

**TOWNSHIP OF WEST LINCOLN  
PUBLIC WORKS & RECREATION COMMITTEE  
AGENDA**

**MEETING NO. SIX**

**Monday, September 16, 2024, 7:30 p.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

**NOTE TO MEMBERS OF THE PUBLIC:** All Cell Phones, Pagers and/or PDAs to be turned off. Members of the public who are attending and participating virtually are reminded to keep their microphones muted until they are acknowledged to speak. Additionally, for your information, please be advised that this meeting will be livestreamed as well as recorded and will be available on the Township's website.

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**Pages**

**1. CHAIR - Councillor Rehner**

Prior to commencing with the Public Works & Recreation Committee meeting agenda, Chair Rehner will note the following:

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. The public may submit written comments for matters that are on the agenda to [jpaylove@westlincoln.ca](mailto:jpaylove@westlincoln.ca) before 4:30 p.m. on the day of the meeting for consideration by the Committee. Comments received after 4:30 p.m. on the day of the Committee meeting will be considered at the following Council meeting. Comments submitted are included in the record.
3. This meeting will be livestreamed as well as recorded and available on the Township's website.

**2. LAND ACKNOWLEDGEMENT STATEMENT**

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara,

stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

**3. CHANGE IN ORDER OF ITEMS ON AGENDA**

**4. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

**5. APPOINTMENTS**

There are no appointments or delegations.

**6. REQUEST TO ADDRESS ITEMS ON THE AGENDA**

**NOTE: Procedural By-law Section 10.13(5) – General Rules**

One (1) hour in total shall be allocated for this section of the agenda and each individual person shall only be provided with **five (5) minutes** to address their issue (some exceptions apply). A response may not be provided and the matter may be referred to staff.

The Chair to inquire if there are any members of the public present who wish to address any items on the Public Works/Recreation Committee agenda.

**7. CONSENT AGENDA ITEMS**

**7.1 ITEM PW29-24**

**CONSENT AGENDA ITEMS**

There are no consent agenda items.

**8. COMMUNICATIONS**

There are no Communications.

**9. STAFF REPORTS**

**9.1 ITEM PW30-24**

Project Manager (Ray Vachon), and Director of Public Works & Recreation (Mike DiPaola)

Re: Report PW-22-2024 titled, "Murgatroyd Trail Reconstruction (PW 2024-05) Tender Award

**RECOMMENDATION:**

1. That, Recommendation Report PW-22-2024, titled "Murgatroyd Trail Reconstruction (PW 2024-05) Tender Award", dated September 16, 2024 be received; and,
2. That, Tender submission be awarded to Stevensville Lawn Service Inc., for the trail reconstruction work, in the amount of \$167,987.00 (excluding HST); and,
3. That, the Township enter into an engineering agreement with the consulting firm of Kerry T. Howe Engineering Limited for the contract administration and inspection services at an upset limit of \$25,000.00 (excluding HST); and

4. That, a by-law authorizing the Mayor and Clerk to enter into an agreement with Stevensville Lawn Service Inc. be passed.

**9.2 ITEM PW31-24**

9

Project Manager (Ray Vachon), and Director of Public Works & Recreation (Mike DiPaola)

Re: Information Report PW-21-2024 - Mill Creek Municipal Drain Petition - Withdrawn

**RECOMMENDATION:**

That, Information Report PW-21-2024, titled "Mill Creek Municipal Drain Petition – Withdrawn", dated September 16 2024, be received for information.

**10. OTHER BUSINESS**

**10.1 ITEM PW32-24**

Members of Committee

Re: Verbal Updates from Members of Boards and Committees - If required

**10.2 ITEM PW33-24**

Members of Council

Re: Other Business Items of an Informative Nature

**11. NEW BUSINESS**

**NOTE:** Only for items that require immediate attention/direction and must first approve a motion to introduce a new item of business. (Motion Required)

**12. CONFIDENTIAL MATTERS**

There are no confidential matters.

