SUBJECT: Winter Control Program Service Contract - Stonebrook Estates (PW07141) - (Ward 15)

RECOMMENDATION:

(a) That the City of Hamilton enter into a service contract with Stonebrook Estates for the provision of Winter Control Roadway Maintenance Services to roadways within the Stonebrook Estates Development, on a fee for service basis;

(b) That the General Manager of Public Works be authorized and directed to execute the necessary contract, in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY:

This report addresses a request for the provision of Winter Control Services to local roadway network within Stonebrook Estates situated on Concession 12 in Ward 15. While municipal road maintenance program services are not provided within condominium developments, the isolated rural location of Stonebrook Estates, and its specific roadway design, create a situation wherein logistically the city is the most logical service provider to this development. This report seeks the endorsement of Council for a unique response to a unique development, wherein Winter Control services would be offered on a full cost recovery basis to this development.

BACKGROUND:

The information/recommendation contained within this report primarily affects Ward 15.
Stonebrook Estates is a rural subdivision situated at the end of the 12\textsuperscript{th} Concession in Ward 15 that was approved by the former Town of Flamborough, as a condominium development in 2000. Accordingly, as a condominium development, typical road maintenance programs are not provided to infrastructure within the subdivision. To date, the condominium corporation has procured Winter Control Services for its internal roadways through private contractors. The costs for private contracted services include travel time, which are significant given the remote location of the development. Given the presence of city staff providing Winter Control services on the 12\textsuperscript{th} Concession in accordance with program service levels, the Condo Corporation has requested consideration for the provision of these services to internal roads on a full cost recovery basis. As an aside, the City provides Waste Collection services through its regular waste programs to Stonebrook Estates under a separate agreement.

**ANALYSIS/RATIONALE:**

Established principals respecting the non provision of municipal roadway maintenance services within condominium properties notwithstanding, logistical considerations in this matter are compelling enough justify a unique response supporting optimal efficiency in addressing the needs of the development.

**ALTERNATIVES FOR CONSIDERATION:**

Alternatively Council may reject the recommendation leaving the development to obtain the required Winter Maintenance Services through private contractual means.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The recommendation is predicated on full cost recovery (on a “pay as you go” basis), for operations and hold harmless provisions within a services contract respecting any potential property damage liability.

Consultation with Legal Services and Risk Management has resulted in the following advice:

Legal Services staff have commented advising against the report recommendation citing concern for liability exposure, and the setting or a perceived precedent. Also the opinion was held that after reviewing the agreement, provisions within the development agreement for this property did not hold the City of Hamilton responsible for winter service. Risk Management responded with the same opinion as Legal Services.

Report recommendations are based on consideration of site specific factors and are not intended to serve as a precedent decision for future requests which if received will be considered on a “case by case” basis.
POLICIES AFFECTING PROPOSAL:

The recommendation is site specific and as such does not significantly advance priorities contained within the Department’s Strategic Plan other than to ensure that requested services are provided in the most energy efficient, and hence environmentally responsible manner possible.

RELEVANT CONSULTATION:

The Ward Councillor has been contacted in regards to this matter.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens.
Participation in community life is accessible to all Hamiltonians.
The public are involved in the definition and development of local solutions.
Partnerships are promoted.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.
Consumption of all natural resources is reduced.
Consumption of energy is reduced; alternative energy and co-generation are supported.
A sustainable transportation network provides many options for people and goods movement; vehicle-dependency is reduced.

Economic Well-Being is enhanced. ☐ Yes ☑ No

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
☒ Yes ☐ No
The creation of a respectful, desirable and supportive workplace.
Life-long learning is supported.