

# EASTERN REGIONAL SERVICES BOARD

## Minutes of Meeting #10

November 28, 2012

7:00 p.m.

Ramada St. John's

102 Kenmount Road

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### In Attendance:

Harold Mallowney, Southern Shore  
Vice-Chairperson/Acting Chairperson  
Dave Aker, Mount Pearl  
Ches Ash, Trinity Conception North  
Bill Bailey, Clarenville & Isthmus  
Danny Breen, St. John's  
Walter Butt, Small Metro  
Wally Collins, St. John's  
Joy Dobbie, Trinity Bay South &  
Isthmus East  
Woodrow French, Conception Bay South  
Frank Galgay, St. John's  
Derrick Green, Bay Roberts  
Sandy Hickman, St. John's  
Sterling Willis, Paradise

### Regrets:

Gerry Colbert, St. John's  
Shannie Duff, St. John's  
Debbie Hanlon, St. John's  
Tom Hann, St. John's  
Sheilagh O'Leary, St. John's  
Bruce Tilley, St. John's

### Guests:

Ken Kelly, Chief Administrative Officer, Eastern Waste Management  
Lynn Tucker, Program Coordinator, Eastern Waste Management  
Kevin Power, Field Operations Officer, Eastern Waste Management  
Frank Huxter, Acting Director, Waste Management Division, Department of Municipal Affairs  
Jason Sinyard, Manager, Regional Integrated Waste Management Facility at Robin Hood Bay  
Sarah Morgan, Regional Coordinator, Bonavista Peninsula Regional Waste Management

## 1. Call to Order

Mr. Harold Mallowney, Vice-Chairperson and Acting Chairperson, called the meeting to order at 7:00 p.m.

## 2. Adoption of Agenda

It was moved and seconded (F Galgay/S Hickman) to adopt the agenda as tabled.

**MOTION #2012-073: Carried**

## 3. Review of Minutes – October 24, 2012

It was moved and seconded (F Galgay/W French) that the minutes of the October 24, 2012 meeting are adopted as tabled.

**MOTION #2012-074: Carried**

## 4. Completion of CAO Evaluation Forms by Board Members

Mr. Mallowney informed members that he has received only seven (7) completed CAO evaluation forms prior to tonight's meeting. The Governance Committee felt that they needed to have more completed forms before they could provide the CAO evaluation; therefore, would members please take a few moments to complete the provided form (*Appendix A*) and return to the Acting Chairperson before leaving this evening.

## 5. Ratification of Tipping Fee Clarification

It was moved and seconded (S Hickman/D Green) to ratify the tipping fee clarification regarding motion #2012-044 so that the annual rate of inflation of 3.2% according to the Canadian Price Index (CPI) for the Province of Newfoundland & Labrador will be applied to the tipping fee at the Regional Integrated Waste Management Facility located at Robin Hood Bay resulting in a tipping fee of \$67.60 per metric tonne from April 1, 2013 to March 31, 2014.

**MOTION #2012-075: Carried**

Several Board members requested clarification of this issue and Mr. Kelly stated that the Board adopted a motion at its meeting of September 26<sup>th</sup> to set the tipping fee at current cost of 2012 plus the annual rate of inflation according to the Canadian Price Index (CPI). The need arose to determine if the Board would be applying the monthly CPI or the annual CPI. Therefore, an email was sent to Board members on October 26, 2012 to clarify that the annual CPI rate would be applied. Enclosed in tonight's meeting package is the motion that was sent by email and a list of those who responded to the email of October 26<sup>th</sup> (*Appendix B*).

Mr. Butt noted that his name is not on the list and he responded to the motion. He would like it noted that he is against this motion.

## 6. Committee Reports

### I. Finance & Audit Committee (D Breen, Chairperson)

- i. **Motion to adopt the attached fee schedule (*Appendix C*) for annual collection fees for service in each area of the Eastern region.**

Mr. Breen outlined that the Finance & Audit Committee discussed the annual collection fees for service in each sub-region and determined that the following sub-regions would be set at \$180.00 per unit for 2013 – Southern Shore; Trinity Bay South and Trinity Bay Center; Trinity Conception North and Isthmus Area. For the Southwest Avalon area, the annual fee will be \$190.00 for 2013. Unfortunately, the Southwest Avalon had to terminate a contractor in 2011 and incurred additional expenses as a result which led to the need to increase their annual fee. The Board hopes that any deficit will be covered by this increase.

In addition, the Finance & Audit Committee noted that none of the sub-regions currently pay any administrative costs and this will be looked at again next year when setting the annual waste management fees.

