

THE CORPORATION OF THE TOWNSHIP OF HORTON

PUBLIC WORKS COMMITTEE

July 23, 2014

There was a meeting of the Public Works Committee held in the Municipal Council Chambers on Wednesday, July 23, 2014. Present were: Chair Glen Campbell, Mayor Don Eady; Councillor Jamey Larone, Councillor Margaret Whyte, Councillor Bob Kingsbury, Committee members: Rick Lester and Murray Humphries. Staff present: Janet Collins - Public Works Manager; Rod Eady - Public Works Superintendent; Jennifer Barr - Treasurer; and Rose Curley, Administrative Assistant.

1. CALL TO ORDER

Chair Campbell called the meeting to order at 8:30 a.m.

2. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest by committee members or staff.

3. ADDITIONS TO AGENDA

Mayor Don Eady – Comment from County of Renfrew

4. APPROVE AGENDA

Moved by Murray Humphries, Seconded by Rick Lester

That the Public Works Committee approves the agenda for the July 23, 2014 meeting with the following additions:

- Other Business – Comment from County of Renfrew

Carried.

5. MINUTES

5.1 Public Works Committee – June 18, 2014

The Committee reviewed the Public Works Committee meeting minutes of June 18, 2014.

6. BUSINESS ARISING FROM MINUTES

None.

7. DELEGATIONS

7.1 Ian Fraser & Neighbours – Private Road Grading

Mr. Ian Fraser and two neighbours Don Gagan and Joanne Clouthier, property owners on private roads within Horton Township, were present before the Committee to discuss Private Road Grading. They had attended as a delegation at the Council Meeting on July 08, 2014. At that time, Council had requested that this item be discussed at this Public Works Committee meeting and that all Council attend to be part of this discussion.

Mr. Fraser said that Leavoy Lane is a well maintained private road in Horton Township. His group understands the safety and liability concerns and are willing to work with the township to make the grading of these

roads safe. This could mean providing an escort for the grader, side brushing, entering into an agreement to waive any damage caused to private property by the Township grader/staff as well as pay for the service. They feel that Township staff are much more experienced and proficient in carrying out the grading services than private contractors.

Councillor Kingsbury asked if the Public Works Committee felt they could change their original recommendation based on the above information.

Murray Humphries referred to Willy's Way, where an incident occurred causing damage to the residents' property. He feels due to liability and safety reasons that we shouldn't grade private roads.

Rick Lester said he lives on a private road but had still voted not to grade private roads. As a committee member he often sees information in the Ontario Good Roads Association newsletters that don't encourage municipalities to maintain private roads. Public funds should be used for public roads. Private roads should remain private.

Rod Eady, Public Works Superintendent said that he sees both sides of the issue. Sometimes, it is difficult to turn the grader around without causing any damage to the road, due to narrow widths, etc. He feels that the Township shouldn't be responsible for any damage incurred as a result of grading private roads.

Chair Campbell asked Janet Collins, Public Works Manager to comment. She said that she agrees with the comments made by Rick Lester and is wary of doing private roads. She has spoke to our insurance people regarding liability and an agreement to waiver. She recommends that we contact our Municipal Lawyer for an opinion. We could possibly look at renting the grader out after Township work hours.

Mayor Eady said that this has been an issue for his 14 years on Council. Previously he agreed with doing private grading. But after reviewing the recent report on private grading he recognizes that there are many safety and liability concerns for the Township. Our grader is too big for many of the roads. Possibly, we could research who has a smaller grader and negotiate with them.

Councillor Whyte said she looked at a number of scenarios. She lives on a private road. She noted that the Provincial Policy Statement is looking to limit building on service roads in favour of urban development. At some point we have to locally look at investing in private roads. Council will have to re-assess private roads and look at potential options.

Councillor Larone said that he appreciates the delegates' position on looking for assistance to maintain their roads. He agrees that we need to minimize liability i.e. have monitors for grader. Ms. Collins has provided detailed reports on this item. He can't support their request today but future Councils should look at finding a middle ground. Council works for all groups. Waterfront property has always had the issue of paying high taxes and not getting same services as residents on public roads.

Councillor Kingsbury has gone back and forth on this issue. He recognizes that waterfront properties pay high taxes. He respects the Public Works Committee position and feels that he needs to support their recommendation not to grade private roads due to safety and liability concerns. A legal opinion should be sought on this issue.

Mayor Eady noted that he fought to have garbage collection on private roads. Council has an obligation to try and find a solution to provide service to these residents.

