

The Corporation of the County of Northumberland
Special County Council Meeting
Agenda

Monday, September 9, 2024, 9:30 a.m.

Council Chambers

555 Courthouse Road, Cobourg, ON K9A 5J6

Hybrid Meeting (In Person and Virtual)

Zoom Information

Join Zoom Meeting

<https://us06web.zoom.us/j/81928796841?pwd=Weyeb9MD6Go1FEc0luq4bMmadlMBCr.1>

Meeting ID: 819 2879 6841

Passcode: 100275

Phone: 855 703 8985 Canada Toll-free

Pages

1. Notices

1.a Accessible Format

If you require this information in an alternate format, please contact the Accessibility Coordinator at accessibility@northumberland.ca or 1-800-354-7050 ext 2327.

1.b Meeting Format

This Special Council meeting will be held using a hybrid meeting model. The public is invited to attend in-person in Council Chambers. Alternatively, the public may view the Council meeting via live stream, join online, or join by phone using Zoom Conference technology. If you have any questions, please email matherm@northumberland.ca.

- Attend in-person in Council Chambers, located at 555 Courthouse Road, Cobourg
- Watch a livestream by visiting Northumberland.ca/Council
- Join online using Zoom
- Join by phone using Zoom

1.c Estimated time of Adjournment 10:30 a.m.

2. Call to Order

2.a Territorial Land Acknowledgement

3. Approval of the Agenda

3.a Agenda dated September 9, 2024

Recommended Motion

"That the Special County Council Agenda for Monday, September 9, 2024 be approved."

4. Declaration of Interest

5. Presentations

N/A

6. Adoption of Minutes

N/A

7. Business arising from the Minutes

N/A

8. Communications

N/A

9. Determination of Items Requiring Separate Discussion

N/A

10. Adoption of Items Not Requiring Separate Discussion

N/A

11. Consideration of Items Requiring Separate Discussion

N/A

12. Enactment By-laws

N/A

13. New Business

13.a Report 2024-118, Public Works 'Tribute Communities – Phase 2 – County Road 20 (Brook Road North)'

5 - 12

Denise Marshall, Director Public Works
Peter Deshane, Manager Infrastructure

Recommended Motion

"That County Council, having considered Report 2024-118 'Tribute Communities – Phase 2 – County Road 20 (Brook Road North)', approve:

Option 1:

- Maintaining one lane of traffic at all times

Option 2:

- Allowing a full road closure for a 3-week duration, as presented in the report for the Brook Road widening and infrastructure project being constructed by Behan Construction Ltd

14. Proclamations

N/A

15. Media Questions

16. Closed Session

N/A

17. Motion to Rise and Results from Closed Session

N/A

18. Confirming By-law

18.a A By-law to confirm the proceedings of a meeting of County Council held on September 9, 2024

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Recommended Motion

"That By-law 2024-31 being a By-law to confirm the proceedings of a Special meeting of County Council held on September 9, 2024 be introduced, be deemed to be read a first, second and third time, be passed, signed and sealed."

19. Adjournment

Recommended Motion

"That Council adjourn at _____ a.m."

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Report 2024-118

Report Title: **Tribute Communities – Phase 2 – County Road 20 (Brook Road North)**

Prepared by: Peter Deshane
Manager of Infrastructure
Public Works

Reviewed by: Denise Marshall
Director of Public Works
Transportation, Waste, Facilities and Capital Projects

Approved by: Jennifer Moore, CAO

Council Meeting Date: September 9, 2024

Report Not Considered by

Standing Committee Because:

- Time-sensitive Issue (information received too late for Committee consideration)
- Urgent Matter (issue arose after this month's Committee meeting)
- Other

Strategic Plan Priorities: Innovate for Service Excellence

- Ignite Economic Opportunity
- Foster a Thriving Community
- Propel Sustainable Growth
- Champion a Vibrant Future

Recommendation

That County Council, having considered Report 2024-118 'Tribute Communities – Phase 2 – County Road 20 (Brook Road North)' approve:

Option 1:

- Maintaining one lane of traffic at all times

Option 2:

- Allowing a full road closure for a 3-week duration, as presented in the report for the Brook Road widening and infrastructure project being constructed by Behan Construction Ltd
-

Purpose

The purpose of this report is to seek Council direction on a request from Behan Construction Ltd. to close Brook Road North (N) between Elgin Street and King Street for a duration of 3 weeks.

