

THE REGIONAL MUNICIPALITY OF NIAGARA

CORPORATE SERVICES COMMITTEE

REPORT 10-2009

Minutes of a meeting of the Corporate Services Committee held in Committee Room 4, Regional Municipal Building, 2201 St. David's Rd., Thorold, Ontario, on Wednesday, July 22, 2009 commencing at 9:05 a.m.

ATTENDANCE

Committee: Councillors Martin, Co-Chair; Augustyn, Co-Chair; Partington, Regional Chair; Badaway; Bentley; Burroughs; Bylsma; Casselman; D'Angela; Greenwood; Henderson; Heit; Puttick; Saracino.

Councillors

Other: Councillor Salci.

Staff: Mr. Trojan, Chief Administrative Officer; Mr. Bergsma, Commissioner, Corporate Services; Mr. Bain, Regional Clerk; Ms. Reilly, Legislative Assistant.

Staff

Others: Corporate Services: Mr. Bernard, Associate Director, Court Services; Mr. Kaas, Tangible Capital Assets Analyst; Mr. Kyne, Director, Legal Services; Mr. Lockyer, Treasurer/Director, Financial Management & Planning; Mr. Moffatt, Manager, Property Management; Mr. Pilon, Associate Director, Service Quality & Improvement; Ms. Rae, Legal Counsel; Mr. Roach, Manager, Public Works Financial Services.

Administration: Ms. Vanecko, Acting Director, Administration.

Integrated Community Planning Dept.: Mr. Robson, Commissioner, Integrated Community Planning; Mr. Murphy, Manager, Policy Development; Mr. Weaver, Director, Community & Corporate Planning.

Public Works: Mr. Brothers, Commissioner, Public Works; Mr. Cousins, Director, Transportation Services.

Others: Ms. Barb O'Connor, Cam Watson & Associates. Ms. Penny Christie and Ms. Lori-ann Seethaler, Municipal Property Assessment Corp. (MPAC); Ms. A. Felicetti, City of Niagara Falls.

ITEMS FOR CONSIDERATION

176. Encroachment Agreement, Niagara Waste Systems Ltd.
Regional Road 70 (Taylor Road), City of Niagara Falls
And Town of Niagara-on-the-Lake
CSD 105-2009 (PWA 70-2009)

Moved by Regional Chair Partington
Seconded by Councillor Bentley

That Report CSD 105-2009 (PWA 70-2009), July 22, 2009, respecting Encroachment Agreement Niagara Waste Systems Limited Regional Road No. 70 (Taylor Road) City of Niagara Falls and Town of Niagara-on-the-Lake, be received.

That the Region enter into an Encroachment Agreement with Niagara Waste Systems Limited to permit a 150mm pipe and related appurtenances within the road allowance of Regional Road N. 70 (Taylor Road) in the City of Niagara Falls and Town of Niagara-on-the-Lake.

That the Regional Chair and Regional Clerk be authorized to execute the Encroachment Agreement, in a form satisfactory to the Director of Legal Services.

Carried.

(Please note that Report CSD 105-2009 (PWA 70-2009) can be found behind the Joint Report Blue Book Tab.)

177. 2009 Claw Back Percentages and Municipal Tax Adjustments
CSD 106-2009

Moved by Councillor Saracino
Seconded by Regional Chair Partington

That Report CSD 106-2009, July 22, 2009, respecting 2009 Claw Back Percentages and Municipal Tax Adjustments.

That the percentage claw back for the affected property classes, under section 330 (1) of the Municipal Act, be established as follows:

Multi-Residential	100.0000%
Commercial	41.6583%
Industrial	14.0053%

That the Region act as a banker, under section 330 (6) of the Municipal Act, on October 12, 2009 for the 2009 Municipal Tax Adjustments.

That the Regional Clerk be instructed to prepare the necessary by-law.

That staff of the Region and Area Municipalities jointly investigate and develop a multi-year plan to eliminate the claw back percentage commencing in 2010.

That this report be received and circulated to the Councils of the Area Municipalities for information.

Carried.

