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The Regional Municipality of Durham

MINUTES

WORKS COMMITTEE

Wednesday, April 3, 2024

A regular meeting of the Works Committee was held on Wednesday, April 3, 2024 in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was offered for this meeting.

1. Roll Call

Present: Councillor Barton, Chair
Councillor Marimpietri, Vice-Chair
Councillor Cook*
Councillor Crawford
Councillor Mulcahy
Councillor Nicholson
Councillor Yamada* attended for part of the meeting
Regional Chair Henry left the meeting at 11:36 AM on municipal business
***denotes Councillors participating electronically**

Absent: None

Also

Present: Councillor Carter* left the meeting at 9:57 AM
Councillor Garrod*
Councillor Jubb* attended the meeting at 9:48 AM
Councillor Neal*
Councillor Schummer*
Councillor Wotten*
***denotes visiting Councillors participating electronically**

Staff

Present: E. Baxter-Trahair, Chief Administrative Officer
A. Burgess, Director, Communications & Engagement
S. Ciani, Committee Clerk, Corporate Services – Legislative Services
S. Dessureault, Committee Clerk, Corporate Services – Legislative Services
M. Duhig, Project Manager, Transportation Infrastructure
C. Dunkley, Director of Corporate Infrastructure and Strategic Business Services, Works Department
K. Dykman*, Supervisor, Waste Services
A. Evans, Director of Waste Management Services
P. Gee, Manager, Transportation Infrastructure
B. Holmes*, General Manager of Transit
M. Hubble, Director of Environmental Services

J. Hunt, Regional Solicitor/Director of Legal Services, Corporate Services –
Legal Services
R. Inacio, Systems Support Specialist, Corporate Services – IT
R. Jagannathan, Acting Commissioner of Works
E. Lamain, Manager, Maintenance Operations
L. Saha, Manager, Waste Services
D. Waechter, Acting Director of Transportation and Field Services
* **denotes staff participating electronically**

2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

3. Adoption of Minutes

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,
(20) That the minutes of the regular Works Committee meeting held on
Wednesday, March 6, 2024, be adopted.

CARRIED

4. Statutory Public Meetings

There were no statutory public meetings.

5. Presentations

There were no presentations heard.

6. Delegations

There were no delegations heard.

7. Waste

7.1 Correspondence

There were no communication items considered.

7.2 Reports

A) Sole Source of Promotion and Education Services to be Provided by The Regional Municipality of Durham for Circular Materials Ontario for the Blue Box Program under Extended Producer Responsibility (2024-WR-3)

Report #2024-WR-3 from R. Jagannathan, Acting Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,

(21) That we recommend to Council:

- A) That staff be authorized to negotiate a sole source agreement with Circular Materials Ontario, for the Regional Municipality of Durham to provide promotion and education services for the Blue Box program for an initial term of eighteen months, from July 1, 2024, to December 31, 2025, with the option to extend the agreement for three additional one-year periods, for an estimated revenue of \$159,000 for the initial contract term and \$480,000 over the full term; and
- B) That the Commissioner of Finance be authorized to execute the necessary documents for the negotiated agreement.

CARRIED

B) Proposed Automated Cart-Based Garbage Collection Pilot Project (2024-WR-4)

Report #2024-WR-4 from R. Jagannathan, Acting Commissioner of Works, was received.

Detailed discussion ensued regarding what the impacts and benefits would be of an automated cart-based garbage collection system on Durham's waste collection operations.

Staff responded to questions from the Committee regarding what metrics will be measured to determine whether the pilot was successful; how the pilot project is being funded; what an expansion of the pilot could look like; space requirements for the waste carts; accessibility aspects; automated garbage cart collection in other municipalities and the advantages they have found for moving to a cart-based collection system; and how multi-residential units will be addressed. Committee members noted that residents, in conversations with Councillors asked why the Region does not utilize a cart system.

Concerns were raised by Councillor Nicholson regarding the City of Oshawa having to pay for the proposed pilot project as they provide their own waste collection services, as does the Town of Whitby. Councillor Mulcahy noted that the Town of Whitby is considering an automated garbage cart collection system.

