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The Regional Municipality of Durham

MINUTES

WORKS COMMITTEE

Wednesday, January 11, 2023

A regular meeting of the Works Committee was held on Wednesday, January 11, 2023 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 Barton, Chair
Councillor Marimpietri, Vice-Chair
Councillor Crawford
Councillor Mulcahy
Councillor Nicholson
Councillor Yamada
Regional Chair Henry

Also

Present: Councillor Dies* attended for part of the meeting
Councillor Foster* attended for part of the meeting
Councillor Garrod
Councillor McDougall
Councillor Pickles* attended for part of the meeting
Councillor Schummer* attended for part of the meeting
Councillor Shahid* attended for part of the meeting
***denotes Councillors participating electronically**

Absent: Councillor Cook

Staff

Present: G. Anello, Director of Waste Management
E. Baxter-Trahair, Chief Administrative Officer
J. Demanuele, Director of Corporate Infrastructure and Strategic Business Services, Works Department
A. Evans, Manager of Waste Services
M. Hubble, Manager of Environmental Services Design
J. Hunt, Regional Solicitor/Director of Legal Services, Chief Administrative Office – Legal Services
R. Inacio, Systems Support Specialist, Corporate Services – IT
R. Jagannathan, Director of Transportation and Field Services
E. Lamain, Manager of Maintenance Operations
J. Presta, Commissioner of Works
P. Veiga, Manager of Waste Management Operations

L. Soto Maya, Committee Clerk, Corporate Services – Legislative Services
S. Ciani, Committee Clerk, Corporate Services – Legislative Services

2. Declarations of Interest

There were no declarations of interest.

3. Adoption of Minutes

Moved by Councillor Marimpietri, Seconded by Councillor Yamada,
(1) That the minutes of the regular Works Committee meeting held on
Wednesday, December 7, 2022, be adopted.

CARRIED

4. Statutory Public Meetings

There were no statutory public meetings.

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,
(2) That the order of the agenda be altered to consider Item 6.1: Greg
Gordon, Energy from Waste – Waste Management Advisory Committee
(EFW-WMAC) Chair, and Phil Haylock, Energy from Waste – Waste
Management Advisory Committee (EFW-WMAC) Vice-Chair, re: EFW-
WMAC Annual Report next.

CARRIED

6. Delegations

6.1 Greg Gordon, Energy from Waste – Waste Management Advisory Committee
(EFW-WMAC) Chair, and Phil Haylock, Energy from Waste – Waste Management
Advisory Committee (EFW-WMAC) Vice-Chair, re: EFW-WMAC Annual Report

Greg Gordon, Chair, Energy from Waste-Waste Management Advisory
Committee (EFW-WMAC) appeared before the Committee with respect to the
EFW-WMAC Annual Report.

G. Gordon advised that there are nine members on the EFW-WMAC Committee.
He outlined topics that had been considered by the Committee at their meetings
that included:

- February 22, 2022 – Scheduled Meeting Q1
 - Long-Term Waste Management Plan – Presentation
 - Long-Term Plan – Targets, Measures and Actions
 - Durham Region's Organics Management Project Update
 - Extended Producer Responsibility (EPR) Update
 - Durham York Energy Centre (DYEC) Update

- May 24, 2022 – Scheduled Meeting Q2
 - Organics Management Project Update
 - Durham York Energy Centre Update
- September 27, 2022 – Scheduled Meeting Q3
 - Organics Management Project Update
 - Durham York Energy Centre Update
 - Extended Producer Responsibility (EPR) Update
 - Newtonville Road Rehabilitation Pilot Project
- November 7, 2022 – Educational Facilities Tour
- Other Topics Discussed:
 - Outreach to Durham Region Schools
 - Investigation of Polystyrene Recycling
 - Green Bin Program Expansion

Staff responded to a question from the Committee regarding receiving the annual report at the same time as the annual update from the Chair of the EFW-WMAC in order to allow Committee members time to review and prepare questions in advance of the meeting.

