

March 8, 2016

**CORPORATE SERVICES REPORT –
LEGISLATIVE SERVICES 2016-08**

TO: Committee of the Whole

SUBJECT: *Regional Municipality of York – Road Rehabilitation Program (Noise By-law Exemption)*

ORIGIN: Director, Legislative Services/Town Clerk & Supervisor, By-law Enforcement

RECOMMENDATIONS

THAT Corporate Services Report – Legislative Services 2016-08 dated March 8, 2016 regarding “Regional Municipality of York – Road Rehabilitation Program Request for Exemption from the Noise By-law” be received and the following recommendations be adopted:

1. THAT a by-law to exempt the Regional Municipality of York from the Noise By-law (By-law 2004-94) be enacted to facilitate their road habilitation program on Prospect Street in the Town of Newmarket for a period from April 11, 2016 to June 10, 2016 between the hours of 8:00 p.m. to 10:00 p.m., Monday through Saturday.
2. AND THAT the Regional Municipality of York notify area residents one week prior to the start of the work.

COMMENTS

The purpose of this report is to seek Council's approval of a request for an exemption from the Noise By-law (By-law 2004-94) from Regional Municipality of York regarding the Road Rehabilitation Program along Prospect Street from Lydia Street to Davis Drive. The Road Rehabilitation Program includes removal of the existing asphalt and repaving with new asphalt, repairs to curbs, catchbasins and manholes and upgrading of the cross-walks at all intersections to meet the new *Accessibility for Ontarians with Disabilities Act (AODA)* requirements.

Corporate Services Department

TOWN OF NEWMARKET
395 Mulock Drive
PO Box 328 STN Main
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca

Attachment "A" outlines details to the request.

The Region's request is to undertake the work at non-peak hours (8 p.m. through 10 p.m.) all days of the week finishing on Sunday evenings to minimize disruption regarding other projects in the vicinity to residents in the area

The Noise By-law restricts the operation of construction equipment or the conduct of any alteration or repair of any building between the 8 p.m. and 7 a.m. Monday through Friday and 8 p.m. to 9 a.m. on Saturdays, Sundays and holidays.

Given the context for the work required to be undertaken, staff recommends approval of the exemption request to the Noise By-law during the hours requested, excluding early start on Sundays.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report relates to the "Well Equipped and Managed" link of the Town's community vision implementing policy and processes that reflect sound, accountable governance.

CONSULTATION

There was no consultation required in regard to this report.

HUMAN RESOURCE CONSIDERATION

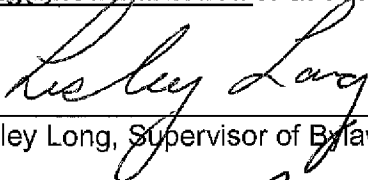
There are no human resources considerations related to this report.

BUDGET IMPACT (CURRENT AND FUTURE)

There are no budget impacts related to this report.

CONTACT

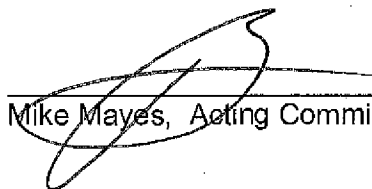
For more information on this report, please contact Lesley Long, Supervisor of Bylaws at llong@newmarket.ca or at 905 953-5300, ext. 2222



Lesley Long, Supervisor of Bylaw Enforcement



Andrew Brouwer, Director, Legislative Services /Town Clerk



Mike Mayes, Acting Commissioner of Corporate Services



Transportation Services

Capital Planning and Delivery Branch
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March 8, 2016

Lesley Long
Supervisor of Bylaw Enforcement
Town of Newmarket
395 Mulock Drive
P. O. Box 328, Station Main
Newmarket, ON L3Y 4X7
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BY E-MAIL ONLY

Dear Ms. Long:

**Re: Request for Exemption to Town of Newmarket Bylaw 2004-94 to Allow
Night Work
Removal of Asphalt Pavement and Hot Mix Asphalt Paving
Prospect Street (Y.R. 34) from Lydia Street to Davis Drive (Y.R. 31)
Our File: T03 (C) 3996 16-155**

The Regional Municipality of York (Region) requests that the Town of Newmarket approve an exemption to Town Bylaw 2004-94 to allow for night-time construction work during the period April 11, 2016 to June 10, 2016 for the rehabilitation of Prospect Street from Lydia Street to Davis Drive.

As part of our ongoing Road Rehabilitation Program, the Region is planning to undertake the rehabilitation of Prospect Street from Lydia Street to Davis Drive in 2016. The project includes removal of the existing asphalt and repaving with new asphalt, repairs to curbs, catchbasins and maintenance holes, and upgrading of the cross-walks at all intersections to meet the new Access for Ontarians with Disabilities Act (AODA) requirements. We plan to do the work during the spring months with the start of the construction planned for Monday, April 11 and project completion by Friday, June 10.

To reduce the overall disruptions to road users in Newmarket and to expedite the completion of the work we would like to extend the daily work shifts to 10:00 p.m. in the evenings from Monday to Saturday, as well as having the opportunity to work on Sunday from 7:00 a.m. to 10:00 p.m. Our reasons for this are set out below.

In addition to the Prospect Street construction, there are a number of traffic disruption activities occurring in the vicinity including the Leslie Street construction from Broughton Lane to Mulock Drive by York Region, relocation of utilities on Yonge Street, as well as deficiency clean up on Davis Drive by viva.

These activities are expected to commence in early spring and will be ongoing most of the year.

The Regional Municipality of York, 17250 Yonge Street, Newmarket, Ontario L3Y 6Z1
Tel: 1-877-464-9675
Internet: www.york.ca

March 8, 2016
Request for Noise By-law Exemption to Allow Night Work
Prospect Street (Y.R. 34) from Lydia Street to Davis Drive (Y.R. 31)
Our File: T03 (C) 3996 16-155

Permitting the contractor to work the extended hours will allow the Region to complete this work efficiently and expeditiously, and shorten the duration of the Prospect Street construction thereby reducing traffic disruptions for the area.

The main equipment used for this type of project includes:

- Pavement grinding machines
- Paving and asphalt compaction machines
- Dump trucks
- Miscellaneous other smaller construction equipment

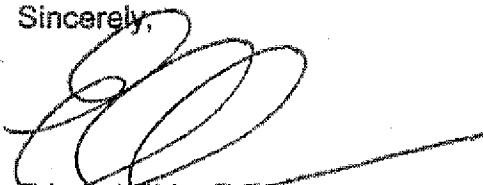
The noisiest parts of the project will be while old broken curb is removed and during the grinding of the old asphalt. The remainder of the work will be quieter, with the main noise sources being the engines of the equipment and trucks.

This project will proceed as a moving operation. Although the project site is 0.9 km long, the area under active construction at any one time will be much smaller. In general, only a few hundred metres of the site will have construction activity ongoing at any one time. At any particular location we do not expect to be working for more than 10 working days.

Region staff can make a presentation to Newmarket Council about the project if that would be of use to Council in their deliberations about our request. Please let me know if this would be useful, and if it is, could you please also advise how I can be added as a delegate to speak at the meeting when this request will be considered.

I trust this gives you enough information to process our request. If you have any questions or require further information please do not hesitate to contact the undersigned.

Sincerely,



Edward Chiu, P.Eng.
Senior Project Manager

EC/nw/mmm

Copy to: Salim Alibhai, Director of Capital Planning and Delivery, York Region via e-mail only
David Atkins, Manager of Engineering, York Region via e-mail only