Public Works Committee
REPORT 07-013
9:30 a.m.
Monday, October 15, 2007
Hamilton Convention Centre
One Summer’s Lane
Albion Rooms A, B and C

Present: Chair M. McCarthy
Vice Chair R. Powers
Councillors B. Bratina, C. Collins, T. Jackson, S. Merulla,
D. Mitchell

Absent with Regrets: Councillor L. Ferguson – Personal Business

Also Present: Councillors B. Clark, M. Pearson
S. Stewart – General Manager, Public Works
G. Davis – Sr. Director, Capital Planning and Implementation
B. Shynal – Director, Operations and Maintenance
C. Garrish – Manager, Transit Operations
C. Hill – Manager, Central Fleet
J. Harnum – Sr. Director, Water and Wastewater
P. Parker – Manager, Solid Waste Planning
D. Edwards – Senior Solicitor
C. Biggs – Legislative Assistant, City Clerk’s

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 07-013 AND
RESPECTFULLY RECOMMENDS:

1. Minutes of Various Committees (Item 5.1)

That the following Minutes be received:

(a) Solid Waste Management Master Plan Steering Committee

(i) March 14, 2007
(ii) April 2, 2007
(iii) May 10, 2007
(iv) July 13, 2007

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(b) Waste Reduction Task Force

(i) March 21, 2007
(ii) April 18, 2007
(iii) May 16, 2007
(iv) June 20, 2007

(c) Clean City Liaison Committee – August 22, 2007

(d) City Hall Renovations Steering Committee

(i) March 19, 2007
(ii) May 7, 2007
(iii) September 6, 2007

2. Agreement to Accept Compensation – West Flamboro Development Limited – Expropriation for Borer’s Creek, former Town of Flamborough, Parts 1 to 8 on Expropriation Plan 83044 (PW07123/LS07014/PED07261) (Ward 15)

(a) That an Agreement by the Owner to Accept Compensation, resulting from the expropriation of an easement over certain lands located on the north side of Highway No. 5 West, (as shown on Appendix “A” attached to Report PW07123/LS07014/PED07261) being part of Lot 23, Concession 3 in the former geographic Township of West Flamborough, in the former Town of Flamborough, described as Parts 1 to 8 on Expropriation Plan 83044 registered on May 13, 1991 and executed by the former owner West Flamboro Developments Limited (Gabriel Gasbarrini) on August 30, 2007 be approved and completed and that the total full and final expropriation compensation of $701,500 plus legal, appraisal and other costs in the amount of $95,256.60 of which $20,500 as the Official Offer has already been paid, be charged to Project Number 2050155001 (FL Borer’s Creek Contingency);

(b) That a final net payment of $776,256.60 resulting from the settlement of the expropriation be made to Yachetti, Lanza & Restivo Law Office (Attention: Roger D. Yachetti), in Trust for the former owner West Flamboro Development Limited;

(c) That the Mayor and City Clerk be authorized and directed to execute any necessary documents in a form satisfactory to the City Solicitor.
3. **Environmental Bill of Rights Registry No. 010-0968 – Province of Ontario Proposed Regulatory Amendments to Environmental Protection Act, Ontario Regulation 232/98 (Landfilling) to Legislate Mandatory Landfill Gas Controls (PW07128) (City Wide) (Item 8.3)**

(a) That the City of Hamilton (City) support the regulatory amendments proposed by the Ministry of the Environment (MOE) in the Environmental Bill of Rights (EBR) Registry No. 010-0968 requiring mandatory landfill gas (LFG) controls for new or expanding landfill sites with disposal capacities larger than 1.5 million cubic metres;

(b) That the MOE be requested to exempt from this regulation, operating landfill sites that have initiated or implemented landfill gas control measures before the regulatory changes to allow potential future participation in federal and/or international greenhouse gas (GHG) emission reduction trading programs;

(c) That copies of Report PW07128 be forwarded to the MOE, Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM), the Ontario Chapter of Solid Waste Management Association of North America, Greenhouse Gas Division Environmental Canada (domestic greenhouse gas emissions), and Foreign Affairs and International Trade Canada (international greenhouse gas emissions);

(d) That copies of this report be sent to all local MP’s and MPP’s.

