



Essex-Windsor Solid Waste Authority Regular Board Meeting MINUTES

Meeting Date: Wednesday, August 10, 2022

Time: In-Camera Meeting 3:00 p.m.
Regular Session Immediately following In-Camera Session

Location: Meeting Room C (2nd Floor)
Essex County Civic & Education Centre
360 Fairview Ave. West
Essex, Ontario N8M 1Y6

Attendance

Board Members:

| | |
|---------------------------|------------------------------|
| Gary Kaschak – Chair | City of Windsor |
| Fabio Costante | City of Windsor |
| Jim Morrison | City of Windsor |
| Ed Sleiman | City of Windsor |
| Aldo DiCarlo – Vice Chair | County of Essex |
| Hilda MacDonald | County of Essex |
| Marc Bondy | County of Essex |
| Gary McNamara | County of Essex (Ex-Officio) |

EWSWA Staff:

| | |
|--------------------|-------------------------------------|
| Michelle Bishop | General Manager |
| Steffan Brisebois | Manager of Finance & Administration |
| Cathy Copot-Nepszy | Manager of Waste Diversion |
| Tom Marentette | Manager of Waste Disposal |
| Teresa Policella | Executive Assistant |

City of Windsor Staff:

| | |
|---------------------|-------------------------------------|
| Anne Marie Albidone | Manager of Environmental Services |
| Tony Ardovini | Deputy Treasurer Financial Planning |
| Cindy Becker | Financial Planning Administrator |

County of Essex Staff:

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|---------------|--|
| Mary Birch | Director of Council & Community Services/Clerk |
| Mike Galloway | County of Essex CAO |
| Sandra Zwiers | Director of Financial Services/Treasurer |

Absent:

Board Members:

| | |
|-----------------|---|
| Drew Dilkens | City of Windsor (Ex-Officio) |
| Kieran McKenzie | City of Windsor |
| Shawna Boakes | Executive Director of Operations |
| Chris Nepszy | City Engineer/Commissioner of Infrastructure Services |

1. Closed Meeting

The Chair called the meeting to order at 3:08 p.m.

Moved by Aldo DiCarlo

Seconded by Ed Sleiman

THAT the Board move into closed meeting pursuant to Section 239 (2) (i) of the Municipal Act, 2001, as amended for the following reason:

- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly with the contractual or other negotiations of a person, group of persons, or organization.

**71-2022
Carried**

Moved by Gary McNamara

Seconded by Marc Bondy

THAT the EWSWA Board rise from the Closed Meeting at 5:37 p.m.

**74-2022
Carried**

2. Call to Order

The Chair called the Regular Board meeting to order at 5:37 p.m.

3. Roll Call of Board Members Present

Marc Bondy – Present

Fabio Costante – Present

Aldo DiCarlo – Present

Gary Kaschak - Present

Hilda MacDonald – Present

Kieran McKenzie – not present

Gary McNamara – Present

Jim Morrison - Present

Ed Sleiman - Present

4. Declaration of Pecuniary Interest

The Chair called for any declarations of pecuniary interest and none were noted. He further expressed that should a conflict of a pecuniary nature or other arise at any time during the course of the meeting that it would be noted at that time.

5. Approval of the Minutes

A. July 5, 2022 Regular Meeting Minutes

Moved by Marc Bondy

Seconded by Aldo DiCarlo

THAT the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated July 5, 2022, be approved and adopted.

**75-2022
Carried**

6. Business Arising from the Minutes

No items were raised for discussion.

7. Delegations

There were no delegations for August 10, 2022.

8. Waste Diversion

A. RFP Processing of Source Separated Organics

The Chair requested that the Board members advise Administration if there were any questions regarding the report.

Mr. McNamara noted concerns regarding complaints regarding an anerobic digester located in Tecumseh that receives material from Seaclyff Energy Corp. (Seaclyff). He believes that this is a concern and a discussion needs to be had with Seaclyff. He would like to know what Seaclyff is going to do with the organics.

The General Manager stated that in the RFP proponents were asked how odours were addressed. Reference checks were completed and Seaclyff received very good references. She noted that perhaps the issue with the odour in Tecumseh is from material from other sources. She stated that Seaclyff satisfied the RFP requirements and received the highest score.

