



NORTH RENFREW LANDFILL OPERATIONS BOARD

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North Renfrew Landfill Operations Board

Approved

Minutes of Meeting

Date: November 22, 2010
Time: 7:30 P.M.
Location: Town of Deep River Meeting Room

Chair	Fred M. Adams	Town of Laurentian Hills	Present
Vice Chair	Gary McAnulty	Resident/Fifth Member	Regrets
Councillor	Ed Cochrane	Town of Deep River	Present
Councillor	Dave Ethier	Town of Laurentian Hills	Present
Mayor	Ann Aikens	Town of Deep River	Present
SLC Chair	Earl Gust	Site Liaison Committee	Present
Coordinator	James Leon	NRLOB	Present
CAO	Michelle Larose	Town of Deep River	Present

Attending members of the public:

Terry Myers
Ruth Syme

1. Call to Order.

The Chair called the Meeting to order at 7:32 pm.

2. Declarations of pecuniary interest.

None.

3. Adoption of the Agenda.

The current Agenda was discussed.

Moved by: Ed Cochrane
Seconded by: Dave Ethier

That the Agenda be accepted as presented. Carried.

4. Delegations.

None.

5. Review and acceptance of Minutes of August 30, 2010 Board Meeting.

Members discussed the Draft Minutes of the August 30, 2010 Board Meeting.

Moved by: Ed Cochrane
Seconded by: Dave Ethier

That the Minutes of the August 30, 2010 Board Meeting be accepted as presented. Carried.

6. Business arising from previous Minutes that is not dealt with elsewhere in the Agenda.

None.

7. Correspondence.

- a. Conversations and emails with George LeConte, Stewardship Ontario's Jeff Rayner and Fred Adams re trying to complete the C-MHSW agreement.

In an email to Board Members dated November 19, 2010 George LeConte's suggested statement "All payments to the Municipality, plus applicable taxes, if any." was discussed.

James discussed this with the Board's Financial Officer, Sherry Batten, and Laurentian Hills' CAO, Wayne Kirby and they agreed that they were concerned as the Board will already be getting 86.46% of HST paid. We did not believe that SO will pay the Board the taxes that were paid.

This concern was sent to George LeConte and he replied in part "It is important that NRLOB understand the principal underlying the reason for my addition of the language: "Plus applicable taxes, if any".

My concern is that NRLOB does not presently know whether or not NRLOB is obligated in law to collect taxes on payments from Stewardship Ontario to NRLOB.

If in law some or all the payments from Stewardship Ontario to NRLOB attract for instance HST, then Stewardship Ontario by law must pay HST and NRLOB must collect and remit HST; if there is an obligation to collect and remit tax, this is absolutely not an "optional" issue for NRLOB or Stewardship Ontario

What I have done by adding this language to the draft is that I have identified, "red flagged" this important tax issue for my client NRLOB.

I am not, however, a tax expert, nor an HST expert and NRLOB needs immediate advice on this tax issue from someone with expertise-taxes may or may not be payable/collectable on some or all of the payments presently being made by Stewardship Ontario to NRLOB, although logically they would seem at least relevant to the payments that NRLOB makes to Veolia and then seeks reimbursement from Stewardship Ontario for.

NRLOB needs this important tax question answered immediately. I can assist you to obtain that advice.

Additionally although the law may or may not presently make some or all of the payments from Stewardship Ontario to NRLOB subject to tax, the law may change and tax may subsequently become payable; witness the recent change to HST legislation on July 1, 2010.

The language that I added was simply:

"Plus applicable taxes, if any".

Importantly that language simply protects NRLOB-if there are taxes payable Stewardship Ontario on some or all of the payments Stewardship Ontario must by law pay these taxes and NRLOB must collect and remit these taxes.

If there are not taxes payable by Stewardship Ontario then Stewardship Ontario does not have to pay and NRLOB does not have to collect and remit.