Background

Tribute Communities has received Draft Plan Approval for the development of Phase 2 (formerly known as Cobourg Trails Development). To service the development, the installation of underground infrastructure such as watermain and sanitary sewer is required on Brook Road N between Elgin Street and the entrance to the development (known as Street 'BB'). It should be noted that the sanitary sewer main will be approximately 8.0m deep for approximately 20m between Elgin St and Street 'BB'.

In addition to the installation of the underground infrastructure and as a condition of Draft Plan Approval the developer is required to widen Brook Road N between Elgin St and Street 'BB' to accommodate a left turning lane for north bound traffic. As well the developer is required to re-construct the vertical alignment of Brook Road N to improve sight lines at the intersection of Brook Road N and Street 'BB'. The vertical alignment of Brook Road North will be raised approximately 0.75m.

CIMA+ was retained by Tribute Communities to complete the detailed design for the Brook Road N widening. Since the initiation of the design County staff have communicated that the work must be completed while maintaining 1 lane of traffic at all times. The 1st submission was received by the County in July of 2022 which did not yet include staging plans and the County included in the comments for the 1st submission that the staging plan is still required and consultation will be required for the maintenance of traffic on Brook Road N during construction. Subsequently the 2nd submission did not include staging plans, however the 90% submission included staging plans that would accommodate one lane of traffic. At no time during the design process did any of the stakeholders indicate that a full road closure would be required.

County Staff have been diligent in providing comments for the submissions throughout the process to ensure timely responses. The 90% detail design was received by the County on May 27, 2024, and comments for this submission were provided on June 17, 2024. The County received the 100% drawing submission on June 24, 2024, and comments were provided on June 25, 2024 confirming that staff are satisfied with the detailed design and staging plan.

Concurrently with the detailed design submission monthly progress meetings were hosted by Tribute Communities. At a progress meeting on May 28, 2024, a discussion regarding construction of the Brook Road N work was initiated. At that meeting expectations from the County regarding timing for paving was discussed. It was noted that a cut-off date of November 1st is typical for paving to ensure compliance with OPSS specifications, and it was determined by Tribute Communities that a construction start date would need to be August 1, 2024 to meet a November 1st completion date. At the June 25, 2024 progress meeting it was noted that CIMA+ has provided the tender package to Tribute Communities for review and comment. At

the July 23, 2024 progress meeting Tribute Communities confirmed that the Tender package had been released and was expected to close July 24, 2024. The County is of the understanding that the contract was awarded to Behan Construction Ltd. the week of August 12th.

On August 20, 2024 County Staff met with Behan Construction Ltd. on site to discuss concerns that Behan's was raising about the staging plan, specifically concerns with constructability, safety of vehicular traffic (a live lane of traffic adjacent to the sanitary sewer trench) and that if they maintain one lane of traffic the project will not be completed by November 1, 2024 and the estimated completion date is December 2, 2024. With these concerns in mind Behan's proposed a 3-week road closure to complete the installation of the sanitary sewer and concurrently will prepare the road widening and grade raise for Brook Road. They indicated this would mitigate the schedule with the construction period being reduced by approximately 5 weeks with an estimated completion date of October 28, 2024. County staff advised of the concerns with this last minute request as it had not been raised previously and the project had been tendered with the approved staging plan that maintained one lane of traffic.

This was subsequently presented by Behan's at the pre-construction meeting held the following day on August 21, 2024. County staff advised at the meeting that Council approval would be required for a road closure of this duration. County Staff also advised that advance notice of the road closure would need to be distributed to the public, emergency services, bussing companies, the industrial area, businesses and residents that will be directly affected by the closure a minimum of 2 weeks in advance. CIMA+ stated at the meeting that they consulted with the geotechnical consultant regarding the safety concerns and noted that the geotechnical consultant has stated that there should be no issues or minimal risk of a trench collapse with the use of a trench box that is installed correctly. Therefore, maintaining one lane of traffic should be achievable, as originally planned and tendered. County staff are not aware of any concerns raised with Tribute about the staging plan during their tendering process and had the full closure request been made earlier during the design review stage, staff would have been able to complete a thorough review and impact of the closure and presented a recommendation for Council consideration at a regular Council meeting.

Consultations

N/A

Legislative Authority / Risk Considerations

The contractor completing the work on Brook Road (Behan) is retained by Tribute Homes and is required to obtain a Road Cut Permit from the County prior to initiating construction.

The contractor will be required to follow the Ontario Traffic Manual (Book 7) for working in traffic.

The Contractor will be required to follow the Ontario Health and Safety Act including WHIMS Reg. 860.

The Contractor will be required to follow the Ontario Environmental Protection Act including O. Reg. 406/19: On-site and Excess Soil Management.

