

ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE  
MINUTES

November 1, 2012

- PRESENT: Councillor Barry Dalrymple, Chair  
Councillor Jennifer Watts, Vice Chair  
Councillor Darren Fisher  
Councillor Lorelei Nicoll
- REGRETS: Councillor Peter Lund  
Councillor Debbie Hum  
Councillor Dawn Sloane  
Councillor Jackie Barkhouse
- STAFF: Mr. Joshua Judah, Solicitor  
Mr. Richard MacLellan, Manager, Energy and Environment  
Mr. Angus Doyle, Utilities Coordination Manager  
Mr. Ted Aubut, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER.....	3
2.	APPROVAL OF MINUTES – October 4, 2012.....	3
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETION.....	3
4.	BUSINESS ARISING OUT OF THE MINUTES.....	3
4.1	Status Sheet Update.....	3
5.	CONSIDERATION OF DEFERRED BUSINESS – NONE.....	3
6.	CORRESPONDENCE, PETITIONS & DELEGATIONS.....	3
6.1	Correspondence.....	3
6.1.1	Correspondence from Ditetmar Tholoen dated October 9, 2012 re: Request for Presentation.....	4
6.2	Petitions - NONE.....	4
6.3	Presentations - NONE.....	4
7.	REPORTS.....	4
7.1	Staff Reports.....	4
7.1.1	Heritage Gas Municipal Operating Access Agreement Extension ..	4
12.	IN CAMERA.....	7
12.1	Approval of Minutes - October 4, 2012.....	7
12.2	Contractual Matters.....	7
12.2.1	Internetworking Atlantic Inc. Municipal Access Agreement.....	7
8.	MOTIONS - NONE.....	7
9.	ADDED ITEMS.....	7
9.1	Councillor Fisher - Solar City Update.....	7
9.2	Councillor Nicoll - Future of Municipal Access Agreements.....	7
9.3	Councillor Watts - Communications Towers in the Right-of-Way.....	8
10.	NOTICES OF MOTION - NONE.....	8
11.	NEXT MEETING DATE – December 6, 2012.....	8
13.	ADJOURNMENT.....	8

**1. CALL TO ORDER**

The Chair called the meeting to order at 1:07 p.m. in the Dartmouth Chamber, 90 Alderney Drive, Dartmouth.

**2. APPROVAL OF MINUTES – October 4, 2012**

**MOVED by Councillor Fisher, seconded by Councillor Watts that minutes of the October 4, 2012 meeting be approved, as presented. MOTION PUT AND PASSED.**

**3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETION**

**MOVED by Councillor Nicoll, seconded by Councillor Watts that the order of business be approved, as presented. MOTION PUT AND PASSED.**

Subsequent to this motion, the Standing Committee agreed to add the following items to the agenda:

- 9.1 Councillor Fisher – Solar City Update
- 9.2 Councillor Nicoll – Future of Municipal Access Agreements
- 9.3 Councillor Watts – Communications Towers in the Right-of-Way

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 Status Sheet Update**

Councillor Watts asked for an update on the conceptual plan and objectives for the Blue Mountain-Birch Cove Regional Plan. Staff replied that Legal Services is working on a response to a letter from Stewart McKelvey dated September 6, 2012.

**MOVED by Councillor Watts, seconded by Councillor Nicoll that the Environment and Sustainability Standing Committee request that staff, at the next scheduled meeting, provide a status update on Blue Mountain Birch Cove Regional Park's Conceptual Plan and Objectives. MOTION PUT AND PASSED.**

**5. CONSIDERATION OF DEFERRED BUSINESS – NONE**

**6. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**6.1 Correspondence**

**6.1.1 Correspondence from Dietmar Tholoen dated October 9, 2012 re:  
Request for Presentation**

A letter from Dietmar Tholen, President of ECO Resource Management Inc. was before the Standing Committee.

Councillor Watts explained that the business owner in question lives in her district. She asked for staff's advice about the possibility of having him appear before the Standing Committee.

