

407 East Extension

407 East Advisory Committee (EAC) Meeting #2

Agenda

November 16, 2010

9:30 a.m. – 12:00 p.m.

Regional Municipality of Durham, Regional Headquarters
605 Rossland Rd. E, Whitby, ON
Meeting Room I-A

Purpose:

- a) To finalize and approve minutes from 407 EAC initial meeting and 407 EAC Terms of Reference;
- b) To provide the 407 EAC members with an update to the 407 East Extension Implementation;
- c) To provide an update to the 407 EAC members regarding the EA Conditions of Approval; and
- d) To provide an opportunity for a Questions and Answers discussion period.

9:30 am	Networking and light refreshments
9:40 am	Opening remarks Lou Politano, Regional Director
9:50 am	Purpose of the meeting and agenda review Lou Politano
9:55 am	Discuss and approve minutes from 407 EAC initial meeting Lou Politano / All
10:20 am	Discuss, finalize and approve 407 EAC Terms of Reference Dan Remollino / All
11:10am	Update to Implementation Peter Chackeris
11:30 am	Update to EA Conditions of Approval (Condition 5 – Compliance Reports; Condition 7 – Stormwater Management Plan; Condition 13 – Complaints Protocol; Condition 18 – Vegetation Restoration Plans) Dan Remollino
11:50 am	Questions and Answers
12:00 pm	Other Business, Next Meeting and Adjourn

**407 East Extension – 407 East Advisory Committee (407 EAC)
Minutes of Meeting #2**

Held On: Tuesday, November 16, 2010 between 9:30 AM and 12:30 PM

Held At: Regional Municipality of Durham, Regional Headquarters, Whitby. Meeting Room I-A

Present:

Project Team: Lou Politano (*MTO, Regional Director, Central Region*)
Peter Chackeris (*MTO, Head, 407 East Implementation*)
Dan Remollino (*MTO, Head, 407 East EA*)
Darlene Proudfoot (*MTO, Senior Environmental Planner*)
Diane Naluzny (*MTO, Communications Specialist*)
Rita Venneri (*MTO, Project Engineer*)
Khaled El-Dalati (*Delcan, 407 Owner's Engineer Service Project Manager*)
Lisa Josephson (*Delcan, 407 Owner's Engineer EAC Coordinator*)
Grant Kauffman (*LGL, 407 Owner's Engineer Environmental Planner Lead*)

Members: Suzanne Beale (*The Corporation of the Town of Whitby, Commissioner of Public Works*)
Tony Cannella (*Municipality of Clarington, Director of Engineering Services*)
Gary Carroll (*City of Oshawa, Director, Engineering Services*)
Steve Gaunt (*The Corporation of the City of Pickering, Principal Planner, Policy Planning & Development Department*)
Tom Hoggarth (*Fisheries and Oceans Canada, Eastern Ontario District*)
Dan Orr, observer (*Ministry of Environment, Manager, Technical Support*)
Sue Siopis, alternate for Cliff Curtis (*The Regional Municipality of Durham, Durham Works*)
Perry Sisson (*Central Lakes Ontario Conservation Authority, Director, Engineering and Field Operations*)
Edward Terry (*Town of Ajax, Policy Planner*)
Greg Wells (*Ganaraska Region Conservation Authority, Manager, Planning Regulations*)
Beth Williston (*Toronto Region Conservation Authority, Manager of Environmental Assessment Planning*)

CC'd: Members: Suzanne Bevan (*Toronto Region Conservation Authority, Planner II, Environmental Assessment Planning*)
Darla Cameron (*Canadian Environmental Assessment Agency, Section Lead*)
Rob Dobos (*Environment Canada, Manager Environmental Assessment Section*)
Gary Hardy (*The Corporation of the Town of Whitby, Manager of Engineering Services*)

Purpose of Meeting:

The purpose of the second 407 EAC meeting was to provide the 407 EAC members with an opportunity to discuss and finalize both the 407 EAC minutes from the initial meeting and the 407 EAC Draft Terms of Reference. In addition, the meeting was to provide an update of the 407 East Extension Implementation and the EA Conditions of Approval.