178. Initiation of Project ZGL0617 Ground Water Investigation at Mountain Road Landfill Site, City of Niagara Falls
CSD 107-2009 (PWA 72-2009)

Moved by Councillor Augustyn
Seconded by Councillor Heit

That Report CSD 107-2009 (PWA 72-2009), July 22, 2009, respecting Initiation of Project ZGL0617 Ground Water Investigation at Mountain Road Landfill Site, City of Niagara Falls, be received.

That Waste Management Reserve Fund financing in the amount of \$200,000 gross and net be approved and initiated for Project ZSW0627 Ground Water Investigation at Mountain Road Landfill Site.

That the Regional Clerk be directed to ensure that the appropriate by-laws are prepared for submission to Regional Council.

Carried.

(Please note that Report CSD 107-2009 (PWA 72-2009) can be found behind the Joint Report Blue Book Tab.)

179. Tender 2008-T-149 (RN 08-49)
Garner Road Biosolids Facility Twin Centrifuge
In the City of Niagara Falls
Project ZSW9407/SW0810
CSD 108-2009 (PWA 74-2009)

Moved by Councillor Bentley
Seconded by Councillor Heit

That Report CSD 108-2009 (PWA 74-2009), July 22, 2009, Tender 2008-T-149 (RN 08-49) Garner Road Biosolids Facility Twin Centrifuge in the City of Niagara Falls, Project ZSW9407/SW0810, be received.

That approval be given to transfer funding in the amount of \$773,000 from Project ZSW0302 / SW0302 Alternative Biosolids Management Program to Project ZSW9407 / SW0810 Garner Road Biosolids Facility Twin Centrifuge.

That Tender 2008-T-149 (RN 08-49) Garner Road Biosolids Facility Twin Centrifuge in the City of Niagara Falls be awarded to Procon Niagara at their bid price of \$2,241,135.

That a contingency amount of \$243,635 be provided for this project.

That Hydromantis, Inc. be retained to provide contract management and construction supervision services in the amount of \$91,506.

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.

That the cost associated with this project be charged against Project ZSW9407/SW0810.

Carried.

(Please note that Report CSD 108-2009 (PWA 74-2009) can be found behind the Joint Report Blue Book Tab.)

180. Agreements for Improvements to the McLeod Road
And QEW Interchange, City of Niagara Falls
CSD 109-2009 (PWA 75-2009)

Moved by Councillor Badawey
Seconded by Councillor Augustyn

That Report CSD 109-2009 (PWA 75-2009), July 22, 2009, respecting Agreements for Improvements to the McLeod Road and QEW Interchange, City of Niagara Falls, be received.

That the Region enter into an agreement with Oakwood Place Shopping Centre Limited, Canadian Tire Real Estate Limited, McLeod Square Inc., Cookshire Developments Inc., Hamburg Honda Corporation, Scott Group of companies Inc., The TDL Group Corp. and the Corporation of the City of Niagara Falls for the funding of road improvements at the McLeod Road and QEW interchange;

That the Region enter into an agreement with Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario (MTO) for the design and construction of the necessary road improvements to McLeod Road, including the QEW interchange ramps; and

That the Regional Chair and Regional Clerk be authorized to execute the agreements, such agreements to be satisfactory to the Director of Legal Services.

Carried.

(Please note that Report CSD 109-2009 (PWA 75-2009) can be found behind the Joint Report Blue Book Tab.)

181. Stop Up, Close, Declare Surplus and Transfer
Portions of Regional Road 89 (Glendale Avenue)
Merritton Developments Inc., Kaupp Electric Ltd.
City of St. Catharines

CSD 110-2009 (PWA 76-2009)

Conflict of Interest

Councillor Heit declared a pecuniary interest with respect to Report CSD 110-2009/PWA 76-2009 as his place of employment is within 500 metres of the property and he therefore took no part in the discussion of, or voting on, this matter.

Moved by Councillor Henderson
Seconded by Councillor Bylsma

That Report CSD 110-2009 (PWA 76-2009) respecting Stop Up, Close, Declare Surplus and Transfer Portions of Regional Road 89 (Glendale Avenue) Merritton Developments Incl, Kaupp Electric Ltd., City of St. Catharines, be received.