**It was moved and seconded (D Breen/B Bailey) that the annual collection fees for services in the Trinity Bay South-Trinity Bay Center, Southern Shore, Trinity Conception North and Isthmus area will be set at \$180.00 per unit for 2013 while the annual collection fee for services for the Southwest Avalon sub-region will be set at \$190.00 per unit for 2013.**

**MOTION #2012-076: Carried**

- ii. **Acceptance of \$175,000.00 from the Province of Newfoundland & Labrador to Study Clarenville Transfer Station Site and Develop Request for Proposals (RFP) for the Transfer Station**

Mr. Breen outlined that the province has already approved this funding, the Board has approved the study and the consultants who will be performing the work; therefore, all that needs to be done is to adopt a motion to accept the funding.

Mr. French asked how the Board was circumventing the *Public Tenders Act*.

Mr. Kelly stated that the Board asked the Minister of Municipal Affairs to approve and appoint AMEC Environment & Infrastructure as consultants for this project as they have an enormous amount of experience in doing this work in the Eastern region. They are the sole source providers and would be the most economical choice due to their background.

Mr. French asked if this money is from the provincial government or from the gas tax rebates.

Mr. Huxter confirmed that the money is from the provincial government – the Department of Municipal Affairs.

Mr. Huxter noted that the RFP is for actual capital infrastructure to be put in place. AMEC has lots of experience in that area. He noted that he thinks the options being looked at for Clarenville is great. The RFP process is ideal in that it usually provides the best work for the best price.

**It was moved and seconded (D Breen/J Dobbie) to accept \$175,000.00 from the Province of Newfoundland & Labrador to study the Clarenville Transfer Station site and to develop a Request for Proposals (RFP) for the Transfer Station.**

**MOTION #2012-077: Carried**

**iii. Appointment of New Members to Finance & Audit Committee**

Mr. Breen noted that Mr. Sandy Hickman has recently been attending the Finance & Audit Committee meetings and would like to become of member of the committee.

**It was moved and seconded (D Breen/F Galgay) that Mr. Sandy Hickman is appointed to the Finance & Audit Committee of the Eastern Regional Service Board.**

**MOTION #2012-078: Carried**

**b. Strategy & Policy Committee (C Ash, Chairperson)**

**i. RFP to be Issued to Select a Consultant to Study Organics**

Mr. Kelly noted that the province has issued a RFP to hire a firm to study organics. This province-wide study should be completed in six (6) months. The process being laid out is very important for this Board and he hopes that the province focuses on hiring the most qualified team to do this study.

Mr. Huxter stated that he feels the Board will be pleased with the RFP as the province took several of the Board's suggestions under consideration. The weighting has been done on a 60/40 basis – qualifications/costs.

**c. Governance Committee - (H. MULLOWNEY, Chairperson)**

**i. Recommendation to Designate Robin Hood Bay as a Regional Facility**

Mr. MULLOWNEY outlined that the Governance Committee is recommending that the Board write the Minister of Municipal Affairs to have the Regional Integrated Waste Management Facility located at Robin Hood Bay designated a Regional Facility. This recommendation resulted from the fact that the former Committee and now this Board has been unable to complete a MOU between the Board and the City of St. John's despite it being worked on and discussed since the summer of 2010.

Mr. Breen noted that this topic was discussed in the meeting with Minister O'Brien; however, he recalls that the Minister rejected the idea. The City of St. John's owns, manages and controls Robin Hood Bay. In addition, he feels this recommendation is out of order.

Mr. Kelly circulated a copy of a press release from the Departments of Municipal Affairs and Environment and Conservation dated November 29, 2007 entitled *Robin Hood Bay Confirmed as Avalon Regional Waste Management Site*. This press release clearly indicates that Robin Hood Bay is a regional facility. Mr. Kelly continued that he recalled from the meeting with Minister O'Brien that the Minister questioned why the designation is necessary but indicated if the Board wants it to be designated a regional facility, the Board must make a formal request. Regarding the MOU – the province outlined the relationship between this Board and the City of St. John's in its letter from Minister Dave Denine to Mayor Andy Wells dated November 22, 2007; however, a MOU has never been finalized.

Mr. French stated that these issues go back to Dog Hill – before supporting a request to designate Robin Hood Bay a regional facility, he would like to take it back to his council for discussion.

Ms. Dobbie stated that she's been attending meetings as a member of the former Eastern Waste Management Committee and now the Eastern Regional Service Board for about four (4) years now and cannot understand why a regional plan was developed when there's no regional facility.