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Discussions were led by Lou Politano, Dan Remollino and Peter Chackeris. Peter Chackeris gave a presentation on the 407 East Implementation. As the 407 EAC members arrived, hard copies of the Draft Terms of Reference (ToR), minutes from the initial meeting, the Draft Complaints Protocol (Condition 13),

the Draft Complaints Protocol (Condition 13), the Draft Compliance Monitoring Framework (Condition 4) and the Draft Storm Water Management Plan (Condition 7) were distributed. Throughout the meeting, there was an opportunity for questions and answers.

No.	Item	Action
1.0	<p>Opening Remarks, Introductions, Purpose of the Meeting and Agenda Review</p> <ul style="list-style-type: none"> Lou Politano chaired the meeting and welcomed participants. Following the introductions, Lou reviewed the purpose of the meeting and the agenda for the morning. 	
2.0	<p>Revisions to Initial 407 EAC Meeting Minutes</p> <ul style="list-style-type: none"> See Amendment Sheet to Initial 407 EAC Meeting Minutes. 	
3.0	<p>Review of Draft Terms of Reference</p> <ul style="list-style-type: none"> Dan Remollino provided an updated on the Draft Terms of Reference (ToR). <p>3.1 General Comments:</p> <p>3.1.1</p> <ul style="list-style-type: none"> Comments provided from the EAC initial meeting have been incorporated into the current Draft ToR. <p>3.1.2</p> <ul style="list-style-type: none"> It was recommended that the Conditions of Approval be appended to the ToR. <ul style="list-style-type: none"> ACTION: MTO to review the request to append the Conditions of Approval to ToR. <p>3.1.3</p> <ul style="list-style-type: none"> Gary Carroll said that he submitted comments on the Draft Minutes and Draft ToR. MTO and Delcan indicated that they did not receive his comments. <ul style="list-style-type: none"> ACTION: Gary Carroll to resend comments to Delcan. ACTION: Comments to be added to the 407 EAC comment table and responses to be provided. <p>3.1.4</p> <ul style="list-style-type: none"> Changes will be made to the ToR based on the discussions from this meeting. <p>3.2 Mandate (Section 2 of the ToR)</p> <p>3.2.1</p> <ul style="list-style-type: none"> There was a general discussion regarding the role of the 407 EAC. MTO clarified that their interpretation of the Conditions of Approval 	<p>MTO/Delcan</p> <p>Gary Carroll</p> <p>MTO/Delcan</p>

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	was that the 407 EAC was to act as an advisory committee.	
3.2.2	<ul style="list-style-type: none"> • There was a general discussion on how the 407 EAC was expected to provide feedback on the Compliance Monitoring Program and/or the annual Compliance Monitoring Reports. <ul style="list-style-type: none"> ○ ACTION: MOE to follow-up on and confirm EAC's role with regards to Compliance Monitoring, in particular the committee's role in reviewing annual Compliance Monitoring Reports required by Condition 5. MOE is to confirm whether the committee is to review and provide feedback on the Compliance Monitoring Program and/or on the annual Compliance Monitoring Reports. 	MOE
3.2.3	<ul style="list-style-type: none"> • If the EAC role entails reviewing and commenting on annual Compliance Monitoring Reports, the term of their membership will need to reflect this (continue until all Compliance Monitoring Reports are complete). This will require annual meetings, at a minimum, to review the Compliance Monitoring Reports during the operational phase of the 407 East. <ul style="list-style-type: none"> ○ ACTION: Update the Mandate once the role of the 407 EAC, in regards to the Compliance Monitoring, is clarified by MOE. 	MTO/Delcan
3.3	Membership (Section 6 of the ToR)	
3.3.1	<ul style="list-style-type: none"> • MTO sent an invite to MNR to participate on the EAC. MNR will participate on an as-need-basis (part time). Minutes and notifications will continue to be distributed to them. <ul style="list-style-type: none"> ○ ACTION: Revise Membership description, since DFO, CEAA and MNR were not specifically required under Condition 6.3. 	Delcan
3.3.2	<ul style="list-style-type: none"> • The 407 EAC agreed that members of the public would be able to make presentations to the committee on specific issues. It will be up to the committee members to bring forward any requests for presentations from the public. 	
3.3.3	<ul style="list-style-type: none"> • There was a general discussion regarding the public's role in the 407 EAC. <ul style="list-style-type: none"> ○ ACTION: MTO to review, expand and/or clarify the last paragraph of the public consultation section (Section 6) of the ToR. 	MTO/Delcan
3.3.4	<ul style="list-style-type: none"> • A brief description of the 407 EAC and its role will be provided on the new project website, and a list of the names and agencies of committee members will be posted. 	

