

NORTH RENFREW WASTE MANAGEMENT BOARD

c/o Townships of Rolph, Buchanan, Wylie & McKay

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**North Renfrew Waste Management General Board Meeting
MINUTES OF MEETING**

DATE: 1998 February 26

TIME: 7:00 pm

LOCATION: Village of Chalk River, Council Chambers

Attendance:

D. Burton, Chairman, Councillor, Village of Chalk River

D. Walker, Councillor, Town of Deep River

C. Robinson, Councillor, Townships RBWM

B. Bigham, Chairman, Site Liaison Committee

A. LeClair, Project Coordinator, NRWMB

Introduction

Chairman Burton welcomed Councillor Walker as the Town's representative on the Board.

1. Review of Minutes

Special Board Meeting of 1998 January 15: Councillor Robinson motioned to accept the minutes with the following correction: Page 5, 2nd paragraph, 3rd/4th lines - delete "and the"; councillor walker seconded; minutes accepted.

Special Board Meeting of 1998 January 27: Councillor Walker stated that Mayor Murphy had concerns about the minutes and would require to discuss his concerns and bring them forward to the Board at a later date. No other comments were received by the meeting participants. Ms. LeClair was directed to table the draft minutes for the next general Board meeting.

2. Business Arising from Meetings

Board's Jurisdiction in Legal Review of Agreements on Land Acquisition/ownership

Councillor Robinson pointed to the fact that there were two versions of the land acquisition agreements in circulation, and indicated that the Townships Council had concerns with the version of agreements provided by the Town. Councillor Walker underlined the importance of communicating these concerns directly, and further added that the Town will not forward the draft agreements until all parties are satisfied.

With respect to the review of the agreements by the Board's counsel, Councillor Walker asserted the Town's position in that it will not agree to pay for a second legal review of the agreements. As for the Board's role in the progress of land acquisition, the Town's position is that the Board has fulfilled its mandate. The Board negotiated the purchase of the landfill site, negotiated the purchase price and negotiated an access agreement for the management of the attenuation. The Town views the Board's role in the matter completed. Councillor Walker further added that the Town has requested the legal review of the agreement at its own expense and has not requested to be reimbursed by the other parties.

Councillor Robinson asserted that the Township Council has motioned to have the agreements reviewed by the Board's legal counsel. Councillor Walker expressed no concern over the review of the agreements by Mr. Cox, however, maintained the position that the Town will not pay for that review.

Mr. Richardson enquired about the need to have the Town's lawyer review the agreements. Councillor Walker stated that the review was necessary to protect the Town's taxpayers, and that the Town cannot expect to have the terms of such agreements dictated. Councillor Walker extended the Town's particular concern over the access agreement, the fact that the agreement was originally structured to have AECL enter into an agreement with the Board, given the fact that the Board was to dissolve. Ms. LeClair asserted that, for one thing, typically the term Board (and this includes the definition of the term in other documentation like the terms and conditions for EA approval, as an example) is defined as the present North Renfrew Waste Management Board or its successor, and secondly, that the fate of the present Board has not been resolved. Not all parties agree with the Town's view on the matter. Ms. LeClair further added that there exists the possibility of expanding the present Board's mandate is an option open for exploration by the municipalities if they so chose to do so. Councillor Walker clarified her statement, stating that the Board of management structure could take on the form of a Committee and not necessarily a Board.

With respect to the draft access agreement, Councillor Robinson stated that having the agreement between the Town and AECL has not been well received by the Townships' Council, that the Council's position would see the names of all three municipalities identified on the agreement as parties. Councillor Walker committed to raising the issue with Town Council for its consideration.

With respect to the review of the documents by the Board's Legal counsel, Councillor Robinson recommended raising the issue with Heads of Council at the March 9 meeting called by Reeve Osborne. Councillor Walker recommended adopting Councillor Adams (Townships RBWM) position that the Board relieve the Town of any financial commitment for this particular expense, based on the fact that the Town has already expended funds on an individual legal review by its legal counsel.

3. Correspondence

Ms. LeClair reported that correspondence was received by the Board after the meeting information was distributed last week, however the correspondence was not available for the meeting. Ms. LeClair stated that the correspondence will be included in the following meeting package next month.

4. *EA/EPA Update*

EA-Progress of Approval: Notice of Approval by Minister

Ms. LeClair reported that the Minister has reviewed the Board submission and will be making a presentation to the Provincial Cabinet for approval. Ms. LeClair further clarified that the presentation will be made to a Provincial Cabinet Committee appointed to review such submissions, and the Committee meets weekly.

EPA-Progress of Approval: Drafting of Certificate of Approval

Ms. LeClair reported that the EPA Review Coordinator, Mr. Robert Bruce, is prepared to initiate the development of the draft Certificate of Approval document. Ms. LeClair reported that Mr. Bruce has requested digital copy of the Board's proposed terms and conditions for which Mr. Bruce plans to revise and use to form the basis of the draft CofA.

EPA-Detailed Design Plans: Review Process

Ms. LeClair reported that the preliminary detailed design plans will be available within the next or two, and the Board will be in a position to initiate a review of the plans. Mr. LeClair further reported that there are plans to hold a public meeting to obtain feedback/comments on the plans, and that the Board's contract with Gartner Lee for the EPA study outlines the attendance of Steve Boland of Janota Patrick & Associates, and Steve Hollingshead of Gartner Lee. However, Ms. LeClair pointed to the fact that as a cost cutting measure, the Board could opt to request the attendance of one representative, the one associated with the actual detailed design work. On the other hand, attendance of the representative from the consulting firm responsible for the conceptual design and work on the Board's EA and EPA submissions, could be useful in providing background information and responding to questions and comments general in nature.

Mr. Richardson, backed by Mr. Bigham, viewed the attendance of a representative from Gartner Lee unnecessary, and all members agreed. It was suggested to hold the meeting on the first Thursday of April. Members held no preference to the location. Ms. LeClair was directed to make the necessary arrangements for the review process.

5. **Municipal Compensation**

Passing of Resolution by Councils: Outstanding Issue of Maintenance of Township's Road

Councillor Robinson underlined the Townships Council's concerns with respect to issue of Bagg's Rd maintenance and repair during the operational phase of the new landfill site. It was asserted by Councillor Robinson that Council will not proceed to pass the resolution on municipal compensation until such time as the issue of maintenance and repair of Bagg's Road is clarified. Councillor Walker stated that the maintenance and repair of the Road is an operational issue, and that The Town does not view the issue as a problem. Councillor Walker further stated that it is the Town's position that the Townships will benefit from the snowplowing of the existing section of Bagg's Rd of which existing snowplowing costs are covered by the Townships. Therefore, it would be expected that snowplowing

expenses for that section of Bagg's Rd during the operational phase of the landfill site would be strictly an expense against the Townships and not to the other two parties.

Rezoning/Amendment to the Town's Official Plan

Councillor Walker stated that according to the Planning Act the Town is required to incorporate the site into its planning area, and further stated that the Town would like to proceed to initiate an amendment process to the Town's Official Plan. Ms. LeClair stated that the Board discussed the issue with the Town last year and it was reported that the amendment process was not an absolute requirement before construction takes place, however, it was further reported that the Town would eventually like to proceed with an amendment at some time or another to "tidy up".

Councillor Walker enquired about any possible requirement by the Ministry to rezone as a condition of approval. Ms. LeClair offered to reconfirm the Ministry's position on the issue, however, reported to be of the opinion that any rezoning requirements is strictly the responsibility of the proponent, and not a condition of EPA approval.

Chairman Burton requested to know the length of the amendment process. Councillor Walker could not provide a definite time frame since it would depend on the process, and the number of residents/taxpayers objecting the amendment. Ms. LeClair reported to Councillor Walker that the Board made a request to the Town last year to postpone the initiation of the process until such time as the Board receives Ministry approvals. Councillor Walker stated that the issue has been on the planning committee's agenda for resolution for months, however, offered to return to the committee and discuss with the members to ensure that the initiation of the process is required.

6. Finance

Monthly Reporting

Ms. LeClair reported that the information was not available for the meeting.

Review of Draft Budget Submission: Board comments and approval

Ms. LeClair provided a brief overview of the budget submission to the members of the Board. Ms. LeClair underlined the fact that the budget was prepared based on the decision made by the Heads of Council and Board during the Special Board Meeting of January 27, 1998.

Mr. Richardson commented on the suggested timeline, stating that it will be required to make a decision on continued work schedule. It was reported that the decision for when the Board's mandate and work schedule ends is strictly the decision of the parties, and Chairman Burton further added that the Board was told to "butt out" of the decision making. Mr. Richardson stated that the Board should at least recommend something, and felt that there would be no reason why the Board could not handle the construction of the new site.