Mr. Aker asked for the pros and cons of designating the site a regional facility. What would change? Why does St. John's care?

Mr. Kelly stated that the MOU has not been resolved in years. There is obviously a difference of opinion and an impasse. He sees transparency and accountability as a pro to designating Robin Hood Bay a regional facility. This organization was told by the City of St. John's officials last year that they would have quarterly reports from now on – that has not happened. In addition, this Board set the tipping fee for April 1, 2013 to March 31, 2014 without seeing 50% of the costs of the Board as the City did not provide a copy of the budget for Robin Hood Bay. In addition, there is a whole roster of user fees set for the facility; however, the only fees this Board sets are the regular waste tipping fee and recyclables tipping fee. The transparency is not there. Designating Robin Hood Bay a regional facility outlines the relationship once and for all. He continued that he really doesn't see any cons for anyone.

Mr. Breen stated that he feels the former Minister confirmed the relationship in the letter of November 2007. The con he sees is that the facility is extremely environmentally sensitive and he cannot see the City having anyone other than its elected officials managing the facility.

Mr. Breen stated that it seems that this Board wants to run the facility.

General discussion ensued with members making it clear that this Board does not want to run Robin Hood Bay. This Board does want to formalize the relationship and have more transparency. Members felt that Robin Hood Bay is well run; however, there really needs to be a written agreement between the two parties outlining the relationship.

Mr. Butt noted that he would like more openness and transparency. He stated that he prefers face-to-face voting on motions.

Mr. Breen stated that he agrees that an MOU should be done and he understands the Board's concern with not being provided with the Robin Hood Bay budget this year. He continued that a change in timing was the problem this year – the budget was required earlier and it was not ready. However, he has confirmed that this will be addressed next year and he will continue to work on that. He feels that this request to designate Robin Hood Bay a regional facility is an aggressive move and he was not aware of it until the meeting with the Minister.

Mr. Kelly stated that he doesn't see this as an aggressive move but rather the next step in formalizing the relationship with the City of St. John's. The relationship has to be clarified. It is time to get this done once and for all. There is no issue with the City of St. John's managing the site – they do a great job – but an agreement has to be put in place. In addition, he stated that the timing of our budget discussions did not change at all this year. In former years, the Eastern Waste Management Committee always had the Robin Hood Bay budget to review before setting the tipping fees. The tipping fees were set and communities informed by the end of October or early November. It was the same timeline this year but the City did not provide the budget.

Mr. Hickman agreed that there needs to be a formal written agreement.

Mr. French stated that he needs more information before making a decision regarding designating Robin Hood Bay a regional facility. If the facility is owned and operated by the City of St. John's, then we enter into a contract with the City and demand more timely reporting from the City. In addition, he continued that he has an issue with regional facilities as they should be run by regional boards. He feels the best option is to enter into a contract with the City of St. John's – develop the MOU.

Ms. Dobbie states that she represents 28 communities and it took lots of work to get them onboard with the *Provincial Waste Management Strategy*. She always assumed that Robin Hood Bay was a regional facility and is surprised that it is not.

Mr. Breen stated that it is his understanding that Robin Hood Bay is owned, operated and controlled by the City of St. John's and Eastern Waste Management is responsible to get the garbage there.

Mr. Aker noted that even if the site were designated a regional facility, the City of St. John's would still own and control the site.

Mr. Mallowney asked why the MOU is not finalized if there are no issues. It's been several years.

Mr. Breen stated that he is committed to having this issue resolved in the New Year.

Mr. French noted that if we were to have a truly regional facility, the government would have selected Dog Hill.

Mr. Sinyard stated that draft MOUs have been circulated in the past; however, nothing has been finalized. The City of St. John's owns and operates the facility and the Board is responsible for operations outside the facility. He understood that transparency was required to show that the City of St. John's pays the same as all other communities using the facility. He never understood that the Regional Board would have control of the facility.

Mr. Kelly noted that the Board has the benefit of lots of expertise provided by the City of St. John's and that, again, there are no issues with how Robin Hood Bay is managed. The issue is the Board has to be accountable for its decisions. This Board approved tipping fees based on one-half of the overall picture as they did not have the budget for Robin Hood Bay. How do Board members go back and articulate to their Councils and communities that the best decision was made.

Mr. Kelly continued that the Board has a legislative mandate to get the tipping fees structure out to the public by October 31<sup>st</sup>. In three (3) previous years the former Committee had the Robin Hood Bay budget so they could make an informed decision. Someone at the City of St. John's made the decision this year that this Board would not get the information and he has that in writing. This Board deserves to have that information so that their decisions may be made appropriately.