5. Presentations

5.1 Eric Lamain, Manager of Maintenance Operations, re: Regional Road Maintenance and Service Levels

Eric Lamain, Manager of Maintenance Operations provided a PowerPoint presentation regarding Regional Roadway Maintenance and Service Levels.

Highlights from the presentation included:

- Outline
- Regional Road Network
- Ontario Regulation 239/02 – Minimum Maintenance Standards
 - Winter Maintenance
 - Road Repairs & Maintenance
 - Traffic Signs, Signals & Illuminations
 - Emergencies
- Region of Durham Service Levels
 - Routine/Planned Maintenance
 - Non-Service Level Defined Activities
 - Deficiency/Complaint Maintenance
- Road Maintenance – Roles and Responsibilities
- Regional Right of Way Responsibilities by Others
- Innovation & Continuous Improvement

- Enterprise Maintenance Management System – Maximo
- Roadway Event Management System
- Remote Weather Information System
- Weed Control
- Road Patrol
- Significant Events

E. Lamain responded to questions from the Committee regarding better coordination of snow clearing activities on regional roads and local sidewalks during significant snow fall events; deficiencies in repairs made by contractors as opposed to Regional staff; developing a weed removal service level for medians and regional roads; concerns regarding road maintenance standards in Ward 5 in the City of Oshawa; establishing a policy standard with respect to grass cutting and graffiti removal; prioritizing the resurfacing of regional roads as opposed to reconstructing regional roads; and deficiency/complaint maintenance.

In response to a question from the Committee regarding whether there has been a comparison between the Region's service levels standards and the lower tier municipalities' service standards, staff advised an update would be provided to the Committee at a later date.

In response to a question from the Committee regarding where the road maintenance and policy standards can be found online, staff advised they would work on getting those documents published to the regional website.

6. Delegations

- 6.1 Greg Gordon, Energy from Waste – Waste Management Advisory Committee (EFW-WMAC) Chair, and Phil Haylock, Energy from Waste – Waste Management Advisory Committee (EFW-WMAC) Vice-Chair, re: EFW-WMAC Annual Report

This item was considered earlier in the meeting. See pages 2 and 3 of these minutes.

7. Waste

- 7.1 Correspondence

There were no communication items considered.

- 7.2 Reports

- A) Update on the Proposed Clear Garbage Bag Pilot in the Municipality of Clarington (2023-WR-1)

Report #2023-WR-1 from J. Presta, Commissioner of Works, was received.

Staff responded to questions from the Committee regarding whether there are best practices used by other municipalities on the use of clear garbage bags; the cost of the proposed clear garbage bag pilot project; and the reasons for staffs' recommendation to defer the implementation of the pilot project to 2025.

Detailed discussion ensued regarding a proposed amendment by Councillors Nicholson and Crawford (see page 7 of these minutes) that would terminate the proposed clear garbage bag pilot in the Municipality of Clarington instead of deferring it until 2025 due to the significant waste management programming changes scheduled to occur in 2024, and whether terminating the proposed pilot would procedurally be in order.

Moved by Councillor Yamada, Seconded by Councillor Mulcahy,
(3) That we recommend to Council:

- A) That the implementation of a clear garbage bag pilot program in the Municipality of Clarington be deferred to 2025 due to the significant waste management programming changes occurring in 2024;
- B) 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 commences in the second quarter of 2025 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 operate permanently, 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;
- C) 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 pilot areas of 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 clear garbage bag pilot area in the Municipality of Clarington as compared to non-pilot areas located in other Regional Municipality of Durham municipalities during the pilot;
- D) That the pilot program costs, currently estimated at \$530,000 exclusive of taxes (2023 costs), be included in the proposed Business Plans and Budget for Waste Management Services in the applicable year and subject to the approval of Council; and
- E) 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.

DEFERRED LATER IN THE MEETING
(See Following Motions)

Moved by Councillor Nicholson, Seconded by Councillor Crawford,

- (4) That the main motion (3) of Councillors Yamada and Mulcahy be amended in Part A) by deleting the words "deferred to 2025 due to the significant waste management programming changes occurring in 2024" and replacing it with the word "terminated", and that Parts B) to E) inclusive, be deleted.

