



# MINUTES

## BOARD OF DIRECTORS MEETING #55

Wednesday, November 29, 2017 @ 7:30 p.m.

Fairfield Inn and Suites by Marriott, 199 Kenmount Road, St. John's, NL

### **IN ATTENDANCE:**

1. Ed Grant, Chairperson
2. Bill Bailey, Clarenville and Isthmus
3. Sheilagh O'Leary, St. John's
4. Jamie Korab, City of St. John's
5. Maggie Burton, St. John's
6. Sandy Hickman, St. John's
7. Dave Lane, St. John's (7:19 p.m.)
8. Deanne Stapleton, St. John's
9. Ian Froude, St. John's
10. Wally Collins, St. John's
11. Kevin McDonald, Southwest Avalon
12. Hilda Whelan, Trinity Bay South & Isthmus East
13. Harold Mallowney, Southern Shore
14. Sam Whalen, Bay Roberts
15. Lucy Stoyles, Mount Pearl
16. Peggy Roche, Small Metro
17. Sterling Willis, Paradise
18. Gerard Tilley, Conception Bay South

### **OTHER ATTENDEES:**

- Ken T. Kelly, Chief Administrative Officer, ERSB
- Lynn Tucker, Manager Corporate Services, ERSB
- Christie Dean, Manager Waste Operations, ERSB
- Bradley Power, Board Clerk/Outreach Coordinator, ERSB
- Andrew Niblock, City of St. John's
- LynnAnn Winsor, City of St. John's

### **REGRETS:**

- Danny Breen, St. John's

- Gordon Stone, Trinity Conception North
- Hope Jamieson, St. John's

## **PROCEEDINGS:**

### **1) CALL TO ORDER**

Mr. Grant called the meeting to order at 6:54 p.m. and introduced the two new Board members present – Mayor Hilda Whelan and Councillor Kevin McDonald. A roundtable introduction took place.

### **2) ADOPTION OF AGENDA**

*It was moved and seconded (Mr. Whalen/Mr. MULLOWNEY) to adopt the Agenda as tabled.  
MOTION 2017-058: Carried (unanimously)*

### **3) REVIEW OF MINUTES**

*It was moved and seconded (Mr. Willis/Mr. Collins) that the Minutes of the September 6, 2017 meeting of the Eastern Regional Service Board be adopted as tabled.  
MOTION 2017-059: Carried (unanimously)*

### **4) COMMITTEE REPORTS**

#### **a) Finance & Audit Committee (Monday, November 20, 2017)**

##### **1) Board Expenditures Report:**

Mr. Grant delivered the Finance & Audit Committee report on behalf of committee Chair Danny Breen who was not in attendance.

The cheque register and payroll summary for the months of August and September were included in the meeting package.

Mr. Grant noted that August payroll was for three (3) pay periods versus two (2) pay periods; therefore, the payroll for August is higher than the months of July or September which were also included in the meeting package for comparison purposes.

The Cheque register was included and highlights regular payments to waste collection contractors and the City of St. John's for tipping fees. Mr. Grant also said there was a \$114,000 payment in August to Nexgen Municipal for the final payment on the new equipment that was purchased in the fall of 2016, as well as the final payment to GMK Equipment & Rentals which was for work they did to close the dump on Random Island.

Mr. Tilley asked about the expenditures/payments to Dodd's Diesel which were included in the Cheque register. He asked if this was a high amount for a thirty (30) day period. Mr. Kelly explained that Dodd's Diesel is the vendor that maintains the Boards heavy equipment and is in close proximity to the ERSB equipment storage in Blaketown. The expenditures related to an engine purchase and other parts for vehicles owned by the Board, plus labour costs. The replacement of an engine is not a common expense but is a significant expense in terms of maintenance of these vehicles.

Mr. Grant highlighted the process for signing cheques. He reminded Board members that he and the Vice Chair are provided with the background information for each expenditure prior to signing, and review the bank reconciliation on a monthly basis too.

***It was moved and seconded (Mr. Grant/Ms. Roche) that Eastern Regional Service Board accept the board expenditures (Cheque Register and Payroll Summary) for August and September 2017, as tabled. MOTION 2017-060: Carried (unanimously)***

## **2) Waste Collection Tender:**

Mr. Grant noted that waste collection in the South West Avalon area has been done by the ERSB's internal collection group since January of 2015. The Town of Placentia has given the Board notice that it will be responsible for its service starting the end of March 2018. Effective January 2018, ERSB will be decreasing its internal collection crew and the areas that are collected by the Board.

He added that Placentia Bay and Area contract would start January 2018 and cover a forty one (41) month period. The forty one (41) month period means the contract will expire during the summer – month of June versus December 31. This is intended to move the expiry date and the potential for issues to a time of year that has less holiday closures and less potential for inclement weather.

Five potential bidders requested the Tender document and one Bid was received. The bidder is currently under contract to the Board in other areas and the Board is familiar with their work and performance.

The Bid represents a cost of approximately \$105.96 per household annually, before HST is applied. The most recent low Bid for this area was received in 2014 was \$110.88 per household annually, before HST is applied.

Mr. Grant said staff are recommending that the Board award the contract to the lowest bidder.

He also noted St. Mary's Bay and Area waste will continue to be collected by the Board's own staff and equipment.

***It was moved and seconded (Mr. Grant/Mr. Hickman) that Eastern Regional Service Board award the tender for waste collection services for 41 months to T2 Ventures Inc. in the amount of \$398,417.50 including HST.***

***MOTION 2017-061: Carried (unanimously)***

### **3) Snow Clearing Tenders:**

Mr. Grant said the Board tenders for snow clearing and sanding each year at six (6) of the ten (10) Waste Recovery Facilities (WRF) that it operates. The four remaining sites are either cleared by internal staff, the contractor that operates the WRF, or the site is closed during the winter months (as was the case for Sunnyside in 2016/2017).

The low bids for each of the sites was detailed in a Briefing Note in the meeting package and is followed by a table comparing the 2017/2018 tendered prices to those achieved in the last two years.

Mr. Froude asked about the significant increase in the cost of snow clearing at the Cavendish WRF. He said it seems to be extremely high. Mr. Kelly noted that there were only two bids for that site and both were very close to one another.

***It was moved and seconded (Mr. Grant/Mr. Bailey) that Eastern Regional Service Board award the tenders for snow clearing per the tabled documentation.***

***MOTION 2017-062: Carried (unanimously)***

Mr. Grant went on to note that staff met with the Towns using the Sunnyside facility in the spring of 2017 and told them why the site was closed during the winter months in 2016/2017. Reason being there were no bids received for the Tender call.

Mayor Snook of the Town of Sunnyside said that the Town would assist in 2017/2018 to ensure that the site would not close. Staff contacted the Town in October as a follow-up, and late last week it provided a list of three (3) potential service providers. This information came after the tender process had been completed.

Tenders were issued for this service in October, closed the first week of November and presented to Finance Committee mid-November.

In the past this has been the most expensive site to secure snow clearing with only one bidder showing interest.

Mr. Grant also noted that this site has the lowest usage of any site that the Board operates and the Clarendville site is only a 15 minute drive away. For those reasons, he said Staff are recommending the site remain closed this winter.

***It was moved and seconded (Mr. Grant/Mr. Bailey) that the Sunnyside WRF remain closed for the winter months of 2017/2018.  
MOTION 2017-063: Carried (unanimously)***

#### **4) Policy to Write Off Interest:**

Mr. Kelly noted that a policy document was provided for review and consideration in the meeting package. His intention is to capture the relevant practices that have been adopted by ERSB as well as the processes that are being used in one comprehensive policy document. He explained that there was no Motion recommended tonight by staff, rather they are looking for input on two issues:

First question, in practice should the policy allow the occupier to be responsible for the fees assessed against a property?

Mr. Kelly noted Section 24 of the Regional Service Board Act which was also provided in the meeting package. The legislation gives the Board some discretion related to collections.

***Mr. Lane arrived at 7:19 p.m.***

The significance of this authority is that the Board could charge a renter of a property or someone who it can prove occupies the property.

It has been the experience of the staff that many owners/landlords want the fees to be the responsibility of the renter and not the owners, because then it will have to be paid out of the rental income.

This is particularly relevant in cases where the renter is on Income Support from the Provincial Government. In these cases the rent for a unit is capped and a maximum rent is set for each area. Therefore the property owner cannot pass this cost on to the renter in the form of higher rent. The preferred practice of the landlords is to have the Income Support recipient

submit the waste collection invoice as a bill to be paid by the Province, through the Department of Advance Education and Skills.

The policy is structured so that these situations of occupiers of property can be addressed but still sets out that the owner of the property is liable for the fees if they are uncollectable from the occupier.

Mr. Kelly said staff are asking for direction should the legal property owner be assessed and be the person responsible for the fees in all cases.

Mr. Grant added that going to the owner of a property for collecting fees is a simpler process. It is always difficult to get payment from the Department of Advanced Education and Skills. Mr. Kelly added that the Board is only now receiving payments for 2015 in this regard, and the Board cannot charge interest in these cases.