Mr. Ash stated that he agrees with Mr. Kelly in that this Board needs information to make informed decisions. He is pleased that Mr. Breen has committed to address this issue in the New Year as this Board needs the MOU. The MOU has to be given priority in the New Year and has to be finalized.

Mr. Galgay noted that he agrees with Mr. Sinyard.

Mr. Mallowney noted that the MOU has been discussed for years – it's time to get it done.

Mr. Kelly noted that the draft MOU is done – it says nothing different than the letter from Minister Denine to Mayor Wells. The draft MOU was circulated to the former Committee members for comments and those were noted. In addition, City of St. John's officials responded to those comments and that's as far as the process got at that time. The Finance

& Audit Committee of this Board has looked at the MOU but has not come to any recommendation to finalize the process.

Mr. Breen stated that he feels the letter from Minister Denine to Mayor Wells is the MOU.

Mr. French suggested that the MOU be an agenda item for the January meeting of this Board. In addition, the draft MOU should be provided to all Board members to review. He feels that this Board has to assume its role.

Mr. Breen again reiterated that he will address the MOU issue in early 2013.

**It was moved and seconded (D Breen/D Aker) that discussion regarding the MOU between the City of St. John's and the Eastern Regional Service Board will be deferred to early 2013.**

**MOTION #2012-079: Carried**

## **II. Summary of Meeting with Minister O'Brien**

Mr. Mullaney reported that on November 15<sup>th</sup> Mr. Kelly, Mr. Breen, Mr. Huxter and he met with Minister O'Brien. This is the meeting that was requested in early 2012 and was cancelled on four (4) previous occasions.

He continued that remuneration for Board members was discussed and he received no clarity on the matter. The Minister says that the remuneration is out of his department's hands as its set by the Human Resource Secretariat. Mr. Mullaney continued that the Minister said the remuneration has to be at Level I and he does not think the Minister will be giving this matter any further attention.

Mr. Huxter stated that the Minister understands that the current remuneration levels were set in 1996 and is sympathetic; however, his hands are tied.

Mr. Breen noted that he understood that the remuneration levels were under review but he doesn't expect any real changes.

Ms. Dobbie stated that Level I remuneration levels for those with no real expertise – it is not realistic for this Board.

Mr. French stated that he recently attended the recycling expo in Toronto – that took three (3) days of his time with no remuneration. He cannot afford to continue to volunteer all his time. The Level I rates are unrealistic and leaves him re-considering his service.

Mr. Kelly noted that the *Municipalities Act* as well as the *Regional Service Board Act* has its own regulations regarding remuneration. However, this Board was told by Municipal Affairs that they have to remunerate at Level I of the *Guidelines for Rates of Remuneration for*

*Boards, Commissions and Agencies* as set by the *Public Service Secretariat*. Therefore, someone at Municipal Affairs made that decision.

Mr. Mallowney reiterated that he received no comfort from the Minister regarding Board remuneration. He feels the real issue is not the amount of remuneration but rather the lack of respect directed at Board members.

Mr. Mallowney continued that they discussed designating Robin Hood Bay as a regional facility and that has been given full discussion this evening so he'll move on to the next item.

He reported that they discussed the Board's mandate for other regional services to be given to the Board; however, the Minister stated that there is nothing at this time but there may be in the future as opportunities arise.

They discussed Clarenville and, as you know, the province has given funding of \$175,000.00 to do site selection and to develop a RFP for technology. We requested that the Minister appoint AMEC and we have received the appointment letter. Mr. Mallowney noted that he does not agree with the approach to the RFP as it means the Board has no control over the technology that will be selected.

Organics was discussed and the province is issuing a RFP to select a consultant to do a study of technologies that are available and the most feasible options for the island portion of the province. The RFP is to be released at the end of November and, hopefully, the study completed within six (6) months.

Mr. Mallowney continued that they also discussed the appointment of a new Board member for the Southwest Avalon region. Mr. Colin Corcoran, Mayor, Town of Riverhead, was nominated some time ago and is awaiting appointment. The Minister indicated that Mr. Corcoran should be appointed in 2-3 weeks.