Discussion / Options

The request to close the road for construction is a last-minute request that was not expected. Road closures approved at a staffing level would normally be less than 5 days in duration and anything longer than this duration is presented to County Council for consideration. As part of the road closure process, staff takes into consideration communication to the public, emergency services, bussing companies, schools, businesses, residents, etc., to ensure adequate advanced and on-going notice of a closure that allows time for accommodations to be made with respect to access, emergency service and bus re-routing, etc. Full closures are typically communicated a minimum of two weeks in advance of construction starting.

There are two Options for consideration:

Option 1 – Maintain one lane of traffic at all times as per the tender documents

If one lane of traffic is maintained, construction is anticipated to be complete by December 2, 2024 according to Behan's schedule. It is anticipated that there may be construction required in 2025 to complete remedial work, which includes work such as the removal of temporary asphalt, placement of permanent asphalt and site restoration. Any asphalt work completed after November 1st of any given year is subject to weather and if placed during temperatures that are below temperatures as outlined in OPSS the asphalt would be considered sacrificial and non-conforming. This Option has a longer construction duration, which impacts road users, businesses and residents, however, it ensures traffic is still able use this route.

Option 2 – Approve a full road closure for a 3-week duration

This option would result in an anticipated construction completion of October 28th, 2024 according to Behan's proposed schedule. The full road closure will have greater impact on emergency services, bussing companies, trucking companies (Brook Road is a dedicated Truck Route), businesses and residents on Brook Road, and also impact businesses and residents on a proposed detour route. However, it will shorten the construction duration by approximately 5 weeks. If this option is approved, staff recommend that a minimum two weeks' notice of the closure be provided to ensure adequate time for public communication.

Financial Impact

N/A

Member Municipality Impacts

Town of Cobourg staff would need to be consulted regarding the road closure as it is expected that a detour route will include either D'Arcy Street to King Street or Burnham Street to King Street.

Conclusion / Outcomes

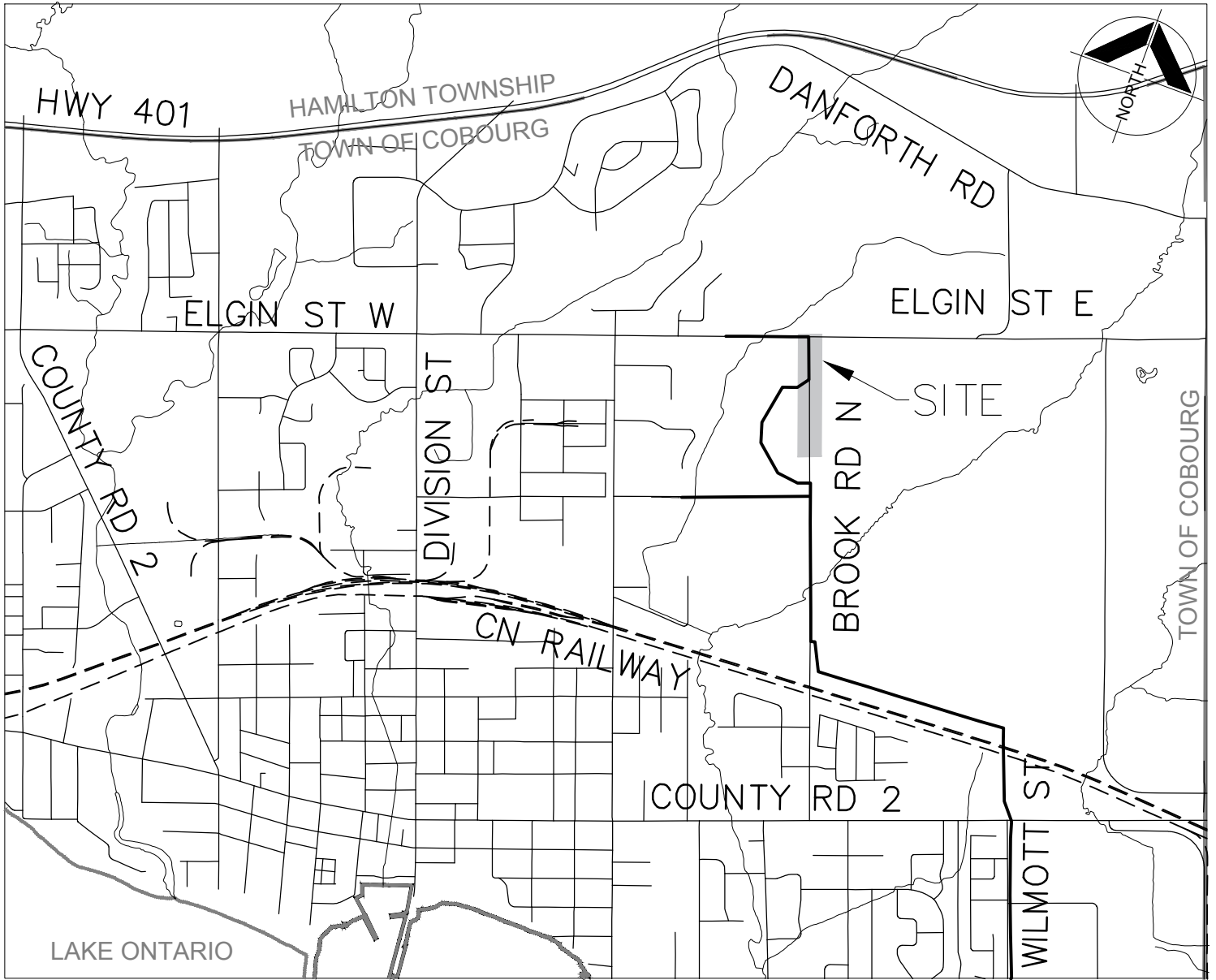
The Brook Road N widening project was initiated in 2022 with the first submission from Tribute Communities. Staff have consistently communicated that maintaining vehicular traffic during construction is required and that a staging plan must be prepared. The final approved submission included a staging plan maintaining one lane of traffic, which was tendered by Tribute for construction in July 2024. The request for a full road closure was only received by County Staff on August 20th, 2024. While a full road closure does allow for a reduced construction period and a safer construction site, it does significantly impact a County Arterial

