

**Minutes Of An Amherstburg Municipal Council Special Meeting Held  
In Council Chambers At 9:45 AM On Wednesday, October 7, 2009**

**PRESENT:**

Mayor Wayne Hurst  
Deputy Mayor Robert Bailey  
Councillor Rick Fryer  
Councillor Robert (Bob) Pillon  
Councillor Paul Renaud  
Councillor John Sutton  
Councillor Rosa White

**ALSO PRESENT:**

Pamela Malott, CAO  
Brenda Percy, Manager of Council & Leg. Services/Clerk  
Jackie Hubbs, Manager of Development Services  
Lou Zarlenga, Manager of Public Services

**CALL TO ORDER**

The Mayor called the meeting to order at 9:53 a.m.

**DISCLOSURE OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest declared.

**REPORTS OF MUNICIPAL OFFICERS**

**Report # 1**

A report by Lou Zarlenga dated October 5, 2009 regarding the tender results for the C.A.F. Project – Sidewalk Reconstruction Project Tender Results was presented. The report was provided at the meeting and forms an Addendum to these minutes.

Moved by Councillor J. Sutton  
Seconded by Councillor P. Renaud

That Council accept the report from Lou Zarlenga regarding the tender results for the Sidewalk Reconstruction Project;

And further that Council accept the Consulting Engineer's recommendation to award the contract to the lowest tenderer, being Giorgi Bros (1994) Incorporated.

**Motion Carried**

**Report # 2**

A report by Lou Zarlenga dated October 6, 2009 regarding the C.A.F. Project – Laird Avenue Reconstruction –Request for Road Closure was presented. The report was provided at the meeting and forms an Addendum to these minutes.

Moved by Councillor P. Renaud  
Seconded by Councillor R. White

That Council accept the report from Lou Zarlenga regarding the request from D'Amore Construction to close the Laird Avenue during the work period for the Laird Avenue Reconstruction Project;

And further that Council approve the closure of Laird Avenue from Alma Street to North Street to through traffic and school buses during construction hours of 6:00 a.m. to 7:00 p.m. Mondays to Saturdays for the duration of the project.

**Motion Carried**

**Discussion:**

Councillor Pilon asked how residents would be notified. Lou Zarlenga advised that a circular was sent out advising residents of the work however, he would follow up with notification. Mayor Hurst noted that no additional meeting is required but Administration must liaise with those residents. If any issues present themselves, Administration must address them by meeting with the contractor.

CAO Pam Malott asked that Fort Malden be contacted in this regard. Lou Zarlenga confirmed that he would contact them.

**Report # 3**

A report by Lou Zarlenga dated October 7, 2009 regarding the C.A.F. Project – Trails & Pathways Reconstruction – Tender Results –Phase I Portion was presented. The report was provided at the meeting and forms an Addendum to these minutes.

Moved by Councillor R. White  
Seconded by Councillor J. Sutton

That Council accept the report from Lou Zarlenga regarding the tender results for the Trails & Pathways Reconstruction Project – Phase I.

And further that Council award the contract for Phase I of the C.A.F. Trails and Pathways to the lowest tenderer, being Coco Paving Inc.

**Motion Carried**



Discussion:

Lou Zarlenga advised that this matter was originally brought before Council last week with a recommendation that Council agrees to hold the tender results in abeyance until further review of the prices by the Manager of Public Works. A map was circulated, a copy of which forms an Addendum to these minutes. Lou Zarlenga reviewed the map provided to Council reflecting projects to be completed.

Deputy Mayor Bailey questioned measures to be taken to address cold weather work.

Councillor Fryer sought clarification of the pathway construction.

**Report # 4**

A report by Lou Zarlenga dated October 6, 2009 regarding Kingsbridge Subdivision – Knobb Hill Roadway and Walkway Construction – Alternative Option to Construct Road to Whelan Ave was presented.

Moved by Councillor R. Fryer  
Seconded by Councillor R. White

That the report by Lou Zarlenga and Lory Bratt dated October 2, 2009 regarding Kingsbridge Subdivision be received.

That Council accepts the following undertakings by the Developer for the extension of a complete rural asphalt surfaced road cross section to be constructed on Knobb Hill Drive from McLellan Avenue to Whelan Drive:

1. Conveyance of parkland (approximately 20 acres);
2. Conveyance of portion of Knobb Hill Drive;
3. Construction of rural cross section asphalt road from McLellan Avenue to proposed Kingsbridge Park entrance (64 lineal metres);
4. Construction of asphalt walkway 3 metres in width from Whelan Drive to McLellan Avenue;
5. Extension of the road by 526 metres northerly to Whelan Avenue – rural asphalt surfaced road cross section;
6. Conveyance of Knobb Hill Drive right-of-way to Whelan Avenue.