Ian Fraser asked if Council and Public Works Committee would be open to establishing a sub-committee to research this item and delay making any decision today.

Chair Campbell said that it is Council's mandate to make decisions. This is the third time in recent months that this item has come to Council/Committee. The resolution was referred to this Committee to make a decision at this meeting with all Council members present. It is not an easy decision for Council. Presently, he supports the Committee recommendation. The requests for private road grading have been done for this year. The group could bring this issue back to the next Council for further consideration.

8. STAFF REPORTS

8.1 National Recreation Trails Program

Janet Collins, Public Works Manager reported that the Township is not eligible for the National Recreation Trails Program but the White Water Sno-Goers would be an eligible organization and she has passed this information along to that group.

8.2 126 Willys Way

Janet Collins, Public Works Manager reported on an incident on Willys Way that occurred while Public Works staff were grading the private road as per a resident's request and our current policy for grading of private roads. The resident contacted her to report on damage done to the interlock and asphalt portions of his driveway, which was shown in the photos she took upon her site visit. She is looking for direction from the Committee on what, if any, compensation we should give to the property owner for the damage sustained to his property. After discussion, the following resolution was put forward.

Moved by Rick Lester, Seconded by Murray Humphries

THAT the Public Works committee recommends that Council approves the offer and expenditure to an upset limit of \$1,000.00 to Ray Bird, 126 Willys Way, for damage sustained to his interlock and asphalt driveway during a private road grading by the Township of Horton.

Carried.

8.3 Comments Application for a Perm. Asphalt Plant in Jamieson Pit

Chair Campbell reported that the Planning Committee had requested that this item be brought to the Public Works Committee so they could review the comments regarding our roads and alternative routes.

The Planning Committee has requested that Mackie McLaren, CAO/Clerk contact Miller's to offer to meet with Miller representatives to review their comments and recommendations in regards to the Asphalt Plant. Councillor Kingsbury suggested that the Public Works Committee be included in this meeting. Committee members agreed.

Janet Collins, Public Works Manager said that we could possibly ask for monies to go into Reserves to be used for Township roads. Also, we should look at all pits that create wear and tear on our roads, i.e. Pinnacle Road.

Rick Lester said that he has to leave at 11:15 a.m. He might not be here for discussion on the Humphries Road Extension but he would like to see this item resolved. He would like an impartial opinion on this matter.

8.4 Humphries Road Extension – Bob Johnston Subdivision

Chair Campbell reported that it is up to the developer to notify the Township as to when we can assume this road.

Janet Collins, Public Works Manager reviewed the report with the Committee.

Councillor Whyte said that she had reviewed the agreement. She understood that Mr. Johnston doesn't have to address assumption of road until the last house is built. She questioned why this is coming to the Committee now. Ms. Collins said that it was on the agenda as per Committee request at the last meeting so that Council can decide if they are okay with "doing nothing" or if they want action on assumption of road.

Ms. Collins said that we should seek a legal opinion regarding liability, what we can do to enforce/finalize the agreement and the ability to draw on securities.

Chair Campbell said he would like to see the road brought up to Municipal standards and also free up the funds set aside for an engineer's opinion.

Moved by Rick Lester, Seconded by Murray Humphries

THAT the Public Works Committee recommends that Council direct staff to obtain a legal opinion prior to making a decision or entering into an agreement that could hold the Township either financially or legally liable.

Carried.

8.5 Gas Tax Distribution

The Committee reviewed the report regarding Gas Tax Distribution.

Moved by Don Eady, Seconded by Rick Lester

THAT the amount of \$2,297.15, being a one-time distribution of unused Federal Gas Tax administration funds, be placed in the Gas Tax Reserve until otherwise directed.

Carried.

8.6 Screened Winter Sand Tender

Tender PW-2014-04 for the supply of Screened Winter Sand closed on July 8, 2014. Seven (7) companies received the tender with three (3) providing bids. The tenders were opened on July 8, 2014 during the Council meeting with the following results:

COMPANY	AMOUNT	H.S.T.	TOTAL	*Net TOTAL
R.G.T. Clouthier Construction Ltd.	11,960.00	1,554.80	13,514.80	12,170.52
B.R. Fulton Construction Ltd.	17,250.00	2,242.50	19,492.50	17,553.63
Cavanagh Construction Ltd.	27,301.00	3,549.13	30,850.13	27,781.55

* The Township receives 0.8646% of H.S.T. back.

During the July 08, 2014 Council meeting, Council passed a resolution authorizing the Public Works Committee to award Tender PW-2014-04 once they had reviewed the tender results and documents.

