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The Regional Municipality of Durham

MINUTES

WORKS COMMITTEE

Wednesday, December 7, 2022

A regular meeting of the Works Committee was held on Wednesday, December 7, 2022 in the 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 attended for part of the meeting
Councillor Crawford
Councillor Mulcahy
Councillor Nicholson
Councillor Yamada attended for part of the meeting
Regional Chair Henry

Also

Present: Councillor Dies*
Councillor Garrod
Councillor Foster*
Councillor Jubb*
Councillor Schummer*
***denotes Councillors participating electronically**

Absent: None

Staff

Present: G. Anello, Director of Waste Management Services
E. Baxter-Trahair, Chief Administrative Officer
B. Bridgeman, Commissioner of Planning & Economic Development
J. Demanuele, Director of Business Services
B. Holmes, General Manager, DRT
M. Hubble, Manager of Environmental Services Design
L. Huinink, Director, Rapid Transportation & Transit Oriented Development,
Office of the Chief Administration Officer
J. Hunt, Director of Legal Services/Regional Solicitor
R. Inacio, Systems Support Specialist, Corporate Services – IT
R. Jagannathan, Director of Transportation and Field Services
J. Presta, Commissioner of Works
N. Taylor, Commissioner of Finance
L. Soto Maya, Committee Clerk, Corporate Services – Legislative Services

S. Ciani, Committee Clerk, Corporate Services – Legislative Services

2. Declarations of Interest

There were no declarations on interest.

3. Election of the Works Committee Vice-Chair

The Chair called for nominations for the position of Vice-Chair of the Works Committee.

Moved by Councillor Nicholson, Seconded by Councillor Yamada,

(78) That Councillor Marimpietri be nominated for the position of Vice-Chair of the Works Committee.

Moved by Councillor Crawford, Seconded by Councillor Cook,

(79) That Councillor Mulcahy be nominated for the position of Vice-Chair of the Works Committee.

Moved by Councillor Nicholson, Seconded by Councillor Yamada,

(80) That nominations be closed.

CARRIED

The Chair asked if Councillors Marimpietri and Mulcahy wished to stand.

Councillor Marimpietri indicated he would stand. Councillor Mulcahy indicated that she would stand.

The following roll call vote was taken:

Councillors	Marimpietri	Mulcahy
Cook		X
Crawford	X	
Regional Chair Henry	X	
Marimpietri	X	
Mulcahy		X
Nicholson	X	
Yamada	X	
Chair Barton		X

Totals	5	3
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Councillor Marimpietri was selected as the Vice-Chair of the Works Committee.

4. Adoption of Minutes

Moved by Councillor Marimpietri, Seconded by Councillor Yamada,
(81) That the minutes of the regular Works Committee meeting held on
Wednesday, September 7, 2022, be adopted.
CARRIED

5. Statutory Public Meetings

There were no statutory public meetings.

6. Delegations

There were no delegations heard.

7. Presentations

7.1 Commissioner of Works and Directors Team, re: Works Departmental Overview

John Presta, Commissioner of Works, G. Anello, Director of Waste Management Services, J. Demanuele, Director of Corporate Infrastructure and Strategic Business Services, and R. Jagannathan, Director of Transportation and Field Services provided a PowerPoint Presentation with regards to a Works Departmental Overview.

Highlights of the Presentation included:

- Our Purpose Statement
- Municipal Services
- Works Department
 - Environmental Services
 - Transportation and Field Services
 - Waste Management Services
 - Corporate Infrastructure and Strategic Business Services
 - Staff
 - Looking Forward

J. Presta responded to questions from the Committee regarding the potential risks and implications of Bill 23; next steps for the remaining communal wells in the Region of Durham; the results of the consultant's report regarding the Regional Road 18 Project in Newtonville; service standards and maintenance

on Regional roads; and the re-development of the Ritson Road school in the City of Oshawa.

In response to a question from Councillor Yamada regarding whether there are cost savings by contracting out garbage collection for the Region versus in-house garbage collection like the Town of Whitby and the City of Oshawa, J. Presta advised that there was a past analysis done and that information could be provided to Councillor Yamada directly.