That the estimated cost of the road extension of 526 metres at a cost of \$120,000 be paid by the Town of Amherstburg;

That the Developer be required to reimburse the Town of Amherstburg the cost of the road extension (\$120,000, plus interest at 2.75%) with a debenture amortized over a 5 year period with the first payment due December 31<sup>st</sup>, 2010;

And further that the repayment of the road extension (\$120,000, plus interest at 2.75%), in accordance with the above paragraph, be noted as a condition in any future subdivision agreement or amending agreement of the Kingsbridge Subdivision.

**Motion Carried**

Discussion:

Lou Zarlenga explained that he met with the developer to discuss options. The proposal before Council is that the developer be responsible for the construction of the extension and the Town pay for the initial costs with the developer reimbursing the Town in installments for a five-year period. Lou Zarlenga advised that he did review charging the fee on a per house basis but it is not a feasible option.

In response to a question from Councillor Pillon, Pam Malott advised that this amount is an unbudgeted expense and would form part of the general tax rate. The cost would be debentured over a five-year period.

Councillor P. Renaud expressed concern of the lack of exits from the subdivision at this time, particularly in an emergency situation.

Deputy Mayor Bailey sought clarification as to what protection the Town has if payments are not made. Pam Malott advised that she would review the recourse available to Council.

The Mayor asked that there be solid provisions within the agreement should the developer not pay.

Councillor R. White expressed concern of precedent setting with other developers in this regard. She further noted that she would like Administration to bring back an agreement that ensures that the Town has recourse for any unpaid amounts, without having to proceed with litigation.

Mayor Hurst noted that there is the issue of setting precedents however, Council must address these situations based on the economy or situation at that time.

Councillor R. Fryer sought clarification of the work to be done on the park and timing associated.

Pam Malott sought further direction with regard to interest and term and the inclusion of a provision in the agreement that the amount due must be paid in full prior to the approval of any new phase being started.

**UNFINISHED BUSINESS**

Councillor R. Pillon sought an update on the Laird Street reconstruction and the public meeting for the residents.

Councillor R. Fryer sought an update on the street light maintenance.

Councillor R. Fryer reported that there is a new embroiderer business in the Town.

**BY-LAWS**

**Confirmatory By-Law**

Moved by Deputy Mayor Bailey  
Seconded by Councillor J. Sutton

That **By-Law 2009-74** being a By-Law to confirm all resolutions of the Municipal Council be taken as having been read a first, second and third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

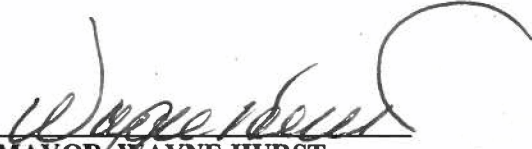
**Motion Carried**

**ADJOURNMENT**

Moved by Councillor J. Sutton  
Seconded by Councillor R. Pillon

That we rise and adjourn at 10:35 a.m.

**Motion Carried**

  
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MAYOR, WAYNE HURST

  
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CLERK, BRENDA M. PERCY



Council Report

**PUBLIC WORKS DEPARTMENT**

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**Report To:** Mayor Hurst and Members of Council  
**Date of Meeting:** October 7, 2009  
**Submitted By:** Lou Zarlenga, P.Eng., Manager of Public Services  
**Prepared By:** Lou Zarlenga, P.Eng., Manager of Public Services  
**Date of Report:** October 5, 2009  
**File No.:** PWD-RD-09-049  
**Subject:** C.A.F. Project – Sidewalk Reconstruction Project  
Tender Results

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**RECOMMENDATION:**

That Council accept the report from Lou Zarlenga regarding the tender results for the Sidewalk Reconstruction Project;

And further that Council accept the Consulting Engineer's recommendation to award the contract to the lowest tenderer, being Giorgi Bros (1994) Incorporated.

**EXECUTIVE SUMMARY:**

A tender was recently advertised for the C.A.F. project – Sidewalk Reconstruction project, prepared by R.C. Spencer Associates. This report deals with the tender results and attached recommendations of R.C. Spencer Associates. The engineer's estimate for this project is \$286,000.00 plus G.S.T.