**13. ADJOURNMENT**

The Chair to declare the meeting adjourned.

**DATE:** September 16, 2024

**REPORT NO:** PW-22-2024

**SUBJECT:** **Murgatroyd Trail Reconstruction (PW 2024-05) Tender Award**

**CONTACT:** Ray Vachon, C.E.T. – Project Manager  
Mike DiPaola, P.Eng., - Director of Public Works & Recreation

**OVERVIEW:**

- In the 2022 Capital Budget, Council approved \$15,000.00 for the detail design of the Murgatroyd Trail reconstruction, which was awarded to Kerry T. Howe Engineering Limited for \$13,000.00 (excluding HST)
- In February 2024, Council approved the 2024 Capital Budget that included \$200,000.00 for the reconstruction of Murgatroyd Trail and the contract administration and construction inspection fees.
- Administration circulated a Tender on August 14, with six (6) tender submissions received on the closing date of August 29, 2024.
- A low bid in the amount of \$167,987.00 (excluding HST) was received from Stevensville Lawn Service Inc. from Stevensville ON.
- Administration recommends awarding the contract to Stevensville Lawn Service Inc.
- Administration recommends that the Township enter into an Engineering Agreement with the consulting firm of Kerry T. Howe Engineering Limited for the required contract administration and construction inspection services at an upset limit of \$25,000.00 (excluding HST).

**RECOMMENDATION:**

1. That Report PW-22-2024 titled, “Murgatroyd Trail Reconstruction (PW 2024-05) Tender Award”, dated September 16, 2024 be received;
2. That Tender submission be awarded to Stevensville Lawn Service Inc., for the trail reconstruction work, in the amount of \$167,987.00 (excluding HST); and
3. That the Township enter into an engineering agreement with the consulting firm of Kerry T. Howe Engineering Limited for the contract administration and inspection services at an upset limit of \$25,000.00 (excluding HST); and
4. That a by-law authorizing the Mayor and Clerk to enter into an agreement with Stevensville Lawn Service Inc. be passed.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #1**

- Build a safe, connected, caring and active community

**BACKGROUND:**

Murgatroyd Trail is an existing asphalt trail that is approximately 210 metres long that connects Canborough Street (Regional Road 14) and Ellis Street in Smithville (Refer to Schedule A). It is currently not AODA compliant due to steep grades (+12%) and is in poor condition.

In the 2022 Capital Budget, Council approved \$15,000 for the detailed design of the trail reconstruction. In September of 2022, Administration issued a Request for Quotation (RFQ) for professional design services to upgrade and reconstruct Murgatroyd Trail. Kerry T. Howe Engineering Limited was the successful consultant and completed the detailed design at a cost of \$13,000.00 + net HST.

In the 2024 Capital Budget, Council approved \$200,000.00 towards the reconstruction of the Murgatroyd Trail. Administration held the posting of this tender in order to determine whether or not West Lincoln was successful in obtaining the Ontario Trillium Foundation grant funding to offset costs. Unfortunately, the Township was not successful.

**CURRENT SITUATION:**

On August 14, 2024, Administration circulated a Tender document on the Township’s Bidding System – Bids & Tenders. On the closing date of August 29, 2024, six (6) tenders were received and opened.

All six (6) submissions were reviewed by Administration and checked for completeness, accuracy and arithmetic correctness. One submission was disqualified due to missing 5 pages of the Form of Tender. All extensions and the totals for all tenders were checked and no errors found. The tender bid submissions are as follows:

<b>Company</b>	<b>Tender Price (excl. HST)</b>
Anthony's Excavating Central Inc.	\$187,372.24
Circle P Paving Inc.	\$205,200.00
CRL Campbell Construction & Drainage LTD	\$221,820.00
Lyncon Construction Inc.	\$240,934.50
<b>Stevensville Lawn Service Inc.</b>	<b>\$172,987.00</b>
Three Seasons Landscape Group Inc.	Disqualified

The low bidder, Stevensville Lawn Service Inc. and their subcontractors, have experience

completing similar works in other Niagara municipalities. Administration reviewed and evaluated the Tender and did not find any errors or discrepancies other than one disqualifications for missing information within the Form of Tender. Therefore, awarding the contract to Stevensville Lawn Service Inc., is being recommended.

