

Joint Municipal Co-ordinating Committee
Meeting # 14 – January 31, 2019 at 9:00 a.m. – Zorra Municipal Office
Meeting Minutes

Present: Peter Pickfield, Garrod Pickfield LLP
Alex Ciccone, Garrod Pickfield LLP
Chris Haussmann, PRT Manager, Haussmann Consulting Inc.
Larry Martin, Warden, County of Oxford
Peter Crockett, Chief Administrative Officer, County of Oxford
Tommasina Conte, Communications Coordinator, County of Oxford
David Mayberry, Mayor, South-West Oxford
Mary Ellen Greb, Chief Administrative Officer, Township of South-West Oxford
Ted Comiskey, Mayor, Town of Ingersoll
William Tigert, Chief Administrative Officer, Town of Ingersoll
Marcus Ryan, Mayor, Township of Zorra
Don MacLeod, Chief Administrative Officer, Township of Zorra
Lisa Teeple, Administrative Assistant, Township of Zorra

1. Call to Order

Meeting commences at 9:15 a.m. Mayor Ryan offers to Chair the meeting and all are in agreement.

2. Minutes from June 19, 2017 meeting

Minutes from the last meeting were accepted by email consensus after the last meeting.

3. Environmental Assessment Update

a. Current status, timing

b. Proposed process for PRT review of Draft EA

Mr. Pickfield provides a big picture update. Things have been fairly quiet but this will be an important year for this process as the Environmental Assessment (EA) will be released this year by Walker Environmental Group (WEG). This EA document will show their landfill as the best outcome and will include justification for approval. Technical reviews will support their recommendation. At that time, the Peer Review process will begin and our Peer Review Team (PRT) will review all of the information in the EA. A time frame will be provided and we will need to respond with comments within that time frame. The key will be to give ourselves enough time to complete a thorough review.

The question now is how best to respond to this large volume of information and ensure that we leave no stones unturned. Mr. Pickfield explains the process of the pre-submission consultation. WEG will provide us with draft documents and then submit a draft EA to The Ministry of Environment and Climate Change (MOECC) for approval. We can continue to

make comments after the final EA is submitted as well. The government review will be released to the public and there will be opportunity to request a hearing as well. We are only funded under the peer review process to complete the pre-submission review. Once the peer review is complete, we have no agreement with WEG to respond further. There is an option of going back to WEG and requesting funding to continue to allow PRT to review the draft EA during the public comment period after the government review comments are published. Overall, we need to ensure that there is clarity among the public about the process.

Mr. Crockett explains that we need to manage public expectation and make sure the public is aware that there will be many opportunities to provide feedback. We need to get the draft review right. All references should be called “pre-submission draft” so there will be absolute clarity for the public as to what we are referring to. We should talk to WEG and make sure they are prepared to cover the cost to ensure the public is engaged.

Mayor Comiskey notes that the last time a direct mailer went out, there was also a media release, interviews, and paid advertisements on the radio. We need to be sure of exactly what the message will be and make the message clear – i.e., this is not your only chance for comments but this is a good chance.

Mr. Pickfield notes we should get the message out early about the pre-submission draft and make use of our website to get the message to the public. The public needs to come forward in a meaningful way. Mayor Ryan adds that it is irresponsible for us to tell WEG to do better without engaging the public ourselves. Mr. Crockett notes that our group has credibility and people will value the message coming from us.

Mr. Pickfield explains we should bring forward the best evidence. Part of that is making sure the public is well informed and give ourselves enough time to technically review the draft. Warden Martin adds that the time required to review will depend on the size of the document.

Mr. Pickfield suggests we write to WEG and let them know the steps we plan to follow and we will have a better idea of how much time we need to review once the documentation is received. He adds that Mr. Haussmann has been in contact with Darren Fry at WEG and Mr. Fry has suggested that they will allow four months for review. Mr. Pickfield feels we should give them a reasonable estimate of the time that will be required.

Mr. Crockett adds that there will be another month on the back end of our review to get the material reviewed by all of our Councils and Public Health.

Mr. Pickfield met with Public Health in December to get the new medical director up to speed on this process. Public Health will want to access a lot of our Peer Review to see the

impacts that have been identified. We will need to book a series of meetings with the JMCC and MOH to review different aspects of the PRT report.

Mayor Ryan suggests we build in time to have Councils review and then come back to JMCC with comments from various Councils as well. Mr. Crockett agrees and notes that this will add at least an additional sixty days. He also suggests that we could come up with a joint report from the Chief Administrative Officers and the Medical Officer of Health, rather than having separate reports presented to each council so the reporting is coordinated and clear.

Mr. Haussmann reviews the process. WEG is targeting May/June for release of the preliminary draft for public review and peer review. WEG feels that the consultation period will be about four months. This will be a large document and a lot of information to get through. The PRT will need to prepare a draft budget and obtain approval from WEG. As per the Memorandum of Understanding (MOU), the approved budget is forwarded to Zorra Township as all invoices are received and paid by Zorra. The budget will allow for a ten percent contingency. There will be an initial review for completeness and this will likely happen over the summer, so a couple of months will be required to complete. The PRT will have at least one meeting to make sure everyone is on the same page and there may be some sub-meetings as well. Each team member will prepare a draft report. Mr. Haussmann will then prepare a summary overview document which will be presented to JMCC for any edits or clarifications. Once JMCC accepts the report, it can be released to the public and WEG. This process will take four months or longer. Mr. Crockett adds that all Councils may want to see the Medical Officer of Health (MOH) at their meetings when discussing.