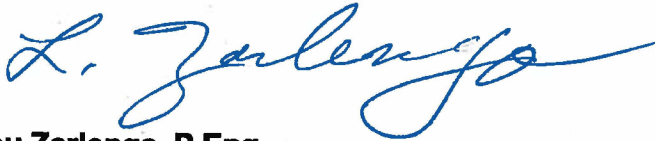
**REPORT:**

Tenders closed for this project at 11:00 a.m. on Monday, October 5, 2009 at the Amherstburg Public Works Department. The Town received one (1) tender submission. A public tender opening was held shortly after 3:00 p.m. with the following results:

1. Giorgi Bros (1994) Inc.	\$271,300.00	Plus G.S.T.
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**FINANCIAL CONSIDERATIONS:**

The cost for the Sidewalk Reconstruction project is part of the \$11,265,000.00 grant provided by the Community Adjustment Fund. The Sidewalk Reconstruction budget allocation is \$325,000.00.



**Lou Zarlenga, P.Eng.**  
**Manager of Public Services**





**RC SPENCER ASSOCIATES INC.**  
Consulting Engineers

5 October 2009  
File No. 09-45

**Town of Amherstburg  
512 Sandwich Street South  
Amherstburg, Ontario  
N9V3R2**

**Attn: Mr. Lou Zarlenga, P.Eng  
Manager of Public Services**

**Re: CAF - Sidewalk Replacement  
Tender Results**

Dear Lou:

Tender submissions for the Sidewalk Replacement Project were received on 5 October 2009 and are listed below:

<u>Contractor</u>	<u>Bid</u>
Giorgi Bros (1994) Inc.	\$ 271,300.00

We have checked the Tender submission and determined that there were no mathematical errors by the Tenderer.

The preliminary budget amounts for this work in its entirety is \$325,000.00 (including Engineering). This tender submission is within the budget allocation for this work.

LESS \$ 39,000 FOR  
ENGINEERING  
= \$ 286,000  
f.z.

We would recommend that the sidewalk replacement contract be awarded to Giorgi Bros (1994) Inc. for the tendered price of \$271,300.00 in its entirety.

We trust that this is sufficient for your current needs, however should questions arise, please call.

Yours Truly  
R.C Spencer Associate Inc.

David M. Archer, P.Eng  
Project Manager





Council Report

**PUBLIC WORKS DEPARTMENT**

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**Report To:** Mayor Hurst and Members of Council  
**Date of Meeting:** October 7, 2009  
**Submitted By:** Lou Zarlenga, P.Eng., Manager of Public Services  
**Prepared By:** Lou Zarlenga, P.Eng., Manager of Public Services  
**Date of Report:** October 6, 2009  
**File No.:** PWD-RD-09-043  
**Subject:** C.A.F. Project – Laird Avenue Reconstruction  
Request for Road Closure

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**RECOMMENDATION:**

That Council accept the report from Lou Zarlenga regarding the request from D'Amore Construction to close Laird Avenue during the work period for the Laird Avenue Reconstruction Project;

And further that council approve the closure of Laird Avenue from Alma Street to North Street to through traffic during construction hours of 6:00am to 7:00pm Mondays to Saturdays for the duration of the project.

**EXECUTIVE SUMMARY:**

D'Amore Construction sent correspondence to the Public Works Department, dated October 5, 2009 requesting that the Town grant permission for the contractor to close Laird Avenue from Alma Street to North Street to facilitate the construction of Laird Avenue within the specified deadline.

**REPORT:**

The closure of Laird Avenue from Alma Street to North Street would affect regular through traffic and school buses during working hours of 6:00am to 7:00pm Mondays to Saturdays for the duration of the project. The road would be opened to North Bound traffic on the evenings and on weekends. Access would be maintained at all times for emergency services.

The contractor states that the closure of the road would increase the level of safety in the work zone as this would prevent pedestrians and students from walking across the

work zone. The closure would also allow for the coordination of work of additional forces concurrently throughout the construction period.

The closure would, however, require school buses to use an alternate drop off/pick up zone, yet to be determined. Upon approval of this request, the Manager of Public Services, and the Engineering Consultant, R.C. Spencer, will approach the High School, School Board and Sharpe Bus Lines in a coordinated effort to resolve the alternate school bus drop off/pick up location.

**FINANCIAL IMPLICATIONS:**

None.

A handwritten signature in blue ink, reading "L. Zarlenga". The signature is written in a cursive style with a large initial "L".

**Lou Zarlenga, P.Eng.  
Manager of Public Services**



**(2000) Ltd**

**3914 North Service Road, Windsor, Ontario N9A 6J3  
Phone – (519) 966-0554 Fax – (519) 966-3055**

October 5, 2009

R.C. Spencer  
3100 Temple Drive  
Suite 100  
Windsor, Ontario  
N8W 5J6

Re; Laird Avenue Reconstruction

Attention: Mr. Dave Archer P. Eng.

We are requesting the Town grant permission to close Laird Ave from Alma Street to North Street to through traffic, including buses. This measure would make our site much safer and allow us expedite the required work. Access would be maintained for emergency services at all times, and the road would be opened to North bound traffic in the evenings and on week-ends.

