

ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE

MINUTES

April 4, 2013

PRESENT: Councillor Barry Dalrymple, Chair
Councillor Jennifer Watts, Vice Chair
Deputy Mayor Reg Rankin
Councillor Lorelei Nicoll
Councillor Darren Fisher
Councillor Bill Karsten
Councillor Steve Craig

STAFF: Mr. Mike Labrecque, Deputy Chief Administrative Officer
Mr. Martin Ward, General Counsel
Mr. Joshua Judah, Solicitor
Mr. Colin Taylor, Solicitor
Mr. Ken Reashor, Director, Transportation & Public Works
Ms Jane Fraser, Director, Planning & Infrastructure
Mr Bruce Debaie, Managing Director, Communications
Mr. Richard MacLellan, Manager, Energy and Environment
Mr. Gord Helm, Manager, Solid Waste Resources
Ms. Cathy Mellett, Municipal Clerk
Mr. Ted Aubut, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER.....	3
2.	APPROVAL OF MINUTES – March 7, 2013	3
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETION	3
4.	BUSINESS ARISING OUT OF THE MINUTES	4
4.1	Status Sheet Update.....	4
5.	CONSIDERATION OF DEFERRED BUSINESS.....	4
5.1	Recommendation Report dated February 26, 2013 regarding Waste Strategy – Public Consultation Process	4
6.	CORRESPONDENCE, PETITIONS & DELEGATIONS	9
6.1	Correspondence	9
6.1.1	Presentation Request from Hefler Forest Products regarding COMFIT program	9
6.1.2	Presentation Request from Nova Scotia Power regarding Power Shift Atlantic Research Project.....	9
6.2	Petitions - NONE	9
6.3	Presentations.....	10
6.3.1	Community Monitoring Committee regarding Waste Strategy – Public Consultation Process	10
6.3.2	Oathill Lake Conservation Society regarding modifications to the storm sewer outfall entering Oathill Lake	10
6.3.3	Ecology Action Centre regarding benefits of managing stormwater through low impact development.....	10
6.3.4	Federation of Canadian Municipalities regarding Municipal Access Agreements.....	10
7.	REPORTS	11
7.1	Reports from members of the Standing Committee	11
7.1.1	Councillor Watts - District energy at Cogswell Interchange Redevelopment.....	11
7.1.2	Councillor Watts – Natural Gas Installation in HRM	12
8.	MOTIONS.....	12
8.1	Councillor Watts.....	12
9.	ADDED ITEMS	12
9.1	Councillor Dalrymple – Correspondence from Councillor Adams regarding Community Consultation on Stantec Report Recommendations	12
9.2	Deputy Mayor Rankin – Information Report regarding FCM Sustainable Communities Conference held February 13-15, 2013	12
9.3	Councillor Craig – Information Item 2 – Draft Regional Plan 5 Year Review, Chapter 8 – Municipal Services, Utilities, Solid Waste & Energy	13
10.	NOTICES OF MOTION - NONE.....	13
11.	NEXT MEETING DATE - May 2, 2013 (Dartmouth Chamber).....	13
12.	IN CAMERA - NONE	13
13.	ADJOURNMENT	13

1. CALL TO ORDER

The Chair called the meeting to order at 1:05 p.m. in the Council Chamber at 1841 Argyle Street, Halifax. He thanked residents in the gallery for their interest before reviewing the rules of procedure.

2. APPROVAL OF MINUTES – March 7, 2013

MOVED by Councillor Nicoll, seconded by Councillor Karsten that minutes of March 7, 2013 be approved, as presented. MOTION PUT AND PASSED.

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

Additions:

- 9.1 Councillor Dalrymple – Correspondence from Councillor Adams regarding Community Consultation on Stantec Report Recommendations
- 9.2 Deputy Mayor Rankin – Information Report regarding FCM Sustainable Communities Conference held February 13-15, 2013
- 9.3 Councillor Craig – Information Item 2 – Draft Regional Plan 5 Year Review, Chapter 8 – Municipal Services, Utilities, Solid Waste & Energy

Deletions:

- 6.3.2 Presentation from Oathill Lake Conservation Society regarding modifications to storm sewer outfall entering Oathill Lake

To be rescheduled.

- 6.3.3 Presentation from Ecology Action Centre regarding the benefits of managing stormwater through low impact development

To be rescheduled.

