

**THE REGIONAL MUNICIPALITY OF NIAGARA  
PUBLIC WORKS COMMITTEE  
MINUTES**

**PWC 2-2019  
Tuesday, February 19, 2019  
Council Chamber  
Niagara Region Headquarters, Campbell West  
1815 Sir Isaac Brock Way, Thorold, ON**

Committee: Bradley (Regional Chair), Chiocchio, Disero, Edgar (Committee Vice-Chair), Fertich, Foster, Gale, Heit, Insinna, Junkin, Nicholson, Sendzik, Steele, Ugulini, Witteveen, Zalepa

Absent/Regrets: Diodati, Rigby (Committee Vice-Chair)

Staff: D. Gibbs, Director, Legal & Court Services, J. Gilston, Legislative Coordinator, C. Habermehl, Acting Commissioner, Public Works, T. Harrison, Commissioner/Treasurer, Enterprise Resource Management Services, A.-M. Norio, Regional Clerk, M. Robinson, Director, GO Implementation Office, C. Ryall, Director, Transportation Services, A. Scott, Manager, Continuous Quality Improvement, S. Shafai, Associate Director, Wastewater Operations, R. Tripp, Acting Chief Administrative Officer, S. Wood, Legal Counsel

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**1. CALL TO ORDER**

Committee Vice-Chair Edgar called the meeting to order at 9:30 a.m.

There being no objection, Reports PW 5-2019 (Agenda Item 5.7) and PW 11-2019 (Agenda Item 5.8) were considered following Closed Session.

**2. DISCLOSURES OF PECUNIARY INTEREST**

Councillor Gale declared an indirect pecuniary interest with respect to Report PW 12-2019 (Agenda Item 5.4), respecting Martindale Road Contract 2018-T-101 Purchase Order Amendment, as his daughter owns property near the subject area.

**3. PRESENTATIONS**

There were no presentations.

**4. DELEGATIONS**

There were no delegations.

**5. ITEMS FOR CONSIDERATION**

**5.1 PW 13-2019**

Regional Road 57 (Thorold Stone Road) Speed Limit Adjustment, City of Niagara Falls

Moved by Councillor Foster  
Seconded by Councillor Gale

That Report PW 13-2019, dated February 19, 2019, respecting Regional Road 57 (Thorold Stone Road) Speed Limit Adjustment, City of Niagara Falls, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That a speed limit reduction **BE APPROVED** on Regional Road 57 (Thorold Stone Road), in the City of Niagara Falls, from 250 metres west of Kalar Road to the QEW, reducing the speed from 60 km/h to 50 km/h; and
2. That the necessary by-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration.

**Carried**

**5.2 PW 14-2019**

Regional Road 12 (Mountain Road) Speed Limit Adjustment, Town of Grimsby

Moved by Councillor Zalepa  
Seconded by Councillor Nicholson

That Report PW 14-2019, dated February 19, 2019, respecting Regional Road 12 (Mountain Road) Speed Limit Adjustment, Town of Grimsby, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That a speed limit reduction **BE APPROVED** on Regional Road 12 (Mountain Road) from 200 metres north of Elm Tree Road to Elm Tree Road, reducing the speed from 70 km/h to 60 km/h;
2. That a speed limit reduction **BE APPROVED** on Regional Road 12 (Mountain Road) from Elm Tree Road to Kemp Road, reducing the speed from 80 km/h to 60 km/h; and
3. That the necessary by-law **BE PREPARED** and **PRESENTED** to Council for consideration.

**Carried**

**Councillor Information Request(s):**

Provide information respecting the criteria staff utilize to review public requests to reduce the speed limit on Regional Roads. Councillor Chiocchio.

5.3 PW 15-2019

Regional Road 81 (Main Street East) Flashing 40km/h Speed Limit, Town of Grimsby

Moved by Councillor Insinna  
Seconded by Councillor Heit

That Report PW 15-2019, dated February 19, 2019, respecting Regional Road 81 (Main Street East) Flashing 40km/h Speed Limit, Town of Grimsby, **BE RECEIVED** and the following recommendations **BE APPROVED**:

4. That the designation of flashing 40 km/h school zone **BE APPROVED** on Regional Road 81 (Main Street East) in the Town of Grimsby from 150 metres east to 150 metres west of the limits of the school property; and
5. That the necessary by-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration.