Mrs. MacDonald stated that she spoke with Mr. Tiessen from Seaclyff and they do not send material to the location described by Mr. McNamara. She further noted that they used to have odour issues but since have rectified the issue.

Mrs. MacDonald noted that Seaciff are experts in this field. She noted that she asked Seaciff if they can handle the tonnage from this area. Seaciff stated that they would give up tonnages from other areas to handle the Essex-Windsor area.

Moved by Aldo DiCarlo

Seconded by Hilda MacDonald

1. **THAT** the Authority Board award the Request for Proposals (RFP) for the Provision of Processing of Source Separated Organic Waste to Seaciff Energy Corp.
2. **THAT** the Authority Board authorize the Chair and General Manager to execute the Contract to engage Seaciff Energy Corp. for a five (5) year term commencing in Spring 2025 with the option to renew the contract for three (3) additional, one-year extensions or portions of a year thereof at the absolute unfettered discretion of the Authority, and such extensions shall be under the same terms and conditions contained within the executed Contract.

**76-2022
Carried**

B. Extension of Newspaper Sourcing to ReMM

The Manager of Waste Diversion explained that the Authority markets newsprint collected through the Red Box collection. The current contract with Recyclable Materials Marketing (ReMM) expires November 30, 2022. The two one-year extension clauses have been utilized. The recommendation is to extend the current contract with ReMM for the period of December 1, 2022 to August 28, 2024.

ReMM approached the Authority indicating that were interested in extending the contract and they would increase their contract by \$5.00 USD. Due to the upcoming Blue Box transition to Extended Producer Responsibility, extending the contract with ReMM is recommended. It is estimated that approximately 8,000 tonnes will be marketed during the term of this extension which will generate \$44,000 in additional revenue.

Moved by Marc Bondy

Seconded by Ed Sleiman

THAT the Board extend the contract for the sale of recyclable newsprint from the Blue Box Program to Recyclable Materials Marketing (ReMM) for the period December 1, 2022 – August 28, 2024 under the same terms and conditions of the current contract plus an adjustment premium of \$20 USD Per Ton for recycled newsprint, as mutually agreed upon by both parties.

**77-2022
Carried**

C. Zero Waste Event Update

The Manager of Waste Diversion provided an update regarding the City of Windsor's Zero Waste Depot at the opening ceremony for the Can-Am Police-Fire Games on July 26, 2022 held at Windsor's Festival Plaza.

Authority Administration were asked to support the event and worked with City of Windsor staff at the event.

There were 2,000 people in attendance at this event and only one 35-gallon cart of garbage was collected at the end of the event. She also noted the following was collected and diverted: 4 – 95-gallon carts of organic waste, 8 – 95-gallon carts of red box materials and 7 – 95-gallon carts of blue box material.

Due to the success of this Zero Waste Event, the Authority will be looking into created a zero-waste guide to be posted on the Authority's website for event organizers to utilize. This will help educate Essex-Windsor residents on the upcoming organics program. She noted that no other municipalities have a zero-waste policy and the Authority could provide support. There were no financial implications.

Mr. Morrison stated that he attended the event and it was an excellent event.

Mr. Kaschak stated that possibly other events in the area will have zero-waste events.

Moved by Jim Morrison

Seconded by Fabio Costante

THAT the Board receive this report as information.

78-2022
Carried

9. Waste Disposal

A. Large Volume Waste Customer Agreement

The Manager of Finance and Administration explained that Waste Connections current three-year 5,001 tonne per year contract with the Authority expires on August 31, 2022. Waste Connections advised the Authority that they would like to enter into a new 30,001 tonne per year contract for the period of September 1, 2022 to August 31, 2024 with an option to extend the contract for one (1) additional year upon mutual agreement.

If the Authority enters into this agreement with Waste Connections, it is anticipated that the Authority would guarantee approximately \$1,020,000 per contract year in tipping fee revenue. There would be no financial implications

as Waste Connections has exceeded their current contract for both years. The revenue from this contract will form part of the 2022 projection, 2023 and 2024 budget.

Moved by Hilda MacDonald

Seconded by Gary McNamara

THAT the Authority approve the execution of the contract with Waste Connections of Canada Inc. to deliver a minimum of 30,001 tonnes of refuse per year. The term of this contract will be September 1, 2022 – August 31, 2024 with an option to extend the contract for one (1) additional year upon mutual agreement. The rate for refuse delivered to the Regional Landfill will be \$34/tonne for the term of the contract.

