

HALIFAX REGIONAL COUNCIL
MINUTES
FEBRUARY 1, 1996

PRESENT: Mayor Walter Fitzgerald
Councillor Bill Dooks
Councillor Gordon R. Snow
Councillor David Hendsbee
Councillor Ron Cooper
Councillor Harry McInroy
Councillor Jack Greenough
Councillor Condo Sarto
Councillor Clint Schofield
Councillor John Cunningham
Councillor Jerry Blumenthal
Councillor Graham L. Downey
Councillor Larry Uteck
Councillor Howard Epstein
Councillor Russell Walker
Councillor Bill Stone
Councillor Ron Hanson
Councillor Steve Adams
Councillor Barry Barnet
Councillor Bob Harvey
Councillor Peter J. Kelly
Councillor Reg Rankin
Councillor Jack Mitchell

REGRETS: Councillor Bruce Hetherington
(For Health Reasons)

ALSO PRESENT: Kenneth R. Meech, Chief Administrative Officer
Wayne Anstey, Q.C., City Solicitor
Vi Carmichael, Municipal Clerk

WASTE MANAGEMENT STRATEGY

A special meeting of Halifax Regional Council was held at this time for the purpose of addressing the item "Waste Management Strategy."

His Worship Mayor Fitzgerald called the meeting to order at 4:00 p.m. Following a short debate, the agenda for the meeting consisting of the sole item "Waste Management Strategy" was approved.

The following information was received and circulated:

- ! An Intra-Council Memorandum from Howard Epstein, Councillor - District 14, dated February 1, 1996
- ! A Memorandum from Peter Kidd dated February 1, 1996
- ! A Letter from G.David Nantes, P.Eng., Project Manager, MIRROR Nova Scotia.
- ! Newspaper articles from The Mail-Star:
"Timberlea said radon hotspot" dated August 24, 1989
"The Timberlea radon story - Where are all the well-funded bores?"
dated August 26, 1989

Councillor Kelly addressed the item and expressed his discomfort with recent issues which have been raised over the last couple of days. He commented that there was a need for further information and a necessity to provide Halifax County Municipality Council with a clear direction as to Regional Council's intent.

It was therefore MOVED by Councillor Kelly, seconded by Councillor Schofield that:

WHEREAS:

1. The Council of Halifax County Municipality is responsible to March 31, 1996, to develop and implement a waste management strategy and program for the Metropolitan Region and has undertaken this task; and

2. The Council of Halifax County Municipality has referred to this Council for comment on various aspects of the proposed solid waste management program as developed to date, including the designation of a site for a residuals disposal facility and front-end processor, and a draft master agreement with MIRROR N.S. Limited for implementation of the program; and
3. This Council has requested and received extensive information and representation from various parties respecting the proposed program that has greatly enhanced its understanding of these issues;

BE IT RESOLVED THAT:

1. This Council express appreciation to the Council of Halifax County Municipality for its valuable work accomplished to date in initiating the regional solid waste process and bringing the process to its present position;
2. This Council fully recognize the desire of Halifax County Municipality for an explicit indication of this Council's support for those aspects of the proposed solid waste management program as cited above, but feels that the issues raised as a result of the representations must be addressed prior to a formal endorsement of the program;
3. This Council formally endorse and ratify the Community Stakeholders Committee integrated solid waste/resource management strategy;
4. This Council formally endorse and ratify the commitment made by all of the regions' municipalities and the Metropolitan Authority to close the Sackville Landfill Site effective December 31, 1996 and direct Halifax Regional Municipality staff to identify and develop an interim solution for waste disposal if necessary.
5. This Council hereby express its willingness to pursue the process initiated and brought to an agreed point by Halifax County Municipality and to assume full responsibility, effective immediately, for further development of all matters respecting solid waste;
6. In this undertaking, and prior to finalizing any agreement(s), Halifax Regional Municipality recognizes those representations and issues arising from its evaluation of the referral and

intends to incorporate as fundamental to any agreement(s) underlying the proposed solid waste program, the following:

- a) the agreement(s) shall be consistent with the Community Stakeholders Committee integrated solid waste/resource management strategy;
 - b) a commitment to conclude a solution which is cost effective without sacrificing any of the environmental protections incorporated in the strategy;
 - c) a commitment to examine and address the implications of possible traffic flow alternatives associated with the new solution as may become evident from haulage to new facilities;
 - d) a commitment to examine and address any environmental concerns which have been raised with respect to the proposed landfill site; and
 - e) a commitment to examine and address any land-ownership issues which have been raised with respect to access to the site; and
7. Should any agreement(s) be concluded and approved by this Council prior to April 1, 1996, this Council will request Halifax County Municipality to formally execute such agreements by reason of their continuing legislative jurisdiction to that time.