There are presently two types of payments being made:

1. The hourly amount which will total \$28,080.00 per annum and;
2. The re-imbursement payment relevant to Veolia.

NRLOB needs some tax advice here independent of Stewardship Ontario.

Jim please telephone me to discuss this e-mail after you have reviewed it.”

This information was sent to Fred Adams for his opinion. Fred sent an email stating:

“I think from the sounds of the discussion in the e-mails you sent me that there is a bit of confusion over what George appears to be trying to accomplish with his phrase about applicable taxes, if any.

I agree that we get a rebate of most of the HST that we have been charged by suppliers, and that it is not reasonable that Stewardship Ontario (SO) be asked to then reimburse us for taxes we have already got back. To that extent I agree with you and Sherry on the situation.

However, I think George is talking about something completely different. We are looking at the payment from SO as being a refund of money we have paid out - period. But George is suggesting that perhaps the HST administrators will look at the payment as being a payment to us for the services we have provided in gathering, storing and preparing the materials for disposal or shipment. As such, these services, if paid for by SO would constitute a taxable service, just the same as if we were paid to perform some specific service for any party or person. Under the new HST regs there is HST assessable on all services, and if we are being paid for the services then those services become HST taxable. George's phrase is intended to cover us in the event that it is construed that we have been paid by SO for providing a taxable service.

George is suggesting inclusion of the phrase just in case we are later assessed for such taxes, and he has suggested that we should get a ruling, or at least the opinion of a competent expert in the field as to whether the payments are going to be considered a refund of expenses (already tax-paid) or a payment for provision of services.

An added level of consideration in this matter is that in the event that it was determined that we were providing a taxable service, then the taxes we had initially paid would become 100% claimable as a refund from the HST authorities on the basis that they provided the services that we had to buy in order to provide the final taxable services for which SO paid us. In this case we would get all the tax back that we had paid, but would then charge the SO for the same amount of taxes - admittedly a pointless exercise, except that there may be components of the SO payment to us that cover expenses for which we were never charged HST, such as nontaxable salaries that we paid and for which SO is providing a refund.

I agree with George on both his main points, but have some reservations on a third matter he mentioned -

1. To cover ourselves we should include the clause that they will pay to us any taxes that we are now or later required to collect on their reimbursement payment, and

2. we should get a competent authority's opinion on whether or not we should be collecting HST from SO - but see item 3 below for a further consideration on this point.
3. George has suggested that we not rely on SO to provide an opinion in this matter. Contrariwise, I think we could reasonably go to SO and request from them a copy of a written opinion they have received from a competent third party. It is not reasonable that every one of SO's "clients" go off on their own to contract for an expert opinion when it is obvious that it is in SO's best interests to lay this question to rest immediately on behalf of all the municipalities with whom they are dealing. I suggest you ask SO for a copy of such a third-party opinion, but that you include George's clause in the agreement in any event since it is not a commitment by either party to collect such taxes, but simply an understanding that if the HST people say we have to collect the taxes from them then they will pay said taxes.

You might want to forward this e-mail to George to see if I am interpreting this all correctly.”

Fred called James later and said that George had called him and he agrees with Fred’s reply.

After some discussions about the tax/HST line with SO’s Jeff Rayner I called him earlier this morning and he gave me this information:

Jeff said George LeConte raised a really good point about taxes. SO is looking into the taxes/HST matter and this will affect all Municipalities. We shouldn’t hire our own tax expert as SO will handle it.

SO is currently meeting weekly with the MOE and is waiting for them (the MOE) to make some decisions and let SO know how the revised program is going to work. The Board will get paid for all July to December 2010 C-MHSW amounts in Schedule E as updated including all costs to have the HHW materials removed from the Baggs Road Site Depot after the MOE makes its decisions.

The Board directed James to sort this tax issue out to the Board’s and George’s satisfaction and have the Agreement signed.

- b. Information re stockpiling mattresses etc. for shredding.

James reported that he has prepared the application to amend the C of A document but has not sent it out yet as he is still waiting for more information from other Townships and a quote from Matt Canada to recycle these items.

The Board asked about the volume savings for shredding or recycling mattresses etc. The Chair noted that a large mattress would be about one cubic metre valued at about \$70/cubic metre. James stated that this year there would be about 250 to 300 mattresses/box springs and about 150 stuffed bulky furniture items so we are landfilling hundreds of cubic metres/year. A shredded mattress or couch has a size reduction of 60% and waste diverted by recycling is 100%. Members agreed that James amend the C of A to allow storage of these materials for shredding and/or recycling.

- c. Discussions re accepting asbestos and amendment to C of A to allow asbestos to be accepted for landfilling.

Chair Adams stated that James had contacted him with information about conversations/emails with the MOE, the Town of Deep River and Jp2g re accepting asbestos at the Baggs Road Site. James had called the Site Attendant and directed him to no longer accept asbestos until the C of A amendment is in place to allow its acceptance. The MOE's Lance Larkin stated that we cannot accept asbestos until the C of A explicitly says that we can.

The Chair noted that the MOE had informed the Board on several occasions that it requires an operation manual for the Site prior to accepting waste. The manual was prepared at some expense to the Board and sent to the MOE. It was also included in the Sites Annual Status Report. The manual has a section on the proper acceptance and landfilling of asbestos and the Daily Log sheet has a box for the volume of asbestos accepted.

James added that he had prepared the amendment document and cover letter and sent them as Drafts to Lance Larkin. Lance replied by email: "I have no objections to this application. Please copy me when you submit the application to our Approvals branch." The application and letter were then sent for approval.

Members discussed the status of WHMIS training for the Contractor's Site employees. James was directed to obtain proof of current WHMIS training of Site workers.

8. Finance.

a. Financial Report.

The current Financial Report was examined and discussed. The payments for scrap metal were noted as being higher than the budget amount. The Board asked James to add \$2,000 to the 2011 Budget.

Moved by: Dave Ethier
Seconded by: Ed Cochrane

That the Financial Report be accepted for information purposes. Carried.

b. Details of Rough Draft 2011 Budget.

The early Draft 2011 Budget which was prepared by Gary and James in September was discussed. Chair Adams noted that the early Budget was prepared so that the new Board would have a starting point for 2011. The reason that James was directed to add \$2,000 to line 104 Revenue – Scrap Metal Sales as the current Financial Report is that the 2010 Budget amount was \$8,000 and the amount received to November 22 is \$13,931. James should pass this Draft to the new Board.

c. Receipt of three Consultants proposals for Monitoring, surveying etc. and request for Board's decision.

Members reviewed the three proposals and agreed that there was a large range in the proposed costs for three and five years. The Chair suggested that the Board recommends that the new Board accepts the lowest cost five year quote.

Moved by: Ann Aikens

Seconded by: Dave Ethier

That the current Board recommends that the incoming Board accepts the five year proposal from Jp2g. Carried.

Chair Adams recommended that the new Board meet as early as possible in December. Michelle Larose informed the Board that Deep River has placed an ad that will be in this week's NRT requesting applicants for the Fifth Board Member Position. Laurentian Hills will also have an ad in this week's edition.

- d. Summary of Stewardships payments and payments owing for 2010 for tires, HHW and WEEE.

Members reviewed a summary of the payments made and owing which was sent to them earlier by email. Chair Adams noted that the amendment number six to our C of A allows the collection and storage of WEEE.

I have included Batteries, HHW, Tires, WEEE and Metal FYI.

The summary is as follows:

Scrap automotive batteries:	\$490.	February 9, 1010	Paid to Board for 2010
MHSW P&E:	\$1,000.	April 30, 2010	Paid to Board for 2010
HHW/MHSW:	\$10,567.	For Q2, 2010 – SO called and Payment will be prepared November 24, 2010	
WEEE:	\$3,964.	January 1 to October 3, 2010	Paid to the Board,
WEEE: approximately	\$700.		For November, 2010 WEEE pickup and no payment made yet.
Tires/OTS	\$1,374.		Q1, Q2 and Q3 payments.
Scrap Metal	\$13,931.		From January 1 – October 31, 2010 payments for metal.

