

March 21, 2014

CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2014-08

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 2014-08 dated March 21, 2014 regarding “Regional Municipality of York – Road Rehabilitation Program Request for Exemption from the Noise By-law” be received and the following recommendations be adopted:

- a) **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 Mulock Drive in the Town of Newmarket for a period from June 23, 2014 to September 12, 2014 between the hours of 7:00 p.m. to 5:00 a.m., Monday through Saturday.**
- b) **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 Mulock Drive from Yonge Street to Highway 404. 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.

Attachment “A” outlines details to the request.

Corporate Services Department

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

www.newmarket.ca
info@newmarket.ca

The Region's request is to undertake the work at non-peak hours (7 p.m. through 5 a.m.) all days of the week finishing on Saturday mornings when the traffic is less congested so as to minimize disruption to businesses and residents

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 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

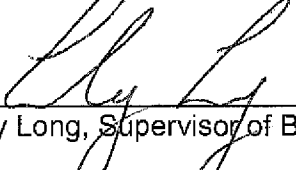
There are no human resources considerations related to this report.

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



Anita Moore, Commissioner of Corporate Services



Transportation Services

Roads Branch

Fax: 905-836-4590

March 14, 2014

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

BY E-MAIL ONLY

Dear Ms. Long:

**Re: Request for Exemption to Town of Newmarket Bylaw 2004-94 to Allow Night Work
Contract No. 14-152 – Removal of Asphalt Pavement and Hot Mix Asphalt Paving on
Mulock Drive (Y.R. 74) from Yonge Street (Y.R. 1) to Highway 404
Town of Newmarket**

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 June 23, 2014 to September 12, 2014 for the rehabilitation of Mulock Drive from Yonge Street to Highway 404.

As part of our ongoing Road Rehabilitation Program, the Region is planning to undertake the rehabilitation of Mulock Drive from Yonge Street to Highway 404 in 2014. The project 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 Access for Ontarians with Disabilities Act (AODA) requirements. We plan to do the work during the summer months with the start of the construction planned for Monday, June 23 and project completion by Friday, September 12.

To reduce the overall disruptions to road users in Newmarket and to expedite the completion of the work we would like to undertake this work during the night. Our reasons for this are set out below.

To minimize traffic disruptions caused by working on both Mulock Drive and Davis Drive during the daytime

We propose to do this work at night while the ongoing construction work on the adjacent Regional Road, Davis Drive, happens during the day. Working at night will also allow us to generally keep all lanes open on Mulock Drive during the morning and evening rush hours. There will be some intermittent single lane closures to undertake minor work such as curb and manhole repairs during the off-peak hours.

To maintain access to commercial and residential properties during the daytime

There are many commercial accesses along Mulock Drive, particularly in the section from Yonge Street to the westerly College Manor Road intersection, and many of these properties have only one access off of Mulock Drive. The main construction work involves removing 180mm or 7 inches of the existing asphalt and then repaving with new asphalt. Driveways will not be usable for several hours while work is being done in the immediate area of each access. If we do the work at night, we will be able to complete enough of the work at each driveway during one night that we will not have to close any driveways during the daytime business hours. If the work is done during the day each driveway will be closed for about one business day.

The Regional Municipality of York, 17250 Yonge Street, Newmarket, Ontario L3Y 6Z1
Tel: 905-895-1200, 1-877-464-9675, Fax: 905-830-6927
Internet: www.york.ca

Request for Noise By-law Exemption to Allow Night Work
 Contract No. 14-152 - Mulock Drive (Y.R. 74) from Yonge Street (Y.R. 1) to Highway 404
 Town of Newmarket
 March 14, 2013

To expedite the completion of the project

If the contractor is allowed to work at night, work can commence at approximately 7:00 p.m. and be complete by 5:00 a.m. each day, for a full 10-hour work shift at full productivity. If the work is done during the day, the contractor will be allowed to work only from 9:00 a.m. to 7:00 p.m. The contractor will not be allowed to work during the morning peak period and will only be able to do limited work during the afternoon peak period. These restrictions will result in the contractor only being able to operate at full productivity from 9:00 a.m. to 3:30 p.m., for a total of 6.5 hours of work at full productivity levels followed by 3.5 hours of limited productivity each day.

Permitting the contractor to work at night will allow the Region to complete this work efficiently and expeditiously.

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

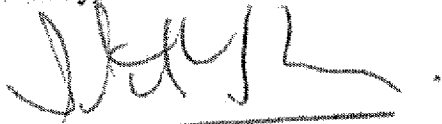
The noisiest parts of the project will be while old broken curb is removed and during the grinding of the old asphalt. The remainder of the work will be quieter, with the main noise sources being the engines of the equipment and trucks.

This project will proceed as a moving operation. Although the project site is 5 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 on any one night. 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,



for David Atkins, P.Eng., PMP
 Senior Project Manager

DA/da/dc

Copy to: Brian Titherington, Director of Roads, York Region via e-mail only
 Salim Atibhai, Manager of Engineering, York Region via E-mail only