Moved by Councillor Crawford, Seconded by Councillor Mulcahy,

(22) That we recommend to Council:

- A) That Regional Council direct staff to implement a one-year pilot project to assess the impacts of an automated cart-based residential garbage collection pilot project;
- B) That staff be authorized to procure the necessary carts that are compatible with the automated collection vehicle to be used in the proposed pilot project from Miller Waste at a cost not to exceed \$49,500;

- C) That the estimated cost of \$50,000 for this pilot project be financed from within the 2024 Waste Management Business Plans and Budget; and
- D) That staff be required to report back to Regional Council on the results and recommended next steps for the project.

CARRIED

8. Works

8.1 Correspondence

- A) Correspondence received from the City of Oshawa, dated March 6, 2024, re: Hwy 401 Interchange at Townline Road (Ward 5)

Detailed discussion ensued regarding the urgent need to assess the interchanges along Highway 401 in the City of Oshawa and the Municipality of Clarington due to ongoing traffic and safety concerns, and whether an interchange at Townline Road would help to alleviate those concerns; continued advocacy for the GO Train East extension into the Municipality of Clarington; and the removal of the Highway 407 tolls to help alleviate traffic concerns.

Further discussion ensued regarding the need for a meeting between City of Oshawa staff, Municipality of Clarington staff, and Region of Durham staff to discuss the feasibility of an interchange at Townline Road; and the Region's rationale for considering an interchange at Prestonvale Road over Townline Road, as identified in the 2017 Transportation Master Plan (TMP).

Moved by Councillor Mulcahy, Seconded by Councillor Crawford,
(23) That a vote on the matter be now taken.

CARRIED ON THE FOLLOWING RECORDED
VOTE (A 2/3rds VOTE WAS ATTAINED):

Yes

No

Councillor Barton, Chair
Councillor Cook
Councillor Crawford
Regional Chair Henry
Councillor Mulcahy

Councillor Marimpietri
Councillor Nicholson

Members Absent: Councillor Yamada

Declarations of Interest: None

Moved by Regional Chair Henry, Seconded by Councillor Mulcahy,

- (24) That the correspondence received from the City of Oshawa, dated March 6, 2024, regarding the Hwy 401 interchange at Townline Road (Ward 5) be received for information.

CARRIED ON THE FOLLOWING RECORDED
VOTE:

Yes

No

Councillor Barton, Chair
Councillor Cook
Councillor Crawford
Regional Chair Henry
Councillor Mulcahy
Councillor Yamada

Councillor Marimpietri
Councillor Nicholson

Members Absent: None

Declarations of Interest: None

8.2 Reports

- A) Declaration of Lands as Surplus and Approval to Transfer the Surplus Lands to the Hamilton-Oshawa Port Authority's wholly owned subsidiary Great Lakes Port Management Inc. (2024-W-9)
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Report #2024-W-9 from R. Jagannathan, Acting Commissioner of Works, was received.

Discussion ensued regarding the benefits that transferring the surplus lands to the Hamilton-Oshawa Port Authority wholly owned subsidiary Great Lakes Port Management Inc. would have for the City of Oshawa and the Region of Durham.

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,

(25) That we recommend to Council:

- A) That Part of Lot 5, Broken Front Concession, in the Geographic Township of East Whitby, now in the City of Oshawa, in the Regional Municipality of Durham, identified as part of the PIN 16378-0001 (LT) and described further as Part 1 on Reference Plan 40R-32006 (the Lands) be declared as surplus to Regional Municipality of Durham requirements;
- B) That sections 3 and 4 (1) of Regional By-law #52-95 be waived to facilitate the land transfer from the Regional Municipality of Durham to Great Lakes Port Management Inc.;

