

NORTH RENFREW WASTE MANAGEMENT BOARD

c/o Townships of Rolph, Buchanan, Wylie & McKay
R.R. #1, Deep River, Ontario KOJ 1P0

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Special Board Meeting
Minutes of Meeting

Date: 1998 January 27
Time: 7:00 pm
Location: Town of Deep River, Meeting Room 208

Attendance:

Village of Chalk River:

Reeve P. Osborne
P. Rantz, Clerk Treasurer

Townships Rolph, Buchanan Wylie and McKay:

Reeve P. Curtis
M. Mysyk, CAO-Clerk Treasurer

Town of Deep River:

Mayor J. Murphy
L. Simons, Clerk-Administrator
M. Richardson, Superintendent

North Renfrew Waste Management Board:

Chairman D. Burton, Village of Chalk River
Deputy Reeve M. McManus, Town of Deep River
Councillor C. Robinson, Townships RBWM
B. Bigam, Chairman, Site Liaison Committee
T. Nicks, Advisor to the Board
A. LeClair, Project Coordinator

Others:

P. Smith, AECL Corporate Relations

NOTE: Decisions and actions made during the meeting are indicated in italics.

1. Introduction

Mr. Nicks expressed the reasons for the special board meeting, stating that the landfill process is losing momentum, and underlined to importance of maintain the momentum in order to meet an in-service date this fiscal year. Mr. Nicks outlined that there has been some confusion over protocol with respect to relations with AECL in association with the land acquisition process, and that Mrs. Smith of AECL has been invited as an observer at the meeting to represent AECL's interest in that process.

Mr. Nicks stated that the Board has a responsibility to submit a budget, and given that the Board is nearing its mandate, requests from the municipalities to clarify its responsibilities provide direction. Also, there are plans to construct the new landfill site this fiscal year, which will require a commitment from the municipalities to proceed and allocate significant funds towards the construction of the new site.

2. NRW Board Mandate/Role for Fiscal Year 1998

2.1 Clarify NRW Board's Role in the Establishment/Operations of the New Landfill Site

- *coordinating establishment of landfill site using in-house resources vs. contracting out*
- *tendering for operations of new landfill site (linked to item 3)*

Mr. Nicks requested clarification from the municipal representatives as to the Board's role in the construction and the operations of the landfill site. Mayor Murphy stated that the Board's mandate is to design and retain a contract for the construction of the new site, but, it does not include responsibility retaining contracts for the operations of the site. *Despite the fact that clause 5.6 of the present intermunicipal agreement provides the Board with the authority to retain services for the operations of the new site, it is the Town's interpretation, according to Mayor Murphy, that clause 10.3 (dealing with the development of a new intermunicipal operations agreement) overrides clause 5.6. Ms. LeClair sought agreement from all other municipal representatives at the table. No other municipal representative objected to the Town's interpretation.*

Ms. LeClair raised issue with respect to the ownership of the landfill site. Ms. LeClair explained that the applicant name for Certificate of Approval is under the three Corporations in care of the North Renfrew Waste Management Board, and further explained that since the Board will not be involved in neither the actual construction nor the operation of the site, that the issue of landfill site ownership will need to be resolved in a timely manner, if the municipalities desire to obtain the Certificate of Approval to proceed with the construction this fiscal year. Ms. LeClair further added that if the municipalities are interested in the privatization of the landfill site, the Ministry will require proof of ownership, and proof of financial assurance from the private company, and/or proof in the form of an agreement between parties with respect to land and landfill site ownership, before it can issue the Certificate.

Ms. LeClair made the point that two requirements need to be satisfied - one pertaining to control over land use, and two, legal ownership of landfill site. Mayor Murphy expressed confusion over Ms. LeClair's point. Ms. LeClair explained that ownership of the landfill site, in other words the applicant or holder of the Certificate, according to the Environmental Protection Act implies

ownership of the operations and equipment, not only the land. At the moment, ownership of the landfill site is not clear and the timeliness of resolution of the issue is important to see the site constructed and operational this fiscal year.

Mr. Nicks indicated that the Board has already been approached by its Consultant, Gartner Lee, on the issue of privatizing the site. Mayor Murphy asserted that the Town expects a competitive tendering process, and expressed reservations about the present consulting firm. Reeve Osborne agreed with Mayor Murphy's assertion. With respect to the viability of privatizing the landfill site, Ms. LeClair pointed out interesting findings from a costing assessment made by the Alice and Fraser Townships in 1994, which led the municipality to conclude that operating the site with municipal staff resources was a more viable economic solution than fully privatizing its operations. Mr. Simons pointed out that the municipalities would require to clarify what it means by "contracting out".

Mayor Murphy recommended a short agreement, a page or two long, on ownership to be developed outlining the Town as landowner, and responsibilities of landownership to be shared amongst the parties. No other attendees disagreed with the move, and Reeve Curtis added the importance of timeliness in the development, review and approval of the document. Direction was given to the Clerks/Treasurers to develop the short agreement, to forward directly to Councils for review and approval. Mr. Simons was directed to lead the activity.

Mayor Murphy asserted a point regarding the coordination of the land acquisition process. Mayor Murphy's rationalized that since the land will be acquired by the Town of Deep River directly from AECL, it should coordinate the acquisition process directly with AECL. Ms. LeClair requested to know positions from all other representatives, on the matter. No other representatives objected to the Town's position. Ms. Smith, representing the interests of AECL in the land acquisition process, did not express any objection when prompted by Mayor Murphy. Ms. LeClair stated that the Board requires involvement in the process at some level, in order to ensure the timeliness of approval and construction activities which are dependent on the outcome of the agreements. Mayor Murphy directed Mr. Simons to interface with Ms. LeClair on the progress of the process.

2.2 Property Owner Compensation - Recommendation to Appoint Facilitator

Mr. Nicks indicated that the issue was discussed at the last Board meeting held on January 15, 1998. The Board recommends the appointment of a facilitator, namely himself, with the support of the Board's legal counsel to negotiate with affected property owners on behalf of the Board. Mr. Simons questioned the relevance of the formality since there are only two affected property owners. Ms. LeClair clarified that there are two property owners significantly affected by the establishment of the landfill site, however, there are 5 landowners with property within the 500 metre landfill impact zone. Ms. LeClair added that there exists property owners along Bagg's Road whom will be affected by the upgrade to the road, and may qualify for compensation for injurious affection.

Deputy Reeve McManus questioned the need for a land appraiser since property assessment values can be easily obtained by the municipalities. Mr. Nicks proceeded to explain that this deals with the perceived value of land and the reduction of value in reference to in relation to its value before, and after the establishment of the new landfill site. The land appraiser would have relevant information to use in this assessment, which would not be obtained by using property assessment values.

Reeve Osborne requested to know whether Bagg's road would be paved, and if so, whether the road could be used to compensate affected property owners. Mayor Murphy recommended that the Board may want to undertake the purchase of affected property. Mr. Nicks stated that the Board has already concluded that no lands will be purchased. Mr. LeClair further explained that the decision to purchase lands is dependent not only the amount of land within the landfill impact zone, but on other considerations such as compatibility with present land uses and zoning. In the opinion of the Board, no affected properties are substantially affected by the establishment of the site to warrant offers to purchase. In addition, no property owners have come forward requesting the Board to purchase their affected properties.

Ms. Simons requested to know whether the issue of property owner compensation will affect the Board's ability to obtain a Certificate of Approval. Ms. LeClair stated that EPA approval is not dependent on completion of the process, however, the Board and the municipalities have committed in its landfill compensation policy, to follow through with providing compensation. Ms. LeClair added that the property owners are anxious to negotiate a settlement, and are feeling insecure about the future of the Board and the value of any agreement that affected property owners make with it. *Mayor Murphy recommended that a clause be placed in the new intermunicipal agreement which speaks to the municipalities commitment to follow through with any agreements arranged between the Board and affected property owners. All agreed. Mr. Simons was directed to take note of the recommendation.*

2.3 Dissolution of NRWM Board/Closure of Office and Phasing Down of Approvals Process - Target Date

Mr. Nicks indicated that the planning of the Board office closure, staff reduction and Board dissolution is required for this fiscal year, and direction from the municipalities is required for budget reporting and planning purposes. Mr. Nicks justified the need for the present staffing level as Board activities remain high, however, a reduction in staff hours is realistic if the municipalities postpone the construction of the landfill site. Mayor Murphy expressed some confusion over the need to discuss the issue as the authority to retain staff lies with the Board. Ms. LeClair explained the discussion is relevant as staff and office requirements created some conflict during the approval of the Board's budget submission in fiscal year 1997. Ms. LeClair added that the Board wishes to consult with the parties to clarify expectations before proceeding to submit its budget for approval this fiscal year.

Mayor Murphy envisioned the need for a resource person for the first half of the year, or at least until the tendering process is complete. Mayor Murphy further added that the decision to reduce staff hours remains at the discretion of the coordinator who is the best person to monitor the level of Board activity against staffing need. No other municipal representative disagreed.

