



Essex-Windsor Solid Waste Authority Regular Board Meeting Agenda

Meeting Date: Tuesday, March 1, 2022

Time: Regular Session – 4:00 PM

Location and Meeting Instructions: Meeting will be conducted via Zoom
Board Members and Staff will receive e-mail notification which will include log-in instructions

Due to COVID-19, EWSWA Board meetings are currently being conducted via Zoom. To comply with Ontario guidelines, the EWSWA Board meetings will now be “live streamed” to Facebook. The EWSWA encourages all media representatives and interested members of the general public to watch on Facebook at <https://www.facebook.com/EWSWAorg>.

LIST OF BUSINESS **PAGE NUMBERS**

- 1. Call to Order**
 - 2. Roll Call of Board Members Present**

Marc Bondy
Fabio Costante
Aldo DiCarlo
Gary Kaschak
Hilda MacDonald
Kieran McKenzie
Gary McNamara
Jim Morrison
Ed Sleiman
 - 3. Declaration of Pecuniary Interest**
 - 4. Approval of the Minutes**

A. January 12, 2022 Regular Meeting Minutes 1-20
 - 5. Business Arising from the Minutes**
-

6. Delegations

There are no delegations for March 1, 2022.

7. Waste Diversion

There are no Waste Diversion items for March 1, 2022.

8. Waste Disposal

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| A. Appointment of Board Member to the Regional Landfill Liaison Committee for 2022 | 21-22 |
| B. RFP Award – Engineering and Construction of a Concrete Push Wall Extension in Transfer Station #2 | 23-25 |

9. Finance & Administration

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| A. Extension of Agreement for Farmland Rent | 26-27 |
| B. Legal Invoices | 28 |

10. Other Items**11. By-Laws**

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| A. By-Law 3-2022
Being a By-Law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Barrinetti Construction Ltd. for the Engineering and Construction of a Concrete Push Wall Extension in Transfer Station #2, located in the Town of Kingsville | 29 |
| B. By-Law 4-2022
Being a By-Law to Confirm the Proceedings of the Meeting of the Board of the Essex-Windsor Solid Waste Authority for March 1, 2022 | 30 |

12. Future Meeting Dates

Tuesday – April 5, 2022
Tuesday – May 3, 2022
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Wednesday – August 10, 2022
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Tuesday – October 4, 2022
Tuesday – November 1, 2022
Tuesday – December 6, 2022

13. Adjournment



Essex-Windsor Solid Waste Authority Regular Board Meeting MINUTES

Meeting Date: Wednesday, January 12, 2022

Time: Regular Session – 4:00 PM

Location: Zoom Meeting

Attendance

Board Members:

Gary Kaschak – Chair	City of Windsor
Fabio Costante	City of Windsor
Kieran McKenzie	City of Windsor
Jim Morrison	City of Windsor
Ed Sleiman	City of Windsor
Aldo DiCarlo – Vice Chair	County of Essex (arrived at 5:10 pm)
Hilda MacDonald	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
Tracy Beadow	Project Administrator
Natasha Gabbana	Manager of Performance Measurement & Financial Administration
Chris Nepszy	City Engineer/Commissioner of Infrastructure Services
Phong Nguy	Acting Executive Director of Operations

County of Essex Staff:

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

Absent:

Marc Bondy	County of Essex
Drew Dilkens	City of Windsor (Ex-Officio)

Attendance**Others:**

Doug Sweet	CAO, Town of Essex
Mike Muffels	GHD Limited

1. Call to Order

The General Manager called the meeting to order at 4:03 pm as the Board's Chair and Vice Chair have yet to be elected for 2022.

2. Board Composition for 2022

A. Returning to Board for 2022 – Windsor Councillor Fabio Costante

The General Manager thanked Board member Leo Meloche for his service in 2021. She also welcomed back Board member Fabio Costante to the Board for 2022.