- C) That Regional staff be authorized to transfer the Lands to Great Lakes Port Management Inc., a wholly owned subsidiary of the Hamilton Oshawa Port Authority (HOPA), for a compensation amount of \$433,000;
- D) That the transfer authorized by Recommendation C) in Report #2024-W-9 of the Acting Commissioner of Works be subject to the following being registered on title to the Lands:
 - i. Easements for the landowner, McAsphalt Industries Limited, of the adjacent properties at 1221 Farewell Street and 1241 Farewell Street for access to the Lands; and
 - ii. Easements for municipal services and existing utilities/services provided by Bell Canada, Enbridge Gas, Oshawa Power and Utilities Commission, and the Regional Municipality of Durham for access, maintenance, and repairs;
- E) That authority be granted to the Commissioner of Works to execute all documents associated with this land transfer;
- F) That the Regional Road By-law #22-2018 be amended to remove the Lands from the by-law, and that Regional staff prepare the required amending bylaw and present it to Regional Council for passage to give effect thereto;
- G) That Regional Council pass a stop-up and close by-law with the consent of HOPA being obtained pursuant to Section 34(2) (b) of the Municipal Act, 2001, to permit the transfer of the Lands per the requirements under the Municipal Act. The draft bylaw is attached as Attachment #3 to Report #2024-W-9; and
- H) That a copy of Report #2024-W-9 be provided to the City of Oshawa and Hamilton Oshawa Port Authority for information.

CARRIED

- B) Expropriation of Lands Required for the Oshawa/Whitby Works Depot Construction Project at 951 Winchester Road East, in the City of Oshawa (2024-W-10)

This item was dealt with later in the meeting. See pages 13 to 15 of these minutes.

- C) Tender Award and Additional Financing for Regional Municipality of Durham Contract #D2023-24 for the Stage 3 Liquids and Miscellaneous Remedial Works at the Duffin Creek Water Pollution Control Plant in the City of Pickering (2024-W-11)

Report #2024-W-11 from R. Jagannathan, Acting Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,

- (26) That we recommend to Council:
- A) That the lowest compliant bid of Kenaidan Contracting Ltd., in the amount of \$45,388,258*, be awarded for Regional Municipality of Durham Contract #D2023-24 for the Stage 3 Liquids and Miscellaneous Remedial Works at the Duffin Creek Water Pollution Control Plant in the City of Pickering, for a total project cost of \$68,557,350;
 - B) That the previously approved project budget of \$55,000,000 for Regional Municipality of Durham Contract #D2023-24 be increased by \$13,557,350 to a revised total project budget of \$68,557,350;
 - C) That the additional financing of \$2,711,470, representing Durham Region's 20 per cent share, be provided from the following sources:

Previously Approved Financing

Sanitary Sewer Capital Budget - Duffin Creek Water Pollution Control Plant

(Project ID: Y2001):

User Rate	\$11,000,000
York Region Financing	30,800,000
York Capital Asset Share	<u>\$13,200,000</u>
Total Approved Financing	\$55,000,000

Additional Financing

2024 Sanitary Sewerage Budget
Item No.24, Sanitary Sewerage Works to Rectify Identified System Deficiencies (Project ID: M2499)

User Rate \$425,623

2024 Sanitary Sewerage Budget

Item #35 Replacement of sanitary sewer on Mary Street from Rossland Rd to Robert Street., Oshawa (Project ID: O2202)

User Rate \$321,400

Item #46 Replacement of sanitary sewer on Roselawn Avenue and Bickle Drive., Oshawa (Project ID: O2305)

User Rate	\$1,700,000
Corbett Creek Water Pollution Control Plant Emergency Digester (Project ID: D1932)	
User Rate	264,447
Durham Region Additional Financing	\$2,711,470
York Region Additional Financing	<u>\$10,845,880</u>
Total Additional Financing	<u>\$13,557,350</u>
Total Revised Project Financing	<u>\$68,557,350</u>

- D) That a copy of Report #2024-W-11 of the Acting Commissioner of Works be provided to York Region.
(*) before applicable taxes

CARRIED

- D) Sole Source Procurement of Equipment, Maintenance Service and Parts for Equipment Installed at Various Water and Wastewater Facilities throughout the Regional Municipality of Durham (2024-W-12)

Report #2024-W-12 from R. Jagannathan, Acting Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Councillor Nicholson,
(27) That we recommend to Council:

