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## The Regional Municipality of Durham

### MINUTES

#### WORKS COMMITTEE

Wednesday, September 7, 2022

A regular meeting of the Works Committee was held on Wednesday, September 7, 2022 in the Lower Level Boardroom (LL-C), Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:33 AM. Electronic participation was offered for this meeting.

#### 1. Roll Call

Present: Councillor Barton\*  
Councillor Crawford\*  
Councillor Marimpietri\*, Vice-Chair attended the meeting at 10:29 AM  
Councillor John Neal\*  
Councillor Smith\*  
Regional Chair Henry\*  
**\*denotes Councillors participating electronically**

Also

Present: Councillor Dies\*  
Councillor Foster\* left the meeting at 10:40 AM  
Councillor Leahy attended the meeting at 9:58 AM  
Councillor Joe Neal\*  
Councillor Pickles\*  
Councillor Wotten\* left the meeting at 11:30 AM  
Councillor Yamada attended the meeting at 11:14 AM

Absent: Councillor McLean  
Councillor Mitchell, Chair

Staff

Present: G. Anello, Director of Waste Management Services  
E. Baxter-Trahair, Chief Administrative Officer  
B. Bridgeman, Commissioner of Planning & Economic Development  
B. Dobson, Acting Director of Environmental Services  
C. Dunkley, Manager of Financial Services and Corporate Real Estate  
A. Evans, Manager of Waste Services  
B. Holmes, General Manager, DRT  
R. Inacio, Systems Support Specialist, Corporate Services – IT  
R. Jagannathan, Director of Transportation and Field Services  
A. Porteous, Supervisor of Waste Services  
J. Presta, Commissioner of Works  
K. Smith, Committee Clerk, Corporate Services – Legislative Services

S. Ciani, Committee Clerk, Corporate Services – Legislative Services

In the absence of the Committee Chair, and Committee Vice-Chair, Regional Chair Henry, was appointed as Acting Committee Chair.

Moved by Councillor Smith, Seconded by Councillor Barton,  
(64) That Regional Chair Henry be appointed as Acting Committee Chair for  
the September 7, 2022 Works Committee meeting.

CARRIED

## 2. **Declarations of Interest**

There were no declarations on interest.

## 3. **Adoption of Minutes**

Moved by Councillor John Neal, Seconded by Councillor Barton,  
(65) That the minutes of the regular Works Committee meeting held on  
Wednesday, June 8, 2022, be adopted.

CARRIED

## 4. **Statutory Public Meetings**

There were no statutory public meetings.

## 5. **Delegations**

### 5.1 Linda Gasser, Whitby resident, re: Update on the Proposed Clear Bag Pilot in the Municipality of Clarington (2022-WR-4) [Item 7.2 A]

Linda Gasser, Whitby resident appeared before the Committee regarding Report #2022-WR-4: Update on the Proposed Clear Bag Pilot in the Municipality of Clarington.

L. Gasser stated that the primary objective of the clear bags pilot should be to minimize and reduce waste tonnage in garbage bags, which would encourage proper sorting behaviour and participation in diversion programs including e-waste and hazardous waste.

L. Gasser stated other considerations that would affect future recommendations, besides the pilot results, should be identified. She referenced statistics from the City of Markham's clear bag garbage program that noted when the program was introduced in 2013 there was a significant reduction in garbage tonnage and a slight increase in recycling/organics tonnages.

L. Gasser stated that the primary objective should be to encourage, motivate and empower residents to achieve positive pilot objectives, and that careful consideration needs to be given to the timing of the pilot.

L. Gasser stated that the clear bag pilot would help raise awareness and change behaviour around waste generation across Durham. She stated that the following should occur for the pilot to be successful: communication materials should be developed with the Municipality of Clarington's input; all communication materials should be circulated to the Works Committee and Council; and there should be prompt public reporting of the pilot results.

5.2 Wendy Bracken, Clarington resident, re: Update on the Proposed Clear Bag Pilot in the Municipality of Clarington (2022-WR-4) [Item 7.2 A)]

Wendy Bracken, Clarington resident appeared before the Committee regarding Report #2022-WR-4: Update on the Proposed Clear Bag Pilot in the Municipality of Clarington.

W. Bracken stated that a clear bag policy would be a positive step forward to reducing garbage and protecting residents' health and the environment. She also stated that according to the Continuous Improvement Fund (CIF), 40 Ontario municipalities have successfully implemented a clear bag policy.