3. Roll Call of Board Members Present

The General Manager noted that all Board members were present with the exception of Board member Marc Bondy who sent his regrets. Mr. DiCarlo advised the General Manager before the meeting that he would be late.

4. Election of Chair and Vice Chair for 2022

The General Manager stated that per the agreement between the City of Windsor and the County of Essex that created the Authority, the positions of Chair and Vice Chair rotate between the City and the County on a yearly basis. She noted that for 2022, the Chair will be a City of Windsor Board member and the Vice Chair will be a County of Essex Board member.

The General Manager called for nominations for Chair among the City of Windsor representatives.

Mr. Sleiman nominated Gary Kaschak for Board Chair.

The General Manager asked Mr. Kaschak if he would stand for the position of Board Chair.

Mr. Kaschak accepted the nomination as Board Chair.

The General Manager called three (3) additional times for nominations for the position of Board Chair. There were no other nominations.

The General Manager asked for a motion for the nominations for Chair to be closed.

Moved by Hilda MacDonald

Seconded by Ed Sleiman

THAT Gary Kaschak is named as Board Chair for the period ending December 31, 2022.

**1-2022
Carried**

The General Manager called for nominations for Vice Chair among the County representatives.

Mrs. MacDonald nominated Aldo DiCarlo for Vice Chair.

The General Manager stated that Mr. DiCarlo had communicated with her in writing that he would stand for the nomination.

The General Manager called three (3) additional times for nominations for the position of Vice Chair. There were no other nominations.

The General Manager asked for a motion for the nominations of Vice Chair be closed.

Moved by Gary McNamara

Seconded by Kieran McKenzie

THAT Aldo DiCarlo is named as Vice Chair for the period ending December 31, 2022.

**2-2022
Carried**

The General Manager turned the position of Chair to Mr. Kaschak.

5. 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.

6. Approval of the Minutes

A. November 2, 2021 Regular Meeting Minutes

Moved by Jim Morrison

Seconded by Gary McNamara

THAT the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated November 2, 2021, be approved and adopted.

**3-2022
Carried**

7. Business Arising from the Minutes

No items were raised for discussion.

8. Correspondence

A. City of Windsor

Resolution CR496/2021 CSPA RE Proposal for Council consideration to provide menstrual hygiene products in select municipal buildings free of charge.

The General Manager stated that the Authority does not offer public facilities to residents and that facilities are designated only for staff members. This request would not pertain to the Authority at this time.

Moved by Jim Morrison

Seconded by Gary McNamara

THAT the Board receive the correspondence from the City of Windsor.

**4-2022
Carried**

B. City of Windsor

Resolution CR485/2019 RE Appointing the City Municipal Auditor General with the powers and responsibilities attributable to this role under the Municipal Act (section 223.19-223.24)

The General Manager stated that the Authority had previously been on the list of agencies, boards and commissions that may be subject to an internal audit by the City of Windsor. The most recent audit was in 2015. Prior to the commencement of that audit, Administration brought forward a report to the Authority Board advising them of the audit request, the scope of the audit and a request for the Board's approval. In the event that the Authority is selected to be audited, a report will be brought forward to the Board to advise the scope of the work and for the Board's approval to participate in the audit.

Moved by Hilda MacDonald

Seconded by Ed Sleiman

THAT the Board receive the correspondence from the City of Windsor.

**5-2022
Carried**

9. Delegations

There are no delegations for January 12, 2022.

10. Waste Diversion

A. **Blue Box Wind-up: REOI Submission to Circular Materials Ontario**

The Manager of Waste Diversion stated that Administration will be submitting data to Circular Materials Ontario (CMO) as a result of their Request for Expressions of Interest (REOI) that was issued across the province of Ontario to assist with the transition of the Blue Box program.

The Manager of Waste Diversion summarized Ontario Regulation 391/21 pertaining to the Blue Box transition to Extended Producer Responsibility (EPR) scheduled to begin in July, 2023.