Moved by Don Eady, Seconded by Murray Humphries
 THAT the Public Works Committee awards Tender PW-2014-04 to provide Screened Winter Sand to R.G.T. Clouthier Construction Ltd. at the tendered amount of \$13,514.80 including HST (net \$12,170.52).

Discussion:

Mayor Eady said that they have never had complaint on the sand received from this company.

Chair Campbell said that the award is dependent on the contractor meeting tender specs.

Carried.

8.7 Granular "M" Tender

Tender PW-2014-02 for the supply, placement and compaction of Granular 'M' closed on July 8, 2014. Seven (7) companies received the tender with three (3) providing bids. The tenders were opened on July 8, 2014 during the Council meeting with the following results:

<u>COMPANY</u>	<u>AMOUNT</u>	<u>H.S.T.</u>	<u>TOTAL</u>	<u>*Net TOTAL</u>
<u>R.G.T. Clouthier Construction Ltd.</u>	44,514.00	5,786.82	50,300.82	45,297.54
<u>B.R. Fulton Construction Ltd.</u>	53,280.00	6,926.40	60,206.40	54,217.83
<u>Cavanagh Construction Ltd.</u>	56,060.80	7,287.80 7,287.90	63,347.80 63,348.70	57,047.58

* The Township receives 0.8646% of H.S.T. back.

In checking the tender values, Cavanagh Construction Ltd. made an error in calculating the H.S.T. (13%). This is not considered by staff to be a major error and is not deemed to negate the tender bid, however Cavanagh was the highest tender and not anticipated to be a contender for award.

After reviewing the report the Committee discussed the alternatives and stated the following.

- That the quality of material should have a bearing on the tender. Previously the material received has been poor quality which results in more maintenance of the roads than if we used a better quality.
- The cost difference in bids is significant.
- Are we required to accept lowest tender bid. We should get legal opinion on what our options are.

Moved by Don Eady, Seconded by Glen Campbell

THAT the Public Works Committee defer award of the contract until a legal opinion can be obtained with regards to the Township's right to apply the clause "The lowest or any Tender will not necessarily be accepted and the Township reserves the right to award any portion of this tender".

FURTHER that the Public Works Committee meet with R.G.T. Clouthier Construction Ltd. upon receipt of a legal opinion.

Carried.

8.8 Brushcutter Tender

The Committee reviewed the report comparing prices and models of various brushcutters. Below is a summary of tender prices:

Tender PW-2014-03 for the purchase of a Horizontal Drum Brushcutter closed on July 8, 2014. Three tenderers provided five (5) tenders listing four (4) brushcutter models as outlined below. Values having a 'strikethrough' are values that have been written wrong on the tender or have been re-calculated by staff. All 'strikethrough' values are deemed to be minor in nature and are not considered to make the tender null and void.

COMPANY	MAKE / MODEL	AMOUNT	H.S.T.	TOTAL	*Net TOTAL
Elliot Farm Equipment	Baumalight	21,223.22	2,759.04 2,759.02	23,982.23 23,982.24	21,596.79
Elliot Farm Equipment	FAE	28,721.00	3,733.97 3,733.73	32,454.97 32,454.73	29,226.55
Elliot Farm Equipment	Pro Mac	40,773.60	5,300.56 5,300.57	46,074.16 46,074.17	41,491.30
Strongco	Pro Mac	43,500.00	5,655.00	49,155.00	44,265.69
Nortrax Canada Inc.	Denis-Cimaf	48,995.00	6,369.00 6,369.35	55,364.35	49,857.41

* The Township receives 0.8646% of H.S.T. back.

Janet Collins, Public Works Manager noted that there should be policy development as to what trees we can cut on the roads. Some owners plant trees on Township property and might prefer that they are not cut down.

Chair Campbell said that there also needs to be a safety policy outlining the size of trees that can be cut. He noted that staff will begin their work and training on roads that present the least safety issues.

Rick Lester left for an appointment at 11:15 a.m. and returned around 12:30 p.m. and left the meeting again at 1:45 p.m.

Moved by Don Eady, Seconded by Murray Humphries

THAT the Public Works Committee award Tender PW-2014-03 to provide a Horizontal Drum Brushcutter to Nortrax at the tendered amount of \$55,364.35 including H.S.T. (net \$49,857.41) for the purchase of a Denis-Cimaf DAH-125D.

