

HALIFAX REGIONAL COUNCIL
COMMITTEE OF THE WHOLE MINUTES
AUGUST 26, 1997

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Jack Greenough
Councillors Bill Dooks
Gordon R. Snow
David Hendsbee
Harry McInroy
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Larry Uteck
Howard Epstein
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Barry Barnet
Robert Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

ABSENT:

Councillors Ron Cooper (regrets)
Graham L. Downey

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Barry Allen, Acting Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Jane Nauss, Assistant Municipal Clerk

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1. NEW ERA FARMS - SITING OF COMPOSTING FACILITY

- An information report prepared for Mr. George McLellan, Commissioner, Regional Operations, entitled New Era Farms - Siting of Composting Facility; a memorandum prepared for Mr. Tom Rath, Manager, Business Parks, and a Confidential Memorandum from New Era Farms Limited, were distributed to Council.

CONFLICT OF INTEREST

Councillor McInroy declared a Conflict of Interest as his brother was legal counsel for the proponent and removed himself from discussions.

Mr. Jim Bauld, Manager, Solid Waste, noted that the following resolution had been adopted by Council on June 17, 1997:

*“MOVED by Councillors Rankin and Schofield that the Hammonds Plains site be removed from further discussion and that staff proceed with Site “A” or other sites as negotiated by staff, as the alternative location, and in conjunction with New Era Farms submit an application to the Department of the Environment for a permit and negotiate a contract. Further, to ensure that the other communities will have the opportunity to come before Council to state their case on any site, other than Hammonds Plains, and in addition to the Department of the Environment, that costs be a consideration.
MOTION PUT AND PASSED.”*

Since June 17, staff had met with representatives of New Era Farms to discuss potential sites. Initially, the proponent indicated two sites of preference, those being east of Blueberry Lake (Ragged Lake Business Park), or immediately east of Site “A.”

The Blueberry Lake site access road would be in excess of 2 km in length from Evergreen Road; there is a separation distance of just under 2 km from the nearest adjacent community, and, as restrictive covenants may apply (subject to confirmation of park boundaries), surveying services will be required.

With respect to East of Site “A” - an access road of 1 km would be required (from Site “A), or 1.5 to 4 km from Highway 103; the facility would be located within 2.1 km of Site “A”; there is a separation distance of approximately 2.5 km from the nearest adjacent community; as per the contract with MIRROR NS LTD., the municipality is indemnified from and against any and all liabilities associated with nuisance claims *outside* a radius of 2.1 km from the centre of the Front End Processor/Waste Stabilization Facility (FEP/WSF); and, the contract also indemnifies all nuisance claims *inside* the 2.1 km radius if it can be shown that the nuisance occurred as a result of negligence, tort, breach of contract, or other wrongful conduct or omission of MIRROR NS LTD.

New Era Farms Ltd. is willing to construct an “open windrow” facility within the Ragged Lake Business Park at a minimum cost of \$65.00/tonne. Further, they require a 40 year lease on the property at \$1.00/year, and request the municipality guarantees a loan of

\$1.5 million to cover the costs involved to construct the access road.

Mr. Bauld noted that it is more than likely that residents adjacent to either of the aforementioned sites will voice their opposition to the facility. Accordingly, this could place the municipality in the position of having no solution for the remaining organic waste stream.

Council was advised of various options available for consideration:

1. Begin the process of consultation with residents of the community of Beechville, attendant to the Blueberry Lake site within Ragged Lake Business Park
2. Due to the lack of public confidence and acceptance, to date, for an open windrow technology, once again advise New Era Farms, that approval of an open windrow facility on HRM property is not recommended, and failing their nomination of a site, which they have been unable to identify to date, that they have 30 days to make a proposal to build and operate a closed vessel facility in the Ragged Lake Business Park.
3. That Miller Composting be authorized to increase their facility capacity in Burnside to 40,000 tonnes annually plus a 25% surge capacity.
4. Commence negotiations with Stinnes Enerco Ltd., the third place company that responded to the Request for Proposals.
5. Review the bids from all the companies that responded to the Request for Proposal.
6. That Miller be authorized to construct and operate a second enclosed facility in the Ragged Lake Business Park.
7. Issue a new separate Request for Proposals for 20,000 tonnes annually (with a surge of 25%) for any interested company to respond, with the criteria that an open windrow methodology be excluded from the bidding process.