Please advise if this is acceptable.

Sincerely,

Kevin D'Amore  
Project Coordinator





Council Report

**PUBLIC WORKS DEPARTMENT**

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**Report To:** Mayor Hurst and Members of Council  
**Date of Meeting:** October 7, 2009  
**Submitted By:** Lou Zarlenga, P.Eng., Manager of Public Services  
**Prepared By:** Lou Zarlenga, P.Eng., Manager of Public Services  
**Date of Report:** October 7, 2009  
**File No.:** PWD-RD-09-047  
**Subject:** C.A.F. Project – Trails & Pathways Reconstruction  
Tender Results – Phase I Portion

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**RECOMMENDATION:**

That Council accept the report from Lou Zarlenga regarding the tender results for the Trails & Pathways Reconstruction Project – Phase I.

And further that Council award the contract for Phase I of the C.A.F. Trails and Pathways to the low tenderer, being Coco Paving Inc.

**EXECUTIVE SUMMARY:**

This report deals with the Phase I tender opening for the Trails and Pathways Reconstruction project.

**REPORT:**

Further to the enclosed report, Public Works has had the opportunity to review the unit prices submitted by Coco Paving for the Phase I portion of the Trails and Pathways Reconstruction project and the unit prices provided by Amico Infrastructures for Phase II portion of the Trails and Pathways, the latter being approved by Council on October 1, 2009.

Accordingly, utilizing Amico Infrastructures Phase II prices for Phase I Trails and Pathways works results in a construction cost of \$2,382,807.00.

The quotation submitted by Coco Paving for Phase I is \$2,212,475.00. Accordingly, the quotation from Coco Paving for Phase I is less than the potential extended contract for Amico Infrastructures by \$170,332.00.



**FINANCIAL CONSIDERATIONS:**

The cost for the Trails & Pathways Reconstruction – Phase I project is part of the \$11,265,000.00 grant provided by the Community Adjustment Fund. The Phase I budget allocation is \$825,000.00 for construction.

A handwritten signature in blue ink, appearing to read "L. Zarlenga". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**Lou Zarlenga, P.Eng.  
Manager of Public Services**



## **PUBLIC WORKS DEPARTMENT**

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**Report To:** Mayor Hurst and Members of Council  
**Date of Meeting:** October 1, 2009  
**Submitted By:** Lou Zarlenga, P.Eng., Manager of Public Services  
**Prepared By:** Lou Zarlenga, P.Eng., Manager of Public Services  
**Date of Report:** October 1, 2009  
**File No.:** PWD-RD-09-047  
**Subject:** C.A.F. Project – Trails & Pathways Reconstruction  
Tender Results – Phase I Portion

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### **RECOMMENDATION:**

That Council accept the report from Lou Zarlenga regarding the tender results for the Trails & Pathways Reconstruction Project – Phase I.

And further that Council agree to hold the tender results in abeyance until further review of the prices by the Manager of Public Works.

### **EXECUTIVE SUMMARY:**

A tender was recently advertised for the C.A.F. project – Trails & Pathways Reconstruction – Phase I project, prepared by R.C. Spencer Associates. This report deals with the tender results and attached recommendations of R.C. Spencer Associates. The engineer's estimate for this project is \$825,000.00 plus G.S.T.

### **REPORT:**

Tenders closed for this project at 3:00 p.m. on Wednesday, September 30, 2009 at the Amherstburg Public Works Department. The Town received three (3) tender submissions. A public tender opening was held shortly after 3:00 p.m. with the following results:

1. Coco Paving Inc.	\$2,212,475.00	Plus G.S.T.
2. Amico Infrastructures Inc.	\$2,538,100.00	Plus G.S.T.
3. SLR Contracting Group Inc.	\$2,362,670.00	Plus G.S.T.

The engineering consultant has recommended utilizing the unit prices from the C.A.F. project – Trails & Pathways Reconstruction – Phase II low tenderer, being Amico

Infrastructures Inc. However, the Manager of Public Works feels intense scrutiny and investigation of the tender submission, specifications and drawings is necessary. Accordingly, our recommendation is to hold these tender results in abeyance until further advised by the undersigned.

**FINANCIAL CONSIDERATIONS:**

The cost for the Trails & Pathways Reconstruction – Phase I project is part of the \$11,265,000.00 grant provided by the Community Adjustment Fund. The Phase I budget allocation is \$825,000.00 for construction.

A handwritten signature in blue ink, appearing to read "L. Zarlenga".