***It was moved and seconded (Mr. Grant/Mr. Willis) that the Eastern Regional Service Board consider the property owner as the primary individual responsible for paying fees assessed against the property and the occupier can be invoiced with understanding of the owner that if unpaid the owner is responsible.***

***MOTION 2017-064: Carried (unanimously)***

Second question – Can the Board develop a hardship policy?

Mr. Grant said many municipalities have hardship policies that reduce or stop the collection process on individuals who have limited means to pay their taxes or fees when they fall behind in payments. The main difference between municipalities and the ERSB is that the Provincial Government has given municipalities the ability to lien a property. So, most municipalities will stop the collection process and put a lien on a property. When a person dies or sells that property then the amount of the lien is then collected by municipality.

No municipality simply writes off the money owed to them as uncollectable – they simply defer collection.

The Board does not have the authority to place a lien on a property for unpaid taxes the same as a municipality. A municipality does not have to register its lien in order for it to be valid. This is written into the legislation and is the reason a tax certificate is requested and issued during the sale of a property to ensure the municipality has no unregistered interest in the property.

Mr. Kelly said, in his opinion hardship cases need to be looked at on an individual basis, but ERSB doesn't currently have a hardship policy or

anything in place to govern the process. Generally the legislation would grant the authority to do this and speak to the ability to implement a hardship policy. He also said there currently aren't enough resources in the office to carry it forward if a process were developed, but if the Board saw fit, staff could make a recommendation for the future.

Mr. Kelly noted ERSB typically goes to small claims court for outstanding fees owed to the Board. The court can seize property in general owned by the individual through a default judgement and the process of satisfying the default. The only option for the Board to address each case individually would involve an evaluation of whether or not to proceed with asking the court to seize property (car, ATV, furniture, boat, house etc...). This would require guidelines to be adopted.

Ms. Roche asked if this issue could be deferred to allow Board members to consider the issue further.

Mr. Froude asked if the \$180 waste collection fee can be paid over time. Mr. Kelly said yes and that special payment arrangements are often granted.

Ms. Burton asked about special payment arrangements, and the associated process. Ms. Tucker noted that individuals can pay as little as \$18 per month for 10 months to cover their annual fees.

Ms. Whelan suggested that staff could speak with the Department of Advanced Education and Skills about whether or not the \$180 is included in the monthly allowance of an Income Support recipient. Mr. Kelly said the waste bill is sent to the AES client, and AES pays ERSB directly. The same process occurs for people who receive Home Care or Disability Benefits. He added that staff are comfortable with these processes currently. Mr. Kelly said a hardship policy is more-so for those near the poverty line that are not included in other social programs offered by AES, Home Care etc....

*It was moved and seconded (Mr. Grant/Mr. Mullooney) that the Eastern Regional Service Board continue with the collection process of the court as directed in the Regional Service Board Act.*

*MOTION 2017-065: Carried (unanimously)*

**b) Strategy and Policy Committee (Thursday, November 16, 2017)**

- 1) Update re: ATV Usage at Waste Recovery Facilities (See attached documentation):**

Mr. Hickman delivered the Strategy and Policy Committee report, and noted that documentation included in the meeting package for consideration.

Mr. Hickman said Board members will recall they adopted a policy that ATVs are not allowed on Waste Recovery Facility sites for safety and liability reasons. At the last meeting it was raised that there had been some negative feedback on the new policy and that the Strategy and Policy Committee report back at the next meeting after considering the additional input.

Mr. Hickman reinforced the reason for the policy and added there was additional information provided in the meeting package. He said the information from the Provincial Government states that ATVs are not to be used on highways. An insured operator can cross a road, but traveling on a public road is illegal.

Mr. Grant took it upon himself to call two RCMP detachments and was told that while they do not ticket ATVs in general for driving on the road, it is not an approved activity and is indeed illegal.

Mr. Hickman said that the scavengers who are causing issues and being nuisances at Waste Recovery Facilities are generally arriving on ATVs. These ATVs are not approved vehicles for use on roads or in the ERSB's public facilities.

**2) Provincial Solid Waste Management Strategy Review:**

Mr. Grant noted that ERSB wrote the Minister of Municipal Affairs and Environment asking that the Board be consulted as part of any review of the Provincial Waste Management Strategy. The Board has received a response (which was included in the meeting package), that said it would indeed be consulted. He added that the Provincial Government has issued an RFP to hire a consultant to do the review; therefore, consultation will likely occur sometime in the New Year.

**3) Waste to Energy RFP Update:**

Mr. Grant noted the Provincial Government has also issued an RFP to study Waste to Energy technologies to determine whether or not the technology has any application in Newfoundland and Labrador. He and Mr. Kelly will provide additional updates as they become available.

**4) Letter to Western Regional Service Board from the Provincial Government Regarding Inter-Regional Subsidy Request:**



Mr. Grant noted the issue of subsidization of the costs of transporting waste from non-host regions, such as the Western Region, to the landfill in Central Newfoundland.

He said that everyone is coming to the realization that the costs of transporting waste are going to be higher than anyone thought back in 2002 when the Provincial Solid Waste Management Strategy was developed. Central Newfoundland's tipping fee is \$137 a tonne, and Western Newfoundland has announced that its fee will likely be \$164 a tonne by July 2018. The Central Newfoundland fee is expected to drop when the material from the West Coast starts to arrive.

Mr. Grant added that he believes the Minister of Municipal Affairs and Environment may be trying to find a way to deal with the negative financial impacts on Western Newfoundland in the review of the Strategy and this could have impacts on the Eastern Region as the funding for the subsidy will mainly come from a tax on the Robin Hood Bay landfill.

Mr. Grant and Mr. Kelly will provide additional updates as information becomes available.

#### **5) Letter from CFIB to Premier Ball re: Regional Service Boards:**

Mr. Grant noted the Canadian Federation of Independent Business (CFIB) is very concerned about the issue of the high tipping fees in central Newfoundland compared to Eastern Newfoundland, and has written the Minister of Municipal Affairs and Environment on the topic. The letter was included in the meeting package.

The CFIB is also reacting to a recent announcement by the Premier at the Municipalities NL Conference in November where he stated that the Provincial Government would be changing the way the Chairperson is appointed by the service boards throughout the province. The Premier said the Provincial Government would be taking back the authority to appoint the Chairperson of each of the service boards. Mr. Grant added that no other service Board seems to be supporting this issue and shares the concerns of the CFIB.

Mr. Mallowney noted that there are over 200 years of experience at the Board table at ERSB and that the Minister should leave the legislation as is which allows the Board to govern themselves.

Ms. Whelan said the service Board is new and the Provincial Government should give it time to establish itself. She added that the Board is run by municipally elected individuals, and thought it would be inappropriate for government to influence the Chair position.

Mr. Grant said he will continue to monitor this situation and will report back to the Board as needed.

a) **Governance Committee**

The Governance Committee did not meet since the last Board of Directors Meeting; therefore, there are no Notice of Motions and/or information to be tabled for consideration.

**2) CORRESPONDENCE**

Two response letters from the Department of Municipal Affairs (MAE) were tabled for the information of Board members:

- (1) *Response from Department of MAE re: Outreach and Legislative Review*
- (2) *Response from Department of MAE re: Review of the Provincial Solid Waste Management Strategy*

**3) NEW BUSINESS**

a) **How to Address a Tie Vote in Relation to Board Elections:**

Mr. Kelly noted the Briefing Note included in the meeting package on this issue of addressing a tie vote in relation to Board Elections.

The Eastern Regional Service Board currently does not have a comprehensive policy in relation to how it carries out its Board Elections. The Board Clerk, who currently serves as the ERSB's Returning Officer, follows the process utilized during the 2014 election to execute the current election process.

Under the *Regional Service Board Act* the Minister is supposed to adopt regulations to govern the election process. By extension of there not being an Election Policy in place, the way in which the ERSB addresses a tie vote is unclear.

Municipalities deal with tie votes per Section 60 of the Municipal Elections Act, which is included as an attachment to this Briefing Note.

Mr. Kelly said staff is recommending the Board introduce a motion to address a tie vote in relation to board elections. They also recommend that the Board Clerk develop an Election Policy as soon as possible. This policy will be debated at the Governance Committee, and will be presented to the Board at a future meeting.