W. Bracken expressed concerns with the shortened length of study (being only 6 months) as opposed to a one-year pilot program, as it is not optimal with seasonal fluctuations. She stated that removing hazardous and other materials from the waste stream matters and referenced an excerpt from the Waste Incineration & Public Health, National Research Council (US) Committee on Health Effects of Waste Incineration.

Moved by Councillor Smith, Seconded by Councillor John Neal,  
(66) That W. Bracken be granted a one-time 2-minute extension to finish her delegation.

CARRIED

W. Bracken stated that a clear bag policy is part of pollution prevention, and that the "zero tolerance" policy referenced in Report #2022-WR-4 is inconsistent with the CIF's Clear Bag Toolkit which advises that there should be some tolerance.

W. Bracken suggested that the performance measures should also include electronic waste; the Municipality of Clarington should be involved especially in the development of promotional and educational materials; the "zero tolerance" policy needs to be reviewed; and, that the residents should be informed of why the clear bag pilot is being launched and how maximizing the removal of hazardous materials, electronics, recyclables, and organic matter benefits all residents.

W. Bracken responded to questions from the Committee.

## **6. Presentations**

### 6.1 Andrew Evans, Manager of Waste Services, and Angela Porteous, Supervisor of Waste Operations, re: Waste Management Education Programs in Durham Region Schools

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Andrew Evans, Manager of Waste Services, and Angela Porteous, Supervisor of Waste Operations, provided a PowerPoint Presentation with regards to the Waste Management Education Programs in Durham Region Schools.

Highlights of the Presentation included:

- School Programming
- Current Programming
- Elementary School Program
- High School Program
- Post-Secondary School Program
- Results
- Video Programming

A. Porteous advised that the goal of these presentations is to educate students on waste management programs and the impact individual choices can have on the environment. She also advised that the content can be tweaked for other organizations in the community and not just for schools.

A. Porteous advised that the school programming shifted to online presentations and materials during COVID, but that staff anticipate reaching over 6,000 students by the end of 2022.

A. Porteous responded to questions from the Committee regarding whether there would be a balanced approach to presenting information regarding the Durham York Energy Centre (DYEC) and how it operates; and now that planning for the development of French programming has been initiated, whether there would be staff that are able to present in French schools, or if bi-lingual staff would need to be hired.

## **7. Waste**

### 7.1 Correspondence

There were no items of communication considered.

7.2 Reports

A) Update on the Proposed Clear Bag Pilot in the Municipality of Clarington (2022-WR-4)

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Report #2022-WR-4 from J. Presta, Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Councillor John Neal,  
(67) 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 be implemented for a period of six months;
  - ii) That the clear garbage bag pilot commence in the third quarter of 2023 and include a four-week transition period before participation in the program becomes mandatory;
  - iii) That the clear garbage bag pilot project be 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, household hazardous waste or any other material for which a diversion program is available is detected in the garbage bag during the mandatory phase, that the bag will not be collected and will be left at the curb;
  - iv) That the clear garbage bag pilot project be conducted with the following performance measures with a comparison of the data pre- and post-pilot:
    - 1. Garbage generation rates;
    - 2. Quantity of Blue Box, Green Bin and/or household hazardous material found in the garbage bag;
    - 3. Collection contractor injury rate;
    - 4. Collection route impacts (collection time, etc.);
    - 5. Impacts at Waste Management Facilities; and
    - 6. Incidence of illegal dumping complaints.
- B) That external resources to support the implementation of the clear garbage bag pilot project be retained to provide the following:

- 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 discussions with retail outlets and/or clear bag suppliers related to the supply of clear garbage bags to pilot project residents; and
  - ii) Waste audits to establish the baseline for the performance measures and to measure performance in the Municipality of Clarington and other Regional Municipality of Durham municipalities during the pilot;
- C) That the pilot program costs, including anticipated additional collection contractor costs, waste audits to establish the baseline and ongoing evaluation of the effectiveness of the clear garbage bag pilot program, and continued educational and promotional efforts to support the pilot, currently estimated at \$530,000 exclusive of taxes, be included in the proposed 2023 Business Plans and Budget for Waste Management Services and subject to the approval of the new Council; and
- D) That additional details regarding the Regional Municipality of Durham's waste management education programs in partnership with local school boards and details regarding the City of Orillia's clear garbage bag requirement be received for information.

REFERRED LATER IN THE MEETING  
(See Following Motion)

- Moved by Councillor Barton, Seconded by Councillor Marimpietri,  
(68) That the main motion (67) of Councillors Marimpietri and John Neal be referred back to staff for a further report to be presented to the January 11, 2023 Works Committee meeting (the second Works Committee meeting of the new Council).

