

THE CORPORATION OF THE TOWNSHIP OF HORTON

Special Council Meeting

August 1, 2017

7:07p.m.

**For the purpose of reviewing tenders PW 2017-09 FRASER RD and  
PW2017-10 JOHNSTON RD**

There was a Special Council Meeting held in the Municipal Council Chambers on Tuesday August 1, 2017. Present was Mayor Robert Kingsbury, Councillor Dave Bennett and Councillor Jamey Larone. Staff present was Suzanne Klatt, CAO/Clerk, Auston Pierce, Summer Student-Recording Secretary, Jennifer Barr, Treasurer, Charles McDonald, Public Works Manager, John Wilson, Public Advisory Member of the TES Committee, Murray Humphries Public Advisory Member of the TES Committee.

Regrets: Deputy Mayor Robert A. Johnston and Councillor Glen Campbell

**1. CALL TO ORDER**

The meeting was called to order by Mayor Kingsbury at 7:07 p.m.

**2. MEMBERS, STAFF AND THE PUBLIC REQUESTED TO TURN OFF  
ALL CELL PHONES AND ELECTRONIC DEVICES.**

All present were asked to turn off all cell phones and electronic devices.

**3. DECLARATION OF PECUNIARY INTEREST**

No declaration of pecuniary interest by Council or staff.

**4. STAFF UPDATES**

**a. Update Johnston Rd**

**i. Greenview Environmental Management Inc.-Tyler Peters**

Mayor Robert Kingsbury introduced Tyler Peters, the representative of Greenview Environmental Management. Mr. Peters gave background information on the study for the reconstruction and rehabilitation on Johnston Road. He stated that the majority of the field work was completed and a preliminary draft was submitted last week. He noted that they faced challenges due to funding for the project. In order to address this he had drafted 5 alternative options for the project. He proceeded to go through the 5 options presented to Council and stated that he is there to answer some questions about the study as well as to seek clarity on the next steps and options to pursue. The purpose of the meeting is to have a Council resolution to proceed with the preparation and execution of the tender documents.

Mayor Kingsbury opened up the floor for Council's questions. Councillor Larone asked if all the options were around the 1.6 million mark. Mr. Peters explained that the reason the cost of improvements are high is due to the unforeseen geo-

engineering problems that already exist with the road. He recommended that the road must be widened to the TAC standard of 3.3m wide to allow for truck and bus traffic. He also stated that in order to cut cost, staff recommended restricting road access to buses and trucks however there are several pits and commercial areas along the road so it would be difficult to do so. Furthermore, if trucks and buses are restricted, it would trigger an Environmental Assessment class B and such restriction could place a strain on both commercial and private properties possibly constraining the area's development, economy, sustainability and the environment. This study would also be an added cost.

TES Committee Public Advisory Member John Wilson asked if the 3.3m lane is necessary in which Mr. Peters responded that it is what the TAC guidelines recommend, therefore yes.

Councillor Larone questioned staff if it is too late to go back and change or possibly reapply for the grant. Treasurer Jennifer Barr stated it's possible but it would be a big risk because funding can be taken away and the scope of the project mustn't change. CAO/Clerk added that the grant application stated the need to address safety issues at the Mullins intersection and removing that from the project would mean reduction in funding and changing the scope.

TES Committee Public Advisory Member Humphries questioned what exactly the safety issue is with Mullins Road. Mr. Peters stated that a vertical realignment is necessary as well as fixing the curvature of the road as it's a visual hazard: Accidents have happened on the road in the past and so guard rails must also be put up. The cost of these improvements would roughly be \$60 000.

Councillor Bennett recommended putting stop signs on Johnston road and Mullins road in order to make it a 3 way stop in order to improve safety and slow down speeds. Mr. Peters stated that vehicles drive down Johnston Road quickly and the curvature of the road doesn't allow for someone to see the stop signs early enough.

Mr. Peters stated he was not sure how many accidents there were but he was told that there were many. Councillor Bennett said he recalls 3 accidents but he believes that any future accidents could be avoided if stop signs and signs forewarning of the stop sign are put in place. He continued by saying that if people know to stop then there is no hazard. Mr. Peters clarified his earlier statement by saying that the safety issue is mainly a visual hazard and if something is obstructing the road the driver wouldn't be able to see it or stop in time to avoid it. Stop signs wouldn't help.

Councillor Bennett told Council that Mr. Peters' crew was surveying Johnston road at a time where the truck traffic was at its worst possible and that normally one would never meet a truck driving down Johnston Road, therefore disputes the necessity of a 3.3m wide road is not necessary.

Councillor Larone stated that there have been different times when accidents on highway 417 have resulted in traffic being rerouted down Johnston Road. He asked if Council can put restrictions to make sure this doesn't happen. Councillor Bennett added that all traffic should be rerouted down Garden of Eden and not Johnston Rd. Councillor Larone asked that traffic rerouting down Garden of Eden be addressed at a future Council meeting or be investigated by staff. Mayor Robert Kingsbury stated

that after a truck had flipped on Storyland Road and traffic was diverted down Johnston there was no problems or issues. Mayor Kingsbury also made it clear that he does not want to restrict future Councils or put the township in debt or in a place where they are constrained or tied down.

Treasurer Barr elaborated on financial implications of options and added that option 5 is the most favorable. She also said that it is possible to receive more funds for this project by using OCIF or debenturing. Treasurer Barr recommended that Tenders be opened for the different options in order to get a more accurate price point.

## **ii) Public Works Manager and CAO/Clerk**

### ***REQUIRE: Resolution to proceed with tendering option***

Mayor Kingsbury opened the floor for questions directed to the Public Works Manager, Charles McDonald and CAO/Clerk Suzanne Klatt.