Gord Helm, Manager of Solid Waste Resources replied that ECO Resource Management Inc. is developing technology to recover oil content in plastic waste. He suggested the Standing Committee may wish to hear from this company the same day as it hears from Minas Basin Pulp and Power, which is in the business of converting waste plastic into diesel fuel.

The Clerk explained that the presentation from Minas Basin Pulp and Power will likely take place in winter 2013, after the company's technology has been tested in the United Kingdom.

**MOVED by Councillor Watts, seconded by Councillor Nicoll that the Environment and Sustainability Standing Committee accept the request for presentation from Dietmar Tholen of ECO Resource Management Inc. and that the presentation, if possible, be scheduled the same day as that of Minas Basin Pulp and Power, whose presentation request has already been accepted. MOTION PUT AND PASSED.**

**6.2 Petitions - NONE**

**6.3 Presentations - NONE**

**7. REPORTS**

**7.1 Staff Reports**

**7.1.1 Heritage Gas Municipal Operating Access Agreement Extension**

A report dated October 22, 2012 regarding an extension of the Municipal Operating Access Agreement between Heritage Gas and HRM was before the Standing Committee.

Angus Doyle, Utilities Coordination Manager explained that the current agreement was approved by Regional Council and commenced January 1, 2010. It sets a three-year term, expiring December 31, 2012 and provides for the possibility of a two-year extension. Both parties, he noted, are interested in activating the extension.

Clause 3(2) of the agreement stipulates that the extension must be decided by December 31, 2011, a deadline that both parties missed. In light of this, Mr. Doyle explained that it will be necessary for Regional Council to approve an amendment to the agreement. Once the amendment is signed by HRM and Heritage Gas, the extension will take effect. Mr. Doyle reminded the Standing Committee that the agreement will expire in two month's time if no action is taken.

Following Mr. Doyle's presentation, it was **MOVED by Councillor Nicoll and seconded by Councillor Fisher that the Environment and Sustainability Standing Committee recommend to Regional Council that the existing Municipal Operating Access Agreement with Heritage Gas Ltd. be extended for an additional two years, in accordance with attachment 1 of the staff report dated October 22, 2012.**

Councillor Nicoll asked if staff had encountered any problems negotiating with Heritage Gas on this matter.

Mr. Doyle replied that negotiations had gone smoothly, resulting in changes that better reflect engineering and inspection costs.

Councillor Watts asked staff to comment on the possibility of extending the contract for less than two years. While she supported continued gas installation in HRM, she noted that many residents are concerned about the transparency of Heritage Gas' application process. Business owners, meanwhile, are frustrated with operational delays. She cited the example of a business on Bayers Road that was disrupted for over two weeks as Heritage Gas repaved the road. Drawing from personal observations, Councillor Watts indicated that a lack of coordination appears to be slowing down installation.

Mr. Doyle confirmed that natural gas uptake has been a challenge, in part because of residents' varying degree of interest in the service. He provided, as an example, the case of Willow Street where only 7 of 80 residences requested a natural gas hook-up. On the second point, operational delays, he explained that staff could investigate specific examples to determine whether the work was unnecessarily delayed or if it did not comply with regulation.

Councillor Watts asked if summer 2012 had been a particularly busy season for Heritage Gas, to which Mr. Doyle responded that the biggest push had been a few years ago.

Councillor Watts reiterated her commitment to natural gas installation but expressed concern that a two-year extension would merely extend current problems. She wished to know what steps HRM could take to ensure that what happened on Bayers Road would not be repeated.

Mr. Doyle agreed that it would be valuable to learn what happened at the Bayers Road site and offered to prepare a report on this matter for the next meeting. As for the

agreement, he was unsure which clause could be modified to address concerns raised. Any changes, he continued, would have to be approved before the expiration date.

The Chair reminded the Standing Committee that the matter is time sensitive. Staff's recommendation to approve the extension must be voted on by the Committee and by Regional Council by December 31st. Moreover, he reminded the Committee that Regional Council only sits twice in December.

Mr. Doyle noted that the option for a two-year extension had been negotiated as part of the original agreement and that staff is comfortable activating it.