CARRIED ON THE FOLLOWING  
RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Barton	None
Councillor Crawford	
Regional Chair Henry	
Councillor Marimpietri	
Councillor John Neal	
Councillor Smith	

Members Absent: Councillor McLean  
Chair Mitchell

Declarations of Interest: None

## 8. Works

There were no items of communication considered.

### 8.1 Reports

#### A) Sole Source of Ultraviolet Disinfection Units at the Newcastle Water Pollution Control Plant, in the Municipality of Clarington (2022-W-37)

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Report #2022-W-37 from J. Presta, Commissioner of Works, was received.

Staff responded to questions from the Committee regarding the justification for the sole source contract, and what benefit a sole source contract would have to the taxpayers.

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

- A) That staff be authorized to enter into a sole source agreement with Trojan Technologies for the provision of ultraviolet disinfection units at the Newcastle Water Pollution Control Plant for the Rerating and Upgrades Project (D1117) in the amount of \$422,000\*; to be financed within the approved project from the Sanitary Sewage System Capital Budget; and
- B) That the Commissioner of Finance or designate be authorized to execute the required agreements.  
(\* before applicable taxes.

CARRIED

#### B) Sole Source Approval for the Supply of Replacement Primary Treatment Scum Collectors and Equipment Required to Refurbish Existing Travelling Bridges at the Duffin Creek Water Pollution Control Plant, in the City of Pickering (2022-W-38)

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Report #2022-W-38 from J. Presta, Commissioner of Works, was received.

Staff responded to questions from the Committee regarding the justification for the sole source contract, and what benefit a sole source contract would have to the taxpayers.

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

- A) That staff be authorized to negotiate and award a sole source agreement with OVIVO Water Technologies at an upset limit of \$12,500,000\* for the supply of replacement primary treatment scum collectors and equipment to refurbish the existing travelling bridges;

- B) That financing be provided from within the approved project budget in accordance with the approved cost sharing with the Region of York as follows:

	Cost Split (%)	Cost Allocation*
Durham Region	20	\$2,500,000
York Region	80	\$10,000,000
Total	100	\$12,500,000

- C) That the Commissioner of Finance be authorized to execute the necessary documents related to this sole source agreement.

(\* before applicable taxes

CARRIED

- C) Sole Source Engineering Services Agreement for the Detailed Design of Bloor Street East (Regional Road 22), from East of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa (2022-W-39)

Report #2022-W-39 from J. Presta, Commissioner of Works, was received.

Staff responded to questions from the Committee regarding the justification for the sole source contract, and what benefit a sole source contract would have to the taxpayers.

In response to a question from Councillor Joe Neal regarding why the services are stopping at Grandview Street South in the City of Oshawa, R. Jagannathan advised that he would follow-up with staff on this matter and report back to Councillor Joe Neal directly.

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

- A) That staff be authorized to negotiate a sole source engineering services agreement with AECOM Canada Limited to undertake the detailed design of Bloor Street East (Regional Road 22) from east of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa, at an amount not to exceed \$1,737,140\*; to be financed through the approved project budget; and
- B) That the Commissioner of Finance be authorized to execute the necessary documents related to the sole source agreement.

(\* before applicable taxes

CARRIED

- D) Update on Servicing Options for Property Owners on Bickle Drive and Roselawn Avenue, including the Sun Valley Heights Homebuilders Co-op, in the City of Oshawa (2022-W-40)
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Report #2022-W-40 from J. Presta, Commissioner of Works, was received.

Detailed discussion ensued regarding the servicing options for property owners on Bickle Drive and Roselawn Avenue, including the Sun Valley Heights Homebuilders Co-op, in the City of Oshawa; whether there is an ability to change the policy to service the remaining communities that are not connected to municipal sewer and water; the current well interference concerns raised by the property owners; and if an emergency waterline can be extended from Thornton Road and Conlin Road to the Sun Valley Heights residents in the case that there are well interruptions due to construction.

J. Presta advised that homeowners were informed that the communal well could fail at any time and then the well would need to be replaced or municipal services brought in. He advised that staff are following the authority through the Region's by-law and provincial legislation, and referenced Section 5 of Report 2022-W-40 that details an alternative option for the extension of municipal services, which would be through a local improvement charge that would need to be approved by Regional Council.

