- B) Information Report #2022-INFO-26 of the Commissioner of Works and Commissioner of Corporate Services re: Modified Vehicle Mufflers and Noisemakers
-

Staff responded to questions regarding whether Jake brakes are legislated.

Moved by Councillor Marimpietri, Seconded by Councillor Smith,
(36) That Information Report #2022-INFO-26 of the Commissioner of Works and Commissioner of Corporate Services regarding Modified Vehicle Mufflers and Noisemakers be received for information and referred to the consideration of Item 11. A) Other Business: Modified vehicles in Durham Region.

CARRIED

8.2 Reports

A) Standardization of Programmable Logic Traffic Controllers and Related Control Equipment to be used for the Installation, Operation and Maintenance of Traffic Control Signals (2022-W-19)

Report #2022-W-19 from J. Demanuele, Acting Commissioner of Works, was received.

Moved by Councillor McLean, Seconded by Regional Chair Henry,
(37) That we recommend to Council:

- A) That the Regional Municipality of Durham's Programmable Logic Traffic Controllers and related control equipment manufactured by Econolite Canada Incorporated continue to be adopted as the Regional standard for the installation, maintenance and operation of traffic control signals;
- B) That staff be authorized to negotiate and award a sole source agreement with Econolite Canada Incorporated for the provision of Programmable Logic Traffic Controller equipment at an annual net cost not to exceed \$770,000* for a term of up to five years, to be financed through the annual Works Department Business Plans and Budget; and
- C) That the Commissioner of Finance or designate be authorized to execute the necessary documents related to the sole source agreement.

CARRIED

B) Memorandum of Understanding with the Town of Whitby for the Construction of Regional Infrastructure at 270 Water Street Associated with the Construction of the Whitby Water Supply Plant Expansion, in the Town of Whitby (2022-W-20)

Report #2022-W-20 from J. Demanuele, Acting Commissioner of Works, was received.

Moved by Councillor McLean, Seconded by Regional Chair Henry,
(38) That we recommend to Council:

- A) That a Memorandum of Understanding with the Town of Whitby be authorized for the construction of Regional Municipality of Durham infrastructure associated with expansion of the Whitby Water Supply Plant, in the Town of Whitby, in the general form and content as provided in Attachment #2 to Report #2022-W-20 of the Acting Commissioner of Works; and
- B) That the Regional Chair and Clerk be authorized to execute this Memorandum of Understanding, and any necessary documents and/or final agreements, in a form satisfactory to the Acting Commissioner of Works and the Regional Solicitor, required to implement the project requirements detailed within the Memorandum of Understanding.

CARRIED

- C) Declaration of Lands as Surplus and Approval to Convey the Surplus Lands to the Adjacent Landowner as part of a Land Exchange for Regional Requirements (2022-W-21)

Report #2022-W-21 from J. Demanuele, Acting Commissioner of Works, was received.

Moved by Councillor McLean, Seconded by Regional Chair Henry,
(39) That we recommend to Council:

- A) That a portion of the property municipally known as 3375 Liberty Street North in the Municipality of Clarington, legally described as Part of Lot 10, Concession 3, (Geographic Township of Darlington), Municipality of Clarington, further described as Part 7 on Registered Plan 40R-31645 be declared surplus to Regional Municipality of Durham requirements;
- B) That Regional Municipality of Durham staff be authorized to enter into a Land Exchange Agreement with the adjacent property owner under the following terms:
 - i) The Regional Municipality of Durham will transfer lands legally described as Part of Lot 10, Concession 3, (Geographic Township of Darlington), Municipality of Clarington, further described as Part 7 on Registered Plan 40R-31645 and having a Fair Market Value of \$2,097,000 to Jayzee Properties Inc. for nominal consideration;
 - ii) Jayzee Properties Inc. will transfer lands legally described as Part of Lot 10, Concession 3, (Geographic Township of Darlington), Municipality of Clarington, further described as Parts 1, 2, 3, and 5 on Registered Plan 40R-31645 having a Fair Market Value of \$2,122,000 to the Regional Municipality of Durham for nominal consideration;

- C) That the requirements of Sections 3 and 4(1) of Regional By-law #52-95 be waived to facilitate the land exchange between the Regional Municipality of Durham and Jayzee Properties Inc.; and
- D) That the Acting Commissioner of Works be authorized to execute all documents associated with this land exchange.

