

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

**PWC 7-2022
Tuesday, August 9, 2022
Council Chamber
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Committee Members Present in the Council Chamber: Edgar, Foster, Insinna, Rigby (Committee Chair), Siscoe

Committee Members Present via Video Conference: Bradley (Regional Chair), Britton, Diodati, Disero, Fertich (Committee Vice Chair), Gale, Heit, Sendzik, Steele, Ugulini, Witteveen, Zalepa

Absent/Regrets: Chiocchio, Junkin, Nicholson

Staff Members Present in the Council Chamber: T. Harrison, Acting Chief Administrative Officer/Commissioner, Corporate Services, B. Menage, Director, Procurement & Strategic Acquisitions, A.-M. Norio, Regional Clerk, C. Ryall, Director, Transportation Services, J. Spratt, Administrative Assistant, Regional Clerk, B. Zvaniga, Commissioner, Public Works

Staff Present via Video Conference: D. Ane, Manager, Program Financial Support, D. Gibbs, Director, Legal & Court Services, C. Habermebl, Director, Waste Management Services, K. Lotimer, Legislative Coordinator, C. Reid, Legal Counsel, G. Scharback, Deputy Regional Clerk, M. Sergi, Commissioner, Planning & Development Services, S. Tait, Manager, Waste Collection & Diversion, J. Tonellato, Director, Water & Wastewater Services, S. Wood, Legal Counsel

1. CALL TO ORDER

Committee Chair Rigby called the meeting to order at 9:30 a.m.

Moved by Councillor Siscoe
Seconded by Councillor Insinna

That the order of the agenda **BE AMENDED** to move consideration of Confidential PWC-C 23-2022 to immediately before consideration of Agenda Item 5.2.

Carried

2. **DISCLOSURES OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

3. **PRESENTATIONS**

There were no presentations.

4. **DELEGATIONS**

There were no delegations.

5. **ITEMS FOR CONSIDERATION**

5.1 PW 5-2022
Excess Soils Management Policy

Moved by Councillor Witteveen
Seconded by Councillor Edgar

That Report PW 5-2022, dated August 9, 2022, respecting Excess Soils Management Policy, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Excess Soils Management Policy, attached as Appendix 1 to Report PW 5-2022, **BE APPROVED** and **ADDED** to the Corporate Policy Manual.

Carried

8. **CLOSED SESSION**

Moved by Councillor Siscoe
Seconded by Councillor Foster

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

A Matter respecting Potential Litigation and Legal Advice Subject to Solicitor-Client Privilege under s. 239(2)(e) and (f) of the Municipal Act, 2001 - Bid Disqualification; PW 26-2022 Strengthening and Resurfacing Program-Part 2 Tender Council Report.

Carried

Committee resolved into closed session at 9:34 a.m.

9. BUSINESS ARISING FROM CLOSED SESSION ITEMS

Committee reconvened in open session at 10:42 a.m. with the following individuals in attendance:

Committee Members Present in the Council Chamber: Edgar, Foster, Insinna, Rigby (Committee Chair), Siscoe

Committee Members Present via Video Conference: Bradley (Regional Chair), Britton, Diodati, Disero, Fertich (Committee Vice Chair), Gale, Heit, Sendzik, Steele, Ugulini, Witteveen, Zalepa

Absent/Regrets: Chiocchio, Junkin, Nicholson

Staff Present in the Council Chamber: T. Harrison, Acting Chief Administrative Officer/Commissioner, Corporate Services, B. Menage, Director, Procurement & Strategic Acquisitions, A.-M. Norio, Regional Clerk, C. Ryall, Director, Transportation Services, J. Spratt, Administrative Assistant, Regional Clerk, B. Zvaniga, Commissioner, Public Works

Staff Present via Video Conference: D. Ane, Manager, Program Financial Support, D. Gibbs, Director, Legal & Court Services, C. Habermebl, Director, Waste Management Services, K. Lotimer, Legislative Coordinator, C. Reid, Legal Counsel, G. Scharback, Deputy Regional Clerk, S. Tait, Manager, Waste Collection & Diversion, J. Tonellato, Director, Water & Wastewater Services, S. Wood, Legal Counsel

9.1 Confidential PWC-C 23-2022

A Matter respecting Potential Litigation and Legal Advice Subject to Solicitor-Client Privilege under s. 239(2)(e) and (f) of the Municipal Act, 2001 - Bid Disqualification; PW 26-2022 Strengthening and Resurfacing Program-Part 2 Tender Council Report

Moved by Councillor Siscoe
Seconded by Councillor Insinna

That Confidential Item PWC-C 23-2022, dated August 9, 2022, respecting A Matter respecting Potential Litigation and Legal Advice Subject to Solicitor-Client Privilege under s. 239(2)(e) and (f) of the Municipal Act, 2001 - Bid Disqualification; PW 26-2022 Strengthening and Resurfacing Program-Part 2 Tender Council Report, **BE RECEIVED** for information.