***It is moved and seconded (Mr. Lane/Mr. Hickman) that Eastern Regional Service Board adopt the following policy regarding how to address a tie vote in relation to Board Elections:***

*Where, upon the counting of the votes, two or more candidates have an equal number of votes and both or all of those candidates cannot be elected, the Board Clerk shall immediately:*

- (1) write the names of those candidates on separate, identical blank sheets of paper;*
- (2) fold the sheets of paper in an identical manner so that the names are concealed;*
- (3) deposit them in a receptacle and withdraw the number of the sheets necessary to elect the candidates required to be elected; and*
- (4) declare the candidate whose name appears on the sheet withdrawn, to be elected.*

*MOTION 2017-066: Carried (unanimously)*

**4) UPCOMING MEETINGS (To Be Confirmed)**

- Strategy & Policy Committee - *Tuesday, January 9, 2018 at 10:00 a.m.*
- Governance Committee - *Tuesday, January 16, 2018 at 10:00 a.m.*
- Finance & Audit Committee - *Wednesday, January 17, 2018 at 12:30p.m.*
- Board of Directors - *Wednesday, January 24, 2018 at 7:00 p.m.*

**5) ADJOURNMENT**

*Seeing no further business to be discussed, it was moved and seconded (Mr. Hickman/Mr. Mullwoney) that the meeting adjourn.*

*MOTION 2017-67: Carried (unanimously)*

*The meeting adjourned at approximately 9:00 p.m.*

## **(4) COMMITTEE REPORTS**

## **(4)(a) Finance & Audit Committee**

**(4)(a)(1) Board Expenditures –  
August and September 2017**

# EASTERN REGIONAL SERVICE BOARD

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## PAYROLL EXPENSE

### AUGUST 2017

Payroll – Staff ( <i>2 pay periods – 35 employees</i> ).....	\$192,447.46
Payroll – Board (19 members) .....	<u>\$ 00,000.00</u>
Total Payroll ( <i>35 employees</i> ) .....	\$192,447.46
Payroll CRA Remittance .....	<u>\$ 58,503.93</u>
<b>TOTAL GROSS PAYROLL .....</b>	<b><u>\$250,951.39</u></b>

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### PREVIOUS MONTH

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### JULY 2017

Payroll – Staff ( <i>2 pay periods – 35 employees</i> ).....	\$150,171.46
Payroll – Board (19 members) .....	<u>\$ 26,129.91</u>
Total Payroll ( <i>54 employees</i> ) .....	\$176,301.37
Payroll CRA Remittance .....	<u>\$ 59,306.41</u>
<b>TOTAL GROSS PAYROLL .....</b>	<b><u>\$235,607.78</u></b>

# EASTERN REGIONAL SERVICE BOARD

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## PAYROLL EXPENSE

### SEPTEMBER 2017

Payroll – Staff ( <i>2 pay periods – 32 employees</i> ).....	\$131,685.61
Payroll – Board (19 members) .....	<u>\$ 00,000.00</u>
Total Payroll ( <i>35 employees</i> ) .....	\$131,685.61
Payroll CRA Remittance .....	<u>\$ 37,001.73</u>
<b>TOTAL GROSS PAYROLL .....</b>	<b><u>\$168,687.34</u></b>

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### PREVIOUS MONTH

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### AUGUST 2017

Payroll – Staff ( <i>3 pay periods – 35 employees</i> ).....	\$192,447.46
Payroll – Board (19 members) .....	<u>\$ 00,000.00</u>
Total Payroll ( <i>54 employees</i> ) .....	\$192,447.46
Payroll CRA Remittance .....	<u>\$ 58,503.93</u>
<b>TOTAL GROSS PAYROLL .....</b>	<b><u>\$250,951.39</u></b>



Eastern Regional Service Board

BNK2 - Bank of Montreal - EW

Cheques from 000001 to 006235 dated between 08-01-2017 and 08-31-2017

CHEQUE REGISTER

Printed: 4:32:08PM 10/02/2017

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Number	Issued	Amount	SC	Status	Status Date
006093	08/09/2017 Carter, Dennis & Cynthia	24.00	A/R	CLEARED	08/23/2017
006094	08/09/2017 Keats, Mrs. Lorne	162.00	A/R	CLEARED	08/23/2017
006095	08/09/2017 Delaney, John & Marilyn	103.56	A/R	CLEARED	08/30/2017
006096	08/09/2017 Besso, Gregory	201.89	A/R	CLEARED	08/23/2017
006097	08/09/2017 Dawe, Jean	96.66	A/R	CLEARED	08/31/2017
006098	08/09/2017 Advantage Personnel Ltd.	1,755.88	A/P	CLEARED	08/16/2017
006099	08/09/2017 Around The Bay Disposals Inc.	43,385.13	A/P	CLEARED	08/16/2017
006100	08/09/2017 Bell Aliant	1,537.38	A/P	CLEARED	08/23/2017
006101	08/09/2017 Bell Mobility Inc.	1,965.05	A/P	CLEARED	08/23/2017
006102	08/09/2017 Big Erics Inc.	144.21	A/P	CLEARED	08/23/2017
006103	08/09/2017 Cansel	431.25	A/P	CLEARED	08/23/2017
006104	08/09/2017 Christie Dean	884.26	A/P	CLEARED	08/23/2017
006105	08/09/2017 City of St. John's	55,485.34	A/P	CLEARED	08/23/2017
006106	08/09/2017 Conception Bay Auto & Tire Centre	28.75	A/P	CLEARED	08/23/2017
006107	08/09/2017 Curtis Dawe	8,124.00	A/P	CLEARED	08/16/2017
006108	08/09/2017 Derek Short Equipment Rentals	414.00	A/P	CLEARED	08/31/2017
006109	08/09/2017 Dodd's Diesel Repair Ltd.	0.00	A/P	*VOID*	08/09/2017
006110	08/09/2017 Dodd's Diesel Repair Ltd.	0.00	A/P	*VOID*	08/09/2017
006111	08/09/2017 Dodd's Diesel Repair Ltd.	21,978.22	A/P	CLEARED	08/16/2017
006112	08/09/2017 Ed Grant	503.23	A/P	CLEARED	08/16/2017
006113	08/09/2017 E K Lomond Auto Solutions Inc	6.54	A/P	CLEARED	08/16/2017
006114	08/09/2017 Harbour ELECTRIC Ltd.	2,093.53	A/P	CLEARED	08/23/2017
006115	08/09/2017 Imperial Oil	49.92	A/P	CLEARED	08/23/2017
006116	08/09/2017 Ivan Heath	55.38	A/P	CLEARED	09/13/2017
006117	08/09/2017 Leslie Squires	440.00	A/P	CLEARED	08/30/2017
006118	08/09/2017 Miller IT Limited	172.50	A/P	CLEARED	08/16/2017
006119	08/09/2017 Modern Business Equipment Limited	5.75	A/P	CLEARED	08/16/2017
006120	08/09/2017 Newfoundland Exchequer - MVR	230.00	A/P	CLEARED	09/06/2017
006121	08/09/2017 Nexgen Municipal Inc.	114,705.41	A/P	CLEARED	08/23/2017
006122	08/09/2017 North Atlantic	27,501.39	A/P	CLEARED	08/23/2017
006123	08/09/2017 Northern Business Intelligence	2,428.85	A/P	CLEARED	08/23/2017
006124	08/09/2017 OMB Parts & Industrial Ltd. 1	2,162.75	A/P	CLEARED	08/23/2017
006125	08/09/2017 ORKIN Canada Corporation	583.05	A/P	CLEARED	08/23/2017
006126	08/09/2017 Pitney Bowes	183.25	A/P	CLEARED	08/23/2017
006127	08/09/2017 Royal Garage Ltd.	298.77	A/P	CLEARED	08/16/2017
006128	08/09/2017 T2 Ventures Inc.	168,881.17	A/P	CLEARED	08/16/2017
006129	08/09/2017 Tulk Tire & Service Ltd.	349.07	A/P	CLEARED	08/16/2017
006130	08/09/2017 Vardy Villa Limited	35,047.81	A/P	CLEARED	08/16/2017
006131	08/22/2017 Andrews, Mark & Sharon	303.16	A/R	CLEARED	09/13/2017
006132	08/22/2017 Stone, David	187.27	A/R	CLEARED	08/30/2017
006133	08/22/2017 Carberry, Herbert G	187.27	A/R	CLEARED	09/06/2017
006134	08/22/2017 Greenslade, Edward	103.56	A/R	OUT-STD	08/22/2017
006135	08/22/2017 61366 Newfoundland and Labrador Inc.	5,290.00	A/P	CLEARED	09/13/2017
006136	08/22/2017 62167 Newfoundland and Labrador Inc	7,380.30	A/P	CLEARED	09/13/2017
006137	08/22/2017 Advantage Personnel Ltd.	975.49	A/P	CLEARED	08/30/2017
006138	08/22/2017 Blaketown Service Station	3,784.64	A/P	CLEARED	09/06/2017