4. **Community Liaison Committee for the Taro East Landfill Site – Terms of Reference (LS06013(a)/PW06129(a)) (City Wide) (Item 8.4)**

(a) That the final draft Community Liaison Committee Terms of Reference for the Newalta Stoney Creek Landfill Liaison Committee as set out in Schedule “B” to Report LS06013(a)/PW06129(a), be endorsed, subject to the following amendments:

(i) section entitled “Establishment and Continuance”:

1. the Newalta Stoney Creek Landfill Liaison Committee is to be established and maintained by December 31, 2007; and

2. the name of the committee is to be changed to “Newalta Hamilton Landfill Liaison Committee” in this section and throughout the Terms of Reference.
(ii) section entitled “Initial Meeting Procedures for the NSCLLC”: delete the following sentence in subsection (a): “Quarterly meetings will be open to observers from the public.” and replace with “All meetings will be open to observers from the public with the exception of personnel matters and legal advice.”

(b) That the Council endorsement set out in subsection (a) of Report LS06013(a)/PW06129(a) is also subject to the understanding that no amendments will be made to conditions 75-78 of the "Community Liaison Committee" section of Certificate of Approval A181008, as amended.

(c) That subsections (a) and (b) of Report LS06013(a)/PW06129(a) be communicated to the Ontario Ministry of the Environment and the owner and operator of the Taro East Landfill Site, outside of, and/or as part of, any public consultation process.

5. 2007 Gypsy Moth Infestation (PW07129) (City Wide) (Item 8.5)

(a) That staff be directed to complete an egg mass survey in areas of the City known to be infested with gypsy moth and report back to Council by January 2008 as to the degree of infestation and recommended plans for control measures;

(b) That staff be directed to hire an independent consultant to assist with surveying and to analyze the data collected to assess the potential for tree loss and to recommend control measures if required, and to develop an implementation plan for the recommended control measures as deemed necessary and the cost of the consultant be funded from the Urban Forest Health Program, Dept. ID 445140;

(c) That correspondence be forwarded to the Province requesting financial assistance for the implementation of a gypsy moth program;

(d) That the item relating to Gypsy Moth be removed from the Public Works Committee Outstanding Business List.

6. Commemorative Designation of a Section of Cootes Drive

(a) That the section of Cootes Drive, easterly from East Street in the former Town of Dundas to the Spencer Creek crossing (a length of approx 1.4 kilometres), have a commemorative designation as a "Veterans’ Memorial Parkway";

(b) That every effort be made to have appropriate signage in place by November 11, 2007.

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(c) That staff be directed to review existing ceremonial naming policies and provide appropriate amendment provisions to address future ceremonial roadway naming requests.

7. **By-laws to Establish the Red Hill Valley Parkway and to Permanently Close Part of Mount Albion Road (PW07124/LS07016) (City Wide) (Item 8.1)**

(a) That the following City land be incorporated into the following streets;

Red Hill Valley Parkway Legal description as shown in Appendix A to Report PW07124/LS07016

(b) That the City amend By-Law No. 01-215 To Regulate Traffic in order to include the Red Hill Valley Parkway (see Appendix B to Report PW07124/LS07016);

(c) That the following parts of Mount Albion Road be permanently closed to vehicular traffic (see By-Law in Appendix C to Report PW07124/LS07016):

Firstly, Part of Lot 33, Concession 6, Part of Lot 33, Concession 5 and Part of the original road allowance between Concessions 5 and 6 in the geographic Township of Saltfleet, being designated as Part 2 on Deposited Plan 62R-11194, and

Secondly, Part of Lot 33, Concession 6 in the Township of Saltfleet, being designated as Parts 3 and 18 on Deposited Plan 62R-11198.

(d) That the appropriate By-Laws be introduced and enacted by Council;

(e) That the General Manager, Public Works and the City Solicitor be authorized and directed to register the By-Laws in the proper land registry office.

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**FOR THE INFORMATION OF COUNCIL:**

(a) **CHANGES TO THE AGENDA (Item 1)**

The Clerk noted the following changes to the agenda.

(a) Item 3.1 - Public Works Committee Minutes of October 1, 2007 – Date at the top of Page 1 should read October 1, 2007, not September 17, 2007
(b)(i) Request from Don Watson to address the Committee on October 15 with respect to the by-law to permanently close Mount Albion Road
(b)(ii) Request from Nancy Haigh to address the Committee on October 15 with respect to the “proposed closure of Mount Albion Road”

(c) Item 8.4 – Community Liaison Committee for the Taro East Landfill Site – Terms of Reference (LS06013(a)/PW06129(a)) (City Wide) – amended recommendations circulated

(d) Motion respecting Commemorative Designation of a Section of Cootes Drive

The agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the October 1, 2007 meeting of the Public Works Committee were received and adopted, as amended.