Public Works Manager McDonald started by saying he wants to address safety concerns as that is the main focus and a major component of the application. He said he sees the possibility of phasing the project over time. He concluded by saying that the numbers from the tender could be vastly different than what was expected which could be either favourable or not.

Treasurer Barr stated that option number 4 will work for the budget and allow for Council to appropriately address safety concerns. Public Works Manager McDonald pointed out that now that Council is aware of the safety issues, widening of the road must be done. Treasurer Barr then pointed out that option number 4 would not work if traffic cannot be restricted on Johnston Road.

Councillor Bennett stated that from an engineering standpoint the road is a safety issue but in reality it's never proved to be so and believes that a lower speed limit could fix the safety issues brought forward by the study. Councillor Bennet questioned why staff is recommending these options to Council based on the opinion and call to one representative of the Ministry and felt staff should be adding pressure and challenging for more funding if the Township has added cost due to being made to adhere to "TAC" guidelines which is new information to this Council and was not considered in the funding application.

Mayor Kingsbury stated that even though Council is at a standstill a recommendation must be made in order to carry forward. Councillor Bennett disagreed because Council still needed more information from Mr. Peters. He then asked if the road is not widened to 3.3m will liability be on Mr. Peters. He responded by saying he does not believe so but it will fall on the township. He further added that if the township decides to restrict truck and bus access on Mullins Road the Environmental Assessment will need to be upgraded to class B and any recommendations made in the Environmental Assessment must be followed.

CAO/Clerk Klatt asked what the price would be for an Environmental Assessment and it was stated could range between \$5000 and \$7500 and would take between 3-4 months to complete. CAO/Clerk Klatt then asked if that would jeopardize the projects timeline. Mr. Peters said that there are milestones that should be hit and

there is a December 24<sup>th</sup> completion date however there is flexibility in case it needs to be completed next year in 2018. Currently the Environmental Assessment is at class A+.

Councillor Bennett then said that the liability would be on the township regardless and that when Pinnacle Rd was done Council was aware of the heavy trucks using it but the project went forward. Mayor Kingsbury replied that when Pinnacle Road was being rebuilt no safety concerns were brought up to Council but now that they have been they should be addressed. Councillor Bennett referred to similar situations and decisions made for Thompson Road and Fraser Road which did not refer or adhere to the new "TAC" regulations. It was asked if the consultant or staff could clarify if possibly when application was made if the lane width was possibly under the 3.3m.

Mayor Kingsbury said that Council must make a decision regarding whether or not a tender should be released. Tyler recommended that Council put out tenders for all of the available options. Mayor Kingsbury asked the Councilors if this was adequate. Tyler also stated that option #5 should be removed from the possible tender options because it changes the scope of the project. Public Works Manager McDonald agreed and said that option number 4 should also be removed for the same reason.

Councillor Larone suggested that a tender be sent out for the remaining 3 options and look at the cost after that. Mayor Kingsbury asked Councillor Bennett if he still had objections and Councillor Bennett claimed staff should continue to attempt to speak to the Ministry and disputes that in the past Council Members could call the Ministry to address funding issues and feels this has been taken away from Council. He wants to advise the Ministry to revise the agreement to take responsibility for the added cost of a regulation (TAC-3.3m requirement) the municipality has no control over and cannot afford. Mayor Kingsbury expressed his gratitude for the work the Treasurer had stated would not allow for staff to be questioned on the work done and urged Councillor Bennett to recognize the role staff has and has confidence all avenues with the Ministry are being explored by staff.

Councillor Bennett added he would agree to proceed with the tender process but is conditional that staff and the engineer ensure that the tender document has adequate protection for the municipality to make decisions on how to proceed and cautions repeated scenarios from past tenders.

## **b. Update Fraser Rd Tender**

### **i. Provide Council and committee members with Fraser Rd Tender document**

Public Works Manager McDonald gave an update on Fraser Road by saying it has gone out for tender as of Monday and closes on August 16<sup>th</sup>. A Special Council meeting was moved to August 18, 2017 for the purpose of opening the tenders. Councillor Bennett asked what the width of the road will be. Public Works Manager Charles stated 3 meters wide with 1 meter wide shoulders and 0.5 m rounding for a total road width of 9.0 m. Councillor Bennett stated the road currently has 3 trucking businesses operating along it and questioned why didn't the consultant for Fraser Road recommend the same standard as what Greenview did for Johnston Road.

Committee Member Murray stated that he believes the specs should be changed but Treasurer Jennifer Barr said that the tender cannot be changed now.

Moved by Councillor Larone

**RESOLUTION NO.2017- 283**

Seconded by Councillor Bennett

**THAT** Council direct Greenview Environmental Management Inc. to prepare 3 tender documents based on Area 1(Castleford Rd to Mullins Rd) Area 2(Mullins Rd Intersection) Area 3(Mullins Rd to Storyland) and include the municipal parking lot and prepare tender packages for these aforementioned alternatives.

**Carried**

**5. COUNCIL MEMBERS CONCERNS**

No concerns

**6. BY-LAW 2017-50 CONFIRMING BY-LAW**

Moved by Councillor Larone

**Resolution No. 2017- 284**

Seconded by Councillor Bennett

**THAT** Council enact By-Law 2017-49 a By-law to confirm proceedings of the Council of the Township of Horton at the Special Council meeting held on August 1<sup>st</sup>, 2017. Moved by Councillor Larone and Seconded by Councillor Bennett

**Carried**

**7. ADJOURNMENT**

Mayor Kingsbury adjourned the Meeting at 9:08p.m.

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MAYOR Robert Kingsbury

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CAO/CLERK Suzanne Klatt