CARRIED

- D) Renewal of Lease Agreement with Hand-In-Hand Corporation for the Regional Municipality of Durham Social Services Department, Located at 339 Westney Road South, in the Town of Ajax (2022-W-22)

Report #2022-W-22 from J. Demanuele, Acting Commissioner of Works, was received.

Moved by Councillor McLean, Seconded by Regional Chair Henry,
(40) That we recommend to Council:

- A) That the Renewal of Lease Agreement with Hand-In-Hand Corporation for the premises located at 339 Westney Road South, in the Town of Ajax, containing approximately 337.97 square metres (3,638 square feet) of office space be approved on the following terms and conditions:
 - i) The term is for a period of five years commencing June 1, 2022, and ending May 31, 2027;
 - ii) The annual rental rate for the term of the lease will be \$49,113.00* based on the rate of \$145.31* per square metre (\$13.50* per square foot) per annum;
 - iii) The additional rental rate for the term of the lease will be \$36,852.94* based on the rate of \$109.04* per square metre (\$10.13* per square foot) per annum to cover operating costs for the building, common areas and the leased premises. The per square foot dollar amount of additional rent is to be adjusted annually based on actual costs; and
- B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.

CARRIED

- E) Renewal of Lease Agreement with 3414493 Canada Inc. for Works Department Supervisory Control and Data Acquisition Antenna, Located at 200 White Oaks Court, in the Town of Whitby (2022-W-23)

Report #2022-W-23 from J. Demanuele, Acting Commissioner of Works, was received.

Moved by Councillor McLean, Seconded by Regional Chair Henry,
(41) That we recommend to Council:

- A) That the extension of Lease Agreement with 3414493 Canada Inc. for the Supervisory Control and Data Acquisition Antenna located at 200 White Oaks Court, in the Town of Whitby, for a portion of the telecommunications tower and part of the penthouse mechanical room, be approved under the following terms and conditions:
- i) The term is for a period of two years commencing May 1, 2022, and ending April 30, 2024;
 - ii) The annual rental rate for the two-year term is \$14,780.00* which includes the cost of hydro;
 - iii) The Regional Municipality of Durham will be responsible for the maintenance and repair of the site and the antenna system; and
- B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.

CARRIED

9. Advisory Committee Resolutions

There were no advisory committee resolutions to be considered.

10. Confidential Matters

10.1 Reports

- A) Confidential Report of the Acting 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 Highway 2 (Kingston Road), in the City of Pickering (2022-W-24)

Confidential Report #2022-W-24 from J. Demanuele, Acting Commissioner of Works, was received.

Moved by Councillor Crawford, Seconded by Councillor McLean,
(42) That we recommend to Council:

That the recommendations contained in Confidential Report #2022-W-24 of the Acting Commissioner of Works be adopted.

CARRIED

11. Other Business

A) Modified Vehicles in Durham Region

Moved by Councillor Crawford, Seconded by Councillor McLean,
(43) That we recommend to Council:

WHEREAS Regional and Area Municipal Councils are receiving an increasing number of community complaints and negative feedback regarding increased noise due to modified vehicles in the Region;

AND WHEREAS the Durham Regional Police Service have laid over 300 tickets for vehicles making unnecessary noise and over 500 tickets for vehicles with prohibited mufflers or mufflers making excessive noise in the Region over the last two years under the *Highway Traffic Act (HTA)*;

AND WHEREAS on October 28, 2019, the Province of Ontario introduced *Bill 132, Better for People, Smarter for Business Act, 2019*, which creates a new section 75.1 in the HTA that makes it an offence to tamper with motor vehicles by (a) removing, bypassing, defeating or rendering inoperative all or part of a motor vehicle's emission control system or (b) modifying a motor or motor vehicle in any way that results in increased emissions from the level to which it was originally designed or certified by the manufacturer of the motor or motor vehicle, as well as prohibit the sale of tampering devices;