7.2 John Presta, Commissioner of Works, re: 2023 Water Supply and Sanitary Sewerage Systems Business Plans and Budgets (2022-W-42)

John Presta, Commissioner of Works, provided a PowerPoint Presentation with regards to the 2023 Water Supply and Sanitary Sewerage Systems Business Plans and Budgets.

Highlights of the Presentation included:

- Agenda
- Background on User Rates
 - User Rates
 - Water Trends
 - Fixed Costs
 - Cost Breakdown
 - Regulatory Requirements
 - Summary
- Water Prices in Canada
- Regional Infrastructure Assets
 - Sanitary Sewerage System
 - Water Supply System
- 2022 Accomplishments
- 2022 Water Supply and Sanitary Sewerage
 - Fixed Costs
- Proposed 2023 Water Supply Expenditures and Financing
- Proposed 2023 Sanitary Sewerage Expenditures and Financing
- 2023 Strategic Highlights
- 2023 Water Supply and Sanitary Sewerage Highlights
- 2023 Water Supply and Sanitary Sewerage Capital Program
- 2023 Major Project
 - Sanitary Sewerage
 - Water Supply
- 2023 Highlights Major Project
 - Sanitary Sewerage and Water Supply
 - Sanitary Sewerage
- 2023 Highlights - Major Projects

- Water Supply
- Sanitary Sewerage
- 2023 Business Plans and Budget
 - Risks
- Beyond the 2023 Business Plans and Budget
 - Forecasted Pressures
 - Looking Forward

Staff responded to questions from the Committee regarding whether the Region will be separating out additional costs as a result of legislative changes from Bill 23 and how it will affect the 2024 budget and onwards; the increase in staffing costs; whether there is a cost comparison for in-house design versus contracting out; preventative steps that have been identified or executed with respect to the installation of a new trunk sanitary sewer and watermain at Trulls Road, from Bloor Street to Baseline Road, and Baseline Road from Courtice Road to Trulls Road in Clarington; where a project that does not have a budget commitment but is in the forecast fits into the long-term capital plan; and whether there is a long-term plan to enhance wastewater infrastructure in the Township of Uxbridge.

In response to a question from Councillor Nicholson regarding the cost of deferring capital projects, J. Presta advised that a priority list for linear infrastructure projects (watermain and sewer projects), organized by community could be provided to him directly.

8. Waste

8.1 Correspondence

There were no items of communication considered.

8.2 Reports

There were no Waste Reports considered.

9. Works

- A) Correspondence received from Shelagh Cauchi on behalf of Wickham Street Residents in the City of Oshawa, dated August 31, 2022, re: a Sound/Pollution Barrier on Harmony Road North in the City of Oshawa
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Discussion ensued regarding what the Region's criteria is in order to build a noise wall, and whether the residents could be informed of the Region's Policy with respect to the installation and maintenance of noise attenuation barriers in the Region of Durham.

In response to a question from Councillor Nicholson, R. Jagannathan clarified that under current Regional policy, noise assessments are completed and mitigation measures implemented only through Environmental Assessment undertakings for Regional road expansion projects (i.e., not on a retrofit basis).

Moved by Councillor Crawford, Seconded by Councillor Cook,

- (82) That the correspondence received from Shelagh Cauchi on behalf of Wickham Street Residents in the City of Oshawa, dated August 31, 2022, regarding a Sound/Pollution Barrier on Harmony Road North in the City of Oshawa be received for information; and that Report #2012-W-83: Report on the Guidelines for the Installation and Maintenance of Noise Attenuation Barriers Associated with Regional Road Expansion Projects be forwarded to Shelagh Cauchi on behalf of the Wickham Street Residents.

CARRIED

- B) Correspondence received from the Town of Whitby, dated October 3, 2022, re: Highway 412 – Installation of Ramps and Signalization Lights

Discussion ensued regarding what the costs for the Region would be with respect to the installations of ramps and signalization lights on Highway 412.

