

**THE REGIONAL MUNICIPALITY OF NIAGARA**  
**PLANNING AND PUBLIC WORKS COMMITTEE**

**REPORT 12-2007**

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Minutes of a meeting of the Planning and Public Works Committee held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Wednesday, August 29, 2007 commencing at 1:05 p.m.

**ATTENDANCE**

Committee: Councillors Rigby, Co-Chair; Smeaton, Co-Chair; Augustyn, Badaway, Baty, Burroughs, D'Angela, Henderson, Marshall, Puttick, Salci.

Staff: Messrs. Trojan, Chief Administrative Officer; Brothers, Commissioner, Public Works; Farley, Director, Planning Services; Cousins, Director, Transportation Services; Ms. Habermebl, Acting Director, Waste Management Services; Mr. Gohier, Acting Director, Water & Wastewater Services; Ms. Pilon, Acting Regional Clerk, Ms. Staines, Legislative Assistant.

Other: Messrs. Campbell, Senior Planner; Ms. Rae, Legal Counsel.

Guests: Mr. Richardson, Ms. Mathews-Malone

There being a lack of ordinary quorum at the meeting, the Committee Chair determined that the ordinary quorum for the meeting be reduced to nine members, pursuant to Part 15, Section 15.8.2 of the Procedural By-law 120-2005.

Councillor Rigby introduced Mr. Brothers, the new Commissioner of Public Works, who outlined his background for the Committee. Mr. Brothers noted that he is looking forward to working with Councillors and staff to provide the best service possible to residents of Niagara.

**PRESENTATIONS**

369. State of the infrastructure Report  
Water & Wastewater Services

Mr. L. Gohier, Acting Director, Water & Wastewater Services, introduced Ms. Mathews-Malone, who will be starting next week as the Director of Water & Wastewater Services. Mr. Gohier presented the Life-Cycle State of the Infrastructure Report, noting that the Rule of Asset Management is that "If a service

is not fully funded, it is not sustainable. And if it is not sustainable, it will eventually fail or fall to an unacceptable level". Mr. Gohier noted the importance of timely intervention to maintain infrastructure at optimum cost. Graphs showing Wastewater Treatment Plants Life-Cycle Analysis with No Capital Improvements for Maximum Life and Minimum Life were compared. The Region of Niagara's Infrastructure Report Card for Wastewater Collection ('C') and Treatment ('C-') and for Water Distribution ('C+') and Treatment ('C') was reviewed. Increased expenditures required to sustain the infrastructure were illustrated on graphs, and Mr. Gohier emphasized the need to balance Affordability, Risk Management and Level of Service. He noted that cost effective asset management means wise investments: Doing the right thing to the right asset at the right time.

It was noted that municipalities are also facing funding challenges for infrastructure work under their jurisdiction and it was requested that Regional staff work with the municipalities to ensure that too heavy a burden is not being placed on the taxpayers.

Councillor Baty congratulated Mr. Gohier for his excellent presentation, and for his professional and knowledgeable contributions to the recent public open houses on the fluoridation issue.

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That the presentation from Mr. Gohier be received and referred for consideration with PWA 131-2007 (CSD 140-2007).

Carried.

### **ITEMS FOR CONSIDERATION**

370. Filing of Environmental Study Report  
O'Reilly's Bridge (Structure No. 627205)  
Regional Road 627 (O'Reilly's Road)  
Over the Welland River  
Township of Wainfleet and Town of Pelham  
Project RC0224  
**PWA 128-2007**

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report PWA 128-2007, August 8, 2007, respecting Filing of Environmental Study Report, O'Reilly's Bridge (Structure No. 627205), Regional Road 627 (O'Reilly's Road), Over the Welland River, Township of Wainfleet and Town of Pelham, Project RC0224, be received; and

That staff be authorized to file the Environmental Study Report (ESR) for O'Reilly's Bridge (Structure No. 627205) on Regional Road 627 (O'Reilly's Road) over the Welland River in the Township of Wainfleet and Town of Pelham, recommending "Alternative C2 – a new 2 span concrete girder bridge on the existing roadway alignment", as the preferred alternative.

Carried.