AND WHEREAS section 75.1 of the HTA will help reduce noise from vehicles by reducing modifications to emission systems that can lead to unnecessary noise and prohibit the sale of tampering devices to emission systems in Ontario;

AND WHEREAS although *Bill 132* received Royal Assent on December 10, 2019, the Lieutenant Governor has not yet proclaimed section 75.1 of the *HTA* and therefore is currently not in force;

AND WHEREAS Regional Council want all legislative options available to assist the Durham Regional Police Service and Local Area Municipalities to enforce the HTA and reduce unnecessary noise from Regional and local roads;

NOW THEREFORE BE IT RESOLVED:

1. THAT Regional Council requests that the Province of Ontario proclaim section 75.1 of the *Highway Traffic Act (Better for People, Smarter for Business Act, 2019, S.O. 2019, c. 14, Sched. 16, s. 11)* immediately;

2. That Regional Council request that funding for approved decibel monitoring devices and supporting legislation be provided by the Province, outfitting police services in Ontario with the necessary tools for enhanced enforcement;
3. That Regional Council request that updates be provided by the Province as to the timing of when section 75.1 of the *Highway Traffic Act* will be proclaimed and what steps the Province will take to limit the import and sale of modified exhaust systems in Ontario; and
4. That a copy of this motion be sent to The Honourable Caroline Mulroney, Minister of Transportation; all Durham Region Members of Provincial Parliament; Durham Regional Police Service; Durham Local Area Municipalities; the Ontario Provincial Police; and, the Durham Region Roundtable on Climate Change Committee.

CARRIED AS AMENDED LATER IN THE
MEETING ON A RECORDED VOTE (SEE
FOLLOWING MOTION)

Moved by Councillor John Neal, Seconded by Councillor Marimpietri,
(44) That the main motion (43) of Councillors Crawford and McLean be amended by deleting the words, "Durham Local Area Municipalities" in Clause 4 and that the following be added as a new Clause 5:

5. That a copy of this motion be forwarded to the Durham Local Area Municipalities for endorsement.

CARRIED

The main motion (43) of Councillors Crawford and McLean was then put to a vote and CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Barton
Councillor Crawford
Regional Chair Henry
Councillor Marimpietri
Councillor McLean
Councillor John Neal
Councillor Smith
Chair Mitchell

No

None

Members Absent: None

Declarations of Interest: None

B) Raglan Road West, City of Oshawa

Councillor John Neal inquired about Raglan Road West, specifically slowing down traffic and getting it designated as a community safety zone.

C) Vision Zero Update

Councillor Crawford provided a Vision Zero Update. She stated that a new Pilot Program is being started called, "Leading Pedestrian Interval Locations" and provided an overview of the pilot as well as a list of the locations as follows:

- Brock and Toronto, Uxbridge
- Simcoe and Reach, Scugog
- Glenanna and Esplanade, Pickering
- Stevenson at Oshawa Civic Centre, Oshawa
- Brock and Dundas, Whitby
- Hunt and Harwood, Ajax
- Harwood and King, Ajax

Councillor Crawford advised that as of April 6, 2022, there have not been any fatal traffic collisions on regional roads. She also advised that February 2022 had the lowest speed camera volumes since the inception of the program. She further stated that a Report from DRPS stated that the numbers for distracted driving are starting to equate to the numbers of impaired driving which is problematic.

Staff provided clarification on whether the Vision Zero Reports should be confidential or not.

12. Date of Next Meeting

The next regularly scheduled Works Committee meeting will be held on Wednesday, May 4, 2022 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

13. Adjournment

Moved by Regional Chair Henry, Seconded by Councillor John Neal,
(45) That the meeting be adjourned.

CARRIED

The meeting adjourned at 11:31 AM

Respectfully submitted,

D. Mitchell, Chair

N. Prasad, Assistant Secretary to Council