- A) That staff be authorized to negotiate and award sole source agreements in 2024 for the unanticipated or end of life replacement of existing equipment installed at various Water and Wastewater Facilities throughout the Regional Municipality of Durham, but not for new construction or new installations, where using a different manufacturer would require significant structural, electrical, mechanical, communication, instrumentation and other modifications;
- B) That financing for the sole source agreements be provided from the approved annual Water Supply Operating Budget;
- C) That staff be authorized to negotiate and award sole source agreements for maintenance service and parts supply for the existing equipment installed as components of various water facilities throughout the Regional Municipality of Durham, with terms not to exceed five years;

D) That financing for the sole source maintenance service and/or parts supply agreements be provided from the approved annual Water Supply Operating Budget at an estimated annual cost of \$2,550,000;

E) That the negotiated sole source agreements be awarded as follows:

Authorized Supplier	Manufacturer	Estimated Annual Costs (excluding HST)
Syntec	Fontaine; Tideflex; Netzsch; Trueline; Val-Matic; Red Valve; Singer	\$250,000
Westburne	Allen Bradley	\$100,000
Benshaw	Benshaw	\$100,000
Cutler-Hammer / Eaton	Cutler-Hammer / Eaton	\$250,000
SCG Process	ProMinent; De Nora	\$125,000
Bisan	Watson-Marlow	\$100,000
Vissers Sales	Pulsafeeder	\$100,000
Evoqua	Wallace & Tiernan	\$250,000
SPD Sales	MSA	\$100,000
Lakeside Process Controls	Emerson; Fisher Control; Rosemount	\$100,000
Endress+Hauser	Endress+Hauser	\$100,000
ACG-Envirocan	KROHNE	\$100,000
Franklin Empire	Siemens	\$100,000
Rotork	Rotork	\$150,000
Troy-Ontor	AUMA	\$150,000
H2Flow	Trojan Technologies	\$275,000
Hach Canada Sales and Service	Hach Canada Sales and Service	\$100,000
Flowpoint Systems	Flowpoint	\$100,000
-	TOTAL	\$2,550,000*

- F) That the Commissioner of Finance be authorized to execute the necessary maintenance service and parts supply agreements.

CARRIED

- E) Additional Financing for the Award of Request for Proposal #1088-2023 for Engineering Services for Ajax Zone 1 Water Storage Facility, Harwood Avenue Water Pumping Station - modifications to maximize water supply availability from Whitby-Oshawa-Courtice System and the potential for additional onsite storage for the pumping station to manage transient pressures in the Town of Ajax (2024-W-13)
-

Report #2024-W-13 from R. Jagannathan, Acting Commissioner of Works, was received.

Staff responded to questions from the Committee regarding the intent of the project to modify the Harwood Avenue Water Pumping Station in order to maximize the water supply availability from the Whitby-Oshawa-Courtice system and review the need for additional water storage on the current site to control dynamic fluctuations; and why the additional financing was not included as part of the 2024 budget deliberations.

Moved by Councillor Crawford, Seconded by Councillor Mulcahy, (28) That we recommend to Council:

That financing for Engineering Services for the Ajax Zone 1 Water Storage Facility, Harwood Avenue Water Pumping Station modification project, in the Town of Ajax be provided from the approved project budget and the reallocation of funds as follows:

Previously Approved Funding Zone 1 Water Storage Facility
(Project ID: D1911)

Residential Development Charges	\$1,812,000
Commercial Development Charges	\$52,400
Industrial Development Charges	\$45,600
User Revenue	\$90,000
Total Approved Financing	\$2,000,000

Reallocation of funding from the following source:

Zone 3 feedermain on Garrard Rd. from north of the Mid-Block Arterial to Winchester Rd., Whitby (Region's Share) (Project ID: D2409)

Residential Development Charges	\$2,870,600
Commercial Development Charges	\$89,900
Industrial Development Charges	\$117,800

User Revenue	<u>\$21,700</u>
Total Additional Financing	<u>\$3,100,000</u>
Total Revised Project Financing	<u>\$5,100,000</u>
CARRIED	

F) Beaver River Bridge Closure and Replacement, Regional Road 15, Township of Brock (2024-W-14)

Report #2024-W-14 from R. Jagannathan, Acting Commissioner of Works, was received.

