



Date: September 25, 2018

To: Mayor Mary Smith and Council Members

From: Robert Lamarre Manager of Building and Planning

Subject: Road Use Agreements (Dams 24 and 25)

Status: For Direction

Recommendation

That the report of the Manager of Building and Planning regarding the Road Use Agreements related to the reconstruction of Dams 24 and 25 be received for information;

That By-law No. 2018-065, a By-law to authorize the execution of two Agreements between the Corporation of the Township of Selwyn, Maple Reinders Constructors Ltd. and Construction Demathieu and Bard (CDB) Inc. be brought forth for consideration under the By-law section of the agenda.

Information

Maple Reinders Constructors Ltd. and Construction Demathieu and Bard Inc. in joint venture (MRC and CDB) has contracted with Public Works and Government Services Canada to perform construction management services for the rehabilitation or replacement of dams 24 and 25 in the Trent Severn Waterway.

The contractor intends to access each site using Township roads via the 6th and 5th Lines. We anticipate that the use of these roads by heavy equipment year round will have a significant impact on the road by reducing its useful life expectancy. In addition, we are concerned that mud may occasionally be deposited on the road and that it may be damaged periodically resulting from ongoing construction activity.

Council may recall that the Township addressed the road damage and maintenance issues when it considered the hydropower construction projects proposed at each dam site by Peterborough Utilities Inc. (PUI) and Bawitik Power Corporation (BPC). We came to terms on an agreement with each of those proponents which obligated them to repair the road during construction and included a payment of a lump sum related to the reconstruction of the road. The agreements were crafted to reflect the fact that all proponents would share equally in the related maintenance and construction costs.

The Road Use Agreements for the dam projects which are before Council are consistent with the terms we negotiated with PUI and BPC. The costs sharing provisions remain in the agreement even though the LRP contracts that the Independent Electricity System Operator (IESO) had executed with the PUI and BRC are being wound down as there is still a level of uncertainty as to how this will play out. At the end of the day the agreement in place will ensure that any of these developers/contractors who utilize the roads for the benefit of their projects will contribute to the maintenance and construction costs.

Financial Impact

The proposed agreements will ensure that the ongoing road maintenance costs associated with the dam rehabilitation/reconstruction projects is appropriately born by the contractor. In addition, the agreements appropriately recognize that the use of the roads year round will shorten their useful life span and consequently obligates reasonable compensation.

Strategic Plan Reference

Achieve excellence in governance and service delivery.

Attachments

- Proposed Agreements

Robert Lamarre

Prepared By: Robert Lamarre, Manager of Building and Planning

Janice Lavalley

Reviewed By: Janice Lavalley, CAO