Another major issue discussed was the collection of waste management fees for those in receipt of income support through HRLE (now Advanced Education & Skills). To date, the province has not paid for those clients – some with outstanding fees back to 2009. Eastern Waste Management (EWM) has no way to determine what clients are in receipt of income support as they cannot be provided the HRLE income support client list due to privacy issues. This has led to high delinquency rates in those areas that are unincorporated or have a lot of local service districts. At this time, EWM depends on communities to invoice HRLE and to submit the monies to EWM. However, this is done on an honour system as the communities cannot provide the client's names or to what accounts the monies need to be applied. To date EWM has received very few payments from communities. EWM has now been delivering service for three (3) years to some clients and no fees have ever been received for them. At this point EWM doesn't know what else it can do. The Minister said to go get a legal opinion regarding whether EWM can provide the Department of Advanced Education & Skills the complete list of delinquent clients for their cross-referencing against their quarterly list of income support recipients. Mr. Mallowney stated that it doesn't seem

right that this Board has to incur legal fees to be paid for services it is delivering. The province is opening EWM up to fraud as customers realize if they report that they are in receipt of income support, they are removed from active collections. We have no way to verify that they are actually in receipt of income support – there are no checks and balances.

Mr. Huxter stated that the deputy ministers and assistant deputy ministers of the respective departments have met to discuss and to resolve this matter. They need information to proceed. There is some urgency being put on this issue and there will be a fix; however, an answer is needed to the legal question first.

Mr. Mallowney reiterated that the provincial government is requiring this Board to incur legal fees to resolve this matter.

Mr. Huxter confirmed that the legal advice is needed.

Mr. Mallowney asked why we should spend money on legal advice when the provincial government will be making the decisions.

Ms. Dobbie noted that the Local Service District of Cavendish paid for its six (6) income support clients last year despite not receiving payments from the province. Therefore, those who pay their waste management fees are subsidizing those on income support through HRLE.

General discussion ensued regarding the collection of fees for HRLE income support clients and members expressing concern with the Board having to incur legal fees and with the Board not being provided the HRLE income support client list for the communities it services.

Members asked Mr. Kelly for the HRLE income support delinquency amount.

Mr. Kelly stated that it is approximately \$100,000.00 at this time.

Mr. Huxter stated that in order to resolve this matter, they need to know that this Board has the legal right to provide their delinquency list to government.

Mr. Mallowney stated that we need to resolve these matters as quickly as possible – these cracks have to be closed.

Mr. Mallowney continued that they also discussed the waste vehicles and the fact that we are still awaiting a response from the Motor Vehicle Registration. In addition, they discussed Bell Island and were told that Municipal Affairs is working on the matter and they will deal with the Certificate of Approval and we will wait until Bell Island is ready to discuss alternatives.

Mr. Breen noted that they had also discussed the Sunnyside landfill.

Mr. Mallowney confirmed this and said the Minister informed them that he has met with town representatives and has directed the town to bring any request for any future activities to this Board. Basically the province is putting the onus on this Board to say no to the Town of Sunnyside regarding their request to continue to operate their landfill.

Mr. Kelly said that the Sunnyside landfill is still operating as they have a Certificate of Approval that expires on December 31, 2012. They accept waste streams that are not accepted at Robin Hood Bay. Six large businesses including Country Ribbon, Viking Furs, etc. use the Sunnyside landfill to dispose of offal and organics. We are suggesting that the Sunnyside landfill be closed and to send all that waste to the Clarendville landfill for now. The companies using the Sunnyside landfill have been directed to look at developing a solution to compost/dispose of materials other than having them landfilled. The Town of Sunnyside has requested an extension for their Certificate of Approval; however, provisions have been made for that waste to go to the Clarendville landfill for now.

Mr. Green asked if Robin Hood Bay management determines what waste streams it accepts.

Mr. Kelly confirmed that they do.

## 7. Other Business

- I. **Woodrow French – Trip to Canadian Recycling Expo 2012** – Mr. French reported that he recently attended the Canadian Recycling Expo 2012 in Toronto. He stated that the types of equipment and facilities that is available for recycling is phenomenal. He saw equipment similar to what we're using as well as smaller vehicles and equipment for smaller communities. One item he noted was that a system for sub-divisions consisted of a huge dumpster about 16-18 feet deep was placed near a sub-division and rather than having garbage collection vehicles go around to each property, residents would bring their garbage to the dumpster for disposal. Also, there were some interesting uses of materials from different waste streams i.e. using recyclables to make other materials. These solutions were not necessarily cheap and many would not necessarily work for Newfoundland. He did gather lots of information and felt the expo was definitely worth attending as it provided solutions for smaller areas. It is Canada's best expo for recycling.