(d) PRESENTATION – HAMILTON FOOD SHARE

Councillor McCarthy called upon Scott Stewart, General Manager of Public Works, Jim Harnum, Senior Director of Water and Wastewater, and Dan McKinnon, Manager of Customer Service and Community Outreach, to present a cheque in the amount of $4,560.00, which represents the funds raised from a golf tournament organized by the Water Distribution Section of Water and Wastewater for Hamilton Food Share, as well as 600 pounds of food.

(e) PUBLIC HEARINGS/DELEGATIONS (Item 6)

Councillor McCarthy, Chair of the Public Works Committee, ruled that only those people who will be land-locked as a result of the permanent closure of Mount Albion Road will be permitted to speak.

Councillor Collins challenged the Chair’s ruling. Upon issuing the challenge, Councillor McCarthy stepped out of the Chair and the Clerk assumed the Chair. The Clerk re-stated that the Chair’s ruling which was being appealed.
The appeal was won on the following vote:

Yeas: Bratina, Collins, Jackson, Merulla, Mitchell
Total Yeas: 5
Nays: McCarthy, Powers
Total Nays: 2

The delegations were provided the opportunity to speak before the Committee.

(i) Requests to address the Committee in response to the Public Notice published in the Spectator on September 28, 2007 respecting “Proposed Permanent Road Closure to Vehicular Traffic over land in the City of Hamilton” (Item 6.1)

(aa) Kenneth Alford

Mr. Alford spoke in opposition to the proposed by-law. In his presentation, Mr. Alford stated that Council’s reaffirmation of the permanent closure of Mount Albion road should be declared null and void since it is based on misleading and false information, and requested that the City Clerk’s office initiate proceedings to declare it as such.

A copy of Mr. Alford’s comments were submitted to the City Clerk for the public record.

(bb) Kenneth Alford, on behalf of Cosimo Filice

Mr. Alford spoke on behalf of Cosimo Filice and read from a prepared statement, a copy of which was submitted to the City Clerk for the public record. Mr. Filice noted that “the closure of the upper part of Mount Albion road is not a good idea”.

(cc) Kenneth Schroeder

Mr. Schroeder expressed concern about the safety and emergency exiting in the event of a rail closure at the CP Rail line to the north of his residence, and suggested a period of three years to allow for a review of the importance of “this neighbourhood road linkage”.

A copy of Mr. Schroeder’s comments were submitted to the City Clerk for the public record.
Richard Reble

Mr. Reble spoke to the public notice published in the Spectator advising residents of the Public Works Committee meeting, and questioned the City’s transparency, fairness and responsiveness to the will of the public throughout the process of trying to close Mount Albion Road.

A copy of Mr. Reble’s comments were submitted to the City Clerk for the public record.

Joe Menegon

Mr. Menegon spoke in opposition “of any proposed by-law which is intended to permanently close the Mount Albion escarpment access”, and urged the Committee to “consider the precautionary principle and keep the road open for three years until proper studies are conducted”.

A copy of Mr. Menegon’s comments were submitted to the City Clerk for the public record.

D’Arcy Drury

Kenneth Alford spoke on behalf of D’Arcy Drury and read from a prepared statement, a copy of which was submitted to the City Clerk for the public record. In his statement, Mr. Drury expressed strong opposition to the by-law and his concern for the safety of family, friends and neighbours and school bus children who will be forced to travel on the Red Hill Valley Parkway.

Julie Brezden

Nancy Haigh spoke on behalf of Julie Brezden and read from a prepared statement, a copy of which was submitted to the City Clerk for the public record. In her statement, Ms. Brezden expressed opposition to the proposed by-law for the permanent closure of a portion of Mount Albion Road and safety concerns if the Parkway is forced to close due to weather conditions or accidents. The by-law for the permanent closure should be deferred until all questions/concerns have been addressed in order to make an educated decision based on facts.
Janine Denton

Ms. Denton spoke in opposition to the permanent closure of Mount Albion Road, and expanded on the following issues: no notice of closure; seniors’ choice; family proximity; dangerous bus route; decline of City services; business/services disappearing; city-owned land.

A copy of Ms. Denton’s comments were submitted to the City Clerk for the public record.

Colleen Long

Ms. Long spoke in opposition to the by-law, citing safety concerns for school buses, closure of the Parkway due to weather conditions i.e., snow, fog, ice, flooding, accident; pollution, and stating that keeping Mount Albion Road “open with a three-year study is the only intelligent decision”.