**Carried**

5.4 PW 12-2019

Martindale Road Contract 2018-T-101 Purchase Order Amendment

Moved by Councillor Sendzik  
Seconded by Councillor Witteveen

That Report PW 12-2019, dated February 19, 2019, respecting Martindale Road Contract 2018-T-101 Purchase Order Amendment, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the original Contract amount of \$5,747,378 (including 13% HST) awarded to Rankin Construction Inc. **BE INCREASED** by \$480,250 (including 13% HST), for a total revised Contract of \$6,227,628 (including 13% HST) for the Reconstruction of Regional Road 38 (Martindale Road) from the South Service Road to Barton Street, in the City of St. Catharines.

**Carried**

**Councillor Information Request(s):**

Provide additional information respecting the contingency fund for the Martindale Road project. Councillor Disero.

5.5 PW 7-2019

Gross Budget Increase for Reconstruction of Regional Road 98 (Montrose Road) between Regional Road 49 (McLeod Road) and Charnwood Avenue, in the City of Niagara Falls

Moved by Councillor Nicholson  
Seconded by Councillor Fertich

That Report PW 7-2019, dated February 19, 2019, respecting Gross Budget Increase for Reconstruction of Regional Road 98 (Montrose Road) between Regional Road 49 (McLeod Road) and Charnwood, **BE RECEIVED** and the following recommendation **BE APPROVED**:

6. That the Gross Budget for Reconstruction of Regional Road 98 (Montrose Road) between Regional Road 49 (McLeod Road) and Charnwood Avenue, in the City of Niagara Falls **BE INCREASED** by \$850,000 and that the increase **BE FUNDED** from the Capital Variance – Levy Project.

**Carried**

5.6 PW 16-2019

Gross Budget Increase for Humberstone EPA and OWRA Infrastructure Upgrades – Phase 1 (Humberstone Landfill)

Moved by Councillor Zalepa  
Seconded by Councillor Witteveen

That Report PW 16-2019, dated February 19, 2019, respecting Gross Budget Increase for Humberstone EPA and OWRA Infrastructure Upgrades – Phase 1 (Humberstone Landfill), **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Gross Budget for the Humberstone Landfill site EPA and OWRA project **BE INCREASED** by \$570,000 and that the increase **BE FUNDED** from the Capital Variance Project - Waste Management.

**Carried**

**6. CONSENT ITEMS FOR INFORMATION**

**6.1 PW 17-2019**

Construction Status Report No. 12 – Replacement of the Burgoyne Bridge (Structure No. 081220) which carries Regional Road 81 (St. Paul Street West) over Twelve Mile Creek and Highway 406, in the City of St. Catharines

Andrew Scott, Manager, Continuous Quality Improvement, provided information respecting Burgoyne Bridge – Historical Overview. Topics of the presentation included:

- Initial costing
- What caused the cost to increase?
- VFM, Forensic Audit, OPP
- Audit – Key Themes
- Key organizational changes

Moved by Councillor Zalepa  
Seconded by Councillor Insinna

That Report PW 17-2019, dated February 19, 2019, respecting Construction Status Report No. 12 – Replacement of the Burgoyne Bridge (Structure No. 081220) which carries Regional Road 81 (St. Paul Street West) over Twelve Mile Creek and Highway 406, in the City of St. Catharines, **BE RECEIVED** for information.

**Carried**

**Councillor Information Request(s):**

Provide information respecting the cost to determine the systemic issues identified through the Burgoyne Bridge project. Councillor Zalepa.

**6.2 PW 8-2019**

South Niagara Falls Wastewater Treatment Plant – Project Update and Award Notice

Moved by Councillor Ugulini  
Seconded by Councillor Gale

That Report PW 8-2019, dated February 19, 2019, respecting South Niagara Falls Wastewater Treatment Plant – Project Update and Award Notice, **BE RECEIVED** for information.

**Carried**

6.3 PWC-C 7-2019

Request Niagara Region Bring the Waste Management Services In-House

Moved by Councillor Sendzik

Seconded by Councillor Ugulini

That Correspondence Item PWC-C 7-2019, being a letter from D. Delvecchio, City Clerk, City of Thorold, dated January 28, 2019, respecting Request Niagara Region Bring the Waste Management Services In-House, **BE RECEIVED** for information.

**Carried**

7. **OTHER BUSINESS**

7.1 Mewburn Road and Concession Road 6 Designs

Councillor Zalepa requested that staff from the City of Niagara Falls and the Town of Niagara-on-the-Lake be included in discussions respecting the road designs for Mewburn Road and Concession Road 6. Ron Tripp, Acting Chief Administrative Officer, advised that staff would consider the request.

7.2 Delegation of Authority

Committee requested a report granting staff the delegated authority for approval of speed limit adjustments, increasing project budgets to within the contingency limit and for parking matters on Regional roads.