DEFERRED LATER IN THE MEETING
(See Following Motion)

Moved by Regional Chair Henry, Seconded by Councillor Marimpietri,
(5) That the main motion (3) of Councillors Yamada and Mulcahy, and the foregoing amending motion (4) of Councillors Nicholson and Crawford be deferred until the February 8, 2023 Works Committee meeting.

CARRIED

8. Works

8.1 Correspondence

There were no communication items considered.

8.2 Reports

A) Operational Plan for Water Supply Systems to Comply with the Safe Drinking Water Act (2023-W-1)

Report #2023-W-1 from J. Presta, Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,
(6) That we recommend to Council:

That in accordance with the requirements of the Ministry of Environment, Conservation and Parks (MECP) approvals framework for municipal drinking water systems, Regional Council acknowledge and endorse the Operational Plan for the Regional Municipality of Durham's Water Supply Systems.

CARRIED

B) Tender Award and Additional Financing for Regional Municipality of Durham Contract #D2022-34 for Roundabout Construction on Bowmanville Avenue (Regional Road 57) at the Regional Road 3/Concession Road 8 Intersection, in the Municipality of Clarington (2023-W-2)

Report #2023-W-2 from J. Presta, Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,
(7) That we recommend to Council:

A) That the low compliant bid of Hard-Co Construction Ltd. in the amount of \$4,960,341* be awarded for Regional Municipality of Durham Contract #D2022-34 for Roundabout Construction on Bowmanville Avenue (Regional Road 57) at the Regional Road 3/Concession Road 8 Intersection, in the Municipality of Clarington, resulting in a total estimated project cost of \$7,708,142;

- B) That the previously approved project budget of \$5,469,247 for Regional Municipality of Durham Contract #D2022-34 be increased by \$2,238,895 to a revised total project budget of \$7,708,142;
- C) That the funding for the additional project commitments in the amount of \$2,238,895 be provided as follows:

Previously Approved Financing

Municipality of Clarington	\$19,247
Roads Capital Budget (Project ID; R1603)	
Residential DC	\$3,413,700
Commercial DC	\$412,200
Industrial DC	\$219,600
Road Capital Reserve	<u>\$1,404,500</u>
Total Regional Financing	\$5,450,000

Total Previously Approved Financing **\$5,469,247**

Proposed Additional Financing

Municipality of Clarington	\$10,599
2022 Regional Road Program	
Residential DC, at the discretion of the Commissioner of Finance	\$1,395,731
Commercial DC, at the discretion of the Commissioner of Finance	\$168,533
Industrial DC, at the discretion of the Commissioner of Finance	\$89,786
Property tax sources, at the discretion of the Commissioner of Finance	<u>\$574,246</u>
Total Additional Regional Financing	\$2,228,296
Total Proposed Additional Financing	<u>\$2,238,895</u>
Total Revised Financing	<u>\$7,708,142</u>

(*) before applicable taxes
CARRIED

- C) Approval for the Regional Municipality of Durham's Ongoing Participation in the Toronto and Region Conservation Authority's Western Durham Nearshore Water Quality Monitoring Program (2023-W-3)
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Report #2023-W-3 from J. Presta, Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,
(8) That we recommend to Council:

- A) That the Regional Municipality of Durham continue participation as a municipal partner with Toronto and Region Conservation Authority's Western Durham Nearshore Water Quality Monitoring Program until the program ceases or the Regional staff of Durham and York determine that participation is no longer required; and
- B) That financing for the annual contribution to the program, currently set at \$135,000 and shared with York Region at the applicable cost-sharing ratio (currently shared at approximately 18 per cent Durham Region, 82 per cent York Region) be provided in the annual Business Plans and Budgets for the York Durham Sanitary Sewerage System.

CARRIED

- D) Declaration of Lands as Surplus and Approval to Transfer the Surplus Lands to the Town of Whitby as Part of an Agreement with the Ministry of Transportation (2023-W-4)
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Report #2023-W-4 from J. Presta, Commissioner of Works, was received.