The transition date for the Essex-Windsor region is scheduled to begin August 28, 2024. To assist with this transition, the Resource Productivity and Recovery Authority (RPRA) was created as the regulator by the Government of Ontario to enforce this new regulation. RPRA requested submissions from organizations who want to act as PROs. They received five (5) submissions from different organizations including Circular Materials.

Circular Materials, a non-profit organization, is comprised of 15 of Canada's leading food, beverage and consumer products manufacturers, retailers and restaurants. In Ontario, they operate as Circular Materials Ontario. They recently issued an REOI across Ontario to municipalities and the private sector to assess the capacity that is available by these organizations to help them manage the blue box collection system as well as inform them as they sit at the rule creator table to establish rules for the new system.

As a result of the announcement regarding the transition to EPR, the Authority as well as other municipalities have been working together through provincial collaboratives, like the Continuous Improvement Fund (CIF) and the Municipal Resource Recovery and Research Collaborative (M3RC) to stay informed. The Authority is gathering data, history and information around Authority resources, promotion and education programs and will be submitting this information through this REOI. There are no financial implications for this REOI and the Authority is using staff resources to submit this data.

Mr. McKenzie asked what are the next steps.

The Manager of Waste Diversion stated that currently this is an exercise for the Authority. It is expected that there will be questions asked of the Authority. The Authority is looking to have this information available for any

other PROs who are interested in understanding more about the Authority operations in Essex-Windsor. The Authority is working with other provincial municipalities through collaboratives to understand what the Authority can do to prepare for transition.

Moved by Kieran McKenzie

Seconded by Gary McNamara

THAT the Board receive the report as information.

**6-2022
Carried**

B. Regional Food and Organics and Biosolids Waste Management Project – Facility Ownership and Recommended Next Steps

Tracy Beadow, Project Manager from the City of Windsor provided an overview of the report and recommendations. She stated that the Oversight Committee and Technical Working Group had been working towards the preparation of an RFQ that would be as unrestrictive as possible to allow the private sector to propose innovative and cost-effective solutions. During this process, several issues were identified which have been outlined in the report. She stated the report is intended to bring these issues to the Board's attention and provide potential mitigation strategies as well as recommendations on how to proceed. In addition to the recommendations, the consultant GHD, has also provided a roadmap to assist in determining a long-term solution. At the conclusion of the report, Ms. Beadow asked if there were any questions.

Mr. McKenzie asked how critical is it that we know the number of municipalities that will be participating in terms of the creation of the RFP.

Ms. Beadow referred the question to Ms. Albidone.

Ms. Albidone stated that obtaining the most accurate information possible prior to issuing the RFP gives the proponents the best estimate of tonnage required to be processed and will result in the best price. The more open in terms of tonnages, for example from zero tonnes to 50,000 tonnes, the more costly the price is going to be because proponents will take into account any risk. She stated that it would best to confirm which municipalities are participating at the time of issuing the RFP.

Mr. McKenzie stated that a previous meeting, the Board asked the General Manager to attend the various municipalities across the region to present on the issue and to receive feedback and be available for questions. He asked if she was able to present to each municipality and has the Authority received clarity with respect to who specifically wants to participate in the EWSWA organics program.

The General Manager stated that she has had the opportunity to present at all seven municipal Council meetings, with the final presentation being on December 14, 2021 at the Town of LaSalle. With that being said, the final County Council meeting of the year was on December 15, 2021. This did not provide an opportunity for it to be brought for discussion at the County Council level. She stated that from her understanding, some municipalities have been providing resolutions. The General Manager asked for Ms. Birch or Ms. Zwiers to speak to when they would expect this to come back at the County level. The recommendation that was approved at the County level was that County Council provide the Authority with a response.

Ms. Birch stated that she had communicated with the municipalities. Two municipalities have responded with resolutions indicating that they are supportive in principle of a regional approach to organics. Two municipalities have indicated that they need to go back and have further discussion. The remaining three municipalities have yet to respond to her inquiry.

Mr. McKenzie asked if the intention is to bring this forward through the County Council process.