**Eastern Regional Service Board**

BNK2 - Bank of Montreal - EW

Cheques from 000001 to 006235 dated between 08-01-2017 and 08-31-2017

**CHEQUE REGISTER**

Printed: 4:32:09PM 10/02/2017

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<b>Number</b>	<b>Issued</b>		<b>Amount</b>	<b>SC</b>	<b>Status</b>	<b>Status Date</b>
006139	08/22/2017	Coish's Trucking & Excavating Ltd.	<b>14,432.50</b>	A/P	CLEARED	09/06/2017
006140	08/22/2017	Dodd's Diesel Repair Ltd.	<b>0.00</b>	A/P	*VOID*	08/22/2017
006141	08/22/2017	Dodd's Diesel Repair Ltd.	<b>20,563.93</b>	A/P	CLEARED	08/31/2017
006142	08/22/2017	Envirosystems Inc	<b>2,047.92</b>	A/P	CLEARED	08/30/2017
006143	08/22/2017	GCR Tires & Service	<b>964.73</b>	A/P	CLEARED	08/30/2017
006144	08/22/2017	Imperial Oil	<b>154.72</b>	A/P	CLEARED	09/06/2017
006145	08/22/2017	Kevin Power	<b>74.14</b>	A/P	CLEARED	09/06/2017
006146	08/22/2017	Lynn Tucker	<b>148.44</b>	A/P	CLEARED	09/13/2017
006147	08/22/2017	Modern Business Equipment Limited	<b>462.78</b>	A/P	CLEARED	08/30/2017
006148	08/22/2017	NATIONAL Public Relations	<b>115.81</b>	A/P	CLEARED	08/31/2017
006149	08/22/2017	Newfoundland Exchequer Account	<b>700.00</b>	A/P	CLEARED	08/30/2017
006150	08/22/2017	Newfoundland Power Inc.	<b>868.47</b>	A/P	CLEARED	08/30/2017
006151	08/22/2017	Northern Business Intelligence	<b>744.34</b>	A/P	CLEARED	08/30/2017
006152	08/22/2017	OMB Parts & Industrial Ltd. 1	<b>342.79</b>	A/P	CLEARED	09/13/2017
006153	08/22/2017	ORKIN Canada Corporation	<b>194.35</b>	A/P	CLEARED	08/31/2017
006154	08/22/2017	Receiver General of Canada	<b>14,156.15</b>	A/P	CLEARED	09/06/2017
006155	08/22/2017	RMK Services	<b>566.89</b>	A/P	CLEARED	08/31/2017
006156	08/22/2017	SaltWire Network Inc.	<b>1,810.28</b>	A/P	CLEARED	08/30/2017
006157	08/22/2017	Sam Pike Masonry Ltd.	<b>22.97</b>	A/P	CLEARED	09/06/2017
006158	08/22/2017	Shred-it International ULC	<b>56.51</b>	A/P	CLEARED	08/31/2017
006159	08/22/2017	TForce Final Mile	<b>8.87</b>	A/P	CLEARED	08/31/2017
006160	08/22/2017	Tulk Tire & Service Ltd.	<b>64.31</b>	A/P	CLEARED	08/30/2017
<b>Cheque Totals Issued:</b>			<b>569,132.54</b>			
<b>Void:</b>			<b>0.00</b>			
<b>Total Cheques Generated:</b>			<b>569,132.54</b>			
<b>Total # of Cheques Listed:</b>			<b>68</b>			

**Eastern Regional Service Board**

BNK2 - Bank of Montreal - EW

Cheques from 000001 to 006235 dated between 09-01-2017 and 09-23-2017

**CHEQUE REGISTER**

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Number	Issued		Amount	SC	Status	Status Date
006161	09/06/2017	Advantage Personnel Ltd.	2,926.47	A/P	*VOID*	09/06/2017
	Void Reason: Printing Error					
006162	09/06/2017	Around The Bay Disposals Inc.	46,184.49	A/P	CLEARED	09/13/2017
006163	09/06/2017	Bell Aliant	1,562.39	A/P	CLEARED	09/20/2017
006164	09/06/2017	Bradley Power	72.47	A/P	CLEARED	09/13/2017
006165	09/06/2017	Christie Dean	612.58	A/P	CLEARED	09/13/2017
006166	09/06/2017	D&L Russell Limited	120.29	A/P	CLEARED	09/22/2017
006167	09/06/2017	Dicks and Company Limited	382.67	A/P	CLEARED	09/22/2017
006168	09/06/2017	Dodd's Diesel Repair Ltd.	0.00	A/P	*VOID*	09/06/2017
006169	09/06/2017	Dodd's Diesel Repair Ltd.	0.00	A/P	*VOID*	09/06/2017
006170	09/06/2017	Dodd's Diesel Repair Ltd.	12,322.48	A/P	CLEARED	09/20/2017
006171	09/06/2017	East Coast Hydraulics	49.17	A/P	CLEARED	09/20/2017
006172	09/06/2017	Ed Grant	295.44	A/P	CLEARED	09/13/2017
006173	09/06/2017	GCR Tires & Service	539.29	A/P	CLEARED	09/22/2017
006174	09/06/2017	Harold Mullooney	660.66	A/P	CLEARED	09/22/2017
006175	09/06/2017	Intact Insurance Company	825.05	A/P	CLEARED	09/20/2017
006176	09/06/2017	Jenkins Anthony Inc.	4,660.15	A/P	CLEARED	09/20/2017
006177	09/06/2017	Ken Kelly	512.16	A/P	OUT-STD	09/06/2017
006178	09/06/2017	Lynn Tucker	1,252.00	A/P	CLEARED	09/13/2017
006179	09/06/2017	Miller IT Limited	379.50	A/P	CLEARED	09/20/2017
006180	09/06/2017	Modern Business Equipment Limited	108.08	A/P	CLEARED	09/13/2017
006181	09/06/2017	North Atlantic	626.33	A/P	CLEARED	09/22/2017
006182	09/06/2017	Northern Business Intelligence	2,428.85	A/P	CLEARED	09/20/2017
006183	09/06/2017	OMB Parts & Industrial Ltd. 1	602.26	A/P	CLEARED	09/20/2017
006184	09/06/2017	Parts For Trucks Inc.	113.02	A/P	CLEARED	09/20/2017
006185	09/06/2017	Printer Tech Solutions Inc.	395.60	A/P	CLEARED	09/22/2017
006186	09/06/2017	SaltWire Network Inc.	2,319.71	A/P	CLEARED	09/13/2017
006187	09/06/2017	T2 Ventures Inc.	175,052.90	A/P	CLEARED	09/13/2017
006188	09/06/2017	TForce Final Mile	8.87	A/P	CLEARED	09/20/2017
006189	09/06/2017	The Business Post	241.50	A/P	CLEARED	09/20/2017
006190	09/06/2017	Tulk Tire & Service Ltd.	2,944.15	A/P	CLEARED	09/13/2017
006191	09/06/2017	Spurrell, Mark	110.00	A/R	CLEARED	09/13/2017
006192	09/06/2017	Holmes, Sherry and Edward	843.30	A/R	CLEARED	09/20/2017
006193	09/20/2017	Whittle, Angelo & Sarah Ryan	105.53	A/R	OUT-STD	09/20/2017
006194	09/20/2017	Pottle, Maureen	50.00	A/R	OUT-STD	09/20/2017
006195	09/20/2017	61366 Newfoundland and Labrador Inc.	5,290.00	A/P	CLEARED	09/22/2017
006196	09/20/2017	62167 Newfoundland and Labrador Inc	7,380.30	A/P	OUT-STD	09/20/2017
006197	09/20/2017	Advantage Personnel Ltd.	1,830.92	A/P	CLEARED	09/22/2017
006198	09/20/2017	AMEC Foster Wheeler Americas Ltd.	27,311.42	A/P	OUT-STD	09/20/2017
006199	09/20/2017	Atlantic Safety Centre	339.25	A/P	CLEARED	09/22/2017
006200	09/20/2017	Bell Mobility Inc.	1,964.80	A/P	OUT-STD	09/20/2017
006201	09/20/2017	Capital Precast	31,625.00	A/P	OUT-STD	09/20/2017
006202	09/20/2017	Coish's Trucking & Excavating Ltd.	14,432.50	A/P	CLEARED	09/22/2017
006203	09/20/2017	D&L Russell Limited	18.33	A/P	OUT-STD	09/20/2017
006204	09/20/2017	Dennis O'Keefe	44.00	A/P	OUT-STD	09/20/2017
006205	09/20/2017	Dicks and Company Limited	301.98	A/P	CLEARED	09/22/2017

