

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

**PWC 2-2020  
Tuesday, February 11, 2020  
Council Chamber  
Niagara Region Headquarters, Campbell West  
1815 Sir Isaac Brock Way, Thorold, ON**

Committee: Bradley (Regional Chair), Chiocchio, Diodati, Disero, Edgar (Committee Vice-Chair), Foster, Gale, Heit, Insinna, Ip, Junkin, Nicholson, Rigby (Committee Chair), Sendzik, Steele, Ugolini, Witteveen

Other Councillors: Jordan

Absent/Regrets: Fertich, Zalepa

Staff: D. Ane, Manager, Program Financial Support, D. Barnhart, Executive Officer to the Regional Chair, M. Evelyn, Legislative Coordinator, W. Foebel, Program Manager, Biosolids, D. Gibbs, Director, Legal & Court Services, C. Habermebl, Director, Waste Management Services, P. Hamilton, Program Financial Specialist, T. Harrison, Commissioner/Treasurer, Corporate Services, D. Johnson, Associate Director, Wastewater Operations and Maintenance Lab Services, B. Menage, Director, Procurement and Strategic Acquisition, A.-M. Norio, Regional Clerk, M. Robinson, Director, GO Implementation Office, C. Ryall, Director, Transportation Services, J. Tonellato, Director, Water & Wastewater Services, M. Trennum, Deputy Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer, S. Wood, Legal Counsel

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**1. CALL TO ORDER**

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

**2. DISCLOSURES OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

**3. PRESENTATIONS**

There were no presentations.

**4. DELEGATIONS**

**4.1 Liquid Biosolids and Residuals Management Program Contract with Thomas Nutrient Solutions**

**4.1.1 Greg Marotta, President, Thomas Nutrient Solutions**

Greg Marotta, President, and Phil Sidwha, Vice President, Thomas Nutrient Solutions, appeared before Committee to provide information respecting the Liquid Biosolids and Residuals Management Program Contract with Niagara Region. Mr. Marotta advised that he wanted to clarify some items that were brought forward at the Public Works Committee meeting on January 14, 2020. He requested that Committee revisit all the facts regarding this matter and consider the recommendation contained in Report PW 3-2020.

**5. ITEMS FOR CONSIDERATION**

There were no items for consideration.

**6. CONSENT ITEMS FOR INFORMATION**

**6.1 PWC-C 9-2020**

Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions - Additional Information re: Procurement Process

Moved by Councillor Edgar  
Seconded by Councillor Foster

That Correspondence Item PWC-C 9-2020, being a memorandum from R. Tripp, Acting Chief Administrative Officer/Commissioner, Public Works, dated February 11, 2020, respecting Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions – Additional Information re: Procurement Process, **BE RECEIVED** for information.

Councillor Steele requested additional information respecting Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions. Staff advised that the information would need to be provided in closed session. Therefore it was:

Moved by Councillor Disero  
Seconded by Councillor Ugulini

That Report PWC-C 9-2020, dated February 11, 2020, respecting Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions – Additional Information re: Procurement Process, **BE REFERRED** to after the closed session portion of the meeting.

**Carried**

Moved by Councillor Steele  
Seconded by Councillor Junkin

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

A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice respecting Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions

**Carried**

Committee resolved into closed session at 10:40 a.m.

Committee reconvened in open session at 11:18 a.m. with the following individuals in attendance:

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

Other Councillors: Jordan

Absent/Regrets: Fertich, Zalepa

Staff: D. Ane, Manager, Program Financial Support, M. Evely, Legislative Coordinator, W. Foebel, Program Manager, Biosolids, D. Gibbs, Director, Legal & Court Services, C. Habermebl, Director, Waste Management Services, P. Hamilton, Program Financial Specialist, T. Harrison, Commissioner/Treasurer, Corporate Services, D. Johnson, Associate Director, Wastewater Operations and Maintenance Lab Services, B. Menage, Director, Procurement and Strategic Acquisition, A.-M. Norio, Regional Clerk, M. Robinson, Director, GO Implementation Office, C. Ryall, Director, Transportation Services, J. Tonellato, Director, Water & Wastewater Services, M. Trennum, Deputy Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer, S. Wood, Legal Counsel

Correspondence Item PWC-C 9-2020 was considered as follows:

That Correspondence Item PWC-C 9-2020, being a memorandum from R. Tripp, Acting Chief Administrative Officer/Commissioner, Public Works, dated February 11, 2020, respecting Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions – Additional Information re: Procurement Process, **BE RECEIVED** for information.

The following friendly **amendment** was accepted by the Committee Chair, and the mover and seconder of the motion:

That Report PWC-C 9-2020, dated February 11, 2020, respecting Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions - Additional Information re: Procurement Process, **BE RECEIVED** for information; and

***That the agreement with Thomas Nutrient Solutions for biosolids management services (within the existing contract scope) BE EXTENDED until August 31, 2020.***

The Committee Chair called the vote on the motion, as amended, and declared it,

**Carried**

The following information was requested:

1. Provide copies of the service agreements between Niagara Region and Thomas Nutrient Solutions from 2013 and 2017. Councillor Gale.
2. Provide an independent report from Procurement staff outlining why the RFPQ was not successful. Councillor Gale.
3. Procurement staff meet with the two unsuccessful proponents to explain why they were unsuccessful. Councillor Gale.
4. That Procurement staff issue a formal RFP on this matter, to be received, reviewed, evaluated and awarded by Council no later than the end of August 2020. Councillor Gale.
5. That a tendered fairness advisor be used for the process and that Procurement staff invite specialists from the City of Hamilton and Halton Region to assist in the evaluation. Councillor Gale.