Ms. Birch replied yes. She stated that when all the responses are received from the municipalities, it will be placed on the Council agenda and there will be a discussion at County Council.

Mr. McKenzie asked what is the timeline to have the RFP issued so that the deadlines mandated by the Province are met.

Ms. Beadow stated that the recommendation is to have the RFP issued by the second quarter of this year in order to have a service provider selected. This will give them time to secure processing capacity in order to meet the 2025 deadline.

Mr. McKenzie stated that he has a motion at the appropriate time.

Mr. Morrison stated that he is supportive of short-term solution. This will give the City and the County time to put together all the intricacies of a long-term solution. He asked if we move forward with the RFP as recommended, how long would it take to complete an RFP and have it issued. He asked if we need to know the tonnage in the first quarter. He is looking for clarity on timing. He referred the question to Ms. Albidone.

Ms. Albidone stated that a service delivery model is based on tonnage and compared it to the landfill which has various rates for ICI customers depending on how much tonnage is committed to being brought for disposal. The larger the commitment the lower the price per tonne. The same thing would occur with a service provider. The better we can estimate the tonnage, the better pricing we will receive. One of the reasons the RFP

needs to be issued in the second quarter is that it ties in with the collection, even though the collection would be a separate RFP. The tender for the collection would need to be issued two years in advance of when we would need the actual equipment. Some contracts are tied to both waste and recycling, a tender would need to be issued this year. A collection tender for organics cannot be issued without advising the contractor where the material is going. Collectors need time in order to get the equipment, which can take two years. As for any processing facility in our area, they need time in order to make sure that they have capacity for the tonnages. If they need new equipment or need to add anything to their facility, they will need lead time as well, due to the delays with current supply chain issues.

Mr. Morrison asked how much lead-time is needed to prepare a tender once it is known who is participating for the short-term solution.

Ms. Beadow stated that three (3) months would be required to prepare a tender document for this service contract provider. She noted that some aspects of the tender can be worked on before the final tonnages are known but the final tonnages would need to be identified before the tender is issued.

Mr. McNamara commended the Oversight Committee for all their hard work in providing the report. He stated that the report helps meet the challenge for those that have to be compliant by 2025. He would support this recommendation.

Mrs. MacDonald agreed with Mr. McNamara. She is very pleased with the draft roadmap. Mrs. MacDonald believes that by doing a short-term contract it will allow those hesitant municipalities that don't want to participate at this point in time to participate at a later date. That will also increase the feasibility of a potential long-term project. She thanked the Oversight Committee and stated that this it is much easier to go about it this way. She believes that this is something that is feasible for both Windsor and the County.

Mr. Morrison stated that he appreciates the support from the two County representatives. He asked if they are in favour of moving forward with the timeline.

Discussion to took place pertaining to timelines. Mr. Kaschak asked if Mr. McNamara would like to comment.

Mr. McNamara stated that he would surmise that it is the intent to follow the recommendation that the Committee has brought forward. Whatever this body does and what is being brought forward to County Council, they are willing to have that discussion with the peers. As the Warden of the County, Mr. McNamara stated that he will certainly have that conversation with Ms.

Birch and Mike Galloway, County of Essex CAO. He has the full intention of moving this along as quickly as they can.

Mr. Kaschak asked Mrs. MacDonald if she would like to comment.

Mrs. MacDonald stated that she has no opposition to the timelines.

Mr. Kaschak asked Mr. Morrison if he would like to add anything further.

Mr. Morrison stated that he appreciates the leadership of Mr. McNamara and Mrs. MacDonald. He asked if we want to embed that in our recommendation. He stated that we want to make sure the timeline stays on track. Mr. Morrison stated that he will leave it up to Mr. McKenzie if we want to embed that kind of timeline into the motion.

Mr. Costante noted that when we started this process, we looked at the original EWSWA agreement, which is a few decades old. At that time, some frailties in the agreement were exposed. He asked if it has been contemplated to review the agreement and freshen it up as a collective body together.

