

Councillor Pushes for Legal Action Against St. Mary's

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Flamborough Councillor Margaret McCarthy says she will push for legal action against St. Mary's saying the quarry proponent has illegally taken core samplings from four streets surrounding the quarry application, including Milborough Townline.

According to a map supplied to McCarthy from Hamilton Public Works Department, St. Mary's took 40 core samplings in total from 11th Concession East, Centre Road, Campbellville Road and Milborough Towline in an "effort to determine their own information regarding the structural calibre of our roadways," said McCarthy.

With the 12 core samplings taken from Milborough Townline, six were on the Flamborough side and six were on the Campbellville side of the road.

McCarthy claims that the core samplings were taken without the consent of either Hamilton or Milton, which shares the costs of Milborough with the city.

In an e-mail to her city hall colleagues, staff and ward residents, McCarthy said, "it is my intention to have the City of Hamilton pursue legal action in order to recoup the necessary cost of repair and reconstruction to the effected roadways."

McCarthy was furious that the quarry gains had taken core sampling on 11th Concession Road mere months after the city has upgraded it.

"As many of you may already be aware the 11th Concession was recently reconstructed and resurfaced. It was very disturbing to discover that in the course of St. Mary's desire to determine their own information regarding the structural calibre of our roadways they sliced up that very same road 36 (numerous) times," she said. "When any roadway is cut, it decreases the integrity of the road."

"After waiting many years to have this road reconstructed and resurfaced only to have it torn up is not only unethical, it is unlawful." She went on to say that while St. Mary's did fix the holes after sampling, "it is not enough for St. Mary's to 'back fill' these roadways when it took in many cases 40 years or longer to have them reconstructed and resurfaced."

Milton Ward 3 Councillor Jan Mowbray was equally concerned. "When I received a call from (McCarthy), it was the first that I had heard of it. However, she noted, after discussing the issue with Town Director of Infrastructure Paul Cripps, she discovered the Town's road department was aware of the sampling, though after the fact.

"(Cripps) said to me that (McCarthy) was correct in her assertion that the core sampling affects the integrity of the road. In our case, (on Milborough), it's a matter of

degrees (as the road is older),” she noted. “Obviously, it’s much worse on that Flamborough road that they had just fixed.”

Mowbray said St. Mary’s did approach the Town over the samplings but was told “they’d have to apply for permits.” She said she heard nothing after that until I got this news.”

She said while it might be easy to shrug off six core samplings in Milton (out of 40 in total), “it’s the principle of the thing. During the election, all of us stood up and said we’d fight this application. There’s responsibility there. It’s easy to say it’s a Hamilton-side thing but I want to protect our side, as well.”

Graham Flint, chair of the Friends of the Rural Community and Environment (FORCE) said his group was stunned when they learned of the work done by St. Mary’s.

“I guess it came to light last fall,” he told the compass. “We saw paint and stakes along the road but at time, we didn’t think too much about it. The road had recently been done and we thought maybe this was some (post-construction) surveying.”

However, before long, a resident noticed a small hole-drilling rig on the streets and brought it to FORCE’s attention.

“At that point, we thought maybe something else was going on,” he noted. He checked with Hamilton Public Works department but found they didn’t have any information on any work being done. After contacting Milton, he learned that St. Mary’s had inquired about doing the work but was told to get the permits.

“You get really concerned when you’re talking about something as environmentally and socially-intrusive as this application is and the company just goes ahead and does this. They should respect the laws as we all do.”

St. Mary’s project manager Bill Marquardt told the Compass that the company was required to do a “transportation analysis” of the immediate road network as part of their quarry application.

“Unfortunately, there was a miscommunication between our (road analysis) consultant and the City of Hamilton and Town of Milton,” he said, saying the consultant was unaware that permission hadn’t been granted.

“So right now, we are working with Hamilton and Milton, sharing the results (of our core sampling) and we are back-filling (the sample area) to the standards of the City.”