The Standing Committee agreed that items 6.3.1 and 9.1 should be dealt with in conjunction with item 5.1.

MOVED by Councillor Watts, seconded by Councillor Craig that the agenda be approved, as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Update

No updates were requested.

5. CONSIDERATION OF DEFERRED BUSINESS

5.1 Recommendation Report dated February 26, 2013 regarding Waste Strategy – Public Consultation Process

The following documents were before the Standing Committee:

- Recommendation Report dated February 26, 2013
- Stantec's Waste Resource Strategy Update dated January 2013
- Correspondence from the Community Monitoring Committee dated April 4, 2013
- Correspondence from Councillor Adams dated April 2, 2013

The Standing Committee agreed to hear the Community Monitoring Committee's presentation (Item 6.3.1) at this time.

Mr. Ken Donnelly, communications consultant, indicated that he would be speaking on behalf of the Community Monitoring Committee (CMC). He thanked the Standing Committee for deferring discussion of the Waste Strategy Public Consultation Process by one month in order for the CMC to provide input.

Mr. Donnelly explained that the CMC oversees operations at the Otter Lake facility and liaises with the local community to ensure that it is informed and heard. The CMC also comments on changes to the waste system that would impact the Otter Lake facility. Mr. Donnelly noted that the CMC was established by way of a legal agreement with HRM and includes, among its members, three members of Regional Council.

Mr. Donnelly drew attention to page 2 of the staff report of March 7, 2013 which outlines the 10 principles that guide HRM's community engagement strategy. He believed that the proposal before the Standing Committee did not adequately meet 5 of these 10 principles.

He noted that the proposed consultation process has a number of strengths, including the organization of facilitated cafés and an online engagement tool. However, no meetings with the local community are planned. He believed this to be a mistake, noting that the CMC and the local community are distinct stakeholders and must both be consulted. Mr. Donnelly similarly questioned HRM's approach to soliciting feedback. He observed that public and industry stakeholders won't be invited to the same sessions. Instead, he encouraged HRM to host sessions that bring together varied stakeholders to ensure the input received is not fragmented.

Mr. Donnelly cautioned the Standing Committee about the consultation's narrow scope. He encouraged HRM to provide more information on, among other things, the history of the Otter Lake site and the provincial Operation Permit process. He believed that better informed participants would provide more thoughtful feedback.

Mr. Donnelly offered to work with staff to develop a public consultation plan that is satisfactory both to HRM and to the CMC. He believed this could be done before the next meeting of the Standing Committee, on May 2, 2013.

The Chair thanked Mr. Donnelly for his presentation and invited members of the Standing Committee to ask questions.

Councillor Karsten agreed that the local community must be consulted, and felt that the report clearly addressed this. He pointed to page 4, second column, as an example.

Deputy Mayor Rankin thanked the many residents in attendance, including Bill Estabrooks, MLA for Timberlea-Prospect. He asked Mr. Donnelly to comment on the importance of distinguishing between the local and broader community.

Mr. Donnelly replied that there is a greater sense of urgency within the local community because it will be impacted more deeply than the broader community. Given this, the local community should be consulted, and it should be consulted first.

Deputy Mayor Rankin reminded the Standing Committee that the Front End Processing Facility, the Waste Stabilization Facility and the Residuals Disposal Facility at Otter Lake operate under the watch of Nova Scotia Environment. He did not feel that the Province's role was adequately addressed in the report before them.

Councillor Craig explained that he had lived through the siting of the Sackville landfill and, based on this experience, can appreciate the concerns of residents near the Otter Lake facility.

Deputy Mayor Rankin noted that the Stantec Report of January 2013 recommends that Otter Lake becomes a regional waste resource campus equipped with a composting facility. He objected to this, noting that a campus had not been part of HRM's original agreement with the host community.

There was a brief discussion about the parameters of the debate. The Chair, having consulted with the Solicitor, ruled that the discussion should be limited to the public consultation plan.

Councillor Nicoll noted that HRM is committed to improving its public engagement process. She then asked Mr. Donnelly to explain how the CMC proposes to work with staff in the short-term

Mr. Donnelly suggested that the CMC meet with staff to resolve weaknesses in the current consultation plan, such as its narrow scope. The revised plan could then be forwarded to the Standing Committee for review.