The Tender included a contingency allowance of \$30,000 within the Schedule of Quantities. To ensure total costs, including construction, construction administration and inspection, fall within the approved budget, Administration reviewed the contingency allowance amount and feel it is appropriate to reduce this contingency amount (post-tender) to \$25,000. This reduces Stevensville Lawn Service Inc.'s total bid to \$167,987.00 excluding taxes. The reduction in the contingency does not change the order of the bids as the \$5,000 would be deducted from all bidders.

Additionally, the Township's engineering agreement with detailed design consulting firm – Kerry T. Howe Engineering Limited (KTH) – did not include any construction administration and inspection. KTH submitted a quote on August 29 to complete the construction administration and inspection services, which has an upset limit of \$25,000. This price falls within industry standards for this scope of work. Since KTH was the detailed design engineer, it is recommended that the Township enter into an agreement with Kerry T. Howe Engineering Limited to continue with this project to complete the construction administration and inspection.

Based on the tender bid submitted by Stevensville Lawn Service Inc., the Township's total estimated cost for this project is itemized below:

Construction Cost	\$167,987.00
Detailed Design – KTH (2022)	\$ 13,000.00
Contract Admin. / Inspection – KTH (2024)	\$ 25,000.00
Net HST & Misc. Costs (rounded)	<u>\$ 3,713.00</u>
<b>Total Estimated Project Cost:</b>	<b>\$209,700.00</b>

**FINANCIAL IMPLICATIONS:**

The total approved budget for this project is \$215,000, and the total estimated project cost of \$209,700.00 is within the approved budget. There may be additional miscellaneous costs incurred, however, administration will ensure these costs are within the approved budget.

**INTER-DEPARTMENTAL COMMENTS:**

This report was reviewed by the Director of Finance, CAO, and the Clerks Department.

**CONCLUSION:**

In summary, Administration recommends this contract be awarded to the low bidder, Stevensville Lawn Service Inc. at their bid price of \$167,987.00 (plus HST), and that the Township enters into an engineering agreement with Kerry T. Howe Engineering

Limited for the contract administration and inspection services with an upset limit of \$25,000.00 (plus HST). The total estimated project cost is within the approved budget amount of \$215,000.00.

**SCHEDULES:**

Schedule A – Key Plan

**Prepared and Submitted by:**

**Ray Vachon, C.E.T.**, Project Manager

**Mike DiPaola, P. Eng.**, Director of Public Works & Recreation

**Approved by:**

**Truper McBride, C.A.O**

# SCHEDULE 'A' – KEY PLAN



**West Lincoln**  
Your Future Naturally

**DATE:** September 16, 2024  
**REPORT NO:** PW-21-2024  
**SUBJECT:** **Mill Creek Municipal Drain Petition - Withdrawn**  
**CONTACT:** Ray Vachon, C.E.T., Project Manager  
Mike DiPaola, P. Eng., Director of Public Works & Recreation

**OVERVIEW:**

- On September 26, 2019, the Township received from Mr. Frank Svob, a Petition for drainage works under Section 4 of Drainage Act for the Mill Creek ditch, which is an open ditch in the area of Wiley Road and East Chippawa Road.
- On December 16, 2019 Council appointed RJ Burnside to prepare a Preliminary Report for the Mill Creek Drain under Section 10 of the Drainage Act.
- On May, 2021, Council directed the Engineer to proceed with a Final Report with Scenario No. 2 from the Preliminary Report.
- On July 17, 2024, there was a public meeting in Council Chambers with affected residents to discuss the draft Final Report.
- On August 15, 2024, Mr. Frank Svob submitted a signed request to our Clerk's department to withdraw his petition for a new drain.