The General Manager stated that retired City of Windsor CAO, Onorio Colucci as well as retired County of Essex CAO, Rob Maisonville and the previous EWSWA General Manager, had begun the process along with Anne-Marie Albidone and Mark Winterton of the City of Windsor. The review of the agreement has not been finalized and is an on-going process and with the development of an organics program, there is a need to look at that portion of the agreement.

Ms. Albidone wanted to share that the City of Windsor is aware that the agreement requires updating.

Mr. Kaschak stated that it is probably timely to get it sorted and figured out as it is a municipal election year. After the election, the Authority might have some new by-laws and constitution that they can move forward on.

Mr. McKenzie stated that his motion is to move with the administrative recommendation, as outlined in the agenda report, but would like to add that EWSWA send correspondence to the County of Essex and all municipalities in the region who have yet to respond to indicate whether or not those municipalities will participate in the EWSWA led organics program and to indicate that response is required by February 28, 2022. He stated that he will speak to the motion if there is a seconder.

Mr. Sleiman seconded the motion.

Mr. McKenzie stated that this has been a very challenging process on a number of different levels. We have been handed a mandate by the

Province with the different levels of requirements in terms of diversion through all of the municipalities that are represented in the EWSWA framework. It has made it very challenging to be able to move forward in a way that we can do so together. The recommendation that the Oversight Committee has brought forward allows us to continue to be able to move forward to establish and normalize a service delivery, where we will be collecting the organics hopefully as an entire region together. There are opportunities to leverage climate change and potential costs and meet diversion targets. We will be in a much stronger position with a short-term service contract.

Mr. McNamara stated that it is a little more complex for the lower tier municipalities. Mr. McNamara proposed a friendly amendment to give the municipalities till the end of March to respond. This will give the lower tier municipalities more time to have discussion, especially those that are not required, which is 50% of the municipalities.

Mr. McKenzie asked Ms. Beadow if the timeline that Mr. McNamara is suggesting will keep us on the timeline that we need to be in order to stay on track.

Ms. Beadow stated that the end of March would be a good deadline to work with.

Mr. McKenzie accepted the friendly amendment.

Mr. Kaschak stated that this would align with the April 5, 2022 Board meeting. Mr. Kaschak asked what if a municipality does not respond by the deadline and would it be assumed they are not participating.

Mr. McNamara stated his recommendation would be to continue to work with them and have discussions, hopefully, all of them will be on board. There will be a time where we have to move on.

Mrs. MacDonald suggested that if anybody is slow to respond, that she and Mr. McNamara could have discussions with them. She stated that they might be more open minded by extending the date to end of March.

The General Manager confirmed that the Authority would be expecting a resolution from County Council or correspondence directly from County Council, not from each individual municipality, to advise who will be participating and who will not be participating in regards to the recommendation that was passed by the Authority Board as well as County Council regarding a regional approach.

Mr. McNamara stated that the lower tier municipalities are the ones that pay the bill. The extra time does not put the timelines in jeopardy but gives the

CAOs within the County more time, especially for those that are not required to implement a program by 2025.

The General Manager further noted that it was identified by the Steering Committee, that perhaps January 1, 2025 might not be an ideal start date for a particular municipality because their current waste contract does not expire until 2026, for example. If there is no mechanism in that contract to allow for a reduction in waste it potentially puts a municipality at risk. If we know who is in, we can work with the municipalities to determine what an ideal start date could be for those municipalities. This will allow capacity to be secured as well as build that into the collection contract. Some municipalities may want to participate but not be at the onset. As long as we have the information and have the commitment from each individual municipality, we can work from there.

Mr. Kaschak asked why there are seven different expiring garbage contracts and not one for all of Windsor-Essex and is there a way to get to this.

Mr. McNamara stated that each municipality has an independent contract because it is a lower tier responsibility, not an upper tier responsibility.

Mr. Kaschak asked Mr. McKenzie if he agreed to the friendly amendment.