\*\* - Name on Check was modified

**Eastern Regional Service Board**

BNK2 - Bank of Montreal - EW

Cheques from 000001 to 006235 dated between 09-01-2017 and 09-23-2017

**CHEQUE REGISTER**

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<b>Number</b>	<b>Issued</b>	<b>Amount</b>	<b>SC</b>	<b>Status</b>	<b>Status Date</b>
006206	09/20/2017 DMC Inc	<b>201.25</b>	A/P	CLEARED	09/22/2017
006207	09/20/2017 Dodd's Diesel Repair Ltd.	<b>0.00</b>	A/P	*VOID*	09/20/2017
006208	09/20/2017 Dodd's Diesel Repair Ltd.	<b>26,204.02</b>	A/P	*VOID*	09/20/2017
	Void Reason: Printing error				
006209	09/20/2017 Dodd's Diesel Repair Ltd.	<b>20,774.51</b>	A/P	CLEARED	09/22/2017
006210	09/20/2017 Dodd's Diesel Repair Ltd.	<b>5,429.51</b>	A/P	CLEARED	09/22/2017
006211	09/20/2017 Eastcom Inc.	<b>114.94</b>	A/P	OUT-STD	09/20/2017
006212	09/20/2017 Advantage Personnel Ltd.	<b>975.49</b>	A/P	*VOID*	09/20/2017
	Void Reason: Double sided printing error				
006213	09/20/2017 Ed Grant	<b>170.25</b>	A/P	*VOID*	09/20/2017
	Void Reason: Printed on back of previous cheque				
006214	09/20/2017 Ed Grant	<b>170.25</b>	A/P	CLEARED	09/22/2017
006215	09/20/2017 GCR Tires & Service	<b>963.59</b>	A/P	OUT-STD	09/20/2017
006216	09/20/2017 GMK Equipment Rentals Ltd.	<b>93,965.06</b>	A/P	OUT-STD	09/20/2017
006217	09/20/2017 Imperial Oil	<b>549.75</b>	A/P	OUT-STD	09/20/2017
006218	09/20/2017 Ken Kelly	<b>9,605.29</b>	A/P	CLEARED	09/22/2017
006219	09/20/2017 Leslie Squires	<b>550.00</b>	A/P	OUT-STD	09/20/2017
006220	09/20/2017 M J Hickey Construction Ltd.	<b>11,326.35</b>	A/P	CLEARED	09/22/2017
006221	09/20/2017 Newfoundland Power Inc.	<b>747.09</b>	A/P	CLEARED	09/22/2017
006222	09/20/2017 North Atlantic	<b>35,069.43</b>	A/P	OUT-STD	09/20/2017
006223	09/20/2017 North Atlantic	<b>134.37</b>	A/P	OUT-STD	09/20/2017
006224	09/20/2017 Northern Business Intelligence	<b>86.25</b>	A/P	CLEARED	09/22/2017
006225	09/20/2017 ORKIN Canada Corporation	<b>194.35</b>	A/P	OUT-STD	09/20/2017
006226	09/20/2017 Pitney Bowes	<b>1,740.25</b>	A/P	OUT-STD	09/20/2017
006227	09/20/2017 Redline Automotive 0765	<b>124.18</b>	A/P	CLEARED	09/22/2017
006228	09/20/2017 SaltWire Network Inc.	<b>1,265.64</b>	A/P	CLEARED	09/22/2017
006229	09/20/2017 Sam Pike Masonry Ltd.	<b>53.41</b>	A/P	OUT-STD	09/20/2017
006230	09/20/2017 Sam Whalen	<b>455.87</b>	A/P	OUT-STD	09/20/2017
006231	09/20/2017 Shred-it International ULC	<b>56.27</b>	A/P	OUT-STD	09/20/2017
006232	09/20/2017 Town of Clarendville	<b>804.00</b>	A/P	OUT-STD	09/20/2017
006233	09/20/2017 Tulk Tire & Service Ltd.	<b>6,912.40</b>	A/P	CLEARED	09/22/2017
006234	09/20/2017 Vardy Villa Limited	<b>35,047.81</b>	A/P	OUT-STD	09/20/2017
096161	09/22/2017 Advantage Personnel Ltd.	<b>2,926.47</b>	A/P	CLEARED	09/22/2017
	<b>Cheque Totals Issued:</b>	<b>576,187.68</b>			
	<b>Void:</b>	<b>30,276.23</b>			
	<b>Total Cheques Generated:</b>	<b>606,463.91</b>			
	<b>Total # of Cheques Listed:</b>	<b>75</b>			

## **(4)(a)(2) Tenders**

## Briefing Note – Placentia Bay Waste Collection Tender

Collection in South West Avalon area has been done by the internal collections group since January of 2015. Effective January 2018 we will be decreasing our internal collection crew and therefore needed to issue a tender for some areas that have been done internally. The Placentia Bay and Area was selected to tender due to location and number of units. This contract would start January 2018 and cover a 41 month period. The 41 month period is intended to move the expiry date and the subsequent potential turnover in the contract from a very busy time of the year that follows the Christmas and New Years holidays to a time of year that has less holidays and less potential for inclement weather.

Five potential bidders requested the Tender document and one Bid was received. The bidder is currently under contract for us in other areas and we are familiar with their work and performance.

The Bid represents a cost of approximately \$105.96 per household annually before HST is applied. The most recent low Bid for this area was received in 2014 was \$110.88 per household annually before HST is applied.

Staff are recommending that the Board award the contract to the lowest bidder.

### Additional information:

The St. Mary's Bay and Area will be continue to be done internally with the Board's own staff and equipment. The Town of Placentia has decided that it will continue with the Board for the first three months of 2018 at which time it will then have secured its own service provider for waste collection.

### **Recommendation :**

**Award the tender for waste collection services for 41 months to T2 Ventures Inc. in the amount of \$398,417.50 including HST.**

## Briefing Note – Snow Clearing Tenders 2017 to 2018

Each year the Board tenders for snow clearing and sanding at 6 of the 10 waste recovery facilities that it operates. The four remaining sites are either cleared by our internal staff, a contractor or were closed during the winter months (Sunnyside).

The low bids for each of the sites is detailed below and is followed by a table comparing the 2017/18 tendered prices to those achieved in the last two tender.

Cavendish – G. Grove’s & Sons Ltd. \$13,200.00 plus \$1,980.00 HST for a total of \$15,180.00  
 Renews – Cappahayden – Clowe’s Construction Ltd. \$3,590.00 plus \$538.50 HST for a total of \$4128.50  
 Bay Bulls – O’Brien’s Trucking Ltd. \$7,101.12 plus HST \$1,065.17 for a total of \$8,166.29  
 St. Joseph’s – Singleton \$5,500.00 plus HST \$0.00 for a total of \$5,500.00  
 Placentia – KJH Dirtworks Ltd. \$5,600.00 plus HST \$840.00 for a total of \$6,440.00  
 Harbour Grace – Around The Bay Inc. \$14,000.00 plus HST \$2,100.00 for a total of \$16,100.00

This is a comparison of the process received for the last 3 years

Location	2015/2016	2016/2017	2017/2018	
Cavendish	\$ 8,449.79	\$ 7,349.00	\$ 13,200.00	Groves & Sons
Renews - Cappahayden	\$ 3,800.00	\$ 3,375.00	\$ 3,590.00	Clowe's
Bay Bulls	\$ 9,360.00	\$ 8,394.00	\$ 7,101.12	O'Brien's Trucking Ltd. (New)
St. Joseph's	\$ 5,000.00	\$ 5,000.00	\$ 5,500.00	Singleton
Placentia	\$ 5,752.00	\$ 5,720.00	\$ 5,600.00	KJH Dirtworks Ltd. (New)
Harbour Grace	\$ 18,000.00	\$ 8,160.00	\$ 14,000.00	Around The Bay
Sub - Total	\$ 50,361.79	\$ 37,998.00	\$ 48,991.12	

28.9% increase 2016/2017 to 2017/2018

Sunnyside	\$ 19,400.00	no bid	not tendered
Whitbourne	facility not open	internal resources	internal resources
Clarenville	internal resources	internal resources	internal resources
Old Perlican	contractor responsibility	contractor responsibility	contractor responsibility

Note Sunnyside was not Tendered due to the agreement with the Town of Sunnyside

### Recommendation :

**Staff recommends that these contracts be awarded.**

## **(4)(a)(3) Policy to Write-off Interest**



## Briefing Note – Fee Collection Policy

The Board has been operating a fee collection process since 2009 in various forms. Over time a set of consistence practices and approaches to various situations has evolved; however, these practices have not been formally set out and adopted by the Board.

The main purpose of this policy is to establish the principles of fee collection and the mechanics of some key components. For instance who can write of interest that has accrued on accounts and for what specific reason, section 13.

Other components include who the Board will share information with during processes such as the settling of an estate or the sale of a property or how we will go about putting an account in another name.

The most significant issue in the policy is the person that is responsible for the fees assessed against a property. Under Section 24 of the *Regional Service Board Act* the Board can charge fees to either the owner of a property or someone that occupies the property as per the excerpt below.

**24. (1)** The expenses of a board may be defrayed out of revenue generated by the assessment of fees from

- (a) municipal authorities governed by that board or persons who occupy real property, either as owners or tenants of the property, in municipal authorities governed by that board;
- (b) persons who occupy real property, either as owners or tenants of the property, in unincorporated areas governed by that board; and
- (c) users of facilities and services.

The significant of this authority is that the Board could charge a renter of a property or someone that we can prove occupies the property. However, it has been the experience of the staff that many owners want the fees to be the responsibility of the renter and not the owners because then it will have to be paid out of the rental income. This is particularly relevant in cases where the renter is an Income Support recipient. In these cases the rent for a unit is capped and a maximum rent is set for each area. Therefore the property owner cannot pass this on to the renter in the form of higher rent. The preferred practice is to have the Income Support recipient submit the waste collection invoice as a bill to be paid by the Province, Advance Education and Skills.