Staff confirmed the following with respect to the previous itemized requests:

1. Copies will be circulated no later than February 13, 2020.
2. Copies will be circulated no later than February 13, 2020.
3. Meetings will be set up with the vendors immediately.
4. Updates respecting the RFP will be provided at the Public Works Committee meeting on April 7, 2020.
5. Staff will leverage both the Provincial Vendor of Record and the Niagara Region's Public Works Roster to solicit quotations for both a Fairness Advisory Commissioner and subject matter expert to assist Niagara Region through this RFP process.

6.2 PWC-C 3-2020

Combined Sewer Overflow Reporting

Jason Oatley, Manager, Wastewater Quality and Compliance, provided information respecting Combined Sewer Overflow Reporting. Topics of the presentation included:

- Definitions
- Impact of Precipitation on By-passes
- Raw and Combined Sewage Characteristics
- Monitoring of Combined Sewer Overflows
- Compliance with Legislation
- Combined Sewer Overflow Tanks and Volumes

Moved by Councillor Ugolini

Seconded by Councillor Witteveen

That Correspondence Item PWC-C 3-2020, being a memorandum from J. Oatley, Manager, Wastewater Quality and Compliance, dated February 11, 2020, respecting Combined Sewer Overflow Reporting, **BE RECEIVED** for information.

**Carried**

**Councillor Information Request(s):**

Provide information respecting cost-sharing opportunities for Niagara Region and the Local Area Municipalities for water and wastewater operational upgrades. Councillor Steele.

6.3 PWC-C 6-2020

Update on Provincial Initiatives for Extended Producer Responsibility

In consideration of the time, the Committee Chair advised that this report would be brought to the Public Works Committee meeting being held on March 10, 2020.

6.4 PWC-C 5-2020

Linking Niagara Transit Committee Endorsement of Niagara Specialized Transit Study Report

Moved by Councillor Foster  
Seconded by Councillor Ip

That Correspondence Item PWC-C 5-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated February 11, 2020, respecting Linking Niagara Transit Committee Endorsement of Niagara Specialized Transit Study Report, **BE RECEIVED** for information.

**Carried**

7. **OTHER BUSINESS**

7.1 Weekly Diaper Collection

Councillor Disero requested staff provide a report respecting weekly diaper collection for families regardless of the number of children. R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer, advised staff would provide a report at the Public Works Committee meeting being held on April 7, 2020.

7.2 Pedestrian Crosswalk on Regional Road 116 (Gorham Road)

Councillor Insinna requested staff review the Friendship Trail crosswalk on Regional Road 116 (Gorham Road) in the Town of Fort Erie, due to safety concerns associated with increased traffic. C. Ryall, Director, Transportation Services, advised that staff will consult with staff from the Town of Fort Erie to further understand the history of the crosswalk.

8. **CLOSED SESSION**

Moved by Councillor Insinna  
Seconded by Councillor Nicholson

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

A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality and a Position, Plan, Procedure, Criteria or Instruction to be Applied to any Negotiations Carried on or to be Carried on by or on Behalf of the Municipality - Update on Niagara's GO Station Development Strategy

**Carried**

Committee resolved into closed session at 12:19 p.m.

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

Committee reconvened in open session at 12:34 p.m. with the following individuals in attendance:

Committee: Bradley (Regional Chair), Chiocchio, Disero, Edgar (Committee Vice-Chair), Foster, Ip, Junkin, Nicholson, Rigby (Committee Chair), Sendzik, Witteveen

Other Councillors: Jordan

Absent/Regrets: Diodati, Fertich, Gale, Heit, Insinna, Steele, Ugulini, Zalepa

Staff: D. Ane, Manager, Program Financial Support, M. Evely, Legislative Coordinator, C. Habermebl, Director, Waste Management Services, T. Harrison, Commissioner/Treasurer, Corporate Services, A.-M. Norio, Regional Clerk, M. Robinson, Director, GO Implementation Office, C. Ryall, Director, Transportation Services, C. Selig, Planning Lead, GO Implementation Project, J. Tonellato, Director, Water & Wastewater Services, M. Trennum, Deputy Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer

**9.1 Confidential PW 11-2020**

A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality and a Position, Plan, Procedure, Criteria or Instruction to be Applied to any Negotiations Carried on or to be Carried on by or on Behalf of the Municipality - Update on Niagara's GO Station Development Strategy

Moved by Councillor Nicholson  
Seconded by Councillor Ip

That Confidential Report PW 11-2020, dated February 11, 2020, respecting A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality and a Position, Plan, Procedure, Criteria or Instruction to be Applied to any Negotiations Carried on or to be Carried on by or on Behalf of the Municipality - Update on Niagara's GO Station Development Strategy, **BE RECEIVED** for information.

**Carried**

**10. NEXT MEETING**

The next meeting will be held on Tuesday, March 10, 2020 at 9:30 a.m. in the Council Chamber, Regional Headquarters.

**11. ADJOURNMENT**

There being no further business, the meeting adjourned at 12:35 p.m.

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Councillor Rigby  
Committee Chair

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Mark Evely  
Legislative Coordinator

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Ann-Marie Norio  
Regional Clerk