Mr. McKenzie agreed with the friendly amendment.

Mr. Morrison seconded the motion with the friendly amendment.

Moved by Kieran McKenzie

Seconded by Jim Morrison

1. That the Food and Organic Waste Management Oversight Committee **BE DIRECTED** to continue to work through the various steps outlined in the Roadmap, and report back with progress updates, and;
2. That the Food and Organic Waste Management Oversight Committee **BE DIRECTED** to proceed with a short-term organic waste processing contract(s) RFP that meets the following minimum criteria:
 - a. That the RFP **BE REQUIRED** to accept, at a minimum, source separated organics from Windsor and any other of the municipalities choosing to participate at the onset, and allows for changes to quantities of source separated organics, and;
 - b. That industry standards **BE EXCEEDED** regarding odour control measures implemented at the facility and the end product, and;
 - c. That the RFP **BE REQUIRED** to provide service for a 5-year term with options for extensions.

3. That the EWSWA send correspondence to the County of Essex and all municipalities in the region who have yet to respond to indicate whether or not their members or those municipalities will participate in the EWSWA led organics program and to indicate that response is required by March 31, 2022.

**7-2022
Carried**

C. County Blue Box Collection – Potential Service Disruption due to COVID-19

The General Manager advised that there may be potential service disruptions with curbside blue box collection within the County of Essex municipalities due to COVID-19.

Throughout the pandemic, the City has been able to provide collection services with minimal disruption, however, with the introduction of the Omicron variant and the increased case volumes in the region, staffing levels have been severely impacted. The fact that cases have surged regionally, as well as the requirement for close contacts and family members to isolate, is having an impact on collection services.

The General Manager noted that she has also received communication from Ontario Waste Management Association as well as the Solid Waste Association of North American stating that other regions and municipalities within the Ontario and nationally are experiencing service disruptions as a result of staffing issues.

The General Manager acknowledged that City staff have been working tirelessly to get the material collected, not only outside of regular working hours but on weekends as well. This will continue in order to service the residents. Both sides of administration are working together to identify service gaps and develop mitigating strategies. Administration will continue to work with all municipalities to identify delays in service and communicate directly with Municipal Administration. The Authority will communicate delays to residents via social media as well as the Recycle Coach app. Authority Administration has met with City Administration to discuss a proactive measure where Authority staff will prepare a media campaign to advise residents of potential service delays.

The General Manager stated that the worst-case scenario would be to set up a depot so that collection would occur with less staff. A report would be brought forward to the Board before this scenario came to fruition.

Mr. McKenzie asked if a collection would be skipped altogether if there is a disruption or delay.

Ms. Albidone stated that when there is not enough staff, then collection is run on overtime that day to try and still collect on the scheduled day. If the area is not collected, staff return the next day to complete collection. To date, collections have been able to be completed this way.

Mr. Kaschak noted that the City of London was also having the same issue regarding collection delays but their issue was more about the extra recycling due to Christmas and the holiday season. He asked if this could be part of the issue in Windsor-Essex.

The General Manager referred the question to the Manager of Waste Diversion to comment about volumes.

The Manager of Waste Diversion stated that typically there is an increase in fibre tonnage in January due to Christmas and in recent years because of COVID-19 and the nature of shopping on-line. Trucks are coming back to the facility more often throughout the day due to the increase in volumes in fibre. This has also caused Ms. Albidone and her team to add extra vehicles to the collection system to help with this extra flow. This could be partially attributing to some of the delays along with staff shortages.

Moved by Kieran McKenzie

Seconded by

THAT the Board receive the report as information.

**8-2022
Carried**

11. Waste Disposal

A. Tender Award – Regional Landfill Flare Reline

The Manager of Waste Disposal stated that the purpose of the report was to advise the Board of the award of tender to Venture Refractories Inc. for the relining the methane gas flare stack at the Regional Landfill.