Road which provides for the movement of goods and services (is a designated Truck Route), emergency services, bussing companies, businesses and residents. If a full closure is approved, staff recommends two weeks' notice of the closure be provided to ensure adequate time for public communication.

Staff are seeking direction from County Council regarding the approval or denial of the request from Behan Construction Ltd for the closure of Brook Road N between Elgin Street and King Street for a duration of 3 weeks.

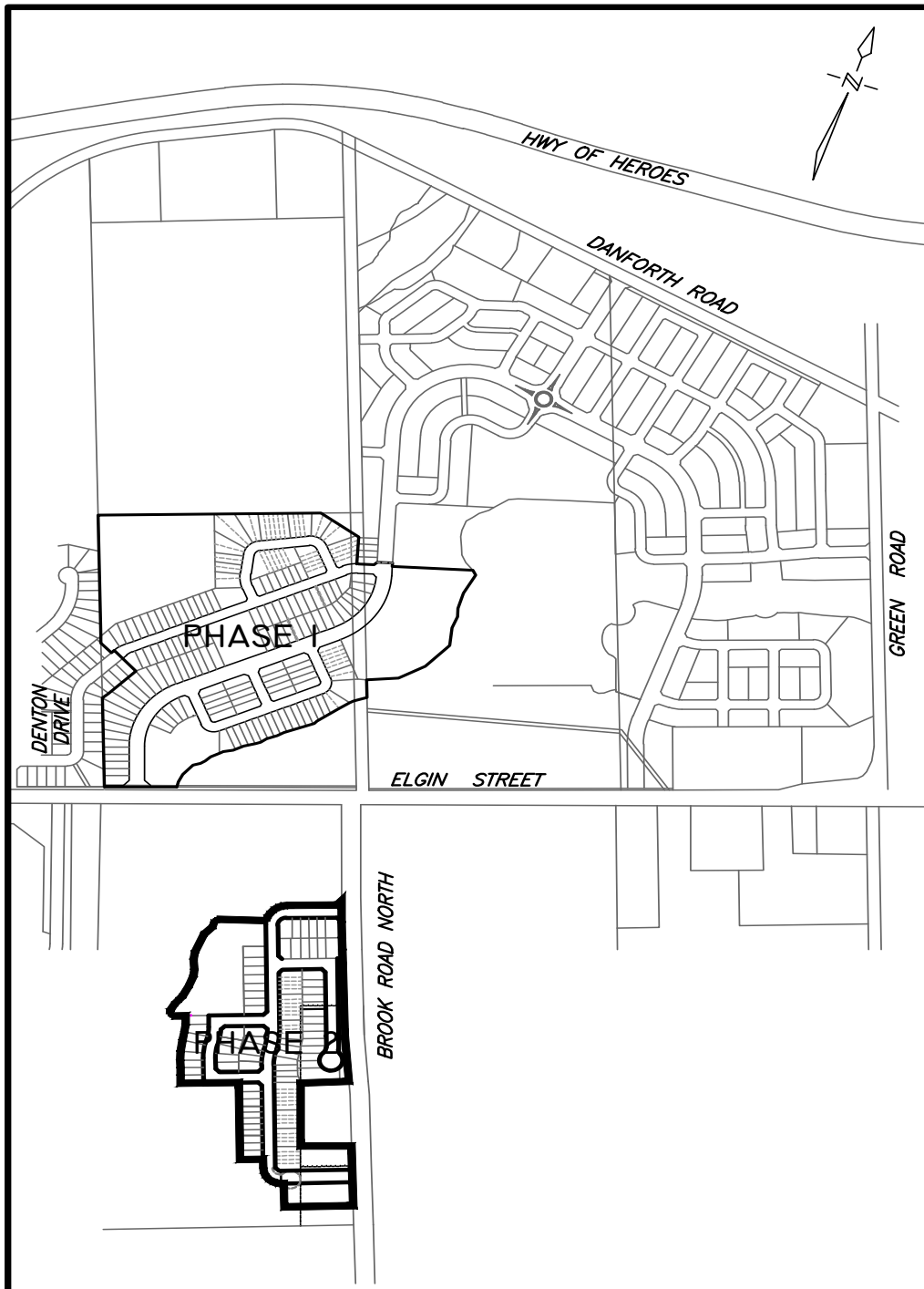
Attachments

- 1) Report 2024-118 ATTACH 1 'Tribute Communities – Phase 2 Key Map
- 2) Report 2024-118 ATTACH 2 'Correspondence, Behan Construction LTD., Brook Road North Road Closure Request'



KEY MAP

N.T.S.



KEY PLAN
NOT TO SCALE

BEHAN CONSTRUCTION LTD.

P.O. Box 596
Cobourg, ON
K9A 4L3
Tel. (905) 372-9862
Fax (905) 372-1213



August 22, 2024

ATTN: Jennifer Moore
Chief Administrative Officer
Northumberland County

We are writing to County Council to request a 3 week road closure due to an usual construction issue at a new housing development project in Cobourg on Brook Road North.

A section of sanitary sewer line to be constructed under the south bound lane (west side) of Brook Road North is very deep, from 6m to 9m deep, (20ft to 30ft deep). It is not a long section, about 200m (650ft), but because of the depth it will take nearly 3 weeks to construct.

The original plan worked out with Tribute Homes and the County staff called for one lane to remain open during construction (as the County would normally request) but from a constructability perspective it would be much safer for the general public and especially for our workers if this section of sewer could be installed during a full road closure. This is an extremely deep trench to install in one lane while the other lane remains open to traffic, even if a barrier is placed between the two lanes.

We have a great deal of construction experience and we would not make this big request lightly without significant thought put into alternatives.