A copy of Ms. Long’s comments were submitted to the City Clerk for the public record.

Edward Zapotichny

Mr. Zapotichny spoke in opposition to the by-law, expressing concerns for the “high speed road for trucks carrying dangerous chemical cargoes which can bring death to the Mount Albion Road area”. He further stated that “by closing Mount Albion Road to Mud Street, Council has created an entrapment south of the deadly gas accident which will have serious consequences to the entrapped area and its residents”.

A copy of Mr. Zapotichny’s comments were submitted to the City Clerk for the public record.

Don Watson

Mr. Watson spoke on behalf of a group who are in favour of the closure of Mount Albion Road.

Nancy Haigh

Ms. Haigh spoke in opposition to the closure of Mount Albion Road, expressing concern for drivers who may not feel comfortable driving on a busy highway. She asked “whether a moratorium on the road closure wouldn’t make better sense”.

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A copy of Ms. Haigh’s comments were submitted to the City Clerk for the public record.

The following persons who requested to speak were not in attendance:

(aa) Myrna Schosser
(bb) Gordon Froats
(cc) Alex Fedora
(dd) Elva Petit
(ee) Chris Bean

Jennifer DiDomenico, Acting Manager of Business and Support Services, Capital Planning and Implementation, Public Works, provided background information and responded to questions of the Committee.

In response to questions of the Committee, Peter Barkwell, City Solicitor, advised that he will provide the following information at the next meeting of Council:

(a) opinion on the City’s obligations to the developer on the land transaction
(b) the potential impacts of delay on the City’s environmental approvals.

On a motion, the presentations were received.

(ii) Correspondence received in response to the Public Notice published in the Spectator on September 28, 2007 respecting “Proposed Permanent Road Closure to Vehicular Traffic over land in the City of Hamilton”

On a motion, the correspondence from Robert Smith and Evelyn Smith was received.

(f) **By-laws to Establish the Red Hill Valley Parkway and to Permanently Close Part of Mount Albion Road (PW07124/LS07016) (City Wide) (Item 8.1)**

Sub-section (c) of the motion **CARRIED** on the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>McCarthy, Collins, Jackson, Merulla, Powers</th>
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<tr>
<td>Total Yeas</td>
<td>5</td>
</tr>
<tr>
<td>Nays:</td>
<td>Bratina, Mitchell</td>
</tr>
<tr>
<td>Total Nays</td>
<td>2</td>
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</tbody>
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(g) Environmental Bill of Rights Registry No. 010-0968 – Province of Ontario
Proposed Regulatory Amendments to Environmental Protection Act, Ontario Regulation 232/98 (Landfilling) to Legislate Mandatory Landfill Gas Controls (PW07128) (City Wide) (Item 8.3)

As a friendly amendment, Councillor Powers requested that sub-section (c) be amended to include that the Federation of Canadian Municipalities (FCM) also receive a copy of Report PW007128.

(h) 2007 Gypsy Moth Infestation (PW07129) (City Wide) (Item 8.5)

On a motion, Sub-section (c) was added as outlined in Item 6, and the balance of the recommendations renumbered.

The General Manager of Finance and Corporate Services was directed to include a funding allocation for the purpose of an eggmass survey, if required, for consideration during the 2008 budget deliberations

(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business Items (Item 11.1)

(a) Peak Oil Report
Due Date: October 15, 2007
(New Due Date: November 5, 2007)

(b) Cleanfield Energy Corporation
Due Date: October 15, 2007
(New Due Date: November 19, 2007)

(c) Parking Lay-by - Stone Church Road
Due Date: October 15, 2007
(New Due Date: November 5, 2007)

(d) Truck Route Master Plan (Area of Upper Mount Albion which is linked to ROPA 9)
Due Date: October 15, 2007
(New Due Date: Q4 2008)

(e) Railway Crossing Arms at Quigley, Cochrane, Greenhill and Mount Albion Roads
Due Date: October 15, 2007
(New Due Date: Q3 2008)
(f) Portable Indoor Air Purification Units Policy
Due Date: October 15, 2007
(New Due Date: November 5, 2007)

On a motion, the Outstanding Business List of the Public Works Committee was amended accordingly.

CARRIED

There being no further business, the Committee adjourned at 11:20 a.m.

Respectfully submitted

Councillor M. McCarthy
Chair
Public Works Committee

Carolyn Biggs
Legislative Assistant
October 15, 2007