Moved by Regional Chair Henry, Seconded by Councillor Mulcahy,

- (83) That we recommend to Regional Council:

That the following resolution passed by the Town of Whitby regarding Highway 412 – Installation of Ramps and Signalization Lights be endorsed:

Whereas the traffic has increased in volume on Highway 412 since the tolls were lifted earlier this year;

Whereas residents report that the intersections of the on and off ramps at both Highway 7 and Highway 2 are difficult to navigate safely;

Whereas there is substantial growth around the Rossland Road area of Highway 412; and

Whereas the east-west roads within our municipality are increasingly congested with all the new growth, and the usage of Highway 412 is anticipated to increase substantially;

Now therefore be it resolved:

1. That the Council of the Town of Whitby requests that the Province of Ontario install entrance and exit ramps at Rossland Road on Highway 412, as well as provide for signalization lights at the intersections of the on and off ramps to provincial highways 2 and 7; and

2. That this request of Council be copied to the MTO, AMO, Region of Durham and all Durham MPPs and MPs.

CARRIED

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(84) That the Committee recess for 10 minutes.

CARRIED

The Committee recessed at 11:14 AM and reconvened at 11:24 AM. All Councillors were present with the exception of Councillor Yamada.

9.1 Reports

A) Works Department – 2023 Water Supply and Sanitary Sewerage Systems Business Plans and Budgets (2022-W-42)

Report #2022-W-42 from J. Presta, Commissioner of Works, was received.

Detailed discussion ensued regarding the use of reserve funds to reduce the overall Water and Sewer User rates by 2% by withdrawing from the Water Rate Stabilization Reserve Fund and the Sewer Rate Stabilization Reserve Fund; and the financial challenges that have arisen with respect to the water supply and sanitary sewerage systems coming out of the COVID-19 pandemic.

Staff responded to questions regarding whether there is a surplus in the reserve funds or if there are other financial options that could be accessed to reduce the Water and Sewer User rates; and if a breakdown of the surpluses could be received from staff prior to the Finance & Administration Committee meeting on Tuesday, December 13, 2022.

Moved by Councillor Mulcahy, Seconded by Councillor Cook,
(85) That we recommend to the Finance and Administration Committee for subsequent recommendation to Regional Council:

That the Works Committee recommends to the Finance and Administration Committee for subsequent recommendation to Regional Council that the Works Department's portion of the 2023 Water Supply System and Sanitary Sewerage System Business Plans and Budgets be approved.

CARRIED AS AMENDED LATER IN THE
MEETING ON A RECORDED VOTE
(See Following Motions)

Moved by Regional Chair Henry, Seconded by Councillor Marimpietri,
(86) That the main motion (85) of Councillor Mulcahy and Councillor Cook be amended by adding the following:

That staff report to the Finance and Administration Committee on the impact of using reserve funds to reduce the overall Water and Sewer User rates by 2%, with such report to include an assessment of the impact on Regional services and residents.

CARRIED

The main motion (85) of Councillor Mulcahy and Councillor Cook was then put to a vote and CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

Yes

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

No

Councillor Marimpietri
Councillor Nicholson

Members Absent: Councillor Yamada

Declarations of Interest: None

This item will be considered at the Finance & Administration Committee meeting to be held on Tuesday, December 13, 2022.

10. Advisory Committee Resolutions

There were no advisory committee resolutions to be considered.

11. Confidential Matters

There were no confidential matters to be considered.

12. Other Business

12.1 Motion, re: the Need for an Administrative Penalties Regulation under the Resource Recovery and Circular Economy Act (RRCEA)

Moved by Regional Chair Henry, Seconded by Marimpietri,
(87) That the rules of procedure be suspended in order to introduce a motion regarding the Need for an Administrative Penalties Regulation under the Resource Recovery and Circular Economy Act (RRCEA) and a motion regarding the Expansion of a Slow Down Move Over Requirement to All Roadside Workers.

CARRIED ON A 2/3RDS VOTE

Moved by Regional Chair Henry, Seconded by Crawford,
(88) That we recommend to Regional Council:

Whereas Municipal governments support the Province's implementation of outcomes-based policies to move responsibility for end-of-life management of designated products and packaging to producers who are the most able to affect system change;

And whereas these policies can improve environmental outcomes, provide new jobs and grow Ontario's economy;

And whereas outcomes-based policies require clear consequences for non-compliance that can be administered in an effective and efficient manner;

And whereas Administrative penalties are a cost-effective tool for the regulator to hold polluters accountable, so there is less burden on the courts and taxpayers;