Mr. Richardson did offer the opinion that the suggested timeline outlined in the budget submission is tight, and questioned the practicality of opening the new site at the onset of winter. Chairman Burton queried about public perception if no construction is initiated until next year. Mr. Bigham supported Chairman Burton's concern. Mr. Richardson stated that the construction could be broken down,

whereby the construction of the road could occur in 1998, and the actual construction of the landfill site be initiated in the Spring of 1999. Mr. Richardson further elaborated on the financial benefits of such a strategy, which would alleviate the financial load for the municipalities experiencing the cost of downloading of responsibilities this fiscal year. The construction of the landfill site could be treated as a separate municipal budget item, and obtain partial financing. The cost associated with the funding of construction would then be distributed over a period of two fiscal years as opposed to one.

On the issue of the development of the operating agreement, Councillor Walker pointed to the importance of initiating work on the agreement and suggested that the Board could advise Council on the issue. Ms. LeClair stated that this concern was initially emphasised in October/November of last year, and further added that a draft agreement was distributed to Board members for further action. However, the progress of any action on the matter was slowed by the municipal election and a changeover in Board representation.

Mr. Richardson requested to know why the Board cannot make recommendations to the Councils, and further expressed concern over the progress of the new intermunicipal operating agreement under the municipalities' coordination (due to heavy workloads). Chairman Burton stated that the Board was explicitly told that the development of the operations agreement was not within the Board's mandate.

On the issue of approval of the draft budget submission, members sustained a motion to approve at this time, and agreed to obtain feedback from Councils on outstanding issues in an upcoming meeting with Heads of Council.

7. SLC Update

Mr. Bigam stated that Ms. LeClair is working on a proposal for another HHW Day mobile event this year. Ms. LeClair stated that Steve Tebworth of Drain All responded to the request for estimate with a favorable cost estimate identical to 1996 figures. Ms. LeClair stated that it is expected that overall costs to hold the event would not increase from 1996 figures, and committed to providing details for the proposed in the next several weeks.

8. Other Business

Questions for Heads of Council - Meeting of March 9

Members of the Board agreed to request to have the Board's concerns and questions tabled at the next Heads of Council Meeting on March 9, 1998.

The following questions were recommended:

- Operating Agreement - Who will be responsible for drafting the agreement? What is the Board's role in the development of the agreement?
- The requirement for legal review of the Land Acquisition Agreements by the Board's counsel - What is the final position on the matter?
- Board's Mandate - Do the municipalities want the Board to take the process to the end of the tendering process for construction, or the end of the construction phase?
- Construction of the Landfill Site - Do the municipalities want to complete construction this year?

- Section 13.1 of the present intermunicipal agreement, on the issue of Tipping Fees - Do the municipalities still view this issue be resolved by the Board given that the Board will not be involved in the operations aspects of the new landfill site?
- Apportionment of Costs - Do the municipalities agree with the Board's approach for the apportionment of costs for this fiscal year (in light of the new assessment system which will be implemented in June)?

Ms. LeClair was directed to compose a list of questions for the Board members as soon as possible.

Next Meeting

The next meeting was set for the fourth Thursday of the next month - March 26, 1997.

Councillor Walker motioned to adjourn the meeting; motion seconded by Councillor Robinson; meeting adjourned.

Prepared by: _____

Date Accepted: _____

8. Other Business (Confidential)

Mr. Nicks' Departure from Board Involvement

Ms. LeClair reported to have received notice from Mr. Nicks of his decision to resign from further Board involvement, including property owner compensation. Councillor Robinson enquired about the need to appoint another facilitator for the negotiations process, Ms. LeClair enquired about the need to explore another negotiations approach since the latest approach was adopted based on Mr. Nicks experience and skills as a facilitator in negotiating compensation with Townships' residents on another related matter. Councillor Robinson recommended an alternate strategy to negotiate property owner compensation through the use of lawyers. Ms. LeClair advised the Board that the landfill compensation policy underlines a commitment to cover costs for legal services which the affected property owners incur up to \$500, and this provision is strictly limited to the legal review of the compensation agreement between the Board and the property owner; anything over and above this commitment must be approved by all councils.

Councillor Walker requested to know whether negotiations and settlement on property owner compensation was a condition of approval. Ms. LeClair stated that the progress of the establishment of the landfill site was not conditional on the completion of negotiations and settlement on the matter of compensation, however, it was emphasized that the Board has committed to proceed with compensation as a courtesy, and should not be neglected.

Chairman Burton enquired about the need to send out formal notices to the affected property owners. Mr. Richardson cautioned the Board on this approach and recommended to seek the Board' counsel for advice before proceeding. Councillor Walker recommended seeking the advice of County expertise in the matter. No further action on the matter was initiated.