Mr. Mike Labrecque, Deputy Chief Administrative Officer reminded the Standing Committee that the proposed consultation plan is to serve the entire Waste Strategy Review. Otter Lake is one component of this review and, as indicated in the report, both the CMC and the local community will be consulted. He emphasized that HRM's intent, from the beginning, has been to engage the community.

The Chair reminded the Standing Committee that Regional Council is waiting for them to provide input on the draft consultation plan.

MOVED by Councillor Watts, seconded by Councillor Karsten that the Environment and Sustainability Standing Committee:

- 1. Endorse the plan and recommend that Halifax Regional Council approve the engagement plan as outlined in the discussion section of the February 26, 2013 staff report including direct consultation with the local community in the form of town hall meetings;**
- 2. Recommend to Halifax Regional Council that the scope of the public consultation process include the historical context of the Community Stakeholder Committee (CSC) process that led to the development of the waste management strategy, the CSC siting criteria for the Otter Lake facility, including the purpose of the Front End Processing Facility and Waste Stabilization Facility, and commitments to the local community as well as the recommendations of the Stantec Report; and**
- 3. Recommend to Halifax Regional Council that, to support the public consultation process, the in camera report of February 5, 2013 be released with the exception of any legal advice provided in the report.**

Councillor Watts noted the importance of consulting the local community and suggested that a variety of engagement models be used, including facilitated cafés and online tools, as each has its strengths and generates different responses. Moreover, she felt that broadening the scope of the consultations would allow participants to better understand the context of decisions made in the past and of decisions to be made in the future.

Deputy Mayor Rankin reiterated that discussions must focus on the format *and* the content of the public consultations. He expressed concern over the lack of local consultation to date, noting that the host community had not been involved in the Stantec Report. To this, he added that the onus is on Regional Council to ensure that the host community and surrounding environment is sufficiently protected from the Otter

Lake facility. Given this, he wished to know if HRM had solicited input from the Province, which regulates the Otter Lake site.

Mr. Labrecque indicated that HRM consults with the Province on all matters. In these early stages of the review process, it was difficult to stipulate who will be involved and where the discussions will go.

Councillor Craig indicated that he would not be supporting part 1 of the motion because the staff report does not provide the level of detail required. Given this, he thought it was premature for the Standing Committee to endorse the public consultation plan. He agreed that the local community must be consulted, but so too must the broader community; all residents have a stake in how solid waste is managed, those that live close to facilities and those that do not.

Councillor Fisher believed that the motion addressed the weaknesses cited, including the need to consult with the local community. He felt that the staff report implied that local consultations would be held but acknowledged that this should be clearly expressed. He concluded by expressing support for the motion.

Deputy Mayor Rankin indicated that he would not be supporting the motion because it did not sufficiently protect the community from a potential expansion of the facility. Instead, he suggested the following amendment to the motion:

That the Environment and Sustainability Standing Committee request staff to meet with the Community Monitoring Committee to jointly develop a local community public consultation process that allows for the communities around Otter Lake to give meaningful input as a community and includes:

- **The historical context of the Community Stakeholder Committee (CSC) process that led to the development of the waste management strategy, the CSC siting criteria for the Otter Lake facility, including the purpose of the Front End Processing Facility and Waste Stabilization Facility, and commitments to the local community; and**
- **The findings of the Stantec Report**

Mr. Martin Ward, General Counsel noted that the proposed amendment was not friendly. Given this, the Standing Committee would have to defeat the existing motion before voting on that proposed by the Deputy Mayor. He also reminded the Standing Committee that Regional Council had directed staff to design a consultation plan, not to jointly develop a consultation plan with the CMC. For this reason, he believed that the proposed amendment does not follow what Regional Council had asked. The Standing Committee, he added, cannot change a motion of Regional Council.

As there was no seconder, the motion was lost.

Councillor Nicoll requested that part 1 of the motion clarify that the Standing Committee endorses *the public consultation plan* rather than *the plan*. To this, the Standing Committee agreed.

Councillor Watts observed that the CMC is listed as the first stakeholder in the report. She wished to know if this meant that it would be consulted first or if many stakeholders would be consulted simultaneously. Regardless of the process, she requested that staff provide regular updates, possibly every month, to the Standing Committee and Regional Council.

Mr. Labrecque replied that the consultation process could take 8 to 12 weeks, with initial recommendations coming back to the Standing Committee in early fall 2013. He indicated that staff would provide regular updates to members of Regional Council during the process.