That a portion of Glendale Avenue, more particularly described as Parts 10, 11, 12, 13, 14, 15, 16, and 17 on Plan 30R-13352, being portions of Regional Road 89, be stopped up and closed;

That Parts 10, 11, 12, 13, 14, 15, 16, 17, 24, 25, 26, 27, and 28 on Plan 30R-13352 be declared surplus to the Region's needs;

That a 5287.4 square metre (56,914.96 square feet, more or less) portion of the stopped up and closed portion of Glendale Avenue, more particularly described as Parts 10, 11, 12, 13, 14, 15, 17 on Plan 30R-13352, be transferred to Merritton Developments Inc. (MDI) as concluding a land exchange agreement to allow for the realignment of Glendale Avenue to be completed;

That the Region receive payment of \$41,825.10 from MDI, representing MDI's share of the Keg Restaurant/Sobey's entrance signalization costs, prior to completion of the land transfer to MDI.

That a 440.1 square metre (4,737.35 square feet, more or less) portion of the stopped up and closed portion of Glendale Avenue, more particularly described as Part 16 on Plan 30R-13352, together with an additional 433.5 square metres (4,666.30, square feet, more or less) of land, more particularly described as Parts 24, 25, 26, 27, and 28 on Plan 30R-13352, be declared surplus to the Region's requirements and transferred to Kaupp Electric Ltd. (Kaupp), at the nominal sum of \$1.00;

That the transfer of these lands be subject to any identified easement requirements being retained by the Region, or established for such purposes as utilities, access, or granting to other levels of government/utilities upon transfer; and

That the Regional Chairman and the Regional Clerk be authorized to execute the necessary documents on behalf of The Regional Municipality of Niagara.

Carried.

(Please note that Report CSD 110-2009 (PWA 76-2009) can be found behind the Joint Report Blue Book Tab.)

182. Region of Niagara 2009 Development Charge
Background Study and Proposed By-law
Amended CSD 112-2009 (ICP 38-2009)

Moved by Councillor D'Angela
Seconded by Councillor Badawey

That Amended Report CSD 112-2009 (ICP 38-2009), July 22, 2009, respecting Region of Niagara 2009 Development Charge Background Study and Proposed By-law, be received and approved, **as amended**.

That the 2009 Development Charge Background Study be adopted, and that the proposed Region of Niagara Development Charge By-law (2009) be approved **as amended by the Regional Development Charge Task Force on July 20, 2009 (see recommendation 4 and related correspondence)**.

That the capital forecast contained in the Region of Niagara 2009 Development Charge Background Study reflect Council's intent to ensure that the increase in the need for service attributable to the anticipated development is met.

That the proposed Region of Niagara Development Charge By-law (2009) comes into force on September 1, 2009.

That the proposed 2009 Development Charge By-law incorporate an exemption for the new West Lincoln Memorial Hospital.

That staff be directed to implement a system of tracking development charge discounts and exemptions and that these exemptions be reflected in the Budget.

That, as the originally proposed By-law has been modified since the Public Meeting on July 16, 2009, Council confirms that no further Public Meeting under the Development Charges Act, 1997 (S.12) is necessary as a result.

Carried.

(Please note that Amended Report CSD 112-2009 (ICP 38-2009) can be found behind the Joint Report Blue Book Tab.)

ITEMS FOR INFORMATION

183. Summary of Quotations, Tenders & Authorizations
For the Second Quarter 2009
CSD 111-2009

Moved by Councillor Bentley
Seconded by Councillor Henderson

That Report CSD 111-2009, July 22, 2009, respecting Summary of Quotations, Tenders & Authorizations for the Second Quarter 2009, be received for information.

Carried.

184. 2009 Debenture Issue Details
CSD 113-2009

Moved by Councillor Saracino
Seconded by Councillor Greenwood

That Report CSD 113-2009, July 22, 2009, respecting 2009 Debenture Issue Details, be received for information.

Carried.