In response to a question from the Committee regarding what the "nominal sum" referenced in Recommendation Part C) of Report #2023-W-4 would be, staff advised that the cost would be \$0.

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,
(9) That we recommend to Council:

- A) That property known as Old Lake Ridge Road, in the Town of Whitby and The Town of Ajax, legally described as Part 4 on 40R-30216 and all of PIN 26494-0745 in the Regional Municipality of Durham, Town of Whitby and Town of Ajax be declared as surplus to Regional Municipality of Durham requirements;
- B) That the requirements of Section 3 of Regional By-Law #52-95 be waived to facilitate the land transfer between the Regional Municipality of Durham and The Town of Whitby;

- C) That the Regional Municipality of Durham's solicitors be authorized to complete the transfer of lands as described, to the Town of Whitby for a nominal sum; and
- D) That authority be granted to the Commissioner of Works to execute any documents necessary to complete the conveyance to the Town of Whitby.

CARRIED

- E) Approval of Unbudgeted Capital Works to be Incorporated into a Subdivision Agreement with the Minto (Harmony Road) GP Inc., Including Cost Sharing in Accordance with the Region Share Policy, for the Extension and Oversizing of a Trunk Sanitary Sewer and Watermains Through the Minto Subdivision, North of Conlin Road East, West Side of Harmony Road North (Regional Road 33), in the City of Oshawa (2023-W-5)
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Report #2023-W-5 from J. Presta, Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,
(10) That we recommend to Council:

- A) That unbudgeted capital works estimated at \$1,804,900 for the Regional share of the trunk sanitary sewer and watermains in the Kedron Secondary Plan, in the City of Oshawa, be approved;
- B) That the Regional Municipality of Durham be authorized to enter into a Subdivision Agreement with Minto (Harmony Road) GP Inc. for the extension and oversizing of a trunk sanitary sewer and watermains through the Minto Subdivision, approximately 750 metres north of Conlin Road East, west of Harmony Road North (Regional Road 33), in the City of Oshawa, including a Regional share amount estimated at \$1,804,900, for an estimated total project cost of \$5,052,100; and
- C) That financing for the subdivision agreement, including the Regional Share amount be provided from the following sources:

Sanitary Sewer

Developer's Share – Sanitary Sewer

Minto (Harmony Road (GP) Inc.	<u>\$1,755,000</u>
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Total Developer's Sanitary Sewer Share	<u>\$1,755,000</u>
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Regional Costs – Sanitary Sewer

Reallocation of Funds

2022 Sanitary Sewerage System Capital Budget	
Item No. 79: Thickson Rd. Sub-trunk sanitary sewer	
From Glengowan St. to Conlin Rd. (Project ID: D2103)	
Residential Development Charge Reserve Fund	\$1,023,901

Commercial Development Charge Reserve Fund	63,821
User Rate	<u>299,678</u>
Total Regional Share – Sanitary Sewer	<u>\$1,387,400</u>
Total Sanitary Sewer	<u>\$3,142,400</u>
Watermain:	
Developer's Share - Watermain	
Minto (Harmony Road) GP Inc.	\$1,492,200
Total Developer's Watermain Share	<u>\$1,492,200</u>
Regional Costs – Watermain	
2022 Water Supply System Capital Budget	
Item No. 304 Allowance for Regional share for works in conjunction with residential subdivision development (Project ID: M2210)	
Residential Development Charge Reserve Fund	\$365,730
Commercial Development Charge Reserve Fund	9,185
User Rate	<u>42,585</u>
Total Regional Share – Watermain	<u>\$417,500</u>
Total Watermain	<u>\$1,909,700</u>
Total Developer's Share	<u>\$3,247,200</u>
Total Regional Share	<u>\$1,804,900</u>
Total Project Financing	<u>\$5,052,100</u>
CARRIED	

- F) Adoption of the Regional Legacy Area Servicing Policy and 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 (2023-W-6)

Report #2023-W-6 from J. Presta, Commissioner of Works, was received.

