

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

**REPORT 8-2008**

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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, June 4, 2008 commencing at 1:12 p.m.

**ATTENDANCE**

Committee: Councillors Smeaton, Co-Chair; Augustyn, Baty, D'Angela, Goulborne, Hodgson, Lepp, Marshall, McMullan, Puttick, Salci, Timms, Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Robson, Acting Commissioner, Planning and Development; Brothers, Commissioner, Public Works; Cousins, Director Transportation Services; Colosimo, Acting Transition Manager; Ms. Matthews-Malone, Director Water and Wastewater; Mr. Mike Janas, Associate Director Water and Wastewater Operations; Ms. Habermebl, Acting Director, Waste Management; Ms. Gilroy, Regional Clerk; Ms. Pilon, Deputy Clerk.

Staff (Other): Councillor Greenwood; Mr. Moffat, Manager, Property Management.

Presenters: Mr. Mark A. Neufeld, Chair Niagara Peninsula Source Protection Committee; Ms. Jean Grandoni; Mr. Tom Richardson, Sullivan Mahoney; Professor John Bacher, Preservation of Agricultural Lands Society.

**PRESENTATIONS**

163. Official Plan Amendment No. 82  
Warren Woods Community  
City of Niagara Falls

Ms. Jean Grandoni was present to speak to Committee members with respect to PWA 56-2008, Official Plan Amendment No. 82 Warren Woods Community City of Niagara Falls.

Ms. Grandoni explained that, on May 22, 2008, she had notified the City of Niagara Falls of her Ontario Municipal Board Appeal of Official Plan Amendment No. 82 and By-law No. 2008-73 made aware that the City was not the approval authority for this amendment and that Regional Council had not yet made a decision with regards to this amendment. She further stated that, on June 4, 2008, she would be submitting a Notice of Objection respecting Official Plan Amendment No. 82 and City Bylaw No. 2008-73 City of Niagara Falls, Warren Woods Community and Regional PWA 56-2008 to the Region of Niagara, Clerks Division to the attention of the Regional Clerk.

In addition to this Ms. Grandoni offered the following, in part, as supporting information:

- Map; Warren Creek Watershed Master Plan
- Map 1 to Amendment No. 82 Schedule A – to the Official Plan
- Excerpt; Warren Creek Watershed Master Plan

In closing, Ms. Grandoni requested that Committee members defer or refuse outright Report PWA 56-2008, Official Plan Amendment No. 82 Warren Woods Community City of Niagara Falls in an effort to allow Councillors and staff the appropriate amount of time to evaluate and review the land in question, with emphasis on wetlands.

164. Official Plan Amendment No. 82  
Warren Woods Community  
City of Niagara Falls

Mr. John Bacher, Preservation of Agricultural Lands Society was also present to speak to Committee members with respect to PWA 56-2008, Official Plan Amendment No. 82 Warren Woods Community City of Niagara Falls.

Mr. Bacher advised that on March 17<sup>th</sup>, 2008 he had made a presentation to Niagara Falls City Council and since that date “most” of his concerns were met.

Mr. Bacher added the following information, in part, as support of his opposition to PWA 56-2008:

- 1 forest on Brown Road; declared provincially significant wetlands
- 1 forest on Brown and Kalar Road; questioned why this wasn't included in the Staff report

In closing, Mr. Bacher stated that he was in agreement with Ms. Grandoni; Regional staff needs to re-examine and develop a report, which takes these issues in to consideration, for Council's review.

165. Official Plan Amendment No. 82  
Warren Woods Community  
City of Niagara Falls

Mr. Tom Richardson, Sullivan Mahoney thanked Committee members for the opportunity to speak to PWA 56-2008, Official Plan Amendment No. 82 Warren Woods Community City of Niagara Falls and advised that he was present on behalf of the applicant in this matter, Warren Woods Land Corporation.

Mr. Richardson offered, in part, the following evidence in an effort to refute the previous concerns raised:

- currently the lands are designated as industrial; the proposal is to redesignate the lands to residential and to environmental protection
- at present, there is no designation of environmental protection or any other designation to recognize the provincially significant wetlands however; the Official Plan Amendment (OPA) will do that
- the Ministry of Natural Resources (MNR) and the Niagara Peninsula Conservation Authority (NPCA) have offered no objection
- a Secondary Plan process is underway and the first public open house was held on May 6th; the MNR and the NPCA are both involved in this process
- the OPA designates Environmental Protection, the lands which have been deemed to be Provincially Significant Wetlands (PSW's); Ms. Grandoni is incorrect in her assertions that the PSW's are not being protected

Mr. Richardson responded to Ms. Grandoni's allegations regarding a two week deferral, procedural irregularities and a letter of appeal that had been filed to the City of Niagara Falls; he stated that these allegations were incorrect and that the letter was premature.

Mr. Richardson, on behalf of Warren Woods Development Corporation, respectfully requested that the Planning and Public Works Committee accept the staff recommendation and recommend to Council the approval of the City of Niagara Falls Official Plan Amendment No. 82.

166. Niagara Peninsula Source Water Protection Committee

Mr. Mark Neufeld was present to offer Committee members a brief overview of the Source Protection Process and what this process means to the Niagara Region.

He stated that after the tragedy of Walkerton, Justice O'Conner recommended that in Ontario, a multi-barrier approach be used to achieve safe drinking water for the residents of the Province.

The multi-barrier approach utilized the following five main safeguards:

- Protection of municipal drinking water sources
- Adequate water treatment systems
- A secure distribution system
- Proper monitoring and warning systems
- Strategic responses to adverse conditions

Mr. Neufeld, in addition to the above, offered further details surrounding:

- His involvement in the multi-barrier approach
- The goal of Source Protection
- The 2004 launch, by the Ontario government, of the Source Protection Program
- The 2006 provincial legislature; Clean Water Act
- The 2007; Clean Water Act and 5 associated regulations were proclaimed by the Ontario government and came into affect as law
- The Source Protection Process key phases
- What does this mean to the Niagara Region?

In closing, Mr. Neufeld asked that because there may be significant implications for the Region in this process, the Source Protection Committee, asks that the Region participate by being involved in the consultations around the Terms of Reference, provide the Source Protection Committee with a council resolution for tasks they agree to complete concerning the Assessment Report and Source Protection Plan, and submit comments on the Terms of Reference.

Mr. Robson advised Committee members that a report concerning this subject is currently scheduled to be on the June 25, 2008 Planning and Public Works Committee agenda.

**ITEMS FOR CONSIDERATION**

167. Agreement for Road Works  
Proposed Walker South Landfill  
Niagara Waste Systems Limited  
Regional Road 70 (Taylor Road)  
In the City of Niagara Falls  
**PWA 53-2008/CSD 69-2008**

Moved by Councillor Zimmerman  
Seconded by Councillor Timms

That Report PWA 53-2008/CSD 69-2008, June 4, 2008 respecting, Agreement for road Works Proposed Walker South Landfill Niagara Waste Systems Limited Regional Road 70 (Taylor Road) In the City of Niagara Falls, be received;

That the Region enter into an Agreement with Niagara Waste Systems Limited, owner of the landfill site adjacent to Regional Road 70 (Taylor Road);

That the Agreement outline responsibilities and secure financial commitments to cover 100% of costs associated with the construction of the required road improvements at this location;

That the Regional Chair and Regional Clerk be authorized to execute this Agreement; and

That the City of Niagara Falls be circulated a copy of this report.

Carried.

(Please note that Report PWA 53-2008/CSD 69-2008 can be found behind the JNT RPTS Blue Book Tab)

168. Official Plan Amendment No. 35  
Fourth Avenue Employment Cluster  
City of St. Catharines  
**PWA 55-2008**

Moved by Councillor Timms  
Seconded by Councillor McMullan

That Report PWA 55-2008, June 4, 2008 respecting, Official Plan Amendment No. 35 Fourth Avenue Employment Cluster City of St. Catharines, be received;

That Amendment No. 35 to the St. Catharines Official Plan be approved;

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

That a declaration of final approval for the Amendment be issued 20 days after notice of Council's decision provided no appeals to the Ontario Municipal Board (OMB) have been lodged against the decision.

Carried.

169. Official Plan Amendment No. 82  
Warren Woods Community  
City of Niagara Falls  
**PWA 56-2008**

Moved by Councillor Lepp  
Seconded by Councillor Salci

That Report PWA 56-2008, June 4, 2008, Official Plan Amendment No. 82 Warren Woods Community City of Niagara Falls, be received;

That Amendment No. 82 to the City of Niagara Falls 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.

Councillor Puttick requested that he be recorded as opposed to the aforementioned motion.

170. Tender Award 2008-T-114 (RN 08-14)  
Rehabilitation of Montrose Bridge (Structure No. 098240)  
Over the Welland River  
In the City of Niagara Falls  
**PWA 57-2008**

Moved by Councillor Puttick  
Seconded by Councillor Salci

That Report PWA 57-2008, June 4, 2008, Tender Award 2008-T-114 (RN 08-14) Rehabilitation of Montrose Bridge (Structure No. 098240) Over the Welland River In the City of Niagara Falls, be received;

That Tender 2008-T-114 (RN 08-14), Rehabilitation of Montrose Bridge (Structure No. 098240) over the Welland River, in the City of Niagara Falls, be awarded to the low tenderer, Rankin Construction Inc., at the bid price of \$472,852.00;

That a contingency allowance in the amount of \$45,000.00 be provided for this contract;

That the Engineering Agreement with the consulting firm of Hatch Mott MacDonald, be extended to include contract administration and inspection services of \$63,973.00 with the engineering fees being calculated on a time plus disbursements basis;

That the Regional Clerk be directed to ensure that the necessary by-laws, including the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of The Regional Municipality of Niagara, are presented to Regional Council on June 12, 2008; and

That all project costs be charged against Capital Works Project ZRC0631/RC0631.

Carried.

Quorum

There being a lack of ordinary quorum at the meeting, the Committee Co-Chair determined that the ordinary quorum for the meeting be reduced to nine members, pursuant to Section 22.10 of the Procedural By-law 96-2007.

171. Tender Award 2008-T-102 (RN 08-02)  
Rehabilitation of Coffey Bridge (Structure No. 063210)  
And Brook's Bridge (Structure no. 063205)  
On Regional Road 63 (Canborough Road)  
In the Township of West Lincoln  
**PWA 58-2008**

Moved by Councillor Augustyn  
Seconded by Councillor Timms

That Report PWA 58-2008, June 4, 2008, Tender Award 2008-T-102 (RN 08-02) Rehabilitation of Coffey Bridge (Structure No. 063210) And Brook's Bridge (Structure No. 063205) On Regional Road 63 (Canborough Road) In the Township of West Lincoln, be received;

That Tender 2008-T-102 (RN 08-02), Rehabilitation of Coffey Bridge (Structure No. 063210) and Brook's Bridge (Structure No. 063205), on Regional Road 63 (Canborough Road), in the Township of West Lincoln, be awarded to the low tenderer, Rankin Construction Inc., at the bid price of \$768,845.00;

That a contingency allowance in the amount of \$75,000.00 be provided for this contract;

That the Engineering Agreement with the consulting firm of Hatch Mott MacDonald be extended to include contract administration and inspection services of \$72,385.00 with the engineering fees being calculated on a time plus disbursements basis;

That the Regional Clerk be directed to ensure that the necessary by-laws, including the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara, are presented to Regional Council on June 12, 2008; and

That all project costs be charged against Projects RC0826/RC0843.

Carried.

172. Transfer of Watermains  
**PWA 59-2008**

Moved by Councillor D'Angela  
Seconded by Councillor Augustyn

That Report PWA 59-2008, June 4, 2008, Transfer of Watermains, be received;

That the transfer of watermains from the Region of Niagara to the Area Municipalities, as identified in this report, be approved by Council;

That the permanent easement rights granted in Instrument 430304 and described as Parts 2, 3 and 4 on Plan 59R-1201 and Part 3 on Plan 59R-4197 be transferred to the Town of Fort Erie;

That the fee simple property rights in Instrument 367222-fourthly and described as Part 2 on Plan 59R-4197 be transferred to the Town of Fort Erie;

That the fee simple property rights in Instrument 367222-thirdly and described as Part of Lot J on Plan 992 and Part of Lot 25 on Plan 993 be transferred to the Town of Fort Erie;

That the permanent easement rights granted in Instrument LT-957 and described as Part 2 on Plan 59R-454 be transferred to the Town of Fort Erie; and

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

Carried.

173. Additional Information on  
Regional Policy Plan Amendment 8-2005  
Proposed Animal Sanctuary  
City of Thorold  
**DPD 25-2008**

Moved by Councillor Timms  
Seconded by Councillor Marshall

That Report DPD 25-2008, June 4, 2008, respecting Additional Information on Regional Policy Plan Amendment 8-2005 Proposed Animal Sanctuary City of Thorold, be deferred and dealt with at a future meeting of the Planning and Public Works Committee meeting.

Carried.

**MINUTES FOR CONSIDERATION**

174. Transportation Strategy Steering Committee  
**4-2008**

At the request of Councillor Goulbourne, Mr. Cousins provided Committee members with an overview respecting an idea that was generated at a recent Transit meeting; a common Transit website. The website would be an independent website that would list transit services; routes, scheduling, transit providers, general information and updates respecting Inter-Municipal Transit. He further stated that if approved the common website should be in place by Fall 2008.

Moved by Councillor Augustyn  
Seconded by Councillor McMullan

That Minutes of the Transportation Strategy Steering Committee, May 6, 2008, be received and the recommendations contained therein be approved.

Carried.

(Refer to Councillor Information Requests)

Conflict of Interest

Councillor Timms declared an indirect pecuniary interest with respect to matters related to Regional Development Charges as his family owns a business that may be subject to development charges, and he therefore took no part in the discussion of or voting on these matters.

175. Regional Development Charges Task Force  
**5-2008**

Moved by Councillor D'Angela  
Seconded by Councillor Augustyn

That Minutes of the Regional Development Charges (RDC) Task Force, May 13, 2008, be received for information.

Carried.

Councillor(s) D'Angela and Hodgson wished to commend staff and members of the RDC for their hard work and commitment to capturing exemptions and charges in an effort to provide transparency and accountability.

*(Please note the Minutes of the Regional Development Charges Task Force can be found behind the CSC RPTS Blue Book Tab)*

Conflict of Interest

Councillor Timms declared an indirect pecuniary interest with respect to matters related to Regional Development Charges as his family owns a business that may be subject to development charges, and he therefore took no part in the discussion of, or voting on, Minute Item #32.

176. Smarter Niagara Steering Committee  
**4-2008**

Moved by Councillor Timms  
Seconded by Councillor Baty

That Minutes of the Smarter Niagara Steering Committee, May 7, 2008, be received for information **as amended**; and

***That staff coordinate a meeting with the Chairs of both the District School Board of Niagara and the Niagara Catholic District School Board to discuss how schools fit into Smart Growth Principles.***

Carried.

Moved by Councillor Augustyn  
Seconded by Councillor D'Angela

That Minute Item #32 from the Minutes of the Smarter Niagara Steering Committee, May 7, 2008, be referred to the Regional Development Charges Task Force for consideration.

Carried.

(Refer To Councillor Information Requests)

**ITEMS FOR INFORMATION**

177. Moved by Councillor Goulbourne  
Seconded by Councillor Puttick

That the following reports and be received for information:

- PWP 25-2008      Projects/Studies Activity Report  
Waste Management Services Division
- PWC 13-2008      Letter (dated May 12, 2008) from Ministry of Environment to  
Mr. John Rizzo respecting whether an Environmental  
Assessment (EA) for the proposed Regional Road 81  
Geometric Improvements Study (Project), located in the Town  
of Lincoln and City of St. Catharines was required.
- PWC 14-2008      Correspondence from the NGTA Project Team c/o URS  
Canada Inc. (dated May 29, 2008) respecting Niagara to GTA  
Corridor Planning and EA Study – Phase 1 Second Round of  
Consultation.
- PD 8-2008        Memorandum (dated June 4, 2008) from Patrick Robson to  
Co-Chairs and members of the Planning and Public Works  
Committee respecting 2008 Smarter Niagara Summit  
Follow-up Next Stop – Niagara's Future.
- PD 9-2008        Memorandum (dated June 4, 2008) from Patrick Robson to  
Co-Chairs and members of the Planning and Public Works  
Committee respecting 2008 Gypsy Moth Aerial Spray  
Program - Commencement

Carried.

**OTHER BUSINESS**

178. City of Welland – City of Thorold  
Re: Joint Municipal Development Projects

Councillor Goulbourne advised Committee members of a motion that was recently passed at both the City of Welland and the City of Thorold Council meetings respecting shared services, Go Quietly Program and Joint Municipal Development Projects.

Councillor Goulbourne requested that staff include a copy of both motions, under the Planning and Public Works Report tab, of the Blue Book release for June 6, 2008 (PWC 17-2008 and PWC 18-2008).

179. Correspondence from Royal Canadian Legion Branch 613  
Re: Renaming of a portion of Regional Road 20

Councillor Augustyn requested that staff follow up on a piece of correspondence he had received for the Royal Canadian Legion Branch 613 respecting the request have signs reading "Veteran's Way" posted on Regional Road 20 heading west at Rice Road and heading east at Station Street.

Mr. Cousins stated that he would follow up but that the responsibility for naming streets usually rests with the municipality.

**CLOSED SESSION**

180. Moved by Councillor D'Angela  
Seconded by Councillor Augustyn

That this Committee do now meet in Closed Session for purposes of receiving information of a confidential nature relating to proposed acquisition of lands by Municipality.

Carried.

181. A Proposed Acquisition of Land by the Municipality  
Reconstruction of Regional Road No. 20  
Town of Pelham  
**Confidential PWA 54-2008/CSD 71-2008**

Moved by Councillor Augustyn  
Seconded by Councillor Baty

That Confidential Report PWA 54-2008/CSD 71-2008, June 4, 2008, respecting A Proposed Acquisition of Land by the Municipality Reconstruction of Regional Road No. 20 Town of Pelham, be received and the recommendations contained therein be approved.

182. Proposed Acquisition of Land by the Municipality –  
Frenchman’s Creek Trunk Sanitary Sewer Servicing Project  
Town of Fort Erie  

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**PWA 61-2008/CSD 75-2008**

Moved by Councillor D’Angela  
Seconded by Councillor Marshall

That Confidential Report PWA 61-2008/CSD 75-2008, June 4, 2008, respecting  
A Proposed Acquisition of Land by the Municipality – Frenchman’s Creek Trunk  
Sanitary Sewer Servicing Project Town of Fort Erie, be received and the  
recommendations contained therein be approved.

Carried.

183. Moved by Councillor Augustyn  
Seconded by Councillor Goulbourne

That this Committee do now rise with report.

Carried.

### **COUNCILLOR INFORMATION REQUESTS**

Staff was requested to:

- Include Item #174 in the Planning and Public Works Committee highlights to Council on June 12<sup>th</sup> (Refer to Minute Item #174) (Councillor Goulbourne)
- Prepare a written summary of the procedures surrounding the receipt and approval recommendations contained within Sub-Committees minutes and that it be forwarded to all members of Council (Refer to Minute Item #176) (Councillor D’Angela)

**ADJOURNMENT**

The Committee adjourned at 3:00 p.m., to meet again on Wednesday, June 25, 2008 in Council Chambers, Regional Headquarters.

Councillor Smeaton  
Co-Chair

Pam Gilroy  
Regional Clerk

Lisa Ricci  
Legislative Assistant