Carried

5. ITEMS FOR CONSIDERATION

5.2 PW 26-2022

Tender Award of 2022 Strengthening and Resurfacing Program - Part 2
No. 2022-T-92

Moved by Councillor Edgar
Seconded by Councillor Foster

That Report PW 26-2022, dated August 9, 2022, respecting Tender Award of 2022 Strengthening and Resurfacing Program - Part 2 No. 2022-T-92, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That Contract 2022-T-92, 2022 Annual Roads Strengthening and Resurfacing Program – Part 2, **BE AWARDED** to the lowest compliant bidder, Walker Construction Ltd., at their bid price of \$7,282,210.58 (including 13% HST; excluding Provisional Sections 6, 7, 8, 9, 10 and 11).

Moved by Councillor Britton
Seconded by Councillor Gale

That Report PW 26-2022, respecting Tender Award of 2022 Strengthening and Resurfacing Program - Part 2 No. 2022-T-92, **BE DEFERRED** to allow staff to provide additional information respecting the verification process regarding e-Bonds and the Region's tendering process as it relates to e-Bond verification.

Recorded Vote:

Yes (5): Britton, Diodati, Gale, Sendzik, Siscoe.

No (12): Bradley, Disero, Edgar, Fertich, Foster, Heit, Insinna, Rigby, Steele, Ugulini, Witteveen, Zalepa.

Defeated

The Committee Chair called the vote on the original motion.

Recorded Vote:

Yes (14): Bradley, Diodati, Disero, Edgar, Fertich, Foster, Heit, Insinna, Rigby, Sendzik, Steele, Ugulini, Witteveen, Zalepa.

No (3): Britton, Gale, Siscoe.

Carried

5.3 PW 30-2022

Regional Road 71 (Sir Isaac Brock Way / St. David's Road) Multi-Use Path Transfer of Jurisdiction

Moved by Councillor Witteveen
Seconded by Councillor Steele

That Report PW 30-2022, dated August 9, 2022, respecting Regional Road 71 (Sir Isaac Brock Way / St. David's Road) Multi-Use Path Transfer of Jurisdiction, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **AUTHORIZE** the transfer of jurisdiction and responsibility for certain sections of the Multi-use Path along Regional Road 71 (Sir Isaac Brock Way / St. David's Road) from Niagara Region to the City of Thorold; and
2. That the Commissioner of Public Works **BE AUTHORIZED** to execute an agreement with the City of Thorold in a form acceptable to the Director of Legal and Court Services which provides for a complete transfer of jurisdiction and responsibility for certain sections of the Multi-Use Path and for continued maintenance and snow removal for other parts of the Multi-Use Path as described in Report PW 30-2022.

Carried

6. **CONSENT ITEMS FOR INFORMATION**

6.1 PWC-C 22-2022

Blue Box Transition Update

Moved by Councillor Fertich
Seconded by Councillor Siscoe

That Correspondence Item PWC-C 22-2022, being a memorandum from S. Tait, Manager, Waste Collection & Diversion, dated August 9, 2022, respecting Blue Box Transition Update, **BE RECEIVED** for information.

Carried

Councillor Information Request(s):

Provide information respecting the percentage of recyclable plastics being recycled in Niagara Region. Councillor Zalepa.

7. OTHER BUSINESS

7.1 Traffic Signal on Regional Road 101 (Mountain Road)

Councillor Gale requested an update respecting the traffic signal on Regional Road 101 (Mountain Road) at the QEW, specifically when the signal would be activated. Carolyn Ryall, Director, Transportation Services, advised that the MTO has hired a consultant to complete a traffic count prior to the activation of the traffic light. The information collected by the consultant will be used by the MTO to determine if a permanent traffic signal is warranted.

10. NEXT MEETING

The next meeting will be held on Tuesday, September 13, 2022 at 9:30 a.m. in the Council Chamber, Regional Headquarters.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 11:03 a.m.

Councillor Rigby
Committee Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk