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The Municipality of Kings and the Towns of Annapolis Royal, Berwick, Kentville, Middleton and Wolfville

**Valley Region Solid Waste-Resource Management Authority**  
**Wednesday, August 22, 2018**  
**9:00am**  
**Valley Waste-Resource Management Office – Boardroom**

**Attendees**

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**Members Present:** Wendy Elliott, Eric Bolland, Barry Corbin, Brian Hirtle, Gail Smith, John Kinsella

**Alternates Present:** Craig Gerrard and Martha Armstrong

**CAO Group:** CAO Mark Phillips, CAO Scott Conrod, Acting CAO Brian Smith and Mayor Peter Muttart

**STAFF:** Cathie Osborne, Jeff Martin, Andrew Garrett, Geoff McCain, Solicitor J. Washington and Brenda Davidson

**Guests:** Alan Abraham, Vice President, Environmental Services Group, Brian Dubblestyne, Vice President, Municipal Enterprises Ltd and Rodger Ward, Branch Manager, EFR Environmental

**Public:** Several members of the public were in attendance including representatives from Annapolis County Council and CAO

**Agenda Item No. 1 – Welcome and Call to Order**

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Chair Kinsella welcomed everyone calling the meeting to order at 9:01am. Mr. Kinsella then read the following opening statement:

*I would like to thank everyone for attending today. We will conduct the meeting as scheduled and request any comments or questions from guests and members of the public be deferred until such time as I determine it appropriate or at the end of the meeting. Authority members should have had time to discuss matters of the board with their respective municipality ahead of time.*

*We know this is frustrating time for the citizens of Annapolis County. We never wanted to end up where we are today. We've worked together for 20 years for the benefit of more than 80,000 residents in the valley region. We were created so municipalities and their citizens benefitted from the efficiencies we would gain together and we've been able to achieve this. In fact, Valley Waste is recognized as a leader in solid waste management in Nova Scotia.*

*This Board is made up of an elected member from each member municipality. Up until now, Annapolis Royal, Berwick, Kentville, Middleton, Wolfville, the Municipality of the County of Kings and the Municipality of the County of Annapolis have always been able to work together. Needless to say, we're disappointed at how Annapolis County has chosen to handle their disagreement in this fashion.*

*The board has received a letter from the solicitor of the 6 parties to the Authority. This letter was circulated to the members and states that the Municipality of the County of Annapolis is no longer a member of the Authority. This is an issue between the parties of the Intermunicipal Services Agreement and we will respect the legal opinion provided and the acceptance of that opinion from our 6 municipal parties. As such, representatives from the Municipality of the County of Annapolis cannot participate in the meetings of the Valley Region Solid Waste-Resource Management Authority as members.*

Chair Kinsella then asked Martha Roberts to move away from the table, which she obliged.

**Agenda Item No. 2 - Approval of the Agenda**

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**ON MOTION OF BRIAN HIRTLE AND SECONDED BY BARRY CORBIN THAT THE AGENDA BE APPROVED WITH THE ADDITION OF ITEM 4.1(A) ADDRESS TO AUTHORITY BY EFR ENVIRONMENTAL INC. REPRESENTATIVES.**

**MOTION CARRIED.**

**Agenda Item No. 3 – Approval of the Minutes**

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**Agenda Item No. 3.1 – Approval of the Draft Minutes from Regular Authority meeting held July 18, 2018**

**ON MOTION OF ERIC BOLLAND AND SECONDED BY BARRY CORBIN THAT THE VALLEY REGION SOLID WASTE-RESOURCE MANAGEMENT AUTHORITY APPROVE THE MINUTES OF JULY 18, 2018, AS CIRCULATED.**

**MOTION CARRIED.**

**Agenda Item No. 3.2 – Approval of the Draft Minutes from Special Authority Meeting held July 26, 2018**

**ON MOTION OF WENDY ELLIOTT AND SECONDED BY BRIAN HIRTLE THAT THE VALLEY REGION SOLID WASTE-RESOURCE MANAGEMENT AUTHORITY APPROVE THE MINUTES OF THE SPECIAL MEETING HELD JULY 26, 2018, AS CIRCULATED.**

**MOTION CARRIED.**

**Agenda Item No. 4 – Interim General Manager**

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**Agenda Item No. 4.1 – Status Report-Discontinuation of Service to Annapolis County**

Interim General Manager Osborne introduced J. Washington who is serving as Solicitor on behalf of the Authority. Ms. Osborne then provided a detailed overview of activity since the last meeting touching on the following:

- The activation of the discontinuation of curbside collection services for residents of Annapolis County;
- The letter of July 26, 2018, asking Annapolis County to settle the arrears by the end of the day on July 31, 2018 or services would be discontinued;
- As an acknowledgement or payment was not received by the deadline, on August 1<sup>st</sup> communications began regarding the discontinuation of services to the citizens of Annapolis County;
- The communications garnered a fair bit of media attention and initiated several public communications from the County of Annapolis;
- It was stressed that the goal all along has been to maintain the best relationship possible with all parties during this process, but at the same time try to collect what is owed to the Authority for services the citizens of Annapolis County have received;
- On August 9<sup>th</sup>, it was confirmed that Annapolis County had passed a motion to expropriate the land housing the Western Management Centre at 343 Elliott Road just outside of Lawrencetown and on August 16, 2018 notice was received from the County that they had taken the formal steps to expropriate the property. Ms. Osborne stressed that the facility is in place to receive waste from not only within Annapolis County but from areas of western Kings County including Kingston and Greenwood and the Towns of Middleton and Annapolis Royal both of whom are parties under the Intermunicipal Services Agreement. The Authority also provides services to the Bear River First Nation;
- A number of scenarios are now under consideration to manage the situation and legal counsel is pursuing a response to the matter;
- In the meantime, all seasonal bins have been removed from around the Municipality of Annapolis County and staff have begun the process of taking back possession of the green carts that had been distributed to the citizens of Annapolis County as both are assets of the Authority. Ms. Osborne noted that it was thought that Annapolis County may want the green carts or to retain use of them and in August 7, 2018 correspondence to Annapolis County an offer was made to discuss arrangements with respect to the green carts and continued use of those if Annapolis County immediately paid for the services they have received. There was no response. In a response to Mr. Ferguson on August 15, 2018 and in our Solicitor's response to Annapolis County's Solicitor on the same day, we offered the use of the bins for a nominal fee, once full payment had been received. We understand that Annapolis County has made other plans for the compostable materials;
- It is understood that there was correspondence and monies sent in trust to Valley Waste's lawyer, but the conditions attached to the monies could not be accepted;
- There are approximately 9,000 green carts that need to be collected and this will take several weeks. Given the time of year, we understand that this is a huge inconvenience for Annapolis County residents and we are working to expedite the process;
- To ensure that the collection of the green carts moves quickly we are making arrangements to collect carts and will advise Annapolis County residents of the process through a variety of means such as advertising in the local paper, posting to our website, Facebook, through the 2 management centres and through the Valley Waste hotline;

- 2017-2018 Audited Financial Statements are still being prepared as we want to ensure that the Statements are correctly stated with respect to the Municipality of Chester Kaizer Meadow Landfill statements. As soon as we can finalize and present the statements to the Audit Committee, the statements will come before the Board;
- Ms. Osborne stressed the successful and longstanding relationship with the parties that make up the Valley Region Solid Waste-Resource Management Authority. The Towns of Annapolis Royal, Middleton, Berwick, Kentville and the Municipality of the County of Kings have received Valley Waste service for 20 years and we are committed to continuing to provide outstanding waste management services to Annapolis Valley residents;
- On a final note, Ms. Osborne thanked the Board, the Authority's employees and the parties to the Intermunicipal Services Agreement for the ongoing support adding that the Authority's employees have gone above and beyond the call of duty in executing the Board's directions in a timely fashion.

In response to the question, Ms. Osborne explained that the variance reported by Annapolis County in the total owed by the Municipality of Annapolis County was essentially due to the way in which invoices had been prepared as per the direction of the Board and was based on previous years billings for the same period. A reconciliation of the total has now been completed and forwarded to the Municipality of Annapolis County.

In response to the question it was noted that it is the intention to collect all green carts that had been distributed to citizens of the Municipality of Annapolis County.

With regard to the Audited Statements, Chair Kinsella stressed that he encourages that all steps be taken in order to effectively produce an Audit Report for the Audit Committee. Chair Kinsella further noted that the delay in the production of the Authority's Audited Statements for the 2017-2018 fiscal year may be being perceived as an attempt to hide something and that is absolutely not the case and further that the outstanding questions are centered around issues related to the relationship that the Authority has with the Municipality of the District of Chester as it relates to the Kaizer Meadow Landfill.

**Agenda Item No 4.1(a) – Address to Authority by EFR Environmental Representatives**

Alan Abraham, Vice-President, Environmental Services Group addressed the Authority firstly thanking the Board for the opportunity to do so. Mr. Abraham indicated that first and foremost, he and his team respect the value of the long-term relationship with Valley Waste-Resource Management. He noted that their organization does have some reputational concerns as residents generally consider their team to be Valley Waste-Resource Management as opposed to a contracted service provider and his offices have received several calls. He noted that he felt that there was no choice but to enter into an agreement with the Municipality of Annapolis County to continue to provide the curbside collection services upon the discontinuation of the services provided through Valley Waste. It was noted also that the transition has gone well over the past couple of days. Mr. Abraham noted that EFR provides services to several commercial establishments within Annapolis County and that is complicating matters. Mr. Abraham then noted that he is proposing a 1-year extension to the current contract curbside collection contract with the Authority to allow all involved to fully explore and define the implications associated with the discontinuation of services within Annapolis County. He stressed that residents are impacted and residents generally are not easily accepting of change especially when that change is associated with their solid waste-resource management services. He stressed that it is best for all involved to move

forward based on knowing all implications and ensuring that the right decisions are made the first time as the Authority looks to the future.

Mr. Abraham was thanked for his comments with the consensus being that all understood that EFR Environmental is in a difficult situation and that all are rising above any impact on the long-term relationship.

**Agenda Item No. 4.2 – Review of Policies – Initial Report for circulation and discussion at a later Board meeting**

Interim General Manager Osborne noted that as condition of her engagement for services, she was asked to review current policies falling under the umbrella of the Authority's operations. With that in mind, a summary of findings document was circulated to the members of the Authority only and noted not for distribution at this time, but for review in preparation for formal tabling and further discussion during an upcoming meeting.

**Agenda Item No. 5 – Staff Reports**

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**Agenda Item No. 5.1 – Manager of Finance**

Manager of Finance McCain indicated that he did have guarantee documents ready for distribution, consideration and approval by the 6 parties related to the establishment of the line of credit.

**Agenda Item No. 5.2 – Operations Manager**

Operations Manager Martin indicated that staff have been strongly focused on the removal of the seasonal drop off bins and carts from areas within Annapolis County. The processing and removal of the large accumulation of construction and demolition debris materials at the Management Centre sites will be the next priority item with external help to be engaged to perform the work required. In response to the question, Interim General Manager Osborne indicated that staff have not yet had the time to prepare and release a tender for the provision of the shredder as included in the 2018-2019 budget. Mr. Martin continued noting that arrangements have now been made to have the drywall materials shipped off site.

In response to the question, it was stressed that Valley Waste staff will not be entering properties in Annapolis County to remove greencarts and that only those carts left at the curb will be collected. It was further noted that from this point forward the carts that are collected will have to be emptied and staff are developing a plan now to address the issue. It was further noted that once carts are collected, they will be tagged as reusable or to be recycled with those deemed no longer usable to be prepared for the recycling stream. As the collection of carts progresses, residents from which carts have not been collected will be contacted. It was further noted that during the cart collection that has taken place the Annapolis County residents have been very supportive and helpful which makes this unfortunate and difficult task much more pleasant for the staff involved.

**Agenda Item No. 5.3 – Office Manager**

Office Manager Davidson referred to the Report to the Authority: Office Manager Report, dated August 15, 2018, as circulated and attached to these minutes. It was noted that the employee currently recovering from the 2<sup>nd</sup> surgery on his shoulder and 3<sup>rd</sup> surgery in total is now doing much better with it being anticipated that he will return to work in the coming weeks. Ms. Davidson also noted that the issues with the exchange server have now been resolved; however there are a couple of minor

outstanding issues associated with that to be addressed. On a final note, Ms. Davidson noted that it is fully anticipated that the ADP Ez Labour time tracking software will be implemented over the coming weeks.

**Agenda Item No. 5.4 – Communications Manager/Regional Coordinator**

Communications Manager Garrett advised the Authority that while there have not been any provincial-level meetings since the Authority’s last meeting, activities continue.

The Authority has successfully defended 2 counts of illegal dumping against a manager of an apartment building. He dumped his materials at a business in Middleton. The case was heard last week in Annapolis Royal resulting in a \$500.00 fine for each count.

An oil and glycol stewardship program is under development for implementation in 2019.

The MyWaste App is being rebranded to “Recycle Coach” for 2 reasons. The first being that the “Recycling Coach” tag is felt to be more appealing and the 2<sup>nd</sup> being that the words recycle coach are easier for audio devices to recognize than mywaste was proving to be.