Mr. Kelly noted that Nexgen Municipal – the vendor that provided our trucks, trailers and cranes was at the same expo. Mr. French saw the equipment there and was impressed. For the Board's information, we took possession of our first vehicle last week and the second vehicle will be here next week.

Mr. French stated that he was also very impressed by the de-watering process for waste. Having the water removed from waste greatly reduces its tonnage and, therefore, costs.

- II. **Letter from Town of Carbonear** – The Town of Carbonear wrote the Board (*Appendix D*) regarding the timeline for the construction of the composting facility at Robin Hood Bay. Mr. Mallowney noted that the discussion of organics took place earlier and we will await the outcome of the province’s RFP which is expected in about six (6) months.

Mr. Sinyard stated the Environment Canada is currently doing a study on organics and it may be something that the province and/or the Board would like to review. If the report is available, it may be good to review before engaging a consultant.

**8. Next Meeting**

The next regular meeting of the Eastern Regional Service Board will take place on Wednesday, December 12, 2012 at 6:00 p.m. at the Ramada St. John’s followed immediately our Christmas Dinner at 7:00 p.m.

**9. Adjournment**

**It was moved (W French) to adjourn the meeting at 8:35 p.m.  
MOTION #2012-080: Carried**

*Prepared by:  
Lynn Tucker  
December 6, 2012*

# **APPENDIX 'A'**

## **CAO Evaluation Form**

**Chief Administrative Officer  
Performance Evaluation**

Using the following scale, please consider and rate the individual’s effectiveness in the following leadership capabilities scale.

- 1 = Below expectations
- 2 = Successful
- 3 = Highly successful
- 4 = Exceptional
- n/a = not applicable or not enough information

LEADERSHIP AND TEAM BUILDING		1	2	3	4	n/a
1	Demonstrates integrity and trust					
2	Acts as a catalyst to build team spirit					
3	Proactively deals with conflict and problems by addressing them in an open manner					
4	Exercises good judgment – bases decisions on a mixture of analysis, knowledge and experience; seeks advice where necessary					
5	Creates an organizational culture that motivates others					
6	Fosters productive relationships among employees, with the board and with stakeholders					
7	Recognizes employees for outstanding achievement					
8	Ensures staff and board are aware of Eastern Regional Services Board mandate and plans					

Comments on Leadership and Team Building:

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COMMUNICATIONS		1	2	3	4	n/a
1	Facilitates regular and prompt sharing of information					
2	Actively and respectfully listens to the concerns of others					
3	Makes effective presentations to other groups and organizations					
4	Writes succinct reports, providing accurate and meaningful information.					
5	Speaks with enthusiasm and conviction about Eastern Regional Services Board					
6	Exercises tact, discretion and good judgment when facilitating communication among employees, with the board and partners					

Comments on Communications:

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NETWORKING		1	2	3	4	n/a
1	Acts as an ambassador of the Eastern Regional Services Board by developing effective relationships with stakeholders					
2	Establishes and maintains mechanisms for soliciting input from stakeholders					
3	Attends events important to the success of the Eastern Regional Services Board and takes initiative to establish linkages					

Comments on Networking:

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FLEXIBILITY/MANAGEMENT OF CHANGE		1	2	3	4	n/a
1	Responds rapidly and positively to change and is prepared to handle potential problems					
2	Facilitates new methods/services and encourages others to adopt innovative practices					
3	Is aware of the impact of change on others and acknowledges people's feelings while supporting the change process					

Comments on Flexibility/Management of Change:

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SELF CONFIDENCE		1	2	3	4	n/a
1	Demonstrates intelligent risk taking through personal action, decision-making and a willingness to challenge the status quo					
2	Is open and receptive to feedback from others on how s/he performs/behaves on the job					

Comments on Self Confidence:

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STRESS MANAGEMENT		1	2	3	4	n/a
1	Demonstrates good time management, orchestrates multiple activities at once, performs well under pressure, set priorities effectively					
2	Handles stress calmly, maintaining a professional attitude					

Comments on Stress Management:

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FOCUS ON RESULTS		1	2	3	4	n/a
1	Prepares action plans by consulting with staff, board and stakeholders					
2	Ensures agreed goals/objectives are met or adapts plans based on changing circumstances					
3	Ensures plans, budgets and regular status reports are completed and distributed to appropriate people in a timely manner					
4	Implements comprehensive monitoring and evaluation systems leading to continuous improvement in performance					
5	Ensures accurate financial records are kept so that audit requirements may be met					
6	Facilitates productive use of board meetings by ensuring agendas are established and decisions recorded					
7	Ensures decisions taken at meetings are carried out					