The policy is structured so that these situations of occupiers of property can be addressed but still sets out that the owner of the property is liable for the fees if they are uncollectable from the occupier. The Board should not have to administer a list of renters in these properties.

Staff recommends this policy for consideration of the Committee and Board.

**Recommendation :**

**Recommend the policy to the Board for consideration and adoption.**

## EASTERN REGIONAL SERVICE BOARD

### FEE COLLECTION POLICY

**WHEREAS** section 4 of the *Regional Service Board Act*, SNL2012 CHAPTER R-8.1 (“Act”) grants authority to establish regional service boards and the Province has enacted the *Eastern Regional Service Board Order*, Nfld. Reg. 91/11 (“Regulations”) to establish the Eastern Regional Service Board;

**AND WHEREAS** section 24 of the *Act* provides the Eastern Regional Service Board with the power to assess fees to a municipality in the Eastern Region, local service district in the Eastern Region, unincorporated area in the Eastern Region, property owner/occupier or other user of a facility or service provided by the Board;

**AND WHEREAS** section 26(1) of the *Act* requires that the Board adopt a budget and the rate of assessment for fees by October 31 of the presiding year in which the fees are to apply;

**AND WHEREAS** section 4 of the Regulations deems an amount owing to the Eastern Regional Service Board to be a debt due to the Board and the Board may recover it by civil action in Court;

**AND WHEREAS** section 5 of the Regulations states that the Board may stop providing a service to a municipal authority, user or person where the user fails to comply with a policy of the Board respecting the service;

**AND WHEREAS** it is the consensus of the Eastern Regional Service Board to establish this policy to administer the collection of fees, by the Board.

**NOW THEREFORE** the Eastern Regional Service Board establishes the following fee collection policy:

#### Definitions

- 1) In this policy,
  - 1) Account – means the unique identifier and information controlled by the Board with respect to a person, real property, business or other entity, fees assessed by the Board, mailing address, telephone number, notes of actions taken or conversations with regards to the account, interest that has accrued, survey or other land title information, and any other note or information that the Board may consider relevant to the administration of the unique identifier assigned to a person/business/entity who owns or occupies real property or uses a service of the Board as determined by the Board.
  - 2) Board – means the Eastern Regional Services Board established by the *Eastern Regional Services Board Order*, O.C. 2011-255 under the *Regional Service Boards Act*, RSNL 1990 c. R-89 (“Act”).

- 3) Debt – means money owed to the Board after which the period that the Board has deemed the money to be paid to the Board under the authority granted in section 26(1) of the Act has elapsed and the money remains unpaid to the Board.
- 4) Dishonoured – means a payment plan for an account has been agreed to by the Board and the account holder. The terms of payment have not been maintained either through failure to provide payment, failure to provide payment on time, non sufficient funds, stop payment or any other means in which the terms of payment have not been met.
- 5) Exemption – means the Board has adopted a Service Delivery Policy for each of the services that the Board has been granted the authority to provide in the eastern region. Within each Service Delivery Policy the Board may grant an exemption to the service and the applicable fee. It is on the onus of the person/business/entity as owner or occupier of real property or user of a service to demonstrate that they are exempt from a service or fee in the sole discretion of the Board.
- 6) Fee – means the amount of money assessed and owed to the Board as established on an annual basis as a rate of assessment under section 26(1) of the Act.
- 7) Interest – means compounding interest on a monthly basis at a rate set by the Board on an annual basis as a rate of assessment under Section 26(1) of the Act.
- 8) Not in good Standing(or in arrears) – means 15 days from due date established for the payment of fees owed to the Board.
- 9) Property – means real property including land and any structures on the land.
- 10) Unit of Service – means the Board has adopted a Service Delivery Policy for each of the services that the Board has been granted the authority to provide in the eastern region. Within each Service Delivery Policy the Board shall stipulate the methodology upon which a service unit is determined for the basis of the rate of assessment for that service or use of a facility.

**Fee collection process:**

2) (1) The Board, or the Board's agent(s), shall issue an invoice for the fees assessed and due from each property as determined by the Board in accordance with Section 24 (3) of the Act stipulating the date that the amount is due and payable.

(2) The invoice will indicate the amount due including any interest, adjustments, credits and previous balances and all invoices are due thirty (30) days from date issued.

(3) The accepted method for payment of fees owed to the Board includes cash, money order, cheque, debit, credit card (which types all or limited), preauthorized debit with a form properly endorsed and online (from approved banks).

(4) Fees owed may be settled with an accepted method of payment in full, quarterly or ten (10) monthly installments so that by October 31st of each year all fees and amounts owing have been settled.

(5) Payments received will be applied first to accumulated interest and then towards the principal balance owed.

(6) An invoice will be issued to the property owner or occupier. In a multi tenant property the invoice will be issued to the property owner. At the discretion of the Board, an invoice can be issued to a property occupier. If the property occupier does not pay the fees this does not remove the obligation of the property owner. The property owner will be responsible for all costs associated with the account.

(7) If a property is within an incorporated town the invoice will be issued to the incorporated town for the number of units of service required at a property.

(8) What constitutes a property or an eligible property for fees is at the discretion of the Board in accordance with the Service Delivery Policy of the Board.

### **Application of Interest**

3) (1) Interest will be applied to all accounts not in good standing (arrears) as of the seventh of the month following the expiration of the thirty (30) days in which the fees become due and payable and the first of the seventh of the month of each successive month, thereafter.

(2) The rate of interest will be set by resolution of the Board and will stay in effect until the resolution is canceled.

(3) Interest will be applied to the full balance owed at the time of application.

(4) An account will be considered in good standing if there is a payment plan in place in the form of post dated cheques, preauthorized debit, and the plan has been honoured.

(5) An account will not be in good standing (or use arrears) if within fifteen (15) days after a due date there has been no payment made for the dishonoured payment plan or payment in full.

### **Special Arrangement**

4. (1) When an account becomes behind by 15 days and the property owner cannot honour an agreed upon payment schedule an alternate payment schedule may be arranged at the discretion of the Financial Officer and Manager of Corporate Services that satisfy the fees/debt owed.

(2) Acceptance of a special arrangement will require the property owner to provide employer, driver's license and other pertinent information for financial collection.

(3) If a special arrangement is entered into by the Board than interest the accrual of additional interest will be abated.

(4) If a special arrangement is dishonoured, interest will continue to accrue to the balance owing and the account will be considered not in good standing.

(5) The maximum amount of time that a special arrangement can extend is 20 months.

(6) The minimum monthly payment for a special payment arrangement is \$40 per month.

#### **Non Sufficient Funds**

5. (1)When the bank returns a request for payment for non sufficient funds available in an account then a fee will be assessed to the account and becomes an amount immediately owed to the Board.

(2) The Board will establish the rate for non sufficient funds on an annual basis as a rate of assessment.

#### **Stop Payment**

6. (1)A stop payment on an account is to be considered a dishonoured payment plan and the amount owing on the account for fees, interest and any additional penalties becomes immediately owed to the Board.

#### **Notice of Sale of property**

7. (1)The Board does not rebate a portion of the annual fees that were paid for an account if the property associated with the account is disposed of. Any reconciliation of fees is to be done between the seller and purchaser as part of the disposition process.

#### **Closing of an Account**

8. (1)An account cannot be closed if there is still a balance owing on the account greater than \$40.

(2) Must have one of the following criteria:

- a. Account made inactive because the property cannot be identified

- b. Error in creating the original account – based on erroneous information
- c. Disposition of property and new owner information is provided.

### **Splitting of accounts and amounts owing**

9. (1)Accounts will not be split or subdivided based on the request of one party. The debt owed for an account is joint and severable at the discretion of the Board.

### **Change of name of account holder**

10. (1)The name associated with an account will not be changed unless there is a factual error made during its creation that is supported by documentation to that affect or one of the following conditions is satisfied:

(2) Names associated with an account will only be changed during a disposition (sale, transfer, inheritance, etc...) with documentation that is duly registered or accepted as validation of a legal transfer.

(3) Having an electrical bill or other commercial document is not in and of itself sufficient information to change the name of an account holder.

(4) Name will be changed or removed in the event of a death of an individual on the account, the estate being settled and another individual/entity taking responsibility for the account.

### **Property Owner or Occupier**

11. (1)An Account associated with a property will be in the name of the owner of the property. A tenant or occupier of a property may be the account holder in circumstances where the owner cannot be established, the owner accepts all responsibility for unpaid fees including interest and costs of collection.

(2) Establishing an account in the name of an occupier is at the discretion of the Board.

(3) In the event of rental properties the Board does not have to establish an account in the name of the occupier given the added administrative requirements.

### **Prorated Fees**

12. (1)The annual fees assessed by the Board may be prorated for a portion of a year to reflect the change in ownership, new construction, or demolition of a structure.