Funding in the net amount of \$49,857.41 shall be taken from approved funds in the amount of \$38,000.00 (Transfer to Capital account no. 1-130-30-700250), with the additional \$11,857.41 to be funded from Equipment Reserves.

Discussion:

Councillor Larone said he hopes that the new equipment is scheduled for use and not sitting idle.

Chair Campbell said that training is an important component as are safety rules.

Jennifer Barr, Treasurer noted that she has no problems using reserves for the balance of the cost for the brushcutter.

Murray Humphries noted that many roads have grown up and need to be cleaned up.

Mayor Eady said that buying the same model as other local municipalities is very beneficial. Also, it is a big advantage to do brushing on roads receiving gravel.

Carried.

8.9 CN Trail Business Plan

Chair Campbell reviewed the business plan with the Committee. Janet Collins, Public Works Manager referred to the lease agreement with the Sno-goers and said that we should look at reviewing this as it does restrict use for other parties and this could become an issue.

Mayor Eady said that he is pleased with the work that has been carried out on the trail.

8.10 Thomson Road Culvert

Janet Collins, Public Works Manager reviewed the alternatives and the recommendation to hire an engineering firm to undertake an inspection of the four large culverts located on Thomson Road. She said that having a shelf-ready project is very beneficial for future grants/work.

Murray Humphries said that he doesn't agree with this as he feels the project is over estimated. Last Fall, he and Chair Campbell and a contractor went out to assess the culverts in regards to replacement and re-lining. He doesn't feel we need engineer consultants and that contractors often have engineers on staff that can provide drawings. We also have to meet MNR requirements.

Mayor Eady and Chair Campbell suggested having three or four contractors give an estimate on the cost for replacing the four culverts. He also noted that we are looking for estimates or contractor pricing and are not tendering now.

Jennifer Barr asked if we are looking for verbal quotes. She reminded the committee that we are required to follow the procedures outlined in the procurement by-law.

Councillor Kingsbury said that he feels we don't need an engineer's report now that we have Janet Collins, Public Works Manager as a staff member.

Janet Collins said that she could bring back a report with contract pricing.

Mayor Eady suggested that Ms. Collins contact Mike Pinet, County of Renfrew as they have considerable experience with culverts.

Councillor Whyte said that if the culvert is really bad we should fix it as there is liability potential in the event of a washout and/or accident.

Moved by Murray Humphries, Seconded by Don Eady

That the Public Works Committee authorizes staff to obtain contract pricing for various Thomson Road culverts.

Carried.

9. MONTHLY REPORTS

9.1 Public Works Superintendent Report

Rod Eady, Public Works Superintendent reviewed his report with the Committee.

9.2 Annual General Calendar

The Committee reviewed the Annual General Calendar.

10. REVENUE & EXPENDITURE REPORTS

10.1 Transportation Services, Roads - Statement of Revenue & Expense

The Committee reviewed the Revenue and Expenditures report.

11. OUTSTANDING BUSINESS

11.1 Retreading Tires – select date in September for Delegation

Janet Collins, Public Works Manager said that she will contact Andrew Pilkington from Lanotr, a company that specializes in retreading tires that Mayor Eady had made contact with the recent AORS trade show in Arnprior, to invite him to the September 23, 2014 Public Works Committee Meeting.

12. CORRESPONDENCE

12.1 Pinnacle Road - Request for street light (Pinnacle & hwy. 60)

The Committee reviewed the above street light request which was initially presented in 2012. Janet Collins noted that this would need MTO approval. She can start researching this.

Councillor Larone said that he was talking to one of the residents that live in the area and they reported a speeding incident that occurred last week with a local contractor. Chair Campbell said that he will report this incident at the upcoming CPAC meeting and he will also request the speed board at this location.

12.2 OGRA - Heads Up Alert, OTM Book 15 Comments

The Committee reviewed the above correspondence.

12.3 OGRA – Heads Up Alert, Major Infrastructure Investments

The Committee reviewed the above correspondence.

12.4 AMO Communications – The 2014 Provincial Budget

The Committee reviewed the above correspondence.

12.5 Independent Electricity System Operator (IESO) 2013 Annual Report

The Committee reviewed the above correspondence.

13. OTHER BUSINESS

Mayor Eady gave a brief report on the County road work being carried out in the area.

14. NEXT MEETING

The next Public Works Committee meeting will be held on September 23, 2014 at 8:30 a.m.

15. ADJOURNMENT

Moved by Murray Humphries, Seconded by Don Eady

That the Public Works Committee meeting be adjourned at 3:12 p.m.

Carried.

CHAIR

SECRETARY