

Date: Mon, 26 Feb 2007 16:29:45 -0500

Subject: St. Marys Quarry - Road Core Sampling - Update #4

Please find attached the most recent article that appeared in last week's Flamborough Review.

COUNCILLOR MCCARTHY TAKES EXCEPTION TO MR. MOROZ'S EXPLANATION - THAT THIS WAS A MISUNDERSTANDING.

In fact, there was a very clear understanding that St. Marys was denied their request for borehole testing on City of Hamilton roads for the following reasons:

1. St. Marys was told during the time of their request that specific geo-technical information was already done by the city which could be available to them.
2. As soon as a road is cut it undermines the integrity of that roadway.
3. The City of Hamilton needs to be approving and monitoring these works to ensure both adherence to construction standards and public safety.
4. When the work was undertaken in spite of the fact St. Marys was specifically denied the testing it makes any evaluation of the roads impossible during our Winter months. Their restorative work upon backfilling the plethora of cuts to our roadways can only be considered temporary at best since we are unable to do a full evaluation on the damage until spring. As soon as a road is cut it decreases the integrity of the road, but it suffers escalated damage when it is done during the winter season when ice and snow have the ability to filtrate under the road and cause it to lift. There is a reason that this work was specifically denied during this time. Some of my residents may already be aware that specific roads in Flamborough have "weight bearing road restrictions" prohibiting heavy traffic for many of the same concerns that roadway systems are more susceptible to damage during winter months.
5. Further there has not been an approved truck route established by St. Marys and the City which may in some cases render this work unnecessary. It is not acceptable for St. Marys to rip up all the roads that they may want as a potential route without approval by the City especially since the City has not agreed to a preferred truck route.

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Councillor challenges borehole testing

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In the wake of public criticism arising from recent boreholes drilled into rural Flamborough and Milton roads, St. Mary's Cement pledged this week to take steps to ensure that all contractors hired by them are operating with proper permits in place.

A furor erupted last week when it was learned that 40 boreholes had been drilled into roads surrounding the company's proposed quarry at 11th Concession Road East and Milborough Townline. The move, taken without securing the required permission from either the City of Hamilton or the Town of Milton, so angered Flamborough councillor Margaret McCarthy that she is pushing for legal action against the cement company.

In a strongly worded e-mail to city staff, council colleagues 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."

But John Moroz, vice-president and general manager of St. Mary's CBM, told the Review Tuesday, "Nobody was trying to do anything out of bounds."

The issue is a result of "a miscommunication" between the City of Hamilton, Town of Milton and St. Mary's consulting engineers, Shaheen & Peaker Limited. The consultants, who conducted the core sampling to determine the load-bearing characteristics of the roads, have accepted responsibility for the miscommunication, which included sending an application to the wrong department at Milton town hall, Moroz said.

In a press release issued by St. Mary's this week, Manjinder Gill, pavement service manager of the consulting company, issued an apology to the community and St. Mary's for proceeding with the pavement work before getting permits.

"We regret conducting the tests before receiving our permit, but assure the community that all tests were carried out according to the highest standards and did not in any way affect the integrity of the roads where testing occurred," Gill wrote.

St. Mary's is working with the City of Hamilton and Town of Milton to ensure the issue is resolved.

Paul Cripps, Milton's director of engineering services, confirmed that the consultants made enquiries before the boreholes were drilled but no permits were issued. Town staff met with St. Mary's officials and their consultants last month to discuss the issue and "we're still investigating," Cripps said. The town wants to determine where the holes were drilled and what type of restoration work was done to the roads.

The public works department at the City of Hamilton is conducting a similar investigative study. Gord McGuire, senior project manager of survey and technical services for the department, said Hamilton doesn't have permits for boreholes because only city crews are allowed to drill into the roads in advance of capital improvements planned for roadways.

"We don't allow external companies to bore our roads," he said, distinguishing between boreholes, which are six inches wide and five feet deep, and road cuts which are commonly done by utility companies and involve cutting swathes of pavement across the entire width of the road. In the latter case, permits are required.

As in the case of Milton, enquiries about a permit were made to the City of Hamilton by the consultants before the core samples were removed. The boreholes were drilled in early January near the proposed quarry site along 11th Concession Road East, Centre Road, Campbellville Road and Milborough Townline.

Coring of existing roadways is standard practice and a necessary component of the quarry application process, Moroz said. According to the terms of reference from the work program provided to St. Mary's by the City of Hamilton, St. Mary's must conduct a transportation analysis, which requires coring certain roadways to investigate pavement conditions.

"The work was carried out in accordance with the terms of reference from the city for our haul route study," Moroz explained.

Commenting on the consultant's failure to get the required permission before doing the work, he said, "We regret that. This is not the way St. Mary's operates. We are taking appropriate steps to prevent it from happening again."

However, residents in the area who actively oppose the quarry are uneasy about mistakes being made this early in the application process.

"I'm incredibly disappointed," Graham Flint, chair of FORCE (Friends of Rural Communities and the Environment), said last week. "It's so early in the process, yet they've violated known local laws. How does this foreshadow what it's going to be like in the long run?"

Flint and McCarthy voiced concerns that the integrity of the 11th Concession, resurfaced and widened in the fall of 2005, has been compromised because of the drilling.

But Moroz insists the roadways weren't harmed. All holes were backfilled and compacted with the auger cuttings and the pavement surface was patched and compacted with asphalt, he explained.

"Any superficial damage should be rectified. We shouldn't see any long-term impact on any roadways."