Richard MacLellan, Manager, Energy and Environment explained that the abrupt expiration of the agreement on December 31<sup>st</sup> could result in a service void, a concern raised by Legal Services. He noted that if the Standing Committee is uncomfortable granting a two-year extension, then it may wish to consider an extension of a few months, giving HRM and Heritage Gas time to discuss next steps.

Councillor Watts explained that she would like gas installation to move forward but was uncomfortable granting a two-year extension given the operational issues described.

Mr. Doyle offered to review the agreement to identify clauses that could be strengthened to avoid extended disruptions in the future.

Councillor Fisher drew attention to installation projects underway on Main Road in Eastern Passage and on Windmill Road in Burnside, both roads having been cut up for several weeks. He explained that since HRM's reorganization, it has been difficult to get information on these and other projects.

Mr. Doyle offered to put Councillor Fisher in contact with the appropriate staff person.

Given the number of questions raised, the Chair indicated that a deferral may be warranted. Alternatively, the Standing Committee could proceed with the vote, on the understanding that a second discussion would take place at Regional Council.

Mr. Doyle indicated that the Committee may wish to invite Heritage Gas to an upcoming meeting.

Councillor Watts agreed, suggesting that they be invited in February or March to talk about work plans for summer 2013. She asked that the Clerk follow-up on this.

Mr. Doyle indicated that he could provide a response to Councillor Watts regarding Bayers Road rather quickly.

At this time, the Standing Committee was prepared to vote on the motion.

**MOTION PUT AND PASSED.**

The Standing Committee agreed to address item 12 before items 9 through 11.

## **12. IN CAMERA**

**MOVED by Councillor Watts, seconded by Councillor Nicoll that the Environment and Sustainability Standing Committee convene in camera to approve minutes from October 4, 2012 and to consider contractual matters regarding Internetworking Atlantic Inc. MOTION PUT AND PASSED.**

The Standing Committee recessed at 1:46 p.m. to convene into in camera.

### **12.1 Approval of Minutes - October 4, 2012**

This matter was dealt with in the in camera session.

### **12.2 Contractual Matters**

#### **12.2.1 Internetworking Atlantic Inc. Municipal Access Agreement**

This matter was dealt with in the in camera session.

The in camera session adjourned at 2:10 p.m., with the public meeting reconvening immediately thereafter.

## **8. MOTIONS - NONE**

## **9. ADDED ITEMS**

### **9.1 Councillor Fisher - Solar City Update**

Councillor Fisher wished to know when the staff report regarding Solar City would be before Regional Council.

Mr. MacLellan replied that the report, which responds to concerns previously raised by Councillor Hum, would be before Council this month, either November 20<sup>th</sup> or November 27<sup>th</sup>.

### **9.2 Councillor Nicoll - Future of Municipal Access Agreements**

**MOVED by Councillor Nicoll, seconded by Councillor Watts that the Environment and Sustainability Standing Committee direct staff to prepare a report, or arrange for a presentation, on the history, current status and future direction of Telecom Municipal Access Agreements.**

**MOTION PUT AND PASSED.**

**9.3 Councillor Watts - Communications Towers in the Right-of-Way**

**MOVED by Councillor Watts, seconded by Councillor Nicoll that the Environment and Sustainability Standing Committee request staff to prepare an Information Report on the Municipality's role in the siting of telecom towers in the right of way.**

Councillor Watts explained that she had wanted to attend an industry event on cell towers but that it conflicts with Council orientation. She hoped that the staff report requested would clarify access to and authority over telecommunications towers and the role of the Standing Committee in evaluating particular cases.

Mr. Doyle noted that there is increased interest on the part of all stakeholders to discuss small towers and agreed that there should be greater clarity around cases that ought to come before the Committee.

**MOTION PUT AND PASSED.**

**10. NOTICES OF MOTION - NONE**

**11. NEXT MEETING DATE – December 6, 2012**

This being the last meeting of the session, the Chair thanked staff for their input and support over the past year.

**13. ADJOURNMENT**

The meeting adjourned at 2:20 pm

Ted Aubut  
Legislative Assistant