Detailed discussion ensued regarding the benefits that the Regional Legacy Area Servicing Policy will have on future homeowners; the low success rate of the current petition process; how many unserviced streets are within the urban boundary and what it would cost for the Region to complete all of the work; and whether the Region has conversations with the local municipalities in order to coordinate the local road program with watermain and sanitary sewer services.

Staff responded to a question from the Committee regarding the remaining areas in Durham Region that would be affected by the Regional Legacy Area Policy and the current number of properties and total frontage that would be similar to the Sun Valley Heights community. J. Presta advised that a memo could be provided

to Council that would provide the number of streets and property frontage. In addition, a high-level estimate of the cost to service all of those areas and property frontage of all of those properties could be provided.

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,
(11) That we recommend to Council:

- A) That the Regional Legacy Area Servicing Policy included as Attachment #1 to Report #2023-W-5 of the Commissioner of Works be approved and adopted;
- B) That a review of payment terms related to frontage charges for the extension of water supply and sanitary sewerage services to service legacy areas be reviewed as part of the 2024 User Rate Study; and
- C) That a copy of Report #2023-W-5 be provided to the residents of Bickle Drive and Roselawn Avenue, Sun Valley Heights Homebuilders Co-op in the City of Oshawa, and the York Durham Ministry of the Environment, Conservation and Parks office.

CARRIED

- G) Tender Award and Additional Financing for Regional Municipality of Durham Contract #D2022-16 for the Highway 401 Tunnel Liner Decommissioning at Merritt Street, in the City of Oshawa (2023-W-7)

Report #2023-W-7 from J. Presta, Commissioner of Works, was received.

Staff responded to questions from the Committee regarding the costs of decommissioning the Highway 401 Tunnel Liner at Merritt Street, in the City of Oshawa; and why the Ministry of Transportation (MTO) would not cover the cost of decommissioning the tunnel liner; and why the tunnel liner has to be abandoned as opposed to leaving it in place.

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,
(12) That we recommend to Council:

- A) That the low compliant bid of Tydon Contracting Ltd. in the amount of \$1,686,076*, be awarded for Regional Municipality of Durham Contract #D2022-16 for the Highway 401 Tunnel Liner Decommissioning at Merritt Street, in the City of Oshawa, resulting in a total estimated project cost of \$2,260,000;
- B) That the previously approved project budget of \$1,350,000 for Regional Municipality of Durham Contract #D2022-16 be increased by \$910,000 to a revised total project budget of \$2,260,000, with the increase in financing to be provided from sanitary sewer user rate sources at the discretion of the Commissioner of Finance; and

- C) That the Commissioner of Finance be authorized to execute any documents related to the award of the tender.
(*) before applicable taxes

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 Garbage Collection in Durham Region

In response to a question from Councillor Nicholson regarding who pays for garbage collection in Durham Region, staff confirmed that the Region covers 100% of the cost of garbage collection in all municipalities except for the Town of Whitby and the City of Oshawa.

In response to a further question from Councillor Nicholson regarding whether the Region would be covering the full or partial cost of the year end reconciliation in the Town of Whitby and the City of Oshawa, staff advised that they would contact the finance staff at the City of Oshawa for a further discussion and would report back to Councillor Nicholson and the Committee.

11.2 Durham Vision Zero Taskforce

Councillor Crawford advised that the Durham Vision Zero Taskforce met in December and has been actively putting in leading pedestrian intervals (LPI) across the Region in order to give pedestrians a head start before the traffic moves. She further advised that the taskforce will be meeting in January and a verbal update will be provided at the February 8, 2023, Works Committee meeting.

12. Date of Next Meeting

The next regularly scheduled Works Committee meeting will be held on Wednesday, February 8, 2023 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

13. Adjournment

Moved by Councillor Marimpietri, Seconded by Councillor Yamada,
(13) That the meeting be adjourned.

CARRIED

The meeting adjourned at 11:04 AM

Respectfully submitted,

D. Barton, Chair

S. Ciani, Committee Clerk