While conducting routine monthly inspections, Comcor Inc., the Regional Landfill gas contractor, notified the Authority that the flare stack was beginning to show internal insulation deterioration. This insulation protects the flare stack metal shell from warping or fatiguing prematurely. It was determined that a full reline was the best option and a tender was issued.

The tender closed on December 1, 2021. Due to the Board not having a meeting in December, it was assumed that the Board would approve the award of tender in January. However, it was noted later that month during the routine inspection, the flare lining was continuing to deteriorate at an accelerated rate. There was potential for additional risks to the flare shell caused by the heat if it wasn't repaired sooner than later. Due to supply

chain interruptions, it was deemed necessary to order the material in advance to ensure that the Authority could get the contractor on site with the materials to do the work as soon as possible.

The General Manager consulted with the Chair and Vice Chair to explain the situation and request approval to award the tender in advance of the January Board meeting. Approval was granted by the Chair and Vice Chair for Administration to award the tender to Venture Refractories at a cost of \$87,429

The relining work will replace the existing insulation which was installed 12 years ago. This work was included in the 2022 budget. However, the cost of the relining is slightly above that budget estimate of \$85,000.

Moved by Ed Sleiman

Seconded by Aldo DiCarlo

THAT the Board receive the report as information.

**9-2022
Carried**

B. Contaminating Lifespan Evaluations – Landfill 2 & 3

At the request of the Authority, the Contaminating Lifespan Evaluations were prepared by the Authority consultant, WSP, to evaluate and estimate the potential active lifespan of closed Landfill 2 in the Town of Kingsville & Landfill 3 in the Municipality of Lakeshore where leachate continues to be generated and require treatment.

The Manager of Waste Disposal explained that leachate is defined as any liquid that is generated from water percolating through a solid waste disposal site and accumulates contaminants and moves through the subsurface areas into leachate collection pipes. These pipes are connected to pump stations where the leachate is conveyed to surface storage ponds, where it is temporarily held until it can be pumped into tanker trucks and hauled off site for treatment.

WSP submitted the reports on November 17, 2021, detailing the contaminating lifespans for each closed landfill site. According to WSP, the guidelines that were used in the evaluations are commonly used for other closed landfills in Ontario.

The Manager of Waste Disposal explained that these evaluations should be performed at varying intervals to periodically assess the projected lifespan of landfills where input variables such as chloride concentrations and volume production are significantly changing over time. It is recommended that these projections and calculations be prepared every five to 10 years.

The end of the Contaminating Lifespan Evaluations as identified by WSP are estimated to be 2125 for Landfill 2 and 2100 for Landfill 3. These estimates are comparable to other Southwest Ontario closed landfill sites that have similar waste and leachate characteristics and landfill size and waste volumes.

Moved by Hilda MacDonald

Seconded by Fabio Costante

THAT the Board receive the report as information.

**10-2022
Carried**

12. Finance & Administration

A. EWSWA 2022 Budget Approval Status

The Manager of Finance provided an update regarding the status of the EWSWA budget.

The Authority Board approved the budget at the November 2, 2021 meeting. The budget was referred to the City of Windsor and the County of Essex for their consideration.

Authority Administration attended City of Windsor and County of Essex council meetings and the budget was approved on December 13, 2021 and December 15, 2021, respectively.

Moved by Ed Sleiman

Seconded by Jim Morrison

THAT the Board receive the report as information.

**11-2022
Carried**

B. Stewardship Ontario Blue Box Funding Obligation Announcement

The Manger of Finance provided an update regarding significant estimates used to prepare the 2022 budget document that was approved by the Authority Board at the November 2, 2021 meeting.

The Steward Funding Obligation is the amount that the Stewards must pay to participating communities for operating the Blue Box program.

In the 2022 budget report, Authority administration estimated the Stewardship Ontario Blue Box funding to be \$3,335,250. The budget estimate was based on the 2021 projection since it is difficult to estimate future funding from the Stewardship Ontario due to the complexity of the

Stewardship calculation and the uncertainty of potential adjustments made by Stewardship Ontario through the funding year.