Mayor Ryan notes that we may be best to wait and have our Councils review at the end of the process? Does everyone agree with this? Mr. Crockett wonders the same for Councils and MOH as MOH may feel the need to report to her Board before she submits her comments. Maybe the MOH and CEO from Southwestern Public Health should be involved with the JMCC process. Warden Martin doesn't think it would hurt for them to be here and receive the information first hand. Mr. Crockett confirms that the contact for PRT at Public Health will continue to be Peter Heywood.

Mr. Pickfield notes that the MOH may have other needs beyond what the PRT can provide and they may want to consult with Public Health Ontario. Mr. Crockett notes that the Technical Health Consultant reviewed the Terms of Reference and the key outcome noted was a distinct difference between Health Impact and Health Risk Assessment due to different perspectives. Our job is not to fill the gaps, but rather to identify the gaps.

Mr. Pickfield adds that by working with MOH early, they can raise concerns early in the process and concerns will receive more attention. To ensure a fair and balanced review, we need to do some of this work ourselves.

Mayor Ryan asks how much time will JMCC need to go through the documents. Mr. Pickfield responds that he will work together with Mr. Haussmann to develop another version of the EA review process schedule with a reasonable, conservative timeline and allow JMCC to review and seek consensus with WEG. JMCC will send a letter to WEG outlining the estimated timeline needed to complete a thorough review and we will provide a more accurate timeline once the submission is received.

Mr. Crockett stresses that a key indication for WEG will be the steps that we need to complete in our timeline.

Mr. Tigert reviews his understanding of the process. JMCC will inject Public Health staff with the PRT group and go through the process. He feels that Council will want Mr. Haussmann to come and present to the Councils and go through the report. He also questions why the timeline shows that we are submitting final report to councils after it is presented to WEG.

Mr. Pickfield adds that we would need to adjust the budget to account for Mr. Haussmann to attend all these meetings and is concerned that this may create a sense that Councils may impact the PRT report and this is not the case.

Mayor Ryan expresses concern with mixing the political with the technical process and feels that we should allow the experts to do what they have been hired to do.

Warden Martin requests clarification. Will the Board of Health come to JMCC or will they meet with PRT? Mr. Pickfield notes that the preference is that PRT has access to Board of Health to get technical information to assist the peer review process.

Mr. Crockett feels it is important to see Board of Health engaged with the process and join JMCC meetings so that they have the best information for their report.

JMCC authorized Mr. Haussmann to put together another version of the timeline to share with WEG. This will be completed by email consensus. Mayor Comiskey notes that he will share this info with Ingersoll PRT.

4. Municipal Interviews by Walker EA Team
a. General approach
b. Specific questions

Mr. Pickfield advises the municipalities have received letters requesting interviews. He notes that this is relatively late in EA process. In his opinion, WEG is not doing this in a way that he agrees with. It puts everyone in a difficult position when they are trying to get responses through interviews and trying to do it through politicians and staff. We need to make sure it is done properly. Mr. Pickfield suggests sending an email back to WEG and

asking for the specific questions that will be asked of staff and politicians. Some of the questions have come back from the County and Mr. Pickfield sent these out to the PRT to see if the questions are valuable. Are there already council reports or positions that respond to these questions? If so, then we can respond and notify that these questions have already been answered in public documents. If other questions are provided, we can prepare and make sure the best information is provided. This will allow us to make sure the EA study process has the proper information. Mr. Haussmann notes it is important to give the position of the municipality and use supporting documentation, without giving any personal opinions. Mr. Crockett asks who has received a letter. Ingersoll, SWOX, and Zorra have all received a letter. Mr. Tigert notes that Ingersoll has already responded to their letter and said they are not being allowed enough time.

Mr. Haussmann notes there have been enough public meetings that WEG is aware of the position and the interview questions are irrelevant. We have strategic plans to outline our position on the application. We can direct WEG to review our public documents which should provide answers to all of their questions.

Mr. Pickfield notes that if WEG has additional questions after they review our documents, they should be sent in writing and the municipalities can decide who would be best to provide responses. Mayor Ryan notes that he doesn't see value in interviews as compared to written responses. Mr. Crockett suggested that if County Councillors respond to interview requests from WEG it may put us at risk of apprehension of bias in future County statutory decisions. Mr. Pickfield notes that Councils speak by resolutions & by-laws, not by personal opinions of Councillors.

Mayor Ryan summarizes that a coordinated response should be developed for all municipalities to use to respond to WEG regarding their request for interviews. In terms of the written responses, municipalities can consider referring WEG to baseline documents (Strategic plans, Budgets, etc.) and if WEG has further questions, they should provide them in writing.

5. Next Meeting

The next meeting will be at the call of the Chair. Mr. Crockett feels this Committee should meet before the EA gets released.

Meeting adjourns at 11:05 a.m.