**79-2022
Carried**

10. Finance & Administration

A. Restricted Acts of the Board

Moved by Gary McNamara

Seconded by Aldo DiCarlo

THAT the Board of the Essex-Windsor Solid Waste Authority, provisional upon City of Windsor Council, Essex County Council or the Board of the Essex-Windsor Solid Waste Authority being subject to the restricted acts of Council set out in Section 275 (3) of the Municipal Act, 2001, S.O. 2001 c. 25, following nomination day, delegate approval authority to the General Manager for the period August 19, 2022 to the date of first meeting of the newly appointed Board, to approve unbudgeted expenditures or liabilities exceeding \$50,000.

And further that the General Manager report to the Essex-Windsor Solid Waste Authority Board any use of this delegated authority at the first scheduled meeting of the Board.

**80-2022
Carried**

B. Amendment to Order and Proceedings Policy EW-001

The General Manager stated that at the May 3, 2022 meeting, the Board approved amendments to the Policy to allow for members of the Board in certain circumstances to attend and participate electronically in meetings that were otherwise scheduled to be held in person.

On June 7, 2022, Board Member Costante brought forward a Notice of Motion to request that the exceptions be expanded to those who want to attend the meeting virtually for other circumstances.

The General Manager described the current County of Essex and City of Windsor policies pertaining to electronic participation at Council and other Committee meetings.

Mr. Costante asked if operationally would it be difficult to conduct a hybrid meeting.

The General Manager stated that would depend on which meeting room is being utilized. Audio visual equipment is only available in Council Chambers. A Zoom meeting could be conducted in Council Chambers if the room was not being utilized by County Council, as was the case for today's meeting. A teleconference could be conducted in meeting rooms without audio visual equipment. Advance notice would be required to reserve the conference phone. In most situations it could be accommodated as long as advance notice was provided.

Mr. Costante motioned to move to a hybrid option.

Mr. Morrison seconded.

Mr. Morrison stated that he likes the County policy and would encourage people to be in-person as much as possible. He proposed a friendly amendment and asked Mr. Costante if he would be open to a limit of participating electronically 3 times per year.

Mr. Costante stated he would be okay with language stating a preference to attend meetings in-person but would like to provide flexibility to those who work full-time or have child care responsibilities. He does not really see a need to set a limit.

Mr. Kaschak asked if there were any other comments on the motion.

Mr. Costante asked for a seconder on the motion

Mr. Kaschak believed Mr. Morrison seconded the motion but asked again for a seconder.

Mr. Sleiman seconded the motion.

Discussion took place in order to clarify the motion wording as it pertained to the number of times per year a Board member could participate virtually and if a member could participate from outside of Canada.

Mr. Costante stated that the Board has to consider people that do not have the privilege to attend meetings in person and they might otherwise if they have the option to participate virtually with technology. Mr. Costante stated that he stands by his motion of a hybrid option.

Mr. Kaschak proposed a friendly amendment of attending 4 meetings virtually.

Mr. Costante maintains his motion of a hybrid option.

There was further discussion on how different Boards and Councils handle virtual meetings.

Mr. Kaschak asked if there were any other comments regarding the motion.

Mr. Kaschak called for a vote. The vote was tied and the motion did not carry.

Mr. Morrison proposed a friendly amendment to adopt the County's policy and remove the outside of Canada portion.

The General Manager explained the County's policy. She stated that we cannot say that we are going to adopt the County's policy. She believes that we would need to keep the wording on the bottom of page 36 of the agenda and add another paragraph stating other circumstances and a certain number of times per year. She noted that would more appropriately fit the Authority's by-laws.

Further discussion took place regarding the language on the number of times a member could attend virtually and providing accommodation to members.

Mr. Costante suggested limiting the number could be scrutinized as a human rights issue.

Mr. McNamara stated there are accommodations for those issues.

Mr. Morrison stated that he takes his motion off the floor.

Mrs. MacDonald stated that her concern is that a person will only participate via Zoom. There is an expectation to show up to meetings to the best of their ability.

Mr. DiCarlo stated that he appreciated Mr. Costante's position. Anyone that requires an accommodation should be accommodated but still thinks there is an understanding going in as a Board member to participate in-person.

Mr. Costante suggested that individuals with reasons under the human rights code would submit a request to the Board.