A lengthy discussion ensued.

Councillor Greenough questioned what the effect of the motion would have on the status of the draft master agreement with MIRROR N.S. Limited.

In response, Councillor Kelly clarified that his motion would not preclude the continuation of the negotiations, and encourages the process initiated by Halifax County Council. He added that it was the intent of his motion to continue with these negotiations, but to ensure that all of the information is provided in order to make an informed decision.

The discussion continued with Councillor Epstein pointing out that the question the County has asked of the Regional Council is whether Council endorses what the County has accomplished and

what the County is now prepared to do. He suggested that the answer is "no" for a variety of reasons. The Councillor went on to suggest that some members simply disagree with what the County has done and believe that something

different ought to be done. For others, he suggested that the reason the answer is no is that in essence the County, like all of the individual municipalities, is going out of business. Councillor Epstein expressed the view that the new Regional Municipality is the entity that should be making the major decision on solid waste management. He encouraged the Regional Council to take upon itself the responsibility for decision-making on solid waste.

In response to a question from Councillor Epstein, Councillor Kelly made reference to subparagraph 5 and clarified that his motion would not preclude the continuation and negotiation with the MIRROR Group.

Councillor Hendsbee entered the meeting (4:30 p.m.).

Councillor Rankin addressed the matter and expressed the view that the motion on the floor was merely an attempt to find common ground. He spoke in opposition to the motion pointing out that it does not provide any community protection or assurances and urged members of Council not to endorse the motion.

The discussion continued and in response to a question from Councillor Hendsbee, Mr. Anstey, Director of Administrative and Legal Services, advised that the resolution recognizes that the Regional Municipality does not have the authority prior to April 1 to sign an agreement. He added that the question of whether or not it can choose to involve itself in the negotiation of the agreement seems to be another matter. Mr. Anstey pointed out that there is nothing in the legislation that prohibits the Regional Municipality from talking about and engaging in negotiations in respect of matters for which it will be responsible for after April 1. He added that the motion recognizes and takes into account the legal complexities of the situation as a result of the legislation created.

In response to a further question from Councillor Hendsbee, Mr. Anstey confirmed that it was his understanding the Regional Municipality would be the party at the bargaining table with the MIRROR group and others concerned.

Councillor Rankin reiterated his concern with respect to protection and assurances for the Community. He went on to read a letter of concern from a group of constituents.

Responding to a question from Councillor Schofield, Mr. Meech, Chief Administrative

Officer, advised that Mr. Hayward has required of the individual municipal Councils that any matter of substance be referred to the Regional Council.

Councillor Hendsbee advised that it was his understanding that Mr. Hayward stated that the responsibility for garbage lies with the Halifax County Municipality.

Following a further discussion, the motion was put and defeated with four (4) members of Council for it and nineteen (19) voting against as follows:

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| FOR: | Mayor Walter Fitzgerald and Councillor Uteck, Epstein, and Kelly | 4 |
| AGAINST: | Councillor Dooks, Snow, Hendsbee, Cooper, McInroy, Greenough, Sarto, Schofield, Cunningham, Blumenthal, Downey, Walker, Stone, Hanson, Adams, Barnet, Harvey, Rankin, and Mitchell | 19 |

Councillor Rankin then presented a motion and, after some minor revisions from members of Council, he MOVED, seconded by Councillor Greenough that:

WHEREAS:

1. The Council of Halifax County Municipality has referred to this Council for comment on various aspects of the proposed solid waste management program as developed to date, including a draft master agreement with Mirror Nova Scotia Limited for implementation of the program; and
2. This Council has received extensive information and representations from various parties respecting the proposed program.

BE IT RESOLVED THAT:

1. This Council recognizes the draft Master Agreement as a basis for further negotiations with the proposed private section partner. These negotiations are to proceed and take into account and respond to public comments and representations received to date, including those dealing with:
 - (a) the need for effective community protection;

- (b) assurance of the complete environmental suitability of all facility sites; and
 - (c) traffic implications.
2. This Council assumes responsibility for these negotiations with the concurrence of Halifax County Municipality which are to be conducted by the existing negotiating team under the direction and instructions of the Region's staff.
 3. All draft agreements, including the Draft Master Agreement and Appendix Agreements, are subject to the approval of this Council.

Councillor Kelly spoke in opposition to the motion. He advised that in light of recent issues raised at the last meeting of Council, he could not support the motion.

After a further short discussion, the motion was put and passed.

There being no further business to discuss, the meeting was adjourned at approximately 6:00 p.m.

MAYOR WALTER FITZGERALD
CHAIRMAN

SUBMITTED BY:
VI CARMICHAEL
MUNICIPAL CLERK

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