On a final note, Mr. Garrett indicated that the Federal Government has issued a survey for a Zero Plastics Strategy for Canada and a link to the survey will be provided to Authority members as there is an opportunity to submit comments.

**Agenda Item No. 6 – Committee Reports**

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**Agenda Item No. 6.1 – General Manager Selection Committee – Update and Membership**

Ms. Osborne noted that as per the last meeting, staff have made contact with Gerald Walsh who is indicating that he remains interested in assisting the Authority with the General Manager selection process. While attempts were made to coordinate a meeting with the Selection Committee, unfortunately some members were not available. Mr. Walsh has now provided alternate dates. The Authority may want to revisit the composition of the Committee in light of recent activities.

**ON MOTION OF BRIAN HIRTLE AND SECONDED BY WENDY ELLIOTT THAT ERIC BOLLAND BE NOMINATED TO SERVE ON THE GENERAL MANAGER SELECTION COMMITTEE.**

**MOTION CARRIED.**

Chair Kinsella called for nominations for an additional 3 times and none were heard and therefore Mr. Bolland was welcomed to the Committee.

It was noted that Office Manager Davidson will be in touch with Committee members soon regarding the coordination of a meeting and that it is anticipated that preliminary discussions regarding Mr. Walsh’s ongoing participation will take place at that time.

**Agenda Item No. 7 – New Business**

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There was no new business to bring before the Authority at this time

**Agenda Item No. 8 – Correspondence**

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There was no correspondence to bring before the Authority at this time.

**Agenda Item No. 9 – In-Camera Session in keeping with MGA Section 22(2)(e)-Contract Negotiations**

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9.1 – Curbside Collection and Transportation Request for Proposals MGA Section 22(2)(e)

9.2 – Other Contract – MGA Section 22(2)(e) – Contract Negotiations

**ON MOTION OF ERIC BOLLAND AND SECONDED BY BRIAN HIRTLE THAT THE VALLEY REGION SOLID WASTE-RESOURCE MANAGEMENT AUTHORITY MOVE TO AN IN-CAMERA SESSION FOR THE PURPOSES AS NOTED ABOVE IN KEEPING WITH SECTION 22(2)(e) OF THE MUNICIPAL GOVERNMENT ACT.**

**MOTION CARRIED.**

The August Regular Monthly Meeting of the Valley Region Solid Waste-Resource Management Authority was called back to order at 11:05.

**ON MOTION OF ERIC BOLLAND AND SECONDED BY BARRY CORBIN THAT THE VALLEY REGION SOLID WASTE-RESOURCE MANAGEMENT AUTHORITY BOARD SUPPORTS AND APPROVES THE STAFF RECOMMENDATION TO ENTER INTO A 10-YEAR AGREEMENT WITH SCOTIA RECYCLING LIMITED, ENDING MARCH 31, 2028; BASED ON THE PROPOSED TERMS AND CONDITIONS RECOMMENDED BY THE SOLICITOR AND PRESENTED DURING THE IN-CAMERA SESSION OF AUGUST 22, 2018 AUTHORITY BOARD MEETING;**

**AND FURTHER THAT,**

**THE AUTHORITY AUTHORIZES THE GENERAL MANAGER TO COMPLETE THE NEGOTIATIONS IN KEEPING WITH THE SPIRIT OF THE RECOMMENDED PROPOSALS SHOULD SLIGHT DEVIATION BE NECESSARY TO FINALIZE THE AGREEMENT.**

In response to the question, it was noted that the estimated annual cost of the contract is \$648,000 before HST and further that the amount is included in the 2018-2019 approved budget.

A short discussion arose where it was the consensus that as the Authority looks to the future, the Authority should review the budget approval process to ensure that the Parties to the Intermunicipal Services Agreement and their respective Councils as a whole, have additional opportunity, as they deem appropriate, to become aware of the detail and implementation of long-term major contracts.

**MOTION CARRIED.**

**Agenda Item No. 10 – Next Meeting**

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The next regular monthly meeting of the Valley Region Solid Waste-Resource Management Authority will be held on September 19, 2018 in keeping with the normal meeting schedule.

**Agenda Item No. 11 - Adjournment**

**ON MOTION OF BARRY CORBIN AND SECONDED BY BRIAN HIRTLE THE AUGUST 2018 REGULAR MONTHLY MEETING OF THE VALLEY REGION SOLID WASTE-RESOURCE MANAGEMENT AUTHORITY ADJOURNED AT 11:20AM.**

Respectfully Submitted,

Brenda Davidson  
Office Manager  
Valley Waste-Resource Management