Note: With the current CMHSW offer from Stewardship Ontario (SO) of \$28,080/year, when the updated program is finalized, SO's Jeff Rayner assured James Leon that payments back to July 1, 2010 will be made. July 1st to December 31, 2010 payments will be $6 * \$2,340. = \$14,040.$

Board Members agreed with the summary's content.

- 9. Update from the Site Liaison Committee.
 - a. Results of poster contest and WRW ideas contest.

SLC Chair Earl Gust and James reported on the two contests. The poster contest for local Schools was very successful in two of the five schools. Dozens of posters were entered in St. Mary's and in St. Anthony's Schools. Mackenzie High School was unable to participate because of construction and Keys/Morison had merging difficulties. The three winners in each participating School were awarded their prizes and photos of students were taken with their posters and submitted to the NRT. The photos appeared in the November 17th edition.

The WRW ideas contest "SHARE YOUR IDEAS FOR A CHANCE TO WIN" received several entries. SLC Members voted on the entries and the winner was Maureen Bakewell with suggestions about recycling used lunch bag materials and composting leftover lunch organic matter. First prize was a composter and SLC Chair Gust presented it to Maureen during the

November 15th Meeting. The second place winner was Rhonda Turner and there was a tie for third place by Phyllis Heeney and Garry Kruger.

- b. Details of November 15, 2010 SLC Meeting and request for appointments of reapplying 2010 SLC Members for 2011.

During the November 15, 2010 SLC Meeting Members discussed the results of the two contests as reported earlier.

Members reviewed ads and flyers and suggested that the SLC flyer “Recycling Set Up – An Example” be considered by the Board for entry into the websites for both Towns and the Board. Board Members examined the flyer and agreed that it be updated to make it less confusing. It has more impact in color. Chris Carroll had earlier commented on the flyer saying that he found it confusing. James was directed to have it updated and sent as a .pdf to the Chair and to run it by Chris Carroll. The new Board should give approval to the SLC flyer for entry into the websites.

SLC Members discussed recycling in local businesses and accepting lumber in new or very good condition at the Site’s Re-Use Area. Updates on the Stewardship Ontario Agreement, the C of A application to amend and the status of quotes for monitoring and reporting.

2010 SLC Members agreed to apply for 2011 Membership. Board Members agreed that it must be the new Board that appoints the 2011 SLC Members.

10. Other Business

- a. Details of new Board, Members, Alternate Members, nominees for Fifth Member Position and financial signing authority.

Chair Adams noted that each Town must appoint two Members of Council to the Board and one Member as Alternate Member. Additionally, each of the two Towns should provide two nominees for the election of the Fifth Board Member.

He added that financial signing authority is given to the Treasurer of the Town of Laurentian Hills, the Chair of the Board and the Vice Chair of the Board.

- b. Update on the Board’s revised website.

James stated that Chair Adams created the Board’s original website and has maintained it for years. The site was a 20 MB add-on to the Board’s email account and the space available had run out. During the last month a site which is about twenty times larger was procured and the Chair transferred the material from the original site into it. The new site is: “www.northrenfrewlandfill.com”. The Board’s correspondence should include the new website name.

The Board was very appreciative for the website design, entries and recent transfer by Fred Adams.

The Chair asked James to have the Towns’ links to the Board’s website updated and offered to continue adding new information to the Board’s website.

11. Adjourn.

a. The first Board Meeting will be called by the new council appointed Board Members.

One suggested date is December 13, 2010.

b. Motion to Adjourn.

Moved by: Ann Aikens

Seconded by: Dave Ethier

That the Meeting be adjourned at 8:30 pm. Carried.