On December 23, 2021, Stewardship Ontario announced that the Authority will be receiving a total of \$3,662,804 in 2022 for the Blue Box Funding Program. Payments are made in quarterly installments starting June 2022 and ending March 2023.

Included in this announcement, Stewardship Ontario spoke to changes in the way that municipal funding allocation will be calculated for the 2022 payment year and future funding years until the transition is completed at the end of 2025. The new simplified methodology aims to make calculating future funding for Stewardship Ontario easier and more streamlined.

The financial implication from this change is that the Authority will receive an additional \$327,554 in Blue Box Funding which will partially offset the 2022 budgeted deficit.

Administration will provide further updates as part of the three and six month financial reports.

Moved by Ed Sleiman

Seconded by Aldo DiCarlo

THAT the Board receive the report as information.

**12-2022
Carried**

C. Notice of Motion – Partnership Agreement Models and Financing Options for the Regional Organic Management System

Further to the resolution passed at the October 5, 2022 Board meeting, the Manager of Finance provided information regarding potential structured partnership agreement models that contemplate a variety of potential entry points into a regional organic management system and the potential financing options that address various partnership models. Since being tasked with these motions, Authority Administration researched potential solutions and contacted other Ontario municipalities to provide the Board with actual examples of existing partnership agreements, which have a similar situation as the Authority.

Unfortunately, Administration received few responses on this outreach. In the absence of these examples, Authority Administration, with the support of the County of Essex and the City of Windsor Administration, prepared the report on page 54 of the Board's agenda package. The report outlines two different project delivery models. One model is one where the Authority

builds a new organic facility. The other model is one where the Authority enters into a service delivery contract.

The Authority, County of Essex and City of Windsor Administration all identified that depending on which project delivery model the Authority Board selects at the onset, could impact the way a structure partnership agreement could be created.

The budget impact to the Authority will depend on which project delivery model was selected at the onset. The example of the new organics build would require the Authority to finance the cost of the new build and pay for the operations and maintenance costs. Whereas, the service delivery model will have costs associated with the processing and hauling of the organic waste material. Financing for the cost of a capital project could be through a long-term loan with Infrastructure Ontario, traditional banking institutions or the Federation of Canadian municipalities. In addition to financing, the Authority could seek out grant opportunities through other Ontario and federal programs.

Mr. McKenzie asked if the Authority has ever undertaken or had to use some type of a debt instrument to finance some aspect of its service delivery, whether it was for capital acquisition or land acquisition.

The General Manager stated that the only situation where the Authority has had to do any financing was for the construction of the Regional Landfill. She noted that the Authority has a healthy reserve balance and has utilized those reserves to fund capital expenditures. For example, the Authority borrowed from reserves for the construction of the container Material Recovery Facility (MRF). Another example would be the major retrofit of the Transfer Station. In regards to organics, the Authority will likely require some outside funding due to the magnitude of the project.

Moved by Kieran McKenzie

Seconded by Jim Morrison

THAT the Board receive the report as information.

**13-2022
Carried**

D. EWSWA Solicitor Update

The General Manager stated that David Sundin of McTague law firm, the Authority's current solicitor, was selected by the County of Essex as the new internal solicitor starting on January 3, 2022.

Mr. Sundin has handled various legal issues for the Authority in regards to contract language and procurement documents. He is very familiar with Authority operations.

The General Manager noted that the County of Essex is prepared to allow the Authority to continue to use Mr. Sundin's services on a contract basis, similar to how the Authority utilizes human resources and payroll services, so the Authority does not have to incur this staffing on a regular basis. She noted that she has had preliminary conversations with the County to discuss the most efficient cost-effective method to recover these costs.

Moved by Ed Sleiman

Seconded by Jim Morrison

THAT the Board receive the report as information.

**14-2022
Carried**

E. Legal Invoices

Moved by Fabio Costante

Seconded by Ed Sleiman

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

**15-2022
Carried**