(2) Fees will only be prorated based on demonstrated proof from the account holder to support the date for prorating of fees and the reason. Supporting information that may be considered in the decision include occupancy permit, disposition documents, electrical

connection/disconnect from provider, police or fire department report, demolition report/confirmation from a municipal authority or records of previous inspections of properties by ERSB staff.

## **Adjustments**

### **Interest Abatement**

13. (1) Accounts Receivable Clerk or anyone performing the role of Accounts Receivable Clerk has the authority to write off interest to a maximum amount of \$18.00 on a one time basis for an account to correct for issues such as lay payment acceptance, errors in applying interest, invoices and payments crossing in the mail, gesture of kindness etc...

(2) Manager of Corporate Services is authorized to abate up to 60% of the late payment interest to a maximum of \$1000.00 for full payment of the principal fees and remaining balance. Abatements in excess of these limits may be made with the written approval of the Chief Administrative Officer.

(3) Manager of Corporate Services is authorized to abate up to 100% of late payment interest owed to the Board where the full amount of the late payment interest owed is \$500.00 or less, and where;

- a) the interest has accrued because of an error or omission by the Board, or
- b) other extenuating circumstances suggest the ratepayer should not be penalized.

(4) The Manager of Corporate Services is authorized to provide delinquent taxpayers with an interest-free repayment period when the negotiated repayment schedule will retire the full amount owing and accruing to the end of the repayment period.

(5) The Chairperson and Chief Administrative Officer, dual approval required, are authorized to abate up to \$5000 in late payment interest owed to the Board for the following reasons:

- c) the interest has accrued because of an error or omission by the Board,
- d) the interest forms part of a settlement agreement entered into by the Board during a settlement conference in Provincial Small Claims Court,
- e) it has been reasonably demonstrated, onus on the person seeking interest relief, that the person could not have reasonably known that the service existed and that fees were due and payable because of absence from the province for the period in which services started until first notice was received, medical condition rendering the person incapacitated, or estate undergoing probate.

(6) Interest abatement requires a written letter from the account holder for any amount over \$100 interest.

(7) Interest abatement is rendered only when the principal fees on the account have been paid in full.

### **Certificate of Good Standing**

14. (1) A certificate of good standing or balance of an account will only be provided to the owner of a property, the account holder, the Department of Advanced Education and Skills or to a person/entity that the owner or account holder has consented in writing that the information be disclosed.

(1) A certificate of good standing represents the information available to the ERSB on the day upon which it is issued and the Board does not warrant its accuracy for any period other than the day upon which it is executed.

(2) The Board will provide a certificate of good standing for an account for a fee that is set by the Board on an annual basis as a rate of assessment.

### **Refunds process**

15. (1) In the event that an account has a credit the Manager of Corporate Services can authorize a payment to correct the credit and the amount to be paid to the account holder or estate of the account holder.

(1) The amount of the credit must exceed \$2.00 Canadian dollars.

(2) The Manager of Corporate Services can authorize the credit balance be applied to another account that has a balancing owing to the Board with the consent of the original account holder that is owed the credit.



## **EXTRA MATERIAL**

All tax accounts will receive computer-generated notices beginning the month after the taxes are due. Initially the message is a polite reminder for payment and escalates over the next 3 months to finally indicate that non payment may result in water being cut or legal action commenced.

2. Manually prepared notices will be generated based upon individual account analysis. These vary in format and content; but always request payment or contact with the Collections Department. When no contact is made or agreed upon arrangements are not honoured, accounts become eligible for water cutoff. Account holders will be sent a 7-day notice indicating that if payment is not received with that time frame, water will be shut off. If no response is made, the Works Department will be instructed to schedule the property for water cutoff.

3. For accounts not serviced with water, the same steps will be utilized with the threatened action being the Court system. Where feasible, accounts will be processed for collection through Small Claims Court and higher courts as dictated by the amounts owing.

Where the City has Accounts Payable to individuals or corporations who are in Tax Arrears, payment will be held and applied to the Tax Arrears.

### **Hardship should be a separate policy:**

#### **Hardship consideration**

- (1) The Board, or the Board's agent(s), shall make all reasonable efforts to collect the debts owed to the Board for the provision of service.
- (2) In instances, in which a special arrangement will not satisfy a debt within the maximum amount of time set out in XXX(10) because of financial hardship than the Payment Review Committee will make recommendation to the Board on the appropriate action to be taken in each case.

- (3) The Payment Review Committee will request supporting documentation to be submitted for income and expenditures for its consideration.
- (4) In order to be considered for financial hardship relieve a property owner/occupier must have applied for Income Support under the Department of Advanced Education and Skills for non-basic benefits for “municipal tax payments” and have been denied.

OR

Do we have a list of denied Income Support, in receipt of GIS, annual income below XXXX

*NO we don't have list perse as customers on income support pass invoices along to their case worker if eligible...we don't necessarily know who is in receipt of income support through AESL at any given time...we have no way whatsoever to know who is on GIS or other income support programs*

### **Bankruptcy**

??? What do we want to say about this – process.

**(4)(b) Strategy and Policy  
Committee**

**(4)(b)(1) Update re: ATV Usage at  
Waste Recovery Facilities**

## Briefing Note – ATV Usage at Waste Recovery Facilities

The current policy that excludes ATV use on the waste recovery facilities was approved by the Board in May 2017.

ATVs on the waste recovery facilities have become an operational issue and a liability. Attached to this Briefing Note is guidance from the Province on the use of ATVs and we have also discussed the issue with two RCMP detachments, including the detachment in Whitbourne, how they view the use of ATVs.

It is illegal to operate an ATV on a highway (road). If the unit is insured, licensed and the operator is wearing proper protection (helmet), they are permitted to cross a road, preferably at a designated crossing. They are never permitted to travel on the shoulder, highway or other public road.

The sites operated by ERSB are open to the public and to those operating vehicles that are licensed and insured to operate on the roads of the province. ATVs do not fall within the category of vehicles licensed to operate on the roads of the province and they are therefore not allowed on these public sites.

ERSB has regular bulk pick up events in the communities that it serves in the Eastern Region. There is not one that has as their only option to dispose of household bulk garbage the requirement to bring it to the site on their ATV.

# Information on ATV Safety

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- A person must be 16 to operate an adult size ATV (over 90cc).
- A person aged 14 or 15 can operate an ATV up to and including 90cc, if accompanied and supervised by a person 19 years of age or older.
- A person under 14 years of age is not permitted to operate any size ATV.

The legislation has always required operators to wear a helmet. If the ATV has no windshield, then the operator must wear a face shield, safety glasses or goggles. (Exceptions are possible in the forestry, mining, fishing, construction or agricultural industries.)

The legislation restricts where ATVs can be operated.

- Bogs and other environmentally sensitive areas are out of bounds except for the lawful transportation of an animal from the place where it was killed, and only under certain conditions (See the legislation for details).
- ATVs are not permitted on a highway except to cross from one side to another and the operator must have insurance to do so. This rule does not apply to private woods roads, resource woods roads and cottage development roads.
- Always wear a helmet
- Don't drive along public roads and highways
- Never drink and drive an ATV
- Only carry passengers on ATVs designed for a second person
- Respect the environment
- You must be 16 years old to operate an adult size ATV

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Last Updated: July 13, 2017

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# **(4)(b)(2) Provincial Solid Waste Management Strategy Review**

[Skip to Main Content](#)

## Municipal Affairs and Environment

November 1, 2017

# Provincial Government to Evaluate Implementation of Waste Management Strategy

The Provincial Government announced today that it is issuing two Requests for Proposals to evaluate the current implementation plan within the Provincial Waste Management Strategy. The results of the work will be used to ensure that the strategy is being implemented in a modern, efficient and cost-effective manner.

The first Request for Proposals is a call for professional services to provide an operational and financial analysis of the waste management systems in the province.

The second Request for Proposals is a call for professional services to assess potential solid waste management technologies that will support the goals and objectives of the Provincial Waste Management Strategy. In advance of making future investments in waste management, the Provincial Government is seeking to evaluate the feasibility of applying alternative waste management technologies within the province.

To date, approximately \$180 million has been invested into numerous waste management infrastructure projects province-wide. The Provincial Waste Management Strategy was released in 2002 and broad implementation commenced in 2008. The Provincial Government has committed to provide 100 per cent of capital costs for eligible projects.

### Quote

“Through our government’s vision for The Way Forward, we are improving services for residents, communities, and businesses across the province. By ensuring that we are implementing the Provincial Waste Management Strategy in an efficient, modern, and cost-effective manner, we will be improving services and creating a healthy and prosperous province.”

Honourable Eddie Joyce

Minister of Municipal Affairs and Environment

### Learn More

Provincial Waste Management Strategy -

[www.mae.gov.nl.ca/publications/pswms/wastemanagementstrategy\\_apr2002.pdf](http://www.mae.gov.nl.ca/publications/pswms/wastemanagementstrategy_apr2002.pdf)

Follow us on Twitter: [@GovNL](https://twitter.com/GovNL) and [@MAE\\_GovNL](https://twitter.com/MAE_GovNL)

- 30 -

### Media contact

Lynn Robinson

Municipal Affairs and Environment



709-729-5449, 691-9466

[lynnrobinson@gov.nl.ca](mailto:lynnrobinson@gov.nl.ca)

2017 11 01

12:55 p.m.

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**(4)(b)(4) Letter to Western Regional  
Service Board from the Provincial  
Government re: Inter-Regional  
Subsidy Request**

OCT 3 1 2017

COR/2017/03989-01

Dr. Barbara Barter, Chair  
Western Regional Service Board  
14 Main Street, Suite 203  
Corner Brook, NL A2H 1B8  
E-mail: [info@wrwm.ca](mailto:info@wrwm.ca)

Dear Dr. Barter:

**Re: Inter-Regional Subsidy Request Letter**

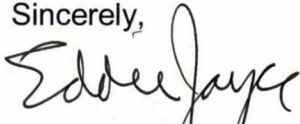
I am writing in response to your letter of September 26, 2017, in which you and several other supporting regions requested an investigation into subsidy solutions to address regional differences in costs for implementing the Provincial Waste Management Strategy. I recognize that this has been a topic of much discussion among a number of regions, and our government is committed to working with regions and communities across the province to find ways to enhance the Strategy's overall efficiency and effectiveness.

That is why we are reviewing the Strategy to determine how best to move forward on this important interdepartmental initiative. This forthcoming review will be comprised of an operational and financial analysis, including key financial considerations for host and non-host regions, as well as an analysis of available technology. The province's various regional service boards and waste management committees will also have the opportunity to share their perspectives as part of this review, and I look forward to announcing more details in the near future.

Thank you for raising the important issue of the cost differences between the Strategy's host and non-host regions. As you noted in your letter, the province has come a long way since the Strategy was originally released in 2002. I believe this review presents an excellent opportunity to take stock of our collective progress to date, and to ensure that we are well-positioned for success moving forward.

I look forward to continuing to work with your Board, and all of the Strategy's implementation partners, to advance our shared commitment to deliver modern waste management services to the people of the province.

Sincerely,



**EDDIE JOYCE, MHA**

District of Humber-Bay of Islands  
Minister of Municipal Affairs and Environment

cc: Mr. Mike Samson, CEO, Multi-Materials Stewardship Board  
Mr. Ed Grant, Chair, Eastern Regional Service Board  
Mr. Harold Murphy, Chair, Burin Peninsula Regional Service Board  
Mr. Jim Miller, Chair, Discovery Regional Service Board  
Mr. Ed Evans, CAO, Central Regional Service Board  
Ms. Darlene Newman, General Manager, NorPen Regional Service Board  
Mr. Jamie LeRoux, Interim Chair, Coast of Bays Waste Management Authority  
Mr. Clar Brown, Co-Chair, Baie Verte-Green Bay Waste Management  
Mr. Dennis Vincent, Co-Chair, Baie Verte-Green Bay Waste Management

**(4)(b)(5) Letter from CFIB to  
Premier Ball re: Regional Service  
Boards**

November 7, 2017

Sent by email

Honourable Dwight Ball  
Premier of Newfoundland and Labrador  
MHA for Humber-Gros Morne  
Confederation Building, East Block  
P.O. Box 8700  
St. John's, NL A1B 4J6

Dear Premier Ball:

On November 3, 2017, there was a brief report on NTV with your comments on a proposed change to appoint regional service board chairpersons through the Independent Appointments Commission process. In 2015, the government introduced legislative amendments to the *Regional Service Boards Act, 2012*; which included the provision for regional service board members to choose chairpersons for their respective boards. As you will know, the regional service board members are comprised of elected officials from municipalities in the individual regions. It is preferable that these elected officials appointed to the Boards choose their chairpersons to serve the next four years. This will not only allow for more accountability at the regional board level, but it would also provide an opportunity to understand how it might work, which is necessary prior to making a decision to reverse the 2015 legislative amendment.

What we do know is the process of appointment by the provincial government was poorly designed. The costs of waste management in the province have risen substantially, in particular on the island portion of the province. Recently, CFIB learned the Western Regional Service Board has proposed to introduce a tipping fee of \$164/tonne on July 1, 2018. To put that in perspective, the current tipping fee at the Wild Cove and Bay St. George's landfills is \$59/tonne. When I informed members of the new tipping fee last week, a few responded that they expected an increase in illegal dumping as a result.

While the costs of waste management in the province continue to rise, there is very little information showing the Provincial Waste Management Strategy (Strategy) is even working. Of the waste disposed at the main facilities and transfer stations, it is unknown publically how much recyclable material (e.g. hard plastics, cardboard, etc.) is going into the landfill rather than being sent to the materials recovery facility (MRF). The island of Newfoundland has over-capacity for recycling handling because the recycling needs of the entire island could be met by either MRF at Robin Hood Bay or Norris Arm North. For context, the MRF at Norris Arm North operates on average one week a month, which might double by another week if the decision is made to send western Newfoundland recyclables to central Newfoundland; the Robin Hood Bay MRF operates from 8 am to 5 pm, five days a week.

A large reason why this has happened is a lack of accountability on the part of the Boards. CFIB has hoped the appointment of chairpersons by elected officials from the municipalities would bring with it more accountability. Regardless, to bring even more accountability to regional service boards, **the**

**government should provide the provincial Office of the Auditor General (Office) with the power to audit the regional service boards as the Office sees fit.** This is consistent with CFIB's position there should be a municipal auditor general in place to bring greater transparency and accountability to municipal governance.

CFIB is thankful for the review of the Strategy announced last week as it is long overdue. We welcome the discussion on how best to organize the regional service boards, but the solutions have to be underpinned by the principles of transparency and accountability. Our members are interested in a waste management system that is affordable and ensures strong environmental stewardship; unfortunately, the Strategy has accomplished neither. Finally, by way of this letter, **I would like to take the opportunity to formally request a copy of the special audit of the Central Regional Service Board, which was to be completed by October 31, 2017.**

I am happy to discuss this issue with you or anyone receiving a copy of this letter at a mutually convenient time. If necessary, I can be reached by email at [vaughn.hammond@cfib.ca](mailto:vaughn.hammond@cfib.ca) or by phone at 753-7745.

Sincerely,



Vaughn Hammond  
Director of Provincial Affairs, Newfoundland and Labrador

Copy: Members of the House of Assembly  
Councils of the 25 largest municipalities in Newfoundland and Labrador

**(5) CORRESPONDENCE**



**(5)(a) Response from DMAE re:  
Outreach and Legislative Review**

SEP 06 2017

COR/2017/02290-01

Mr. Ed Grant, Chairperson  
Eastern Regional Service Board  
255 Major's Path, Suite 3  
St. John's, NL A1A 0L5

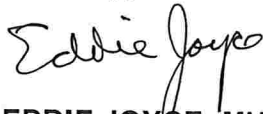
**COPY**

Dear Mr. Grant:

Thank you for your recent letter in which you provided an overview of the success of the new Outreach Coordinator position and requested the *Regional Service Board Act 2012* be amended to address inclusive provisions for the attendance of elected officials at Board meetings.

The comments provided on behalf of your Board are appreciated and your suggestion for legislative changes will be reviewed by the Department.

Sincerely,



**EDDIE JOYCE, MHA**  
District of Humber-Bay of Islands  
Minister of Municipal Affairs and Environment

/jl

cc: Mr. Mark Drover, Manager of Legislation (A)

**(5)(b) Response from DMAE re:  
Review of the Provincial Solid  
Waste Management Strategy**

OCT 05 2017

COR/2017/02296-01

Chairperson Ed Grant  
Eastern Regional Service Board  
255 Majors Path, Suite 3  
St. John's, NL A1A 0L5

Dear Chairperson Grant:

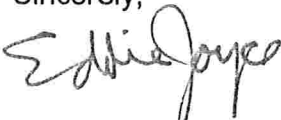
Thank you for your recent letter in which you requested the opportunity to make formal representation to the Department of Municipal Affairs and Environment, as part of its review of the Provincial Solid Waste Management Strategy.

Eastern Regional Service Board has been an invaluable partner in implementing the Strategy and several other key regional service delivery initiatives. I look forward to continuing to work with your Board, as well as other Regional Service Boards and waste management authorities across the province, to build on our successes to date.

I appreciate your Board's enthusiasm to participate in the review process, and, as always, I welcome any suggestions and ideas that you may wish to offer on how the Strategy could be improved. All of the province's regional service boards will be consulted as part of this process, and Department officials will be in touch soon to provide more details on the timing and structure of these consultations.

Again, thank you for proactively reaching out on this matter. I look forward to our continued collaboration in delivering modern waste management services to the people of Newfoundland and Labrador.

Sincerely,



**EDDIE JOYCE, MHA**  
District of Humber-Bay of Islands  
Minister of Municipal Affairs and Environment

/jl

cc: Mr. Ken Kelly, Chief Administrative Officer