In response to an enquiry from Councillor Rankin, Mr. Bauld advised that the DOE siting distance required for a landfill was 1.6 km and that of a composting facility - 500 meters.

Deputy Mayor Greenough took his place at the meeting (3:15 p.m.).

In response to an enquiry from Councillor Rankin, Mr. Tom Rath, Manager, Business Parks, advised there is no plan of survey that outlines the boundaries of the Ragged Lake Business Park.

In response to an enquiry from Councillor Uteck as to what would prevent open windrow technology in this area, Mr. Rath stated there were covenants involved and that a legal opinion should be obtained. As either open windrow or in vessel technology would be acceptable, Council should move cautiously and Mr. Rath reiterated his recommendation that legal counsel be obtained in this regard.

Councillor Kelly suggested an analysis of the alternatives should be undertaken. In response, Mr. George McLellan, Commissioner, Regional Operations, advised that a report depicting rough costing could be prepared for the next presentation.

Councillor Rankin expressed concern with site distances referencing the difference between the tender information and that which currently exists. The Councillor also cited several examples where decisions were made without public consultation i.e. the Dartmouth composting facility site relocation from the quarry site to Burnside).

MOVED by Councillors Rankin and Hendsbee that the location between Ragged Lake and Blueberry Lake be the choice site; that staff negotiate a contract with New Era for an open windrow composting facility; and further, in conjunction with New Era submit an application to DOE; and that this siting is not further subject to public review, but a public information process be provided should the contract and DOE permitting be ultimately successful.

Deputy Mayor Greenough assumed the Chair.

Councillor Blumenthal stated he would not be supporting the Motion and that an in vessel technology should be utilized, not open windrow.

Council agreed to Mr. Paul Taylor, New Era Farms Ltd., to address the meeting.

Mr. Taylor addressed Council noting that the in vessel technology had not been selected due to its track record (only 40% success rate in Canada). With respect to site distance, Nova Scotia has the greatest recommended site distance of any other jurisdiction.

Mayor Fitzgerald assumed the Chair (4 p.m.).

Mr. Taylor stated he was confident in that an open windrow facility would operate properly and urged Council to award the contract to New Era Farms Ltd. today.

Mr. George McLellan, Commissioner, Regional Operations, addressed Council noting that staff was not against this proposal. Staff's main concern was that Council may be presented with debate from the community.

In response to an enquiry from Deputy Mayor Greenough as to the track record of the in vessel technology, Mr. Taylor advised that the chief concern with this type of facility is that predominately, it tends to be designed to handle a specific amount of feedstock, therefore, it has no flexibility. An open windrow facility is a better type of technology in

that it is a long term stable operation. In closing, Mr. Taylor advised the risks are too great and that he would not be willing to construct an in vessel facility.

In response to an enquiry from Councillor Harvey if there will be additional costs involved if the contract is awarded to New Era Farms Ltd. to build a facility in the Blueberry Lake area, Mr. Taylor advised there will be no additional costs involved.

In response to an enquiry from Councillor Mitchell as to why there was a 40 year lease being suggested, Mr. George McLellan, Commissioner, Regional Operations, advised this can be negotiated with the proponent. In closing, Mr. McLellan requested Council move In Camera prior to voting on the Motion.

**MOVED by Deputy Mayor Greenough and Councillor Sarto to move In Camera.
MOTION PUT AND PASSED UNANIMOUSLY.**

The meeting reconvened at 4:50 p.m.

Councillor Stone suggested that Council was rushing this Motion through and that he would not support same.

Councillor Adams suggested that the potential for Ragged Lake Industrial Park has never been reached.

In response to an enquiry from Councillor Kelly if staff could provide cost implications as it pertains to this proposal, Mr. George McLellan, Commissioner, Regional Operations, advised in the affirmative.

A vote on the Main Motion took place. **MOTION PUT AND PASSED.**

For the record, Councillors Blumenthal and Mitchell did not support the Motion.

This Motion would be placed on the Regional Council Meeting agenda to be ratified, during the Regular Session to follow.

**MOVED by Councillors Hendsbee and Snow to adjourn the meeting at 5:00 p.m.
MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
MUNICIPAL CLERK