Mr. Bruce Debaie, Managing Director of Corporate Communications clarified that the online engagement tool would be open for the full 8 to 12 weeks of the consultation period. He also agreed to provide updates to Council on the online component.

Councillor Craig thanked staff for providing these details. He noted that was now comfortable moving forward with the consultation plan.

Deputy Mayor Rankin requested that, at the very least, part 1 of the motion stipulate that the local community will be heard first.

The Standing Committee then voted on each part of the motion separately.

That the Environment and Sustainability Standing Committee endorse the public consultation plan and recommend that Halifax Regional Council approve the engagement plan as outlined in the discussion section of the February 26, 2013 staff report including direct consultation with the local community in the form of town hall meetings

PART 1 PUT AND PASSED.

That the Environment and Sustainability Standing Committee recommend to Halifax Regional Council that the scope of the public consultation process include the historical context of the Community Stakeholder Committee (CSC) process that led to the development of the waste management strategy, the CSC siting criteria for the Otter Lake facility, including the purpose of the Front End Processing Facility and Waste Stabilization Facility, and commitments to the local community as well as the recommendations of the Stantec Report.

PART 2 PUT AND PASSED.

That the Environment and Sustainability Standing Committee recommend to Halifax Regional Council that, to support the public consultation process, that the in camera report of February 5, 2013 be released with the exception of any legal advice provided in the report.

PART 3 PUT AND PASSED.

The Standing Committee recessed at 2:46 pm, at which time Deputy Mayor Rankin left the meeting. Mr. Martin Ward also left the meeting with Mr. Joshua Judah taking his place as Solicitor.

The meeting resumed at 2:53 pm.

6. CORRESPONDENCE, PETITIONS & DELEGATIONS

6.1 Correspondence

6.1.1 Presentation Request from Hefler Forest Products regarding COMFIT program

An Information Report dated March 27, 2013 outlining Hefler Forest Products' request was before the Standing Committee.

The Chair asked staff to comment on the request before them.

Mr. Richard MacLellan, Manager of Energy and Environment, explained that staff have entered into discussions with Hefler Forest Products and, together, they are exploring options to fulfill the requirements of their COMFIT application. Given this, he suggested that this matter be discussed at the next agenda planning meeting.

MOVED by Councillor Watts, seconded by Councillor Nicoll that the request for presentation be discussed at the upcoming agenda planning meeting. MOTION PUT AND PASSED.

6.1.2 Presentation Request from Nova Scotia Power regarding Power Shift Atlantic Research Project

An Information Report dated March 27, 2013 outlining Nova Scotia Power's request was before the Standing Committee.

MOVED by Councillor Watts, seconded by Councillor Nicoll that the Environment and Sustainability Standing Committee invite Nova Scotia Power to the meeting of May 2, 2013. MOTION PUT AND PASSED.

6.2 Petitions - NONE

6.3 Presentations

6.3.1 Community Monitoring Committee regarding Waste Strategy – Public Consultation Process

Presentation held in conjunction with item 5.1.

6.3.2 Oathill Lake Conservation Society regarding modifications to the storm sewer outfall entering Oathill Lake

The presentation was postponed with no date set.

6.3.3 Ecology Action Centre regarding benefits of managing stormwater through low impact development

The presentation was postponed with no date set.

Councillor Fisher exited the meeting at 2:55 pm.

6.3.4 Federation of Canadian Municipalities regarding Municipal Access Agreements

Mr. Daniel Rubinstein, Policy Analyst for the Canadian Federation of Municipalities explained that he is a member of the policy and research team that supports FCM's Standing Committee on Infrastructure and Transportation Policy. He indicated that FCM has been working on rights of way issues since it was founded in 1901.

Mr. Rubinstein noted that work undertaken in the right of way comes at a significant cost to municipalities. Disturbed pavement weakens the integrity of the asset and shortens its lifespan; in many cases equipment must be relocated; and, in most cases, work in the right of way results in lost productivity. To these costs are added risks to municipal works crews, to utilities and contractors, and to the public at large.

Mr. Rubinstein cited a study that found that between 2002 and 2007, municipalities subsidized telecommunications companies through access to rights of way in the amount of \$107 million per year.