The General Manager agreed with Mr. Costante and further stated the motion was defeated and that the by-law remains the same.

Moved by Fabio Costante

Seconded by Jim Morrison

THAT the Board receive this report as information.

THAT the Board discuss the considerations for member participation in meetings, and determine what, if any, parameters to establish, to permit or limit participation remotely.

**81-2022
Carried**

Moved by Fabio Costante

Seconded by Ed Sleiman

THAT the Board expand the exceptions to those who want to attend the meeting virtually for other circumstances with no limitations.

**82-2022
Defeated**

C. January to June 2022 – 6 Month Financial Review

The Manager of Finance presented a six-month financial review of the operating costs and revenue comparing estimated results for the period of January to June 2022 to the 2022 budget.

The Manager of Finance highlighted some of the larger variances as follows:

- A favourable revenue variance of \$636,900 for ICI Refused Landfilled Tipping Fees. This pertains to the larger volumes of refuse and greenhouse material waste.
- A significant favourable revenue variance of \$1,249,500 in revenue from the sale of Recyclable Goods. This is a result of positive global market conditions due to low market supply which results in escalating commodity prices. In July, sales figures were starting to come down.
- A favourable revenue variance of \$147,700 in Product Stewardship Funding.
- An unfavourable variance of \$237,500 in Regional Landfill operating expenditures.
- An unfavourable variance of \$108,000 in Regional Landfill Compensation.

The favourable operating variance for January to June 2022 is approximately \$1,744,200 compared to the approved budget.

These projections will form the 2022 Projection as part of the 2023 Operating Plan and Budget.

Moved by Marc Bondy

Seconded by Hilda MacDonald

THAT the Board receive this report as information.

83-2022
Carried

11. Other Items

No other items were raised for discussion.

12. By-Laws

A. By-Law 10-2022

Moved by Gary McNamara

Seconded by Ed Sleiman

THAT By-Law 10-2022, being a By-law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Seacliff Energy Corp. for the Provision of Processing Source Separated Organic Waste.

84-2022
Carried

B. By-Law 11-2022

Moved by Ed Sleiman

Seconded by Marc Bondy

THAT By-Law 11-2022, being a By-law to Authorize the Extension of the Contract between the Essex-Windsor Solid Waste Authority and Recyclable Materials Marketing (ReMM) for the Sale of Recyclable Newsprint from the Blue Box Program.

85-2022
Carried

C. By-Law 12-2022

Moved by Hilda MacDonald

Seconded by Gary McNamara

THAT By-Law 12-2022, being a By-law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Waste Connections Canada Inc. for a Set Volume Put-or-Pay Contract for Waste Disposal.

86-2022
Carried

D. By-Law 13-2022

Moved by Marc Bondy

Seconded by Aldo DiCarlo

THAT By-Law 13-2022, being a By-law to Confirm the Proceedings of the Board of the Essex-Windsor Solid Waste Authority be given three readings and be adopted this 10th day of August, 2022.

87-2022
Carried

13. Future Meeting Dates

Wednesday – September 14, 2022

Tuesday – October 4, 2022

Tuesday – November 1, 2022

Tuesday – December 6, 2022

14. Adjournment

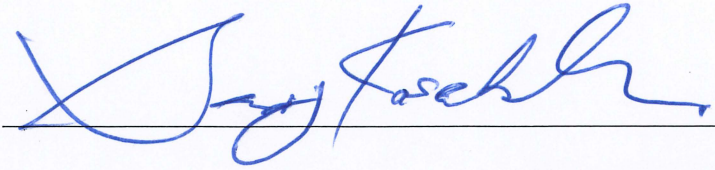
Moved by Jim Morrison

Seconded by Fabio Costante

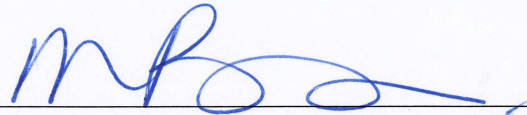
THAT the Board stand adjourned at 6:47 p.m.

88-2022
Carried

All of which is respectfully submitted.

A handwritten signature in blue ink, appearing to read "Gary Kaschak", written over a horizontal line.

Gary Kaschak
Chair

A handwritten signature in blue ink, appearing to read "Michelle Bishop", written over a horizontal line.

Michelle Bishop
General Manager