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	<ul style="list-style-type: none"> ○ ACTION: Provide minutes and updates to the public via the future website. 	MTO/Delcan
3.4	Term of Membership (Section 7 of the ToR)	
3.4.1	<ul style="list-style-type: none"> ● A discussion was held regarding the 407 EAC Term of Membership. 	
3.4.2	<ul style="list-style-type: none"> ● A suggestion was made that the 407 EAC continue on as the project progresses into construction, and remain in existence during operation of the facility. 	
3.4.3	<ul style="list-style-type: none"> ● It was also suggested that a new committee be struck for each phase of the 407 East Extension’s construction and operation, and that alternate members be brought on as required. 	
3.4.4	<ul style="list-style-type: none"> ● The frequency of meetings, as noted in Section 8.1 in the ToR, will be determined at that time. It was noted that meetings may be once or twice a year. <ul style="list-style-type: none"> ○ ACTION: Under 8.1 of the ToR, add the following sentence: “Will operate into the construction and operation phase and the frequency of meetings will be determined at that time.” 	Delcan
3.5	Meetings (Section 8 of the ToR)	
3.5.1	<ul style="list-style-type: none"> ● It was suggested that meeting dates should be flexible in order to accommodate the need for future meetings. 	
3.5.2	<ul style="list-style-type: none"> ● Current 407 EAC meetings to occur every two months until further notice. 	
3.5.3	<ul style="list-style-type: none"> ● Meeting to continue to be held at the Durham Region Headquarters. 	
3.5.4	<ul style="list-style-type: none"> ● There was a suggestion to numbering items on future agendas. <ul style="list-style-type: none"> ○ ACTION: Number items on future agendas. 	Delcan
3.5.5	<ul style="list-style-type: none"> ● It was suggested that the item ‘Work Plan’ be removed from the Section 8.3 and replaced with a more specific item. <ul style="list-style-type: none"> ○ ACTION: Remove and replace the ‘Work Plan’ item from Section 8.3. 	Delcan
3.5.6	<ul style="list-style-type: none"> ● It was suggested that draft minutes and general information/material for discussion should be provided to the group one week to ten business days after each EAC meeting takes place. This will provide 407 EAC members with enough time to review meeting material and provide feedback. 	
3.5.7	<ul style="list-style-type: none"> ● Final Meeting Minutes to be distributed to 407 EAC members one 	

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	month following the associated meeting.	
3.5.8	<ul style="list-style-type: none"> If comments are generated from the previous Meeting Minutes, there will be a note stating that the item requires further discussion will be documented in the minutes. 	
3.5.9	<ul style="list-style-type: none"> All changes required to the previous set of minutes will be added as an addendum to the next set of minutes. 	
3.5.10	<ul style="list-style-type: none"> Only the finalized version of the Meeting Minutes is to be posted on the new project website one month after the meeting. 	
3.6	Rules of Conduct (Section 9 of the ToR)	
3.6.1	<ul style="list-style-type: none"> There was a comment raised regarding the wording under the ‘Rules of Conduct’. The MTO clarified that these ‘Ground Rules’ are intended to ensure that participants are provided equal opportunity to express their views. <ul style="list-style-type: none"> ACTION: MTO to review the wording of Section 9. 	MTO/Delcan
4.0	Project Overview – Implementation	
	<ul style="list-style-type: none"> Peter Chackeris provided an update on the implementation phase of the project. 	
4.1	Procurement Process	
4.1.1	<ul style="list-style-type: none"> MTO met with a number of municipalities to discuss the procurement process. 	
4.1.2	<ul style="list-style-type: none"> MTO requires comments back from municipalities within the next week or two in regards to bike lane and sidewalk applications, etc. 	
4.1.3	<ul style="list-style-type: none"> MTO can still amend the procurement document in the first two months of the process, but after that, it cannot be changed. 	
4.2	Property Acquisition	
4.2.1	<ul style="list-style-type: none"> Property acquisition was discussed, along with the waiver of the Hearing of Necessity. <ul style="list-style-type: none"> ACTION: Copy EAC members on information sent to the property owners and public. 	Delcan
4.2.2	<ul style="list-style-type: none"> As discussed at the previous meeting, expropriation letters were not distributed until after the municipal elections. Notices went out to property owners on November 3rd to proceed with the expropriation process. 	