371. State of the Infrastructure Report  
Water & Wastewater Systems:  
Transitioning from Construction to Stewardship  
**PWA 131-2007 (CSD 140-2007)**

Moved by Councillor Baty  
Seconded by Councillor Salci

That Report PWA 131-2007 (CSD 140-2007), August 29, 2007, respecting the State of the Infrastructure Report, Water & Wastewater Systems: Transitioning from Construction to Stewardship, be received;

That a sustainable infrastructure reinvestment plan be developed to address the gap between currently forecasted expenditures and the current revenues, starting no later than 2009;

In keeping with the recent water and wastewater rate review, that the current rate structures be further refined to better reflect the split between fixed costs and variable costs, and increase the fixed portion of the water and sewer bills accordingly;

That a public outreach, information and education program be developed to engage the community in discussing the true cost of services and the assets required to provide those services. Include public input in developing and implementing service levels, and, therefore, the required assets that are in line with public expectations and willingness/ability to pay;

That operating and maintenance practices be reviewed to balance least life-cycle costs against level of service and risk exposure, on a business-case basis, using InfraGuide Best Practices and other industry sources;

That the selection and use of rehabilitation technologies be reviewed on a least life-cycle cost and return-on-investment (ROI) basis;

That regular updates be made to the SOTI Report Card and Analyses; and

That the Infrastructure Reinvestment Policy be developed taking into account the Region's affordability targets.

Carried.

(Refer to Staff Directions)

*(Please note that Report PWA 131-2007 (CSD 140-2007) can be found behind the JNT RPTS Blue Book Tab)*

372. Chestnut Ridge Subdivision  
Water Booster Pumping Station  
Town of Pelham  
**PWA 136-2007 (CSD 137-2007)**

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report PWA 136-2007 (CSD 137-2007), August 29, 2007, respecting the Chestnut Ridge Subdivision Water Booster Pumping Station, Town of Pelham, be received;

That a permanent easement interest, described as Part 2 on Plan 59R-13162, be declared surplus and transferred to the Corporation of the Town of Pelham for the construction, operation and maintenance of the Chestnut Ridge Water Booster Pumping Station for consideration of \$1.00;

That a permanent easement interest, described as Part 1 on Plan 59R-13162, be declared surplus and transferred to the Hydro One Networks Inc. for the construction, operation and maintenance of a power supply to the Chestnut Ridge Water Booster Pumping Station for consideration of \$1.00; and

That the Regional Chair and Regional Clerk be authorized to execute the necessary documents.

Carried.

*(Please note that Report PWA 136-2007 (CSD 137-2007) can be found behind the JNT RPTS Blue Book Tab)*

373. Filing of Environmental Study Report  
Regional Road 101 (Mountain Road/Portage Road)  
From Regional Road 70 (Taylor Road) to  
Regional Road 102 (Stanley Avenue)  
In the City of Niagara Falls  

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**PWA 137-2007**

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report PWA 137-2007, August 29, 2007, respecting Filing of Environmental Study Report, Regional Road 101 (Mountain Road/Portage Road), From Regional Road 70 (Taylor Road) to Regional Road 102 (Stanley Avenue), In the City of Niagara Falls, be received; and

That staff be authorized to file the Environmental Study Report (ESR), for Regional Road 101 (Mountain Road/Portage Road), from Regional Road 70 (Taylor Road) to Regional Road 102 (Stanley Avenue), in the City of Niagara Falls, recommending Design Concept 3 for the roadway design and Design Concept 1 for the storm water management design as the preferred alternative for Regional Road 101 corridor.

Carried.

374. Parking Prohibition  
Regional Road 81 (Main Street East)  
Town of Grimsby  

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**PWA 138-2007**

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report PWA 138-2007, August 29, 2007, respecting Parking Prohibition, Regional Road 81 (Main Street East), Town of Grimsby, be received;

That parking be prohibited along the south side of Regional Road 81 (Main Street East) from 48 metres west of Orchard Parkway to 40 metres west of Nelles Road; and

That the Regional Clerk be requested to ensure that the appropriate amendment to Niagara Region's Traffic By-law No. 89-2000 imposing this change in prohibiting parking on Regional Road 81 (Main Street East) be presented to Council for approval on September 6, 2007.

Carried.

375. Transfer of Funds – Contract RN 03-38  
Rosehill Water Treatment Plant Operational Improvements  
Town of Fort Erie  
Project ZCW9506/CW0224  
**PWA 139-2007 (CSD 138-2007)**

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report PWA 139-2007 (CSD 138-2007), August 29, 2007, respecting the Transfer of Funds – Contract RN 03-38, Rosehill Water Treatment Plant Operational Improvements, Town of Fort Erie, Project ZCW9506/CW0224, be received;

That previously approved Long Term Financing in the amount of \$375,000.00 be transferred from project ZCW0204 Capacity Upgrade at Welland Water Treatment Plant to Project ZCW9506/CW0224 Rosehill Water Treatment Plant Operational Improvements;

That payment in the amount of \$375,000.00 be approved for additional construction costs (\$340,000.00) and additional engineering costs (\$35,000.00) for the Rosehill Water Treatment Plant Operational Improvements, Contract RN 03-38, in the Town of Fort Erie; and

That these costs be charged against Project ZCW9506/CW0224.

Carried.

*(Please note that Report PWA 139-2007 (CSD 138-2007) can be found behind the JNT RPTS Blue Book Tab)*

376. Initiation of Budget and Award for  
Tender 2007-T-115 (RN 07-15)  
Rosemount North and South Pump Stations Standby  
Generator and Electrical/Instrument Upgrades  
City of Port Colborne  
Project ZSW9403/SW0528  
**PWA 140-2007 (CSD 139-2007)**

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report PWA 140-2007 (CSD 139-2007), August 29, 2007, respecting the Initiation of Budget and Award for Tender 2007-T-115 (RN 07-15), Rosemount North and South Pump Stations Standby Generator and Electrical/Instrument Upgrades, City of Port Colborne, Project ZSW9403/SW0528, be received;

That Wastewater Capital Reserve Fund financing in the amount of \$250,000 be approved for Project ZSW9403 Standby Power for Wastewater Treatment Plants and Pumping Stations included in the 2006 Wastewater Capital Program Budget;

That Tender 2007-T-115 (RN 07-15), Rosemount North and South Pump Stations Standby Generator and Electrical/Instrument Upgrades, City of Port Colborne be awarded to E.S. Fox Limited at their bid price of \$348,900.00;

That a contingency amount of \$35,000.00 be provided for this project;

That the Regional Clerk be directed to ensure that the appropriate by-laws are prepared for submission to Regional Council authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara; and

That the cost associated with this project be charged against Project ZSW9403/SW0528.

Carried.

377. Official Plan Amendment No. 121  
Policies for Residential Development  
(Coyle Creek/Blue River)  
Central West Area  
City of Welland  

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**DPD 93-2007**

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report DPD 93-2007, August 29, 2007, respecting Official Plan Amendment No. 121, Policies for Residential Development (Coyle Creek/Blue River), Central West Area, City of Welland, be received;

That Amendment No. 121 to the City of Welland Official Plan be approved;

That all parties be notified of Regional Council's decision on this application in accordance with Provincial regulations; and

That staff issue a declaration of final approval for the Amendment 20 days after notice of Council's decision, provided no appeals to the Ontario Municipal Board have been lodged against the decision.

Carried.

378. Official Plan Amendment No. 37  
Sumner Place Plan of Subdivision  
North side of the QEW, East side of Nelles Road  
Town of Grimsby  
**DPD 94-2007**

Moved by Councillor Augustyn  
Seconded by Councillor Badawey

That Report DPD 94-2007, August 29, 2007, respecting Official Plan Amendment No. 37, Sumner Place Plan of Subdivision, North side of the QEW, East side of Nelles Road, Town of Grimsby, be received;

That Amendment No. 37 to the Town of Grimsby Official Plan be approved;

That all parties be notified of Regional Council's decision on this application in accordance with Provincial regulations; and

That staff issue a notice of final decision for the Amendment 20 days after notice of Council's decision has been given provided that no appeals have been lodged against the decision.

Carried.

379. Implementation of Smarter Niagara Incentive Programs  
Local and Regional Partnerships  
Town of Grimsby  
Downtown Community Improvement Plan  
**DPD 95-2007**

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report DPD 95-2007, August 29, 2007, respecting the Implementation of Smarter Niagara Incentive Programs, Local and Regional Partnerships, Town of Grimsby, Downtown Community Improvement Plan, be received;

That the Downtown Community Improvement Plan for the Town of Grimsby be supported, and that staff participation on a project steering committee and funding at the benchmark level of \$25,000 for local community improvement plans, be approved; and

That a copy of this report be sent to all the local municipalities with an invitation to partner with the Region in the implementation of the Smarter Niagara Incentives Program.

Carried.

380. Official Plan Amendment No. 119  
Dain City Residential Development  
City of Welland  
**DPD 96-2007**

Moved by Councillor Augustyn  
Seconded by Councillor Puttick

That Report DPD 96-2007, August 29, 2007, respecting Official Plan Amendment No. 119, Dain City Residential Development, City of Welland, be received;

That Official Plan Amendment No. 119 to the City of Welland be approved with a modification to the second paragraph in the Phasing policies by deleting the words “*be outside the influence area (300 metre radius)*”. The paragraph now reads:

*Schedule ‘B’ illustrates the sequence of development. It is intended that the lands within Phase 1 of the development as shown on Schedule ‘B’ are in accordance with the Ministry of the Environment Guidelines D-6, Compatibility between Industrial Facilities and Sensitive Land Uses.*

That all parties be notified of Regional Council’s decision on this application in accordance with Provincial regulations; and

That staff issue a declaration of final approval for the Amendment 20 days after Notice of Council’s decision has been given provided no appeals have been lodged against the decision.

Carried.

### **CONFLICT OF INTEREST**

381. Councillor Badawey declared an indirect pecuniary interest with respect to the following Ontario Municipal Board items as he is a property owner affected by this report, and he therefore took no part in the discussion of, or voting on, this matter.
382. Regional Policy Plan Amendment 187 –  
Environmental Policies Status Report and  
Resolution of Some Outstanding Items  
**DPD 97-2007**

Mr. Farley noted that the Region adopted new environmental policies in 2005. There have been some appeals and the majority have been successfully resolved. In response to a question, staff explained the issues surrounding the appeal by Lafarge Canada concerning a site located within the Greenbelt Plan Area on the Fonthill Kame.

Moved by Councillor Baty  
Seconded by Councillor Henderson

That Report DPD 97-2007, August 29, 2007, respecting Regional Policy Plan Amendment 187 – Environmental Policies Status Report and Resolution of Some Outstanding Items, be received;

That this report be approved and Regional Council request that the Ontario Municipal Board approve the modifications to Amendment 187 set out in Appendices 1 and 2; and

That this report be forwarded to the Ontario Municipal Board, the appellants, the Ontario Ministry of Municipal Affairs and Housing, the local municipalities and other interested parties.

Carried.

383. Correspondence from Chris Morabito to Peter Colosimo  
Requesting that consideration of  
Regional Policy Plan Amendment 8-2005  
(proposed Animal Sanctuary in Thorold) be deferred  
**PD 55-2007**

Mr. Farley noted that the City of Thorold Council supported their staff's position and did not approve the proposed animal sanctuary at this location.

Moved by Councillor Marshall  
Seconded by Councillor D'Angela

That Correspondence Item PD 55-2007, Correspondence from Chris Morabito to Peter Colosimo requesting that consideration of Regional Policy Plan Amendment 8-2005 (proposed Animal Sanctuary in Thorold) be deferred, be received; and

That report on Regional Policy Plan Amendment be deferred to the Planning & Public Works Committee meeting October 31, 2007.

Carried.

384. A petition signed by concerned residents of the Pelham Road area, acknowledging the growing number of motor vehicles driving in excess of the 70 km/h posted speed limit  
**C6945**

Moved by Councillor Badawey  
Seconded by Councillor Baty

That Correspondence Item C6945, July 2007, respecting a petition signed by concerned residents of the Pelham Road area, acknowledging the growing number of motor vehicles driving in excess of the 70 km/h posted speed limit, be received and referred to staff and Niagara Regional Police Services.

Carried.

### **ITEMS FOR DEBATE**

385. Amendments to Procedural By-law No. 120-2005 - Updated  
**CSD 142-2007**

Councillor Rigby informed Committee of the actions taken at the Public Health and Social Services Committee and the Corporate Services Committee, and distributed a list of the requested revisions from those meetings.

Moved by Councillor Salci  
Seconded by Councillor Augustyn

That Report CSD 142-2007, August 29, 2007, respecting the Amendments to Procedural By-law No. 120-2005 – Updated, be received and referred to the next round of standing committee meetings.

Carried.

(Refer to Staff Directions)

### **PUBLIC MEETINGS**

386. Regional Policy Plan Amendment 6-2007  
Proposed Amendment to the Road Allowance Policies  
Date: Wednesday, September 5, 2007  
Time: Public Meeting 7:30 p.m.  
Place: Town of Pelham  
Town Hall, Council Chambers  
20 Pelham Town Square, Fonthill

Councillors: Baty, \_\_\_\_\_, \_\_\_\_\_

Regional Policy Plan Amendment 6-2007  
Proposed Amendment to the Road Allowance Policies  
Date: Wednesday, September 12, 2007  
Time: Public Meeting 7:30 p.m.  
Place: City of Port Colborne  
City Hall, Council Chambers  
66 Charlotte Street, Port Colborne

Councillors: Badawey, \_\_\_\_\_, \_\_\_\_\_

**ITEMS FOR INFORMATION**

387. Agricultural Sub-Committee  
For Tuesday, July 24, 2007

Moved by Councillor Henderson  
Seconded by Councillor Salci

That the minutes of the Agricultural Sub-Committee meeting of Tuesday, July 24, 2007, be received for information.

Carried.

388. Moved by Councillor Salci  
Seconded by Councillor Henderson

That the following items be received for information:

PWP 58-2007                      Water and Wastewater Learning Calendar  
July to December 2007

PWP 59-2007/  
PHD 56-2007                      Implementation of the Niagara Water Strategy –  
Beach Monitoring, Risk Assessment and  
Remediation Study

PWP 60-2007                      Sustainability Review – Joint Operational Review  
Delivery of Water & Wastewater Services

PWP 61-2007                      Public Works Staff Comments on  
Development and Related Proposals

PWP 62-2007                      Public Works Staff Comments on  
Municipal Servicing Applications

Carried.

(Refer to Staff Directions)

389. Moved by Councillor Marshall  
Seconded by Councillor Puttick

That the following correspondence items be received for information.

PWC 35-2007 Correspondence from L. Politano, Manager, Engineering Office, Ministry of Transportation to City of Welland respecting Highway 406 and Woodlawn Road Interchange, Environmental Assessment Addendum Study Terms of Reference

PWC 36-2007 Tender ad for 2007-T-121, Contract RN 07-21, Main Street Bridge (Structure No. 027220) Improvements Over the Old Welland Canal in the City of Welland

Carried.

### **OTHER BUSINESS**

390. Federation of Canadian Municipalities (FCM) Green Fund

Moved by Councillor Augustyn  
Seconded by Councillor Badawey

That the consulting firm of Paradigm Transportation Solutions Ltd. be retained to complete the Niagara Inter-Municipal Transit Green System study at the cost of \$20,000.00, which will form part of the formal detailed proposal for Capital Transportation funding that has been submitted to the Federation of Canadian Municipalities (FCM) Green Fund.

Carried

### **STAFF DIRECTIONS**

Staff was requested to:

- Obtain information from municipalities re infrastructure replacement timelines and costs (See Minute Item #371)
- Work with municipalities to ensure affordable targets for improvements to infrastructure at regional and municipal levels (See Minute Item #371)
- Clerk to e-mail Councillors with clarifications to Mr. Kyne's confidential memo re Code of Ethics (See Minute Item #385)
- Confer with municipalities with respect to PWP 60-2007 (See Minute Item #388)

**ADJOURNMENT**

The Committee adjourned at 2:25 p.m., to meet again on Wednesday, September 19, 2007 in Council Chambers, Regional Headquarters.

Tim Rigby  
Co-Chair

Bill Smeaton  
Co-Chair

Betty Staines  
Legislative Assistant

Janet Pilon  
Acting Regional Clerk