8. **CLOSED SESSION**

Moved by Councillor Foster

Seconded by Councillor Heit

That this Committee **DO NOW MOVE** into Closed Session for the purposes of receiving information of a confidential nature respecting:

A Matter Respecting Litigation or Potential Litigation and A Matter of Advice that is Subject to Solicitor-Client Privilege – Burgoyne Bridge

A Matter that is Subject to Solicitor-Client Privilege and a Position or Plan to be Applied to any Negotiations Carried on by or on Behalf of the Municipality - Emterra Contract Update

A Matter Respecting Litigation or Potential Litigation – Welland Wastewater Treatment Plant and Niagara-on-the-Lake Wastewater Treatment Plant

**Carried**

Committee resolved into closed session at 11:03 a.m.

**9. BUSINESS ARISING FROM CLOSED SESSION ITEMS**

Committee reconvened in open session at 12:30 p.m. with the following individuals in attendance:

Committee: Bradley (Regional Chair), Chiocchio, Disero, Edgar (Committee Vice-Chair), Fertich, Foster, Gale, Heit, Insinna, Junkin, Nicholson, Steele, Ugulini, Witteveen, Zalepa

Absent/Regrets: Diodati, Rigby (Committee Chair), Sendzik

Staff: R. Gabel, Senior Project Manager, Water and Wastewater Engineering, D. Gibbs, Director, Legal & Court Services, J. Gilston, Legislative Coordinator, C. Habermehl, Acting Commissioner, Public Works, P. Hamilton, Program Financial Specialist, T. Harrison, Commissioner/Treasurer, Enterprise Resource Management Services, A.-M. Norio, Regional Clerk, C. Ryall, Director, Transportation Services, A. Scott, Manager, Continuous Quality Improvement, S. Shafai, Associate Director, Wastewater Operations, S. Tait, Associate Director, Waste Collection & Diversion, R. Tripp, Acting Chief Administrative Officer, J. Wilson, Supervisor, Waste Management, S. Wood, Legal Counsel

**9.1 Confidential Report PW 10-2019 - A Matter Respecting Litigation or Potential Litigation and A Matter of Advice that is Subject to Solicitor-Client Privilege - Burgoyne Bridge**

Moved by Councillor Ugulini  
Seconded by Councillor Gale

That Confidential Report PW 10-2019, dated February 19, 2019, respecting A Matter Respecting Litigation or Potential Litigation and A Matter of Advice that is Subject to Solicitor-Client Privilege – Burgoyne Bridge, **BE RECEIVED**; and

That Staff and External Legal Counsel **BE AUTHORIZED** to proceed as directed.

**Carried**

9.2 Confidential Verbal Update - A Matter that is Subject to Solicitor-Client Privilege and a Position or Plan to be Applied to any Negotiations Carried on by or on Behalf of the Municipality - Emterra Contract Update

Moved by Councillor Zalepa  
Seconded by Councillor Nicholson

That the Confidential Verbal Update respecting a Matter that is Subject to Solicitor-Client Privilege and a Position or Plan to be Applied to any Negotiations Carried on by or on Behalf of the Municipality, Emterra Contract Update, **BE RECEIVED** for information.

**Carried**

**Councillor Information Request(s):**

That staff request Emterra present at a future Public Works Committee meeting to provide additional information. Councillor Foster.

**5. ITEMS FOR CONSIDERATION**

5.7 PW 5-2019

Gross Budget Adjustment and Status Update for Contract 2014-T-114 (RN14-14) Niagara-on-the-Lake Wastewater Treatment Plant

In consideration of time, Report PW 5-2019 will be considered at the Public Works Committee meeting being held on March 19, 2019.

5.8 PW 11-2019

Gross Budget Adjustment and Status Update for Contract 2015-T-109 (RN 15-09) Welland Wastewater Treatment Plant, Phase I

Moved by Councillor Foster  
Seconded by Councillor Fertich

That Report PW 11-2019, dated February 19, 2019, respecting Gross Budget Adjustment and Status Update for Contract 2015-T-109 (RN 15-09) Welland Wastewater Treatment Plant, Phase I, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the gross budget for the Welland Wastewater Treatment Plant, Phase I Upgrades **BE INCREASED** by \$654,741 and that the increase **BE FUNDED** from Capital Variance – Wastewater Project in the amount of \$654,741.

**Carried**



**10. NEXT MEETING**

The next meeting will be held on Tuesday, March 20, 2019 at 9:30 a.m. in the Council Chamber, Regional Headquarters.

**11. ADJOURNMENT**

There being no further business, the meeting adjourned at 12:33 p.m.

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Councillor Edgar  
Committee Vice-Chair

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Jonathan Gilston  
Legislative Coordinator

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Ann-Marie Norio  
Regional Clerk