3. Legal Framework for the Land Acquisition, and New Intermunicipal Board of Management Agreement on Operations and Shared Landownership Responsibilities

3.1 Review of Requirements for EPA Approval for a Certificate of Approval to establish the new landfill site.

Mr. Nicks proceeded to summarize the contents of the background information on the issue. Ms. LeClair further added that the Board's mandate is to ensure that all approvals are being met, and reinforced the point that the Board is successfully meeting EPA requirements to obtain a Certificate of Approval for the new landfill site, however the process of meeting requirements is narrowing down to satisfying two outstanding general requirements - control over land use and landfill site ownership, (ie. identifying the appropriate legal name of applicant of the Certificate of Approval). Both requirements are dependent on the outcome of the land acquisition process and the development and approval of a new intermunicipal agreement on operations and landownership responsibilities. The Board's control over the two processes are limited. Finally, Ms. LeClair added that the progress of the two processes is dependent on the expediency of the review and approval through several levels of government. It was impressed upon the municipal representatives at the meeting that the Board requires the identification of a timely review, and approvals process.

3.2 Identify Discussion/Review/Approval processes and timelines on Legal Framework:

- *option to Purchase/Access Agreements*
- *New Intermunicipal Board of Management Agreement on Operations and Landownership (especially new Board of Management Structure)*
- *NRWM Board's Role in Coordination of the Discussion/Review/Approval Processes*

Please refer to discussions on the review and approval of land acquisition agreements in item 2.1

Reeve Curtis stated that the review of the agreements by all Councils is desirable. *Mayor Murphy stated that the Town does not view the amendment agreement No.1 (relating to the amendment to section 10 of the present intermunicipal agreement on the issue of property acquisition) to be relevant, considering that the Board's task of taking steps to acquire the property is complete, and moved to see the review and approval of the agreement deleted from the process. No other representative objected to the move.*

Mayor Murphy stated that the issue of maintenance of Bagg's Road during the operational phase of the landfill site remains outstanding, and, added that the other municipalities would require permission to have access to the unopened portion of the road allowance. Mayor Murphy recommended that a clause be placed in the new intermunicipal agreement to this effect. No objections were raised. Reeve Osborne asserted that the Board refrain from retaining engineering/consultant services at this point. Mayor Murphy reported that the retention of consultant services remains the authority of the Board. Ms. LeClair added that consultant services is required to develop the detailed design plans, which is the remain major task requiring the services of an engineering firm.

Ms. LeClair pressed to know from the representatives, who will coordinate the process and how the review and approval processes for the agreements will proceed through three municipal governments. Mayor Murphy underlined the need for municipal feedback in the development of

the new intermunicipal agreement on operations. Reeve Osborne underlined the importance of costing models and determining factors to assess the viability of a selection of operations structures. *Mayor Murphy recommended the clerks provide an costing assessment. No other representatives objected.* Mr. Simons suggested that the privatization of the landfill site is one option. Mayor Murphy added the possibility of amortizing the capital cost of construction, over a 25 year period. Ms. LeClair offered to forward a copy of the Alice and Fraser Townships 1994 costing assessment to the clerks. *Mr. Simons offered to provide options for the operations of the site. No other representatives at the meeting objected.*

4. Commitment from all Parties to Proceed with the Construction/Establishment of the New Landfill Site in 1998, Upon Receipt of EA/EPA Approval

Reeve Curtis requested to know the status of life expectancy of the Deep River Landfill Site. Mr. Richardson replied that the Town is following a voluntary abatement process. Mr. Richardson was unable to provide an answer and explained that the answer will be available once the details of the abatement process are finalized. However, Mr. Richardson added the Ministry of the Environment is permitting the Town to continue along the process. The Ministry's Regional Abatement Office is not overly concerned with volumes at this point in time because the eventuality of the process is the closure of the site. Final details of the abatement program is expected in May or June. Mayor Murphy added that postponement of the construction of the new landfill site is not attractive option for the Town, nonetheless.

On the County involvement in waste management and the new landfill site, Reeve Curtis reported that both himself and Reeve Carroll of the Town of Deep River, during council and governance committee meeting, have asserted strong positions against County involvement. Mr. Nicks underlined the consequences of postponement in that Ministry expectations would have the proponent repeat a year's worth of baseline monitoring, to ensure there were no major changes to the groundwater and surface water changes. Mr. Nicks asserted this would represent another time delay, and added costs for the collection, analysis and interpretation of the field data.

All representatives agreed the issue of postponement of the construction of the new landfill site to be a non-issue.

Meeting was adjourned.

Prepared by: _____

Date: 1998 February 18

Date Accepted: _____ (Condition: forthcoming comments from Mayor J. Murphy, Town of Deep River, may require the minutes to be revised at a later date).