Managing access to the right of way is also a challenge. Mr. Rubinstein indicated that FCM has developed a number of resources to assist municipalities, including the creation of a technical committee on telecommunications and rights of way, the publication of a Rights of Way Handbook and of a model access agreement, and the creation of a Rights of Way Legal Defence Fund.

Mr. Rubinstein then outlined key legislation and case law that affects the right of way, including the Telecommunications Act of 1993 and Ledcor v. Vancouver of 2001. In the latter, the Canadian Radio-Television and Telecommunications Commission (CRTC)

established the concept of causal costs, ruling that municipalities are only allowed to charge carriers for costs related to rights of way.

Mr. Rubinstein described a number of elements that FCM believed should be part of a Municipal Access Agreement process, including general requirements to obtain a permit, a permit application process and the establishment of a Utility Coordination Committee. To these, he added that an agreement should outline a causal cost framework, which may include some of the following:

- Pavement degradation fees
- Lost productivity costs
- Lost parking meter revenue and miscellaneous charges

He recommended that the Agreement include a fee renegotiation clause, and that the fee structure take into account inflation. The Agreement, he continued, should also address liability and indemnity costs, insurance, termination provisions as well as penalties and remedies.

In his concluding remarks, Mr. Rubinstein reminded the Standing Committee that wireless antennas are not telecommunications infrastructure and therefore cannot be covered under a Municipal Access Agreement. He noted, further, that increasing permit fees may be a way for municipalities to offset lost productivity as a result of work in the right of way.

The Chair thanked Mr. Rubinstein for his presentation and invited members to ask questions.

Councillor Karsten asked staff to comment on HRM's next steps, in terms of bylaw or policy formulation, given the work undertaken by FCM.

Mr. MacLellan indicated that HRM is represented on FCM's Technical Committee on Telecommunications and Rights of Way. He then described HRM's relocation policy, noting that a sliding scale approach would have an impact on HRM's streetscape projects.

Mr. Colin Taylor, Solicitor added that the model municipal access agreement prepared by the CRTC contains some terms that differ from those that HRM has traditionally used, particularly in the area of relocation costs.

7. REPORTS

7.1 Reports from members of the Standing Committee

7.1.1 Councillor Watts - District energy at Cogswell Interchange Redevelopment

A Request for Consideration report prepared by Councillor Watts was before the Standing Committee.

Mr. MacLellan, at the Standing Committee's request, briefly explained the heat potential of the Cogswell Interchange Site, which is the subject of a redevelopment study.

In lieu of requesting a staff report, the Standing Committee requested that staff consider district energy options as part of the redevelopment study and that, in the interim, they be provided with the Cogswell Interchange Fact Sheet that had been prepared for the Strategic Urban Partnership.

7.1.2 Councillor Watts – Natural Gas Installation in HRM

A Request for Consideration report prepared by Councillor Watts was before the Standing Committee.

Councillor Watts outlined a number of issues that she believed were impeding natural gas installation in HRM.

After a brief discussion, the Standing Committee requested that staff, in their upcoming community energy report, consider ways to promote natural gas installation, including in new subdivisions.

8. MOTIONS

8.1 Councillor Watts

That the Environment and Sustainability Standing Committee request staff to implement and recommend a policy to Halifax Regional Council to ensure that all new HRM corporate buildings are "Solar Ready" for the future.

Discussion of this motion was deferred to the next meeting.

9. ADDED ITEMS

9.1 Councillor Dalrymple – Correspondence from Councillor Adams regarding Community Consultation on Stantec Report Recommendations

This was dealt with as part of item 5.1.

9.2 Deputy Mayor Rankin – Information Report regarding FCM Sustainable Communities Conference held February 13-15, 2013

As Deputy Mayor Rankin was not present, there was no discussion of this matter.

9.3 Councillor Craig – Information Item 2 – Draft Regional Plan 5 Year Review, Chapter 8 – Municipal Services, Utilities, Solid Waste & Energy

Discussion of this matter was deferred to the next meeting. In the interim, members were invited to submit their comments on the draft to the Community Design Advisory Committee, which will be meeting on April 17, 2013.

10. NOTICES OF MOTION - NONE

11. NEXT MEETING DATE - May 2, 2013 (Dartmouth Chamber)

12. IN CAMERA - NONE

13. ADJOURNMENT

The meeting adjourned at 3:45 pm.

Ted Aubut
Legislative Assistant