



# Essex-Windsor Solid Waste Authority Regular Board Meeting Agenda

**Meeting Date:** Wednesday, August 5, 2020

**Time:** In-Camera Session - **1:00 PM (PLEASE NOTE THE TIME)**  
Regular Session - Following In-Camera Session

**Location and Meeting Instructions:** Meeting to take place via teleconference (no video)  
Board Members and Staff will receive e-mail notification which will include telephone dialing instructions

## LIST OF BUSINESS

## PAGE NUMBERS

1. **Call to Order**
2. **Roll Call of Board Members Participating in the Teleconference**
3. **Motion to Move to In-Camera**  
**Recommendation:**  
That the Board move into a closed meeting pursuant to Section 239 (2) of the Municipal Act, 2011, as amended for the following reasons:
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose
4. **Declaration of Pecuniary Interest**
5. **Approval of the Minutes**
  - A. July 7, 2020 Regular Meeting Minutes 1-9
6. **Business Arising from the Minutes – No Items**
7. **Correspondence – No items**
8. **Delegations – No items**
9. **Finance and Administration – No items**
10. **Waste Disposal – No items**

**11. Waste Diversion**

**12. Other Items**

**13. By-Laws**

- A. By-Law 12-2020 10  
Being a By-Law to Confirm the Proceedings of the Meeting of the Board of  
the Essex-Windsor Solid Waste Authority

**14. Future Meeting Dates**

Wednesday, August 12, 2020 – most likely will be cancelled  
Tuesday, September 1, 2020 – may be rescheduled to a date later in September  
Tuesday, October 6, 2020  
Tuesday, November 3, 2020 – 2021 Budget Deliberation Meeting  
Tuesday, December 1, 2020

**15. Adjournment**



# Essex-Windsor Solid Waste Authority Regular Board Meeting MINUTES

**Meeting Date:** July 7, 2020

**Time:** Regular Session - 4:00 PM  
In-Camera – Following Regular Session

**Location and Meeting Instructions:** Meeting to take place via teleconference (no video)  
Board Members and Staff will receive e-mail notification which will include telephone dialing instructions

Anyone from the public or media wishing to be able to listen to the meeting is required to send an e-mail request to the Authority's General Manager Eli Maodus at [emaodus@ewswa.org](mailto:emaodus@ewswa.org) by noon of the meeting date. Telephone dialing instructions will be provided. The public and media will be able to listen to the meeting but will not be allowed to participate in the discussions.

## Attendance

<b>Board Members:</b>	Fabio Costante	City of Windsor
	Gary Kaschak - Chair	City of Windsor
	Kieran McKenzie	City of Windsor
	Jim Morrison	City of Windsor
	Ed Sleiman	City of Windsor
	Marc Bondy	County of Essex
	Aldo DiCarlo – Vice Chair	County of Essex
	Gary McNamara	County of Essex (Ex-Officio)
<b>EWSWA Staff:</b>	Eli Maodus	General Manager
	Michelle Bishop	Manager of Finance & Administration
	Tom Marentette	Manager of Waste Disposal
	Cathy Copot-Nepszy	Manager of Waste Diversion
	Teresa Policella	Executive Secretary
<b>City of Windsor Staff:</b>	Natasha Couvillion	Manager of Performance Measurement & Financial Administration
	Anne Marie Albidone	Manager of Environmental Services
	Dwayne Dawson	Executive Director of Operations
	Tony Ardivini	Deputy Treasurer Financial Planning
<b>County of Essex Staff:</b>	Sandra Zwiers	Director of Financial Services/Treasurer
<b>Others:</b>	Chris Beneteau	AON
<b>Absent:</b>	Drew Dilkens	City of Windsor (Ex-Officio)
	Hilda MacDonald	County of Essex
	Mary Birch	Director of Council & Community Services/Clerk
	Cindy Becker	Financial Planning Administrator

**1. Call to Order**

The Chair called the meeting to order at 4:03 PM.

**2. Roll Call of Board Members Present**

Marc Bondy - Present

Fabio Costante - Present

Aldo DiCarlo - Present

Gary Kaschak - Present

Hilda MacDonald – Not present

Kieran McKenzie - Present

Gary McNamara - Present

Jim Morrison - Present

Ed Sleiman – Present

**3. 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.

**4. Approval of the Minutes****A. May 5, 2020 Regular Meeting Minutes**

Moved by Kieran McKenzie

Seconded by Marc Bondy

**THAT** the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated May 5, 2020, be approved and adopted.

**37-2020  
Carried Unanimously**

**5. Business Arising from the Minutes**

No items were raised for discussion.

**6. Correspondence**

There were no correspondence items for consideration.

## 7. Delegations

There were no delegations present.