Also, another issue is timing, we are coming into the fall of the year and it is a race to get asphalt paving work done before winter sets in.

Obviously having the full road closure is not only much safer but also allows the work to be completed much more quickly to avoid cold weather paving. The full closure would allow the project to be completed by late October whereas the option of keeping one lane open will push completion to late November.

As far as traffic detours, signage and notifications are concerned we are very accustomed to dealing with all of these issues as we deal with these issues on a daily basis.

If you have questions or require further information please contact me.

Best Regards,



Tom Behan, P.Eng.
President
Behan Construction Limited

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By-law 31-2024

A By-law to Confirm the Proceedings of the Northumberland County Council Special Meeting held on September 9, 2024

Whereas Section 248 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides for the adoption of a comprehensive general by-law that consolidates and includes the provisions of any by-law previously passed by the Council;

Now Therefore Be It Enacted as a by-law of the Council of the Corporation of the County of Northumberland as follows:

1. The action of Council at its Special Meeting on Monday, September 9, 2024 in respect of each motion, resolution, and other action taken by the Council at its meeting, is, except where the prior approval of the Ontario Land Tribunal is required, hereby adopted, ratified and confirmed.
2. The Warden and proper Officers of the Corporation are hereby authorized and directed to do all things necessary, where required, and the Warden and Chief Administrative Officer are hereby directed to execute all documents necessary in that behalf, and the Clerk shall hereby be authorized and directed to affix the seal of the Corporation to all such documents.

That By-law 31-2024 be introduced and be deemed to be read a first, second and third time, passed, signed and sealed this 9th day of September 2024.

Brian Ostrander, Warden

Maddison Mather, Clerk