**Lou Zarlenga, P.Eng.  
Manager of Public Services**



**RC SPENCER ASSOCIATES INC.**  
Consulting Engineers

1 October 2009  
File No. 09-37

Town of Amherstburg  
512 Sandwich Street South  
Amherstburg, Ontario  
N9V 3R2

Attention: Mr. Lou Zarlenga, P.Eng  
Manager of Public Services

**Amherstburg Trails Construction - 2009  
Tender Results**

Tender submissions for the construction of trails (South of Simcoe) were received on 30 September 2009 and are listed below:

Contractor	Bid
1. Coco Paving	\$ 2,212,475.00
2. SLR Group	\$2,362,670.00
3. Amico Contracting	\$2,538,100.00

We have checked the Tender submissions and determined that there were no mathematical errors by the Tenderers.

Similar to the Tender results for the north section of the Trails (North of Simcoe), the bid prices exceed the funding available for this work. Again, the cause of the price increase is due to the winter conditions which the contractors anticipate throughout this construction project, which is similar to the Tender results for the north section of the trails.



**Our recommendation of 30 September 2009 remains unchanged. We recommend that the Town enter into an agreement with Amico Contracting for the unit rates submitted for the northerly portion of the trails and that work proceed on the perimeter trails and terminate upon reaching the upset limit of the budget allowance.**

**Yours Truly,  
RC Spencer Associates Inc**



**David M. Archer, P. Eng.  
Project Manager**





Council Report

**PUBLIC WORKS DEPARTMENT**

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**Report To:** Mayor Hurst and Members of Council  
**Date of Meeting:** September 30, 2009  
**Submitted By:** Lou Zarlenga, P.Eng., Manager of Public Services  
**Prepared By:** Lou Zarlenga, P.Eng., Manager of Public Services  
**Date of Report:** September 30, 2009  
**File No.:** PWD-RD-09-047  
**Subject:** C.A.F. Project – Trails & Pathways Reconstruction  
Tender Results – Phase II Portion

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**RECOMMENDATION:**

That Council accept the report from Lou Zarlenga regarding the tender results for the Trails & Pathways Reconstruction Project – Phase II.

And further that Council accept the Consulting Engineer's recommendation to award the contract to the lowest tenderer, Amico Infrastructures Inc. and that work be performed to accommodate the Town's budget allocation for this project.

**EXECUTIVE SUMMARY:**

A tender was recently advertised for the C.A.F. project – Trails & Pathways Reconstruction – Phase II project, prepared by R.C. Spencer Associates. This report deals with the tender results and attached recommendations of R.C. Spencer Associates. The engineer's estimate for this project is \$825,000.00 plus G.S.T.

**REPORT:**

Tenders closed for this project at 3:00 p.m. on Tuesday, September 29, 2008 at the Amherstburg Public Works Department. The Town received three (3) tender submissions. A public tender opening was held shortly after 3:00 p.m. with the following results:

1. Amico Infrastructures Inc.	\$1,994,100.00	Plus G.S.T.
2. SLR Contracting Group Inc.	\$2,154,645.00	Plus G.S.T.
3. Coco Paving Inc.	\$2,494,720.00	Plus G.S.T.

**FINANCIAL CONSIDERATIONS:**

The cost for the Trails & Pathways Reconstruction – Phase II project is part of the \$11,265,000.00 grant provided by the Community Adjustment Fund. The Phase II budget allocation is \$825,000.00 for construction.



**Lou Zarlenga, P.Eng.  
Manager of Public Services**



**RC SPENCER ASSOCIATES INC.**  
Consulting Engineers

30 September 2009  
File No. 09-37

**Town of Amherstburg  
512 Sandwich Street South  
Amherstburg, Ontario  
N9V3R2**

**Attn: Mr. Lou Zarlenga, P.Eng  
Manager of Public Services**

**Re: CAF - Trails Construction  
Tender Results**

Dear Lou:

Tender submissions for the Trails Construction Project were received on 29 September 2009 and are listed below:

<u>Contractor</u>	<u>Bid</u>
1. Amico Construction	\$1,994,100.00
2. SLR Group	\$ 2,154,645.00
3. Coco Paving	\$ 2,494,720.00

We have checked the Tender submission and determined that there were no mathematical errors by the Tenders.

The unit rates in this tender are higher than originally anticipated due to the expected weather conditions which will be encountered. Winter protection, frost removal, winter concrete rates and overtime costs have affected the standard rates for this type of work.


The preliminary budget amounts for this work in its entirety is \$1,875,000.00. As such, there are insufficient funds to complete this work due to the current project timing.

We would recommend that the external trails of the looped system be constructed at this time (Lowe's Fryer and Alma Streets), and that the internal streets (Richmond, Brock and Gore) be eliminated from the project. The work in Simcoe and Sandwich could proceed as far as budget amounts allow.