Comments on Focusing on Results:

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STAFF ONLY		1	2	3	4	n/a
1	Consults employees effectively regarding changes to office procedures, personnel policies and other matters concerning the day-to-day operations of the office					
2	Gives constructive feedback on performance in a timely fashion					
3	Responds to employees concerns in a timely fashion					
4	Consults employees regarding their needs or desires for training and development					

Comments on Staff Only:

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\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
Date

**APPENDIX  
'B'**

**List of Those Who Responded to the Email Requesting  
Clarification Regarding Motion #2012-044  
&  
Motion Sent by Email on Monday, October 29, 2012 –  
Clarification of Tipping Fee 2013**

**THOSE WHO RESPONDED TO THE EMAIL REQUESTING CLARIFICATION REGARDING  
MOTION #2012-044:**

It was moved and seconded (D Breen/B Bailey) that ERSB (a) develop a Capital Reserve funded by contributions from operating surpluses to be used for future capital requirements of the regional waste management system other than the closure costs for the Regional Integrated Waste Management Facility located at Robin Hood Bay; and, (2) establish an Operating Reserve funded by contributions from operating surpluses that would be used to maintain the user fee for depositing a metric tonne of waste in the landfill at current costs of 2012 plus the annual rate of inflation. The inflation rate will be the Consumer Price Index for the Province of Newfoundland and Labrador.

MOTION #2012-044: Carried

The motion of Sept 26 was clear in that we set the tipping fee per metric tonne at current cost of 2012 plus annual rate of inflation. Obviously, we do not debate a motion that has been passed but the annual rate of inflation needs to be clarified. Jason Sinyard has proposed that we use the annual and not a monthly as I suggested as there is a chance the monthly could be negative but the annual is positive. In this case the Aug to Aug was a 1.6% increase for \$66.55 and the annual change (Dec 2010 to Dec 2011) was 3.2% for a tipping fee of \$67.60. The fact that CPI will be applied is not in debate as the motion copied below was carried Sept 26 - it is the actual index component to be used.

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(Motion sent by email – October 26, 2012)

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Harold Mallowney, Vice-Chairperson/Acting Chairperson

Dave Aker

Ches Ash

Bill Bailey

Danny Breen

Wally Collins

Woodrow French

Frank Galgay

Derrick Green

Debbie Hanlon

Sandy Hickman

Sterling Willis

**From:** Ken Kelly

**Sent:** Monday, October 29, 2012 9:09 AM

**To:** Bill Bailey (Clarenville & Isthmus); Bruce Tilley (St. John's); Ches Ash (Trinity Conception North); Danny Breen (St. John's); Dave Aker (Mount Pearl); Debbie Hanlon (St. John's); Derrick Green (Bay Roberts); Frank Galgay (St. John's); Gerry Colbert (St. John's); Harold Mallowney (Southern Shore); Joy Dobbie (TBS & Isthmus East); Ken Kelly; Kevin Power; Lynn Tucker; Sandy Hickman (St. John's); Shannie Duff (St. John's); Sheilagh O'Leary (St. John's); Sterling Willis (Paradise); Tom Hann (2); Tom Hann (St. John's); Wally Collins (St. John's); Walter Butt (Small Metro); Woodrow French (CBS)

**Cc:** Lynn Tucker

**Subject:** Email Vote: - Clarification of Tipping Fee for 2013

Your vote by email is required on the motion below as well as someone from the Finance and Audit Committee to second the motion. This motion will be ratified at the next Board meeting if approved. Both Danny Breen and Harold Mallowney have agreed to send this motion out by email.

Motion to be voted on - Moved by D Breen, seconder required

That the inflation adjustment to be applied to the 2012 user fee to deposit a metric tonne of material in the landfill be the annual change in the Consumer Price Index (CPI) from year to year for Newfoundland & Labrador.

For 2013 the landfill tipping fee will be  $\$65.50 \times 3.2\% = \$67.60$  rounded and there will be no change to the recycling fee.

Background on Tipping fee 2013

- The motion of Sept 26 was clear in that we set the tipping fee per metric tonne at current cost of 2012 plus annual rate of inflation. Obviously, we do not debate a motion that has been passed but the annual rate of inflation needs to be clarified. Jason Sinyard has proposed that we use the annual and not a monthly as I suggested as there is a chance the monthly could be negative but the annual is positive. In this case the Aug to Aug was a 1.6% increase for \$66.55 and the annual change (Dec 2010 to Dec 2011) was 3.2% for a tipping fee of \$67.60. The fact that CPI will be applied is not in debate [as the motion copied below was carried Sept 26](#) - it is the actual index component to be used.

**Motion from Sept 26, 2012**

**It was moved and seconded (D Breen/B Bailey) that ERSB (a) develop a Capital Reserve funded by contributions from operating surpluses to be used for future capital requirements of the regional waste management system other than the closure costs for the Regional Integrated Waste Management Facility located at Robin Hood Bay; and, (2) establish an Operating Reserve funded by contributions from operating surpluses that would be used to maintain the user fee for depositing a metric tonne of waste in the landfill at current costs of 2012 plus the annual rate of inflation. The inflation rate will be the Consumer Price Index for the Province of Newfoundland and Labrador.**

Ken Kelly  
Chief Administrative Officer  
Eastern Waste Management  
255 Majors Path, Suite 3  
St. John's, NL, A1A 0L5  
Tel: 709-579-7960  
Fax: 709-579-5392  
email: [kkelly@easternwaste.ca](mailto:kkelly@easternwaste.ca)

# **APPENDIX 'C'**

## **Briefing Note: Annual Fees in Sub-Regions**

## Briefing Note: Annual Fees in Sub-regions

The table below presents the cost of the Collection contract plus the estimated amount of tipping fees that will be incurred for each household and small business in the sub-regions. As you can see the cost does fluctuate because of the contracted cost of the collection.

One factor to note in the setting of the sub-regional fees is that in some areas the potential amount of the delinquency is higher than others because there is a higher number of individual accounts as compared to municipal accounts. This is a result of more Local Service Districts, which are billed to the individual property owner, being included in the contract as a proportion of municipalities.

The information in this table does not include delinquency.

Currently six of the seven sub-regions have an annual rate of \$180 per household/small business. Even though the actual cost is lower than sub-regions choose to collect slightly more in order to avoid a shortfall.

### Summary of the per Household Cost for 2013

	Contract per Household	Estimated Tipping Fees	Total	
Southern Shore	\$109.17	\$47.04	\$156.22	T2 Ventures
Southwest Avalon Area 1	\$124.05	\$47.04	\$171.10	Ridge
Southwest Avalon Area 2	\$139.65	\$47.04	\$186.70	Ridge
TBS & TBC	\$133.29	\$47.04	\$180.34	T2 Ventures
Trinity Bay North	\$114.89	\$47.04	\$161.93	Ridge
Isthmus	\$114.51	\$47.04	\$161.56	T2 Ventures

Tonnage estimated at .81mt per household per year

Tonnage includes recycling

Blended amount for Southwest Avalon Area 1 and 2 equals \$181.43

**APPENDIX  
'D'**

**Letter from Town of Carbonear**



RECEIVED OCT 30 2012

October 26, 2012

Ken Kelly  
Eastern Waste Management  
255 Major's Path, Suite 3  
St. John's, NL A1A 0L5

Dear Mr. Kelly,

**Re: Robin Hood Bay Compost Facility**

At a recent meeting of Council, there was an inquiry about the status of the construction of the compost facility at the Robin Hood Bay Waste Management Facility. This facility was scheduled to be designed in the spring of 2010, constructed in 2010-2011 and operational by 2011-2012. It is recognized that sometimes there are delays during construction, however, 2012 is near end, and there has been no word on the status of this facility which was due to be constructed almost 2 years ago.

The Town of Carbonear has a large urban forest and tonnes of waste from tree branches, trees, leaves and grass clippings are generated annually. In addition, there are tonnes of household organics going into the landfill annually when this can be composted further reducing waste being deposited to the landfill. For the province to reduce their waste by 50% by 2015, this facility was required in addition to the other waste management facilities.

It would be appreciated if you could advise of the status of the compost facility at Robin Hood Bay. The Town of Carbonear have started curb side recycling and would like to commence collection of compost, however, this is not possible until the facility is in place at the Robin Hood Bay Waste Management Facility.

Any information you can provide would be appreciated. If you have any questions, please feel free to contact me.

Sincerely,

**Town of Carbonear**

Cynthia A. Davis, B. Comm. (Co-op)  
Town Administrator

Mayor - Sam Slade | Deputy Mayor - Ches Ash  
Councillors - David Kennedy, George Butt, Betty Forward, Ed Goff, Ray Noel  
Town Administrator - Cynthia Davis | Town Clerk - Cathy Somers  
Director of Operations and Public Works - Brian O'Grady  
Director of Recreation and Tourism - Rob Button | Fire Chief - Ed Kavanaugh

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