And whereas the Resource Productivity and Recovery Authority does not have Administrative Penalties which is impacting the ability of the regulator to ensure compliance with the regulations under the Resource Recovery and Circular Economy Act, 2016;

And whereas data provided by Resource Productivity and Recovery Authority shows there is a currently a backlog of over 2,000 cases of potential non-compliance and almost 200 known instances of non-compliance;

And whereas the Resource Productivity and Recovery Authority has found battery producers non-compliant for collection accessibility and processing;

And whereas the largest waste diversion program, the Blue Box, sees the first communities transition in a few months, ensuring the Regulator has appropriate enforcement tools to ensure servicing and outcomes are met is critical for a smooth transition for Ontarians;

Now therefore it be resolved that the Regional Municipality of Durham calls on the Provincial government to promptly pass an Administrative Penalties regulation under the Resource Recovery and Circular Economy Act, 2016;

And that a copy of this resolution be sent to:

- Hon David Piccini, Minister of the Environment, Conservation and Parks and AMO
- Durham MPP's
- Association of Municipalities of Ontario (AMO)
- All Durham Local Municipalities

- The Ontario Waste Management Association
CARRIED

12.2 Resolution, re: the Expansion of a Slow Down Move Over Requirement to All Roadside Workers

Moved by Regional Chair Henry, Seconded by Mulcahy,
(89) That we recommend to Regional Council:

Whereas the Province's Highway Traffic Act currently provides protection to select designated roadside workers (police, paramedics, and tow truck drivers), which requires motorists to slow down and move over when vehicles are stopped alongside the road;

Whereas many roadside workers (e.g., waste and recycling collectors, maintenance workers) are not currently afforded the same protection but work under the same conditions;

And whereas British Columbia passed a Slow Down Move Over law to make it safer for all roadside workers including maintenance workers, utility workers, police, fire, ambulance, tow trucks, Commercial Vehicle Safety Enforcement personnel, land surveyors, animal control workers, garbage collectors and other roadside workers;

And whereas the BC Slow Down Move Over law simplifies the messaging to all residents by requiring motorists to adhere to the requirements for all vehicles stopped alongside the road that have flashing red, blue or yellow lights;

And whereas 30 US states have established 'Slow Down Move Over' laws providing protections for waste collection workers;

And whereas multiple Associations such as the Ontario Waste Management Association, the Ontario Road Builders' Association and the Ontario Good Roads Association have advocated for amendments to Ontario's Highway Traffic Act to include all roadside workers;

Now therefore it be resolved that the Region of Durham calls on the Provincial government to promptly amend the Highway Traffic Act, like the Government of British Columbia already has, to provide the same protections to all roadside workers including waste collection workers.

And that a copy of this resolution be sent to:

- Hon Doug Ford, Premier of Ontario
- Hon Caroline Mulroney - Minister of Transportation - Ontario Ministry of Transportation
- Durham MPP's

- Association of Municipalities of Ontario (AMO)
- All Durham Local Municipalities
- The Ontario Waste Management Association

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

No

Councillor Crawford
Regional Chair Henry
Councillor Marimpietri
Councillor Mulcahy
Councillor Nicholson
Councillor Barton, Chair

None

Members Absent: Councillor Cook
Councillor Yamada

Declarations of Interest: None

12.3 The Ontario Good Roads Conference April 16-19, 2023

J. Presta advised that the Ontario Good Roads Conference will be held April 16-19, 2022, and that arrangements are being made for those Councillors interested in attending.

12.4 Statutory Standard of Care Training under Safe Drinking Water Act, 2002

J. Presta advised that the Statutory Standard of Care training for the councillors will be held Friday May 5, 2023.

12.5 Duffin's Creek Water Pollution Control Plant Tour

J. Presta advised that a tour of the Duffin's Creek Water Pollution Control Plant will be arranged next year.

13. Date of Next Meeting

The next regularly scheduled Works Committee meeting will be held on Wednesday, January 11, 2023 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

14. Adjournment

Moved by Councillor Nicholson, Seconded by Councillor Mulcahy,
(90) That the meeting be adjourned.

CARRIED

The meeting adjourned at 12:32 PM

Respectfully submitted,

D. Barton, Committee Chair

S. Ciani, Committee Clerk