We have reviewed this prospect with the low bidder (Amico) and they are in general agreement with holding their unit prices to complete the work as described above. We therefore recommend that the Town enter into an agreement with Amico to complete this work up to the budget allowance amount, in accordance with the unit rates tendered and further that the remaining trails tender be cancelled.

Yours Truly  
R.C Spencer Associate Inc.



David M. Archer P.Eng  
Project Manager



Council Report

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**Report To:** Mayor Wayne Hurst and Members of Council  
**Date of Meeting:** October 7, 2009  
**Prepared By:** Lou Zarlenga, Public Works Manager  
Lory Bratt, Planning Coordinator  
**Submitted By:** Lou Zarlenga, Public Works Manager  
Lory Bratt, Planning Coordinator  
**Date of Report:** October 6, 2009  
**Subject:** **Kingsbridge Subdivision**  
**Knobb Hill Roadway and Walkway Construction**  
**Alternative Option to Construct Road to Whelan Ave.**

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**RECOMMENDATION:**

That the report by Lou Zarlenga and Lory Bratt dated October 2, 2009 regarding Kingsbridge Subdivision be received;

And further that Council provide favourable consideration to Option 'B' for the extension of a complete rural asphalt surfaced road cross section to be constructed on Knobb Hill Drive from McLellan Avenue to Whelan Drive.

**EXECUTIVE SUMMARY:**

This report deals with the issue of providing a municipal road through the undeveloped Kingsbridge Subdivision lands connecting existing north and south residential developments.

**REPORT:**

Further to Council's direction at the September 14, 2009 meeting wherein Council requested administration meet with Kingsbridge developers to review options for construction of Knobb Hill Drive. A meeting was held September 30, 2009 with Mr. William Docherty, the Public Works Manager and Planning Coordinator in attendance. The developer expressed concern on the current economic situation and the lack of home sales. They continue to believe that Option 'A' presented herein with the partial road to the proposed Kingsbridge park entrance and asphalt walkway is the preferred option on their part. However, administration explained the construction of the entire road McLellan to Whelan is the town's preference. As a result of these discussions a potential compromise as described in Option 'B' is put forward.



**Option 'A' – refer to attached September 9, 2009 report from Lou Zarlenga**

- conveyance of parkland (approximately 20 acres)
- conveyance of portion of Knobb Hill Drive
- construction of rural cross section asphalt road from McLellan Avenue to proposed Kingsbridge Park entrance (64 lineal metres)
- construction of asphalt walkway 3 metres in width from Whelan Drive to McLellan Avenue

**Option 'B' – all of the items described in Option A above in addition to the following**

- extension of road 526 metres northerly to Whelan Avenue- rural asphalt surfaced road cross section
- conveyance of Knobb Hill Drive right of way to Whelan Avenue
- payment for road extension of 526 metres at an estimated cost of \$120,000.00 by the municipality to the contractor/developer for an interim period of five years
- the developer to reimburse the municipality in five equal payments on December 1<sup>st</sup> in each of the five years

All respectfully submitted for Council consideration.



Lou Zarlenga  
Public Works Manager

Lory Bratt, AMCT  
Planning Coordinator

LB/jm  
enclosures



Council Report

**PUBLIC WORKS DEPARTMENT**

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**Report To:** Mayor Hurst and Members of Council  
**Date of Meeting:** September 14, 2009  
**Submitted By:** Lou Zarlenga, P.Eng., Manager of Public Services  
**Prepared By:** Lou Zarlenga, P.Eng., Manager of Public Services  
**Date of Report:** September 9, 2009  
**File No.:** PWD-RD-05-031  
**Subject:** Kingsbridge Residential Community  
Knobb Hill Roadway and Walkway Construction

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**RECOMMENDATION:**

The following report is for Council information and discussion purposes.

**EXECUTIVE SUMMARY:**

This report deals with the development of the Kingsbridge Residential Community and the requirement for the developer to construct roadways and pathways along Knobb Hill Drive.

**BACKGROUND:**

The recommendation below was presented to Council at the August 24, 2009 meeting:

**That Council receive the report by Lou Zarlenga dated August 20, 2009 regarding the Kingsbridge Residential Community Knobb Hill roadway and walkway construction;**

**And further that Council concur with the recommendation of Administration to accept the developer's proposal to construct a portion of the Knobb Hill roadway to a rural standard from McLellan Avenue to the proposed Kingsbridge Park entrance, and to further construct an asphalt pathway from McLellan Avenue to Whelan Avenue.**

The motion made by Council at the August 24, 2009 meeting was as follows:

Moved by Councillor R. Fryer  
Seconded by Councillor R. Pillon

That Council receive the report by Lou Zarlenga dated August 20, 2009 regarding the Kingsbridge Residential Community Knobb Hill roadway and walkway construction;

And further that Council instruct Administration to meet with the developer to review the feasibility of opening up the roadway completely through from the north end to the south and make it into a tar and chip surface.