J. Presta advised that if Report #2022-W-40 is approved by Regional Council, the next steps would be to construct the services that have been approved in the City of Oshawa's and Region of Durham's budgets; obtain a project schedule from the City of Oshawa; and provide an update to Regional Council on the status of the detailed design and project schedule. He advised that the services are forecasted to begin in the Summer of 2023 and that a supplementary memo will be provided to Regional Council with the details listed above.

At this time, at the request of Acting Chair Henry, the Committee Clerk took a roll call of the Committee members to ensure there was still quorum. All members of the Committee were present with the exceptions of Councillor McLean and Chair Mitchell.

Staff responded to further questions from the Committee regarding the initial cause for concern after a well inspection was conducted in 2020 and a crack in the communal well seal was identified; and what financing options would be available to the homeowners.

In response to a question from the Committee regarding the history of the communal well, Commissioner Presta advised that the Region of Durham was ordered by the Ministry of the Environment, Conservation and Parks to operate the well on behalf of the Sun Valley Heights Homebuilders Co-op but does not own the communal well.

Moved by Councillor Marimpietri, Seconded by Councillor Barton,  
(72) That the Committee recess for 10 minutes.

CARRIED

The Committee recessed at 11:56 AM and returned at 12:06 PM.

The Committee Clerk conducted a roll call following the recess and all members of Committee were present with the exceptions of Councillor McLean and Chair Mitchell.

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

- A) That Report #2022-W-40 of the Commissioner of Works be received for information; and
- B) That a copy of Report #2022-W-40 be provided to the residents on Bickle Drive and Roselawn Avenue; Sun Valley Homebuilders Co-op; the City of Oshawa; and The Ministry of the Environment, Conservation and Parks York-Durham office.

CARRIED LATER IN THE MEETING  
(See Following Motion)

Moved by Councillor Marimpietri, Seconded by John Neal,  
(74) That the main motion (73) of Councillors Marimpietri and Smith be amended to include the following as new Parts C), D), E) and F):

- C) That the Region of Durham collaborate with the City of Oshawa and the appropriate legislative bodies to immediately undertake a policy review and provide options and recommendations to effectively change the current water and sanitary service provision policy with the objective of making access to municipal servicing for existing privately serviced communities such as Sun Valley Homebuilders Co-op on Thornton Road, Roselawn Avenue and Bickle Drive easier to satisfy and provide homeowners with the appropriate servicing;
- D) That staff investigate providing the same level of water and sanitary service options to Sun Valley residents as the very residents in the same subdivision fronting on Thornton Road impacted by the Regional and City of Oshawa road and water services project scheduled to be undertaken in the coming months;
- E) And furthermore, that an Emergency Waterline be extended from Thornton Road and Conlin Road to the Sun Valley residents in the case that well interruptions occur resulting from the Regional and City roads and water serving work on Thornton Road; and

- F) That these actions be engaged and executed with the specific objective of providing clean potable municipal water and sanitary services to the Sun Valley residents and those deemed applicable by the actions taken by Regional staff and the policy reform being undertaken through the policy review herein requested.

MOTION REFERRED BACK TO STAFF  
(See Following Motion)

- Moved by Councillor Smith, Seconded by Councillor Barton,  
(75) That the foregoing amending motion (74) of Councillors Marimpietri and John Neal be referred back to staff for a further report to address the amending motion (74) and that it be presented to the January 11, 2023 Works Committee meeting (the second Works Committee meeting of the new Council).

CARRIED

The main motion (73) of Councillors Marimpietri and John Neal was then put to a vote and CARRIED.

- E) Approval of Capital Works and Financing to be Incorporated into a Servicing Agreement with Universal City Developments Inc., Including Cost Sharing in Accordance with the Region Share Policy, for the Extension and Oversizing of a Sanitary Sewer and the Extension of a Watermain, in the City of Pickering (2022-W-41)
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Report #2022-W-41 from J. Presta, Commissioner of Works, was received.

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

- A) That capital works and financing estimated at \$167,200 for the Region's share of the Universal City Developments Inc. sanitary sewer and watermain project in the City of Pickering with a total cost of \$657,500 be approved;
- B) That the Regional Municipality of Durham be authorized to enter into a Servicing Agreement with a Region Share payment to Universal City Developments Inc. estimated at \$167,200 for the Region share of the oversizing of a sanitary sewer, and watermain on Celebration Drive, located north of Bayly Street (Regional Road 22) and west of Sandy Beach Road in the City of Pickering, at an estimated total project cost of \$657,500; and
- C) That financing for the sanitary capital works, estimated at \$345,000, be provided from the following sources:

**Sanitary Sewer**

**Developer's Share – Sanitary Sewer**

Universal City Developments Inc. \$277,500

**Total Developer's Sanitary Sewer Share \$277,500**

**Regional Costs – Sanitary Sewer**

2022 Sanitary Sewerage System Capital Budget

Item 154: Allowance for Regional share for works in conjunction with residential subdivision development:

Residential Development Charges (Project ID: M2210) \$49,815

Commercial Development Charges (Project ID: M2210) 3,105

User Rate (Project ID: M2210) 14,580

\$67,500

**Total Regional Share – Sanitary Sewer \$67,500**

**Total Sanitary Sewer \$345,000**

**Watermain:**

**Developer's Share – Watermain**

Universal City Developments Inc. \$212,800

**Total Developer's Watermain Share \$212,800**

**Regional Costs – Watermain**

2022 Water Supply System Capital Budget

Item 249 Allowance for Regional share for works in conjunction with residential subdivision development:

Residential Development Charges (Project ID: M2210) \$87,337

Commercial Development Charges (Project ID: M2210) 2,194

User Rate (Project ID: M2210) 10,169

\$99,700

**Total Regional Share – Watermain \$99,700**

**Total Watermain \$312,500**

**Total Developer's Share \$490,300**

**Total Regional Share \$167,200**

**Total Project Financing \$657,500**

CARRIED

**9. Advisory Committee Resolutions**

There were no advisory committee resolutions to be considered.

**10. Confidential Matters**

There were no confidential matters to be considered.

**11. Other Business**

**11.1 Service Line Warranties of Canada Inc. Program**

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Detailed discussion ensued regarding the Service Line Warranties of Canada Inc. Program, and the communication methods used to inform the public of the new program that came into effect July 1, 2022.

Staff responded to questions from the Committee regarding the concerns received from residents; the need for a better coordinated communications plan moving forward and the best way to ensure all residents are informed; the timing around the distribution of the communication material; and what the potential cost of service connection repairs could be for residents now that the property owner's new limit of responsibility for residential sanitary service connections is at the property boundary, which would be consistent with the responsibility for water service connection maintenance.

E. Baxter-Trahair highlighted that Report #2021-W-31: Amendment to Regional Water Pollution Control System and Storm Sewer System By- Law #90-2003 and Residential Water and Sanitary Service Connection Protection Plans was extremely detailed and was approved by Regional Council September 29, 2021. She advised that staff have met with Service Line Warranties of Canada Inc., and that there has been an internal review of the communication process and that there will be better communication moving forward. She advised that the amendment to the Regional Water Pollution Control System and Storm Sewer System By- Law #90-2003 aligns with how the Region handles its water infrastructure, and that the purchase of the insurance is completely up to the discretion of the residents.

In response to a question regarding whether the Region signed a contract with Service Warranty Canada Inc., and what the cost would be to break the contract, staff advised that there would need to be a discussion between Legal, Finance, and Works staff, the details of which could be provided to Regional Council prior to the September 14, 2022, Committee of the Whole meeting.

In response to a question regarding whether Council members would be able to be forwarded a copy of the contract with Service Line Warranties of Canada Inc.,

staff advised that they would need to confirm if that could be done with Legal staff.

11.2 Update on Reconstruction of Regional Road 13, between Highway 12 and Lakeridge Road in the Township of Brock

Councillor Smith requested an update regarding whether the concrete box cover drawings for this road reconstruction project were completed and if the project has gone out to tender. Staff advised that it is scheduled to go out to tender in the first quarter of 2023.

11.3 Reconstruction of Provincial Highway 12

In response to a question from the Committee regarding the sporadic reconstruction of Provincial Highway 12, staff advised that they do not control the schedules of a Ministry of Transportation (MTO) project, however, will reach out to the MTO contact for details.

11.4 Dedicated Water Service Line for Coco Paving in the City of Oshawa

Councillor Joe Neal questioned if Coco Paving in the City of Oshawa having a dedicated water service line is permissible. J. Presta advised that he would look into this matter and report back to Councillor Joe Neal directly.

**12. Date of Next Meeting**

The next regularly scheduled Works Committee meeting will be held on Wednesday, December 7, 2022 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

**13. Adjournment**

Moved by Councillor Crawford, Seconded by Councillor Barton,  
(77) That the meeting be adjourned.

CARRIED

The meeting adjourned at 1:01 PM

Respectfully submitted,

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Regional Chair Henry, Acting Committee Chair

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S. Ciani, Committee Clerk