In response to a question from the Committee regarding the ownership of the Beaver River bridge, R. Jagannathan advised that the bridge is owned by the Ministry of Transportation (MTO) but that the MTO plans to begin the process to immediately transfer ownership of the bridge to the Region of Durham, and to seek approvals to provide funding to the Region for the completion of the design and construction of the new bridge.

Detailed discussion ensued regarding concerns with respect to not receiving a commitment from the MTO for the funding in writing before replacing the bridge temporarily or permanently; impacts of the bridge closure, and whether the bridge closure should be declared an emergency; and whether receiving a resolution from the Township of Brock providing the Region permission to act on their behalf to further support the position of Durham's staff would be appropriate.

Staff responded to questions from the Committee regarding the cost of a temporary bridge, and whether referring Report #2024-W-14 back to staff until a written commitment from the MTO with respect to funding the bridge replacement has been received would delay the project.

Moved by Councillor Marimpietri, Seconded by Regional Chair Henry,
(29) That we recommend to Council:

- A) That the Ministry of Transportation be advised that the Regional Municipality of Durham strongly disagrees with their recently stated position and decision to transfer ownership of the closed Beaver River Bridge, located on Regional Road 15 over Beaver River immediately west of Highway 12, prior to the design and construction of the replacement bridge by the Ministry;
- B) That the Ministry of Transportation be requested to provide an immediate commitment to seek Treasury Board approval to provide the Regional Municipality of Durham the necessary funding for all project costs related to the replacement of the Beaver River Bridge, including a temporary bridge for a period of up to three years. This includes design, tendering, construction,

temporary bridge rental, staff time, consultant costs, and associated expenditures;

- C) That Regional staff be authorized to continue the assignment with the current consultant, WSP, to advance the design of the permanent bridge replacement, upon receipt of the commitment in Recommendation B) of Report #2024-W-14 of the Acting Commissioner of Works;
- D) That Regional staff be authorized to tender and construct a temporary and permanent bridge replacement, upon receipt of notification by the Ministry of Transportation that they have received Treasury Board approval for the funding;
- E) That authority be granted to the Commissioner of Works to execute all documents, including management of liabilities, associated with the potential transfer and the works described above; and
- F) That a copy of Report #2024-W-14 be provided to Laurie Scott, MPP-Haliburton-Kawartha Lakes-Brock, Prabmeet Sarkaria, Minister of Transportation, the Ministry of Transportation, and the Township of Brock.

REFERRED BACK TO STAFF ON A
RECORDED VOTE
(See Following Motion)

Moved by Councillor Crawford, Seconded by Councillor Mulcahy,

- (30) That Item 8.2 F) Beaver River Bridge Closure and Replacement, Regional Road 15, Township of Brock (2024-W-14), be referred back to staff for additional information with respect to receiving an actual guarantee from the Ministry of Transportation (MTO) that they will be funding all related costs before the Region of Durham completes any work.

CARRIED ON THE FOLLOWING RECORDED
VOTE:

Yes

Councillor Barton, Chair
Councillor Cook
Councillor Crawford
Councillor Mulcahy
Councillor Yamada

No

Regional Chair Henry
Councillor Marimpietri
Councillor Nicholson

Members Absent: None

Declarations of Interest: None

It was the consensus of the Committee that the agenda be altered in order to consider Item 8.2 B) Expropriation of Lands Required for the Oshawa/Whitby Works

Depot Construction Project at 951 Winchester Road East, in the City of Oshawa (2024-W-10), at this time.

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(31) That the meeting be closed to the public in order to consider a matter with respect to the proposed or pending acquisition or disposition of land as it relates to the expropriation of lands required for the Oshawa/Whitby Works Depot Construction Project at 951 Winchester Road East, in the City of Oshawa.

CARRIED

It was the consensus of the Committee to recess for 10 minutes.

Committee recessed at 11:37 AM and reconvened at 11:47 AM.

A roll call was conducted following the recess and all members of Committee were present with the exception of Regional Chair Henry.

[Refer to the Closed Meeting minutes of April 3, 2024]

Chair Barton advised that during the closed session there were no motions made.