**Motion Carried**

#### **REPORT FROM AUGUST 24, 2009:**

On August 12, 2009, Administration met with Bill Docherty and Tom Robson, developers for the Kingsbridge Subdivision, to coordinate the proposed development of Phase 1 of the Kingsbridge Park ground works and roadway and pathway construction on Knobb Hill Drive.

Attached are minutes of the August 12, 2009 meeting, wherein the developer proposed to construct a portion of the future Knobb Hill roadway commencing at the north limit of McLellan Avenue northerly to a proposed entrance to the Kingsbridge Park. This roadway would be constructed to a rural cross section, providing roadside ditches for drainage and an asphalt surface.

In addition, the contractor proposed to construct a 10 foot wide asphalt path/walkway from McClellan Avenue northerly to Whelan Avenue. This work would be constructed concurrent to the proposed Phase 1 development of the Kingsbridge Park.

In addition, steel beam guardrail barriers will be installed at the north limit of the constructed roadway, as well as a second location situated southerly of Whelan Avenue to limit through traffic on the developer's private property.

The developer has indicated continued construction of the roadway will be performed subject to the improvement of the current economic downturn and the effect it has had on the housing market.

Attached is a map showing the general location of the proposed roadway and path/walkway.

**FINANCIAL IMPLICATIONS:**

**This work will be performed at the cost of the developer.**

**Lou Zarlenga, P.Eng.  
Manager of Public Services**

Minutes of a meeting held Wednesday, August 12, 2009 at 10:00 a.m. at Public Works Department regarding Kingsbridge Subdivision.

Present: Lou Zaricnga, P. Eng., Public Works Manager  
Tony DiThomasis, Road Superintendent  
Lory Bratt, Planning Coordinator  
Bill Docherty, Developer for Kingsbridge Subdivision  
Tom Robson, Developer for Kingsbridge Subdivision

The purpose of the meeting was to discuss the Kingsbridge parkland development and the Developers proposal for resolution of outstanding matters discussed at the June 10, 2009 meeting.

(1) Parkland

Lou reported on the tender results for the construction of Drainage and Grading for Kingsbridge Park - Phase 1. He indicated that the tenders ranged in price from \$230,000 to \$331,000 with the earthwork and seeding being set out as a contingency in the tender form as this is the responsibility of the Developers. This will enable them to decide whether they wish to do the work themselves or have the successful bidder (Reg Clark Trucking Ltd.) to complete the entire project.

The group then reviewed Section D being the contingency earthwork and seeding information in the amount of \$52,704.00 of the subject tender. The Developers indicated that the seeding is not an issue, however, they had not anticipated the requested elevations set out in the plan as part of their responsibility relative to the grading of the site.

Tom noted the clay berm on the north side of the site which is not in its final form will be left for purposes of filling in the ditch in that area as the development proceeds.

Relative to the earthwork and noting their attendance at the site, Lou and Tony indicated there could be compromise regarding the proposed elevations for the site.

Tom stated that they would respond back within a day as to their preference for completing the work themselves or alternatively having the successful bidder complete this part of the project. It was also noted that the excavation for the walkway will be calculated separately from the required earthwork. Tom assured the Town that there would be successful execution and coordination between the two contractors relative to work that will be completed by each party.

(2) Knobb Hill Drive Connecting Link Construction

Tom explained that due to the economic downturn experienced in the area, the growth in the development has not materialized as planned. As a result, the volume of lot sales has not been sufficient to justify or fund construction of Knobb Hill Drive between McLellan Ave. and Whelan Avenue as originally planned. It was acknowledged that the Town is moving forward with the staged construction of the park. This initiative will create the need for residents from the North to transit to the park area.

The laneway which will become the Knobb Hill Drive connecting link represents private property and was not designed to be a thoroughfare between the North and South at this time. Numerous problems and complaints have occurred as a result of unauthorized use of this laneway.

The Developers proposed the staged completion of the Knobb Hill Drive connection as follows:



Page 2 – August 12, 2009

Stage 1: Construction of a 10 ft. wide asphalt walkway/bike path linking the North and South to allow pedestrian and bicycle access to the park. Construction of a physical barrier preventing vehicular access to the walkway/bikepath from both the North and the South. Timeframe: Upon completion of Phase 1 of the park construction.

Stage 2: Construction of a 20 ft. asphalt roadway with a rural drainage profile linking Whelan Avenue and McLellan Avenue. Timeframe: Within 3 years of completion of Phase 1 of the park construction.