CORRESPONDENCE

185. Moved by Regional Chair Partington
Seconded by Councillor Greenwood

That the following communication be received:

CSD 29-2009 Memorandum from Gord Lockyer, Treasurer/Director,
Financial Management & Planning re: Councillor Information
Request – July 2, 2009

Carried.

MINUTES

186. 3-2009 (JBM)

Moved by Councillor Burroughs
Seconded by Councillor D'Angela

That Report 3-2009 (JBM) being the minutes of the Joint Board of Management Niagara Region Courts meeting of Tuesday, June 16, 2009, be received and minute items 21 and 23 be approved.

Carried.

187. 5-2009 (RDC)

Moved by Councillor Burroughs
Seconded by Councillor D'Angela

That Report 5-2009 (RDC) being the minutes of the Regional Development Charges Task Force meeting of Wednesday, June 24, 2009, be received.

Carried.

188. 6-2009 (RDC)

Moved by Councillor Burroughs
Seconded by Councillor D'Angela

That Report 6-2009 (RDC) being the minutes of the Regional Development Charges Task Force meeting of Monday, July 20, 2009, be received and minute items 46 and 47 be approved.

Carried.

(Please note that Report 6-2009 (RDC) being the minutes of the Regional Development Charges Task Force meeting of July 20, 2009 can be found behind the Joint Report Blue Book Tab.)

OTHER BUSINESS

189. Transfers of Funds for Projects

Councillor Burroughs requested an explanation of why the funds of \$773,000 can be transferred from the Alternative Biosolids Management Program to the Garner Road Biosolids Facility Twin Centrifuge (CSD 108-2009/PWA 74-2009). He asked that staff, in future reports, include background information with any recommended transfers, until an alternative way of handling the additional funding requirements can be implemented.

190. Niagara District Airport

Councillor Augustyn advised Committee that a report will be coming forward to the Corporate Services and Integrated Community Planning and Public Works Committees in September with respect to the Niagara District Airport. The Airport has received a commitment from the Federal and Provincial governments for funding and are asking the Region to also commit to a 1/3 share of the total funding request of approximately \$11 million. A special meeting of the Transportation Steering Committee is scheduled on August 13, 2009 to deal with this matter.

CLOSED SESSION

191. Moved by Councillor Burroughs
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 Acquisitions of Land by the Municipality, NHS Facility Transfers and Frenchman's Creek Trunk Sanitary Servicing Project, Town of Fort Erie.

Carried.

192. Proposed Acquisition of Land by the Municipality
City of Port Colborne, City of Niagara Falls,
City of Welland, Town of Fort Erie,
Town of Niagara-on-the-Lake, NHS Facility Transfers
Revised Confidential CSD 76-2009

Moved by Councillor Martin
Seconded by Councillor Greenwood

That Revised Confidential Report CSD 76-2009, July 22, 2009, respecting Proposed Acquisition of Land by the Municipality City of Port Colborne, City of Niagara Falls, City of Welland, Town of Fort Erie, Town of Niagara-on-the-Lake, NHS Facility Transfers, be received and the recommendations contained therein, be approved.

Carried.

193. Proposed Acquisition of Land by the Municipality
Frenchman's Creek Trunk Sanitary Sewer
Servicing Project Phase 2, Town of Fort Erie
Confidential CSD 114-2009 (PWA 84-2009)

Moved by Councillor Martin
Seconded by Councillor Henderson

That Report CSD 114-2009 (PWA 84-2009), respecting Proposed Acquisition of Land by the Municipality Frenchman's Creek Trunk Sanitary Sewer Servicing Project Phase 2, Town of Fort Erie, be received and the recommendations contained therein be approved.

Carried.

194. Moved by Councillor Casselman
Seconded by Councillor Heit

That this Committee do now rise with report.

Carried.

ADJOURNMENT

Committee adjourned at 11:00 p.m. to meet again on Wednesday, September 2, 2009, at 9:00 a.m. in Committee Room 4, Regional Headquarters.

Doug Martin
Co-Chair

Gail Reilly
Legislative Assistant

Dave Augustyn
Co-Chair

Kevin Bain
Regional Clerk