**RECOMMENDATION:**

That, Information Report PW-21-2024, titled "Mill Creek Municipal Drain Petition – Withdrawn", dated September 16, 2024, be received.

**ALIGNMENT TO STRATEGIC PLAN:**

Not Applicable

**BACKGROUND:**

In September 2019, a petition for drainage works under Section 4 of the Drainage Act was filed with the Clerk from Mr. Frank Svob, 816 River Road, Fenwick, for Con BF PT Lot 26 PT Lot 27, two properties lying between Wiley Road and East Chippawa Road in the Township of West Lincoln.

After Council accepted the petition in October 2019, RJ Burnside was appointed in December 2019 to prepare a Preliminary Report, which was eventually presented to Council in May 2021.

As part of that meeting, Council directed the Engineer to move forward with the Final Report using Scenario No 2 from the Preliminary Report. The general location of this proposed Mill Creek Municipal Drain is illustrated and attached as Schedule B to this Report.

On July 17, 2024, the Engineer organized a public meeting with those affected by the new drain to discuss the draft design of the proposed municipal drain, prior to completing the Final Report. This would also serve as a Question & Answer opportunity for residents and to address any concerns. There were a number of residents that were opposed to the new drain, which has been the case since the first site meeting on August 6, 2020.

### **CURRENT SITUATION:**

On August 15, 2024, the petitioner, Mr. Frank Svob, submitted a request (SCHEDULE A) to withdraw his original Section 4 petition for a new municipal drain as he believes it is no longer required.

To complete the process, the Engineer must file a report with the Clerk under Section 40 of the Drainage Act. This report will detail why the new drain is not required and also the total costs for the Engineer's fees, and by whom those fees will be paid. Although the majority of the costs will be borne by the original petitioner, there will be some costs assigned to others on the drain, including the Township. The magnitude of costs to each affected property owner will not be known until the Section 40 Report is completed.

Once the Section 40 Report is received by the Clerk, under the Drainage Act, the only requirement is that a notice to be sent to the original petitioner. However, the drainage engineer advised the Township that notification should be sent to all affected property owners identified in the Section 40 Report that may be required to cover their proportionate share of the engineering fees incurred to date. The Drainage Act does have an appeal process for property owners that are assessed to cover the costs incurred to date.

### **FINANCIAL IMPLICATIONS:**

There are no known financial implications associated with this report at this time.

The cost attributed to each affected property owner, to cover the Engineering fees incurred to date, will be known upon completion of the Engineer's final Section 40 Report. It is anticipated that the majority of the costs will be borne by the original petitioner. If any costs are assigned to the Township, which are expected to be minimal, if any, those costs will need to be absorbed by the Township's Traffic Operations and Roadside Maintenance Operating Budget.

**INTER-DEPARTMENTAL COMMENTS:**

This report was reviewed by the CAO, Deputy Treasurer/Manager of Finance, and the Clerks Department.

**CONCLUSION:**

Administration recommends that Council receive this report as information

**SCHEDULE(S):**

SCHEDULE A – Petitioners request to withdraw his petition for a new drain.  
SCHEDULE B – Key Plan

**Prepared & Submitted by:**

**Approved by:**

**Ray Vachon, C.E.T.  
Project Manager**

**Truper McBride  
CAO**

**Mike DiPaola, P. Eng.  
Director of Public Works & Recreation**

August 15, 2024

Clerk's Department  
Township of West Lincoln

**RE: Mill Creek Drain Petition – Withdrawal**

I, Frank Svob of 816 River Rd in Fenwick, would like to withdraw my original petition for a new municipal drain, from September 2019. I believe that a municipal drain is no longer required in the area.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank Svob", written in black ink. The signature is fluid and somewhat stylized, with a long horizontal stroke at the end.

Frank Svob

# Schedule B – Key Plan