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4.2.3	<ul style="list-style-type: none"> • MTO is expropriating for the ultimate right-of-way, which includes the highway and the transitway and the associated facilities. 	
4.2.4	<ul style="list-style-type: none"> • Upcoming Property Owner Information Sessions will discuss the expropriation process with property owners. <ul style="list-style-type: none"> ○ ACTION: Send information (brochure, invitation and glossary of terms) on the property owner information sessions to the 407 EAC members. 	Delcan
4.2.5	<ul style="list-style-type: none"> • MTO will be expropriating parts of properties. Under the Expropriation Act, the MTO can only expropriate what is needed for the undertaking, as identified in the approved EA. <ul style="list-style-type: none"> ○ ACTION: Update EAC on the expropriation process. 	MTO/Delcan
4.3	Municipal/Regulatory Agencies	
4.3.1	<ul style="list-style-type: none"> • MTO has met with the Region of Durham, its municipalities, and regulatory agencies as part of the consultation process for the implementation phase (Phase 1). 	
4.3.2	<ul style="list-style-type: none"> • Municipalities are encouraged (but are not required) to provide a list of priorities in regards to the implementation phase (Phase 1). 	
4.3.3	<ul style="list-style-type: none"> • Monthly meetings have been arranged with agencies to discuss environmental and natural science features to better inform Project Co. 	
4.3.4	<ul style="list-style-type: none"> • The MTO has posted the Draft Comprehensive Study Report on the 407 East EA project website at 407eastea.com. In addition, it will be posted on the CEAA website in the next weeks. 	
4.3.5	<ul style="list-style-type: none"> • MTO has met with municipal heritage representatives regarding the Draft Heritage Strategy. 	
4.4	Permission to Enter (PTE)	
4.4.1	<ul style="list-style-type: none"> • Most municipal PTEs for Phase 1 have been received, but there are still a few that are outstanding. MTO is still awaiting the PTE from Whitby. 	
4.4.2	<ul style="list-style-type: none"> • Whitby has previously stated that they have insurance issues. However, they are willing to help should assistance be required to acquire the PTE. 	

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5.0	EA Conditions of Approval	
5.1	<ul style="list-style-type: none"> • Dan Remollino discussed the documents listed in the Conditions of Approval that were to be reviewed by the EAC. This included the Draft Complaints Protocol, Draft Stormwater Management Plan and the Draft Compliance Monitoring Program. A hard copy of these three draft documents were provided to the committee at the meeting. Condition 18, Vegetation Restoration Plans, will be prepared by Project Co. during detail design and will be reviewed by the committee at later date. <ul style="list-style-type: none"> ○ ACTION: Provide an electronic copy of all draft documents to the 407 EAC members. 	Delcan
5.1.2	<p>General Discussion Regarding Condition 13, Draft Complaints Protocol</p> <ul style="list-style-type: none"> • A suggestion was made that MTO should consider differentiating between inquiries and complaints. Inquiries may be straight forward and not require further action. Complaints will require formal reporting and action. <ul style="list-style-type: none"> ○ ACTION: Provide MTO with comments on Condition 13 to discuss at the next 407 EAC meeting on December 9, 2010. 	EAC
5.1.3	<p>General Discussion Regarding Condition 7, Draft Stormwater Management Plan</p> <ul style="list-style-type: none"> ○ ACTION: Provide MTO with comments on Condition 7 to discuss at the next 407 EAC meeting on December 9, 2010. 	EAC
5.1.4	<p>General Discussion Regarding Condition 4, Draft Compliance Monitoring Program</p> <ul style="list-style-type: none"> ○ ACTION: Provide MTO with comments on Condition 4 to discuss at the next 407 EAC meeting on December 9, 2010. 	EAC
6.0	Questions/Comments and Answers	
6.1	<ul style="list-style-type: none"> • The Municipality of Clarington inquired about several issues that were not fully examined in the EA, such as phasing and implementation. 	
6.1.1	<ul style="list-style-type: none"> ○ MTO responded that although not specifically addressed in the EA, it is common for a project of this size to be implemented in several phases. 	
6.1.2	<ul style="list-style-type: none"> ○ Municipality of Clarington will provide MTO with additional comments on the information regarding the implementation phase, as will the municipalities of Whitby and Oshawa. 	