8. Works

8.2 Reports

B) Expropriation of Lands Required for the Oshawa/Whitby Works Depot Construction Project at 951 Winchester Road East, in the City of Oshawa (2024-W-10)

Report #2024-W-10 from R. Jagannathan, Acting Commissioner of Works, was received.

Moved by Councillor Crawford, Seconded by Councillor Mulcahy,
(33) That we recommend to Council:

- A) That authority be granted to Regional Municipality of Durham (Region) staff to initiate expropriation proceedings where necessary for the property requirements at 951 Winchester Road East, in the City of Oshawa, as depicted in Attachment #1 of Report #2024-W-10 of the Acting Commissioner of Works and such other property requirements as may be determined and identified by Regional staff for the Oshawa/Whitby Works Depot construction project;
- B) That authority be granted to the Regional Clerk and Regional Chair to execute any notices and forms as may be statutorily mandated by the Expropriations Act, R.S.O. 1990, C. E.26 to give effect to Recommendation C) in Report #2024-W-10, including the notices of Application of Approval to Expropriate;

- C) That authority be granted to Regional staff to serve and publish Notices of Application for Approval to Expropriate the property requirements as described in Recommendation A) of Report #2024-W-10 and to forward to the Ontario Land Tribunal any requests for hearing received, to attend the hearings to present the Region's position, and to present the Ontario Land Tribunal's recommendations to Regional Council for consideration; and
- D) That all agreements successfully negotiated and reports required for amicable property acquisitions and all agreements and reports required for settlements pursuant to the Expropriations Act, R.S.O. 1990, C. E.26 related to the Oshawa/Whitby Works Depot Construction Project approved in accordance with the Delegation of Authority By-law 04-2023 or by Regional Council, be deemed confidential for any reporting requirements to Regional Council pursuant to Section 239 (2)(C) of the Municipal Act, 2001, S.O. 2001, C. 25, as it relates to a proposed or pending acquisition or disposition of land for Regional Corporate purposes, and only be released publicly by the Commissioner of Works once all claims for compensation have been resolved on a full and final basis.

REFERRED BACK TO STAFF ON A
RECORDED VOTE
(See Following Motion)

- Moved by Councillor Mulcahy, Seconded by Councillor Nicholson,
(34) That Item 8.2 B) Expropriation of Lands Required for the Oshawa/Whitby Works Depot Construction Project at 951 Winchester Road East, in the City of Oshawa (2024-W-10) be referred back to staff for additional information with respect to other sites that might be available to build the infrastructure required for the new Oshawa/Whitby Works Depot; and to ensure that the lands are assessed at fair market value.

CARRIED ON THE FOLLOWING RECORDED
VOTE:

Yes

Councillor Barton, Chair
Councillor Cook
Councillor Crawford
Councillor Mulcahy
Councillor Nicholson
Councillor Yamada

No

Councillor Marimpietri

Members Absent: Regional Chair Henry

Declarations of Interest: None

9. Advisory Committee Resolutions

There were no advisory committee resolutions to be considered.

10. Confidential Matters

There were no confidential matters to be considered.

11. Other Business

11.1 Dig Safe Month

Chair Barton advised that the month of April has been declared as Dig Safe Month which is dedicated to raising awareness of safe digging practices across the province to improve safety and reduce damages to underground infrastructure.

11.2 Spring Litter Clean-Up

In response to a question from the Committee regarding early complaints that have been received regarding litter pick up and whether students will be hired earlier in the year to help, staff advised that they are currently in the process of hiring and that the students should be starting within two weeks.

Staff further advised that complaints can be sent to 311 and that the 311 staff are being trained on where to send these complaints to in order to ensure it reaches the appropriate Works staff to be addressed. R. Jagannathan advised that staff could outline the complaint process and forward it to Committee members.

12. Date of Next Meeting

The next regularly scheduled Works Committee meeting will be held on Wednesday, May 8, 2024 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

13. Adjournment

Moved by Councillor Nicholson, Seconded by Councillor Crawford,
(35) That the meeting be adjourned.

CARRIED

The meeting adjourned at 12:29 PM

Respectfully submitted,

D. Barton, Chair

S. Ciani, Committee Clerk