Stage 3: Construction of Knobb Hill Drive to full municipal standards. Timeframe: As development borders the roadway sections.

Tony reported that there have been incidences relative to traffic on the private laneway with police assistance being requested. As a result of concerns the Town put up signage indicating that this was an emergency access only and concrete barriers were placed together with no trespassing signs.

Town representatives expressed the municipality's expectations relative to the rural cross section for the connecting link for Knobb Hill Drive, however, also acknowledged the current economic challenges being faced in our area. It was recommended that together with the 10 ft. walkway on the west side, 300 ft. of roadway be completed to a rural profile from the south to gain access to the park.

It was also recommended that relative to the proposed time frames recommended in Stage 2 that this be reviewed on an annual basis (August 1<sup>st</sup> of each year) to determine if this can be moved forward based on development.

(3) Location of iron bars

Tom stated that they would locate all iron bars relative to the location of park and roadway based on the registered 12M plan.

(4) Financial Securities

It was reported that the release and holdback of required securities for Phase 6A and Phase 4B are up to date.

(5) Parkland Conveyance

To be done concurrently with the resolution of the above noted items.

(6) Morgan Drain

Lou advised of a preliminary report prepared on the Morgan Drain with respect to the construction of bridges and proposed earthworks. He reported on concerns from residents from Higgins and White and the results of a site meeting to discuss drainage issues in that area.

Lou advised that a staff report will be going to Council on August 24, 2009 regarding Items 1 to 5 of this meeting.

Larry Bratt  
Planning Coordinator  
Recording Secretary







**Zarlenga, Lou**

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**From:** Tom Robson [TomRobson@dunncompanies.com]  
**Sent:** Wednesday, August 12, 2009 5:46 PM  
**To:** Zarlenga, Lou  
**Cc:** Bratt, Lory; Malott, Pamela; smarion@mdirect.net  
**Subject:** Kingsbridge Subdivision - Outstanding Issues

Lou

Further to our meeting today with yourself, Lory Bratt, Tony DeThomasis, Bill Docherty and myself, I wish to confirm the following items discussed:

(A) Parkland Works

It was agreed that the work encompassed in Section D "Contingency Earthwork and Seeding" totaling \$52,704.00 is the complete work for which the Developer is responsible for in relation to this phase of the park Tender. The Town will pay for the balance of the works tendered.

It was noted that the amount the Developer is responsible for in Item #1 of Section D will be reduced as it included excavation of the pathways which is for the account of the Town. It was also indicated by Lou that, when dealt with directly in the field, he felt it was possible to reduce the excavation quantity significantly from the 6,400 m3 tendered in Item #1.

The Developer has reviewed the tender items in Section D and has elected to have Reg Clark Trucking Ltd. perform these items as part of the Town's contract. By electing in this manner, it will also simplify things by eliminating the need to co-ordinate the works with two contractors on site.

Please advise how you would like the Developer to reimburse the Town for performance of these works.

(B) Connecting Link

It was indicated that the Town had already placed concrete "New Jersey" barrier to block the road due to the nuisance issues that were being experienced. The Developer was prepared to do this but was awaiting a response to its earlier proposal.

The Developer's proposal for the phasing of the connecting link was reviewed. After much discussion, it was agreed that, as a compromise of the parties, the first phase of the Developer's proposal would be modified to include extension of Knobb Hill Drive north approximately 66 metres with construction of the rural profile of the connecting link to the entrance of the parkland parking area.

Lou indicated that the Developer's amended proposal would be put forth to Council at the August 24th, 2009 council meeting with the endorsement of the Town Administration. The Developer has indicated that it will have representatives present at the Council Meeting in order to address any questions or concerns of Council.

(C) Property Bars

Lou indicated the importance of have the proper location for commencement of the construction and expressed concerns regarding the park and roadway being properly located. The Developer confirmed that the park area as well as the Knobb Hill connecting link has been surveyed as part of the M-plans filed for the development. The Developer will undertake to locate and properly mark out the existing monumentation in order to ensure that the proposed works are constructed in the proper location.

(D) Morgan Drain

Lou indicated that a drainage study was being completed soon for the Morgan Drain in order to address concerns with undersized conditions at various bridge crossings, etc.. Lou

Amherstburg Municipal Special Council Meeting

Minutes - Wednesday, October 7, 2009

Page 31 of 31

also indicated that there had been many complaints and comments from residents along the south side of Higgins & White Crescent regarding the condition of the drain which backs along the rear of these properties. Discussion of potential solutions included the future enclosure of this portion of the drain. The Developer has requested that it receive a copy of the report as early as possible in order to review the matter.

I trust that the above accurately reflects our discussions. Please confirm or call me if you have any questions or concerns.

Regards

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