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6.2	<ul style="list-style-type: none"> The Municipality of Clarington discussed the potential impact to their local road network that could result from the termination of Phase 1 at Simcoe Street. They would like to see Phase 1 continue to Highway 35/115. 	
6.2.1	<ul style="list-style-type: none"> MTO responded that this link will be constructed during subsequent phases of the project. MTO added that, based on traffic impact models, there will be no significant increase in incremental traffic volumes east of Simcoe Street. ACTION: Arrange a separate meeting to discuss transportation and traffic impacts and issues with Oshawa and Clarington. 	MTO
6.3	<ul style="list-style-type: none"> The City of Oshawa is currently preparing its own traffic analysis and will present it to the Region and MTO once complete. 	
6.4	<ul style="list-style-type: none"> All comments on draft documents to be sent to Delcan. 	
6.5	<ul style="list-style-type: none"> As part of municipal consultation, a copy of the MTO's traffic report was provided to city clerks. This report included a traffic analysis for Phase 1. The committee members can get access to this traffic report by contacting their respective city clerks. 	
6.6	<ul style="list-style-type: none"> Bidders would like the opportunity to talk to each municipalities regarding Phase 1. Municipalities have indicated that they would prefer to meet as a group with the bidders, and not individually. ACTION: MTO to examine the potential to hold a general meeting with all the municipalities and each consortia group. This will be discussed during the next meeting. 	MTO
6.7	<ul style="list-style-type: none"> Steve Gaunt had a question regarding MTO's consultation with Paddock Road residents in Pickering. 	
6.7.1	<ul style="list-style-type: none"> MTO responded that it has met with residents on Paddock Road with respect to noise and other issues. MTO will continue discussions with them. 	
6.8	<ul style="list-style-type: none"> MTO is in the process of creating a new website for the project and once it is in operation, the Minutes, along with all other information related to Phase 1, will be posted on it. 	
6.9	<ul style="list-style-type: none"> Commercially sensitive issues will not be disclosed in the Minutes. Only one set of Minutes will be distributed and will be posted on the new 	

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	project website.	
6.10	<ul style="list-style-type: none"> • Dan Remollino explained that MTO will provide responses to comments received from the EAC as a separate document. <ul style="list-style-type: none"> ○ ACTION: Table of comments received, and MTO responses will be prepared and distributed to the 407 EAC members prior to the next meeting on December 9, 2010. 	MTO/Delcan
7.0	Next Steps	
7.1	<ul style="list-style-type: none"> • Approve Minutes from the 407 EAC initial meeting. 	
7.2	<ul style="list-style-type: none"> • Approve the ToR. 	
7.3	<ul style="list-style-type: none"> • Provide comments to the MTO on the Draft Complaints Protocol, Draft Stormwater Management Plan and the Draft Compliance Monitoring Program. 	
7.4	<ul style="list-style-type: none"> • MTO to provide a comment table with responses to 407 EAC members. 	
7.5	<ul style="list-style-type: none"> • Next meeting to take place on December 9, 2010 from 9:30 am – 12:00 pm at the Region of Durham Headquarters, Whitby, Room 1-A. 	
7.6	<ul style="list-style-type: none"> • Meeting following the December 9th has not yet been scheduled, but may occur in early March. 	

If there are any errors or omissions, please advise l.josephson@delcan.com within seven days of the issuance of these minutes.

Minutes prepared by
DELCAN CORPORATION