## 8. Finance and Administration

### A. Insurance – Policy Term June 1, 2020 – June 1, 2021

The Chair noted that the Authority's insurance broker, Chris Beneteau from AON, was in attendance to discuss EWSWA's insurance policy renewal.

The Manager of Finance and Administration referred to page 23 of the agenda package. She stated that EWSWA's insurance policy expired May 31, 2020. She stated that all classes of insurance were renewed on June 1, 2020 with exception of the Property & Equipment and the Contractor's Equipment. She noted that the previous insurer, Sovereign General, no longer insures recycling facilities. Last year the coverage was split between Sovereign General and Zurich Insurance. AON requested an extension of the existing insurance policy for one month to July 1, 2020 in order to secure alternate coverage. AON reached out to 40 insurers. AON was able to secure insurance for 100% of the replacement costs by splitting the coverage between three companies. Zurich Insurance has insured 60%, Echelon Insurance has insured 30% and Chutter Underwriting Services has insured the remaining 10%. The Manager of Finance stated there is a significant cost increase of 30%.

The Manager of Finance stated that the last claim pertaining to the recycling center was in 2005.

The Manager of Finance referred to the table on page 24 of the agenda package for a summary of the various classes of insurance and the premium cost. She stated that in order to get that insurance, the Authority was required to increase the deductible. The deductible is now \$250,000 instead of \$100,000 for the Authority's Property and Equipment Class. She also noted that for the Contractor's Equipment Class the deductible would change depending on the piece of equipment and value of the equipment.

The Manager of Finance stated the financial implication is a (\$64,000) unfavourable variance compared to the 2020 approved budget figure.

The Manager of Finance stated that Administration is recommending the transfer of \$250,000 from the Rate Stabilization Reserve to a new insurance Reserve that would be used to fund deductible costs. The new reserve would need to be reviewed annually as a part of the budget process to ensure adequate funds are available. The fund would also need to be replenished in the event of a claim.

The Chair stated that the Board will hear from Mr. Beneteau and then open the floor to questions.

Mr. Beneteau stated that this was a difficult renewal between the cost and deductible. The fact that there are physical structures and the processing of fibre and plastic material is not a desirable class to insure. There is a potential of catastrophic fires. Mr. Beneteau stated that the Authority Management team has been very proactive and have a risk management plan in place. For example, the protection of the facility for human elements like smoking and ensuring the sprinklers are properly designed, maintained and tested.

Mr. Beneteau stated that early in the process, Sovereign General gave an indication that they might not renew. He stated that AON's Risk Management team came to the facility to conduct a risk assessment and prepared an engineering report. Mr. Beneteau stated that we knew we had to get as many insurance companies to quote as we could. The engineering report came back very good and leveraged Zurich to take a little bit more of the coverage and allowed us to secure coverage with Echelon and Chutter for the balance. Mr. Beneteau stated that we tried to limit the premium increase.

The Chair asked if there were any questions.

Mr. Sleiman asked why there was a need to have insurance on directors and officers.

Mr. Beneteau stated that the premium for director and officer coverage was flat year over year. The insurance is provided as board members and staff are acting on behalf of the Authority.

Mr. McNamara stated that we are seeing a trend in municipal government that insurance companies are shying away from municipalities. Mr. McNamara asked what is the rationale for this and why is it becoming more difficult to get coverage.

Mr. Beneteau stated that in general, the insurance marketplace is a softer market when rates are very flat. In the last 18 months, there has been a more firm market and the insurers are pulling back on how much risk they are willing to take on. We are starting to see the technical rates going up which is driven by catastrophic loss. Mr. Beneteau stated that most lines of business with the exception of public liability is increasing and the insurers are reluctant to participate. He stated that in the municipal world there are a limited number of insurers so the competition is greater. He stated that it really has to do with limited capacity and the experience that insurers are having with the municipal market.

Mr. Bondy stated that his concern is that there was also a significant increase last year of 25%. Mr. Bondy also asked what the biggest exposure is.

Mr. Beneteau stated that it's both the fibre and container buildings. He stated that most insurers consider both buildings as one building even though there is a distance between them.

Mr. McKenzie asked if we could expect a rate reduction next year. Mr. Beneteau stated probably not. Mr. McKenzie asked if AON explored locking the policy into a longer term. Mr. Beneteau stated that in a softer market we could probably get an 18 to 24-month term but in this hard market, insurers are reluctant to offer more than a 12-month term. Mr. McKenzie asked of the 40 insurers that Mr. Beneteau spoke to was anyone interested in a longer term. Mr. Beneteau stated no.

Moved by Gary McNamara  
Seconded by Marc Bondy

**THAT**

1. The Board receive the report pertaining to the 2020/21 Insurance program as information.
2. The Board approve the transfer of \$250,000 from the Rate Stabilization Reserve to a new Insurance Reserve.

**38-2020**  
**Carried Unanimously**

**B. EWSWA Revenue and Covid-19**

The Manager of Finance and Administration referred to page 28 of the agenda package. She explained the report provides an update on EWSWA operations and a summary of revenue due to the Covid-19 pandemic for the period of March 1, 2020 to June 30, 2020 compared to the same period last year.

The Manager of Finance stated that due to Covid-19, beginning Friday, March 20, 2020, the Windsor Public Drop-Off Depot was closed to all residential and industrial/commercial/institutional (ICI) customers. Beginning on Saturday, March 28, 2020, the Public Drop-Off Depot at the Kingsville facility was closed to residential customers. The facility remained open to ICI customers who deliver waste, organic yard waste and recyclable types of materials. Both locations reopened on Tuesday, May 19, 2020.

The Manager of Finance referred to the table on page 29 of the agenda package. She stated there was an unfavourable variance of (\$270,000). A more detailed report will be provided at the next Board meeting.

Moved by Ed Sleiman  
Seconded by Kieran McKenzie

**THAT** the Board receive the EWSWA Revenue and Covid-19 report as information.

**39-2020**  
**Carried Unanimously**

**C. January – June 2020 Recycling Revenue**

The Manager of Finance and Administration referred to the table on page 31 of the agenda package which outlines the 2020 budget figures, year to date and current prices per tonne for each recyclable material. She stated there was a favourable variance of

\$172,000 in revenue. She also stated that there was increase in fibre market prices due to the demand of paper products during the COVID-19 pandemic.

The Manager of Finance stated that commodity levels remain steady. She explained that there has been a decrease in fibre tonnages due to less newsprint material being produced examples being the closure of some large newspapers and less flyers being delivered weekly due to COVID-19.

The Manager of Finance stated that overall material tonnages are down by approximately 1,000 tonnes. She stated that the Authority is currently stockpiling 285 tonnes of fibre material due to lower demand from manufacturers because of consumer stockpiling.

Moved by Gary McNamara

Seconded by Aldo DiCarlo

**THAT** the Board receive the January – June 2020 Recycling Revenue report as information.

**40-2020  
Carried Unanimously**

#### **D. Legal Invoices**

Moved by Marc Bondy

Seconded by Jim Morrison

**THAT** the Board authorize the payment of the legal account as summarized.

**41-2020  
Carried Unanimously**

### **9. Waste Disposal**

#### **A. Regional Landfill ECA Amendment Application re: Site Hours and Bird Control**

The Manager of Waste Disposal advised that Authority Administration intends to submit applications to the Ministry of the Environment, Conservation and Parks (MECP) to amend the Environmental Compliance Approval (ECA) for the conditions that cover Site Hours and Bird Control at the Regional Landfill.

The Manager of Waste Disposal stated that the Regional Landfill has been scheduling disposal of “special loads” such as asbestos and abatement from demolition projects between the hours of 7:00 am and 7:30 am. The early morning scheduling of these loads allows equipment operators to prepare a suitable disposal area and ensures that EWSWA waste inspectors are not exposed to these materials unnecessarily. He stated that the amendment would request for the Regional Landfill to open at 7:00 am instead of 8:00 am.

The Manager of Waste Disposal explained that the use of overhead bird control wires has been used since the opening of the Regional Landfill in 1997. He stated that the wires are difficult to maintain especially during the winter months. He explained that bird wires become coated with ice and cause the lines to sag.

The Manager of Waste Disposal stated that the Authority is requesting that Bird Control be amended to omit the use of bird wires and poles for several reasons. He stated that the birds learn to adapt and fly under the wires. The terrain of the landfill changes daily and makes it difficult to travel safely under the wires without contact. This requires lifting of poles and cables using an aerial work lift to perform this safely. The use of an aerial lift to perform this would be difficult without building an access road. He also stated that the rental of an aerial is costly and difficult to schedule due to the working environment.

The Manager of Waste Disposal stated that the Authority is recommending to change the ECA to eliminate the use of bird wires and implement the use of a cannon.

The Manager of Waste Disposal stated that both issues were discussed at the Landfill Liaison Committee meeting on May 20, 2020. The Committee was not opposed to the amendments. He further stated that a letter was sent to the property landowners around the Regional Landfill for any comments. He stated that no comments had been received by the 1 month deadline date of June 29, 2020.

The Manager of Waste Disposal asked if there were any questions. No questions were asked.

Moved by Ed Sleiman  
Seconded by Marc Bondy

**THAT** the Board be advised that Administration will be submitting applications to amend Regional Landfill ECA Condition 4.7 Site Hours and ECA Condition 4.14 Bird Control as described in the report.

**42-2020**  
**Carried Unanimously**

## **10. Waste Diversion**

### **A. Plastic Bags and Blue Box Collection Update**

The Manager of Waste Diversion referred to page 42 of the agenda package.

The Manager of Waste Diversion stated that since the last Board meeting, the collaborative has been working very closely together to tackle any issues arising from the June 1<sup>st</sup> plastic bags ban campaign. The collaborative has been meeting weekly during the launch of the campaign. She also stated that EWSWA has sent letters to companies in the Industrial, Commercial and Institutional (ICI) sectors as well as having

meetings with them to offer guidance and support during this transition. She also stated that collectors of ICI recyclable materials have also left warning stickers advising why the recyclables may not have been collected.

The Manager of Waste Diversion stated that consistent messaging and information regarding the ban has been provided to residents and the community at large through various streams.

The Manager of Waste Diversion stated that in the City of Windsor over 97% were compliant with the ban. There was an even greater response in the second round of collection. There also been a high level of compliance in the County municipalities as well. The Manager of Waste Diversion noted that they will be collaborating with Windsor on developing a list of non-compliant users. These identified property owners will be educated again through a targeted mailout and consultations as deemed necessary. She noted that starting July 6 2020, post campaign audits will be conducted curbside.

The Manager of Waste Diversion stated that audits are regularly conducted in the Material Recovery Facility to ensure the ban has been effective.

The Manager of Waste Diversion stated that there is no financial impact as resources were already allocated for this campaign.

Moved by Marc Bondy

Seconded by Gary McNamara

**THAT** the Board receive the Plastic Bags and Blue Box Collection Update Report as information.

**43-2020  
Carried Unanimously**

## 11. Other Items

Motion to Move into In-Camera Session at 4:57 pm.

Moved by Kieran McKenzie

Seconded by Jim Morrison

THAT the Board move into a closed meeting pursuant to Section 239 (2) of the Municipal Act, 2011, as amended for the following reason(s):

- (e) litigation or potential litigation, affecting the Board

**44-2020  
Carried Unanimously**

**12. By-Laws**

**A. 11-2020**

Being a By-Law to Confirm the Proceedings of the Meeting of Board of the Essex-Windsor Solid Waste Authority

Moved by Gary McNamara  
Seconded by Kieran McKenzie

**THAT** By-Law 11-2020, Being a By-Law to Confirm the Proceedings of the Meeting of the Board of the Essex-Windsor Solid Waste Authority

**45-2020  
Carried Unanimously**

**13. Future Meeting Dates**

- Wednesday, August 12, 2020
- Tuesday, September 1, 2020
- Tuesday, October 6, 2020
- Tuesday, November 3, 2020
- Tuesday, December 1, 2020

**14. Adjournment**

Moved by Kieran McKenzie  
Seconded by Jim Morrison  
THAT the Board stand adjourned at 5:31 pm.

**46-2020  
Carried Unanimously**

**All of which is respectfully submitted.**

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**Gary Kaschak  
Chair**

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**Ilija Maodus  
General Manager**

# Essex-Windsor Solid Waste Authority

## By-Law Number 12-2020

### Being a By-law to Confirm the Proceedings of the Meeting of the Board of the Essex-Windsor Solid Waste Authority.

**WHEREAS** by Agreement dated 18 May 1994, made between the Corporation of the County of Essex and the Corporation of the City of Windsor, the Essex-Windsor Solid Waste Authority (The Authority) was created as a joint board of management pursuant to Sections 207.5 and 209.19 of the *Municipal Act, RSO 1990, Chapter M.45* and;

**WHEREAS** Subsection 5.(3) of the Municipal Act, RSO 2001, Chapter 25, provides that the powers of a municipality shall be exercised by By-Law and;

**WHEREAS** Section 1 of the Municipal Act RSO 1990, Chapter M 46 defines a municipality as including a board, commission or other local authority exercising any power with respect to municipal affairs or purposes and;

**WHEREAS** it is deemed expedient that the proceedings of the Authority at this meeting be confirmed and adopted by By-Law

**NOW THEREFORE** the members of the Authority enact as follows:

- 1) The action of the members of the Authority in respect to each recommendation contained in the Report/Reports of the Committees and each motion and resolution passed and other action taken by the members of the Authority at this meeting is hereby adopted and confirmed as if all such proceedings were expressly set out in this by-law.
- 2) The Chair and the proper officials of the Authority are hereby authorized and directed to do all things necessary to give effect to the action of the members of the Authority referred to in the preceding section hereof.
- 3) The Chair and the General Manager of the Authority are authorized and directed to execute all documents necessary in that behalf.

**ESSEX-WINDSOR SOLID WASTE AUTHORITY**

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**Gary Kaschak**  
EWSWA Board Chair

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**Ilija Maodus**  
General Manager

**Read a First, Second and Third Time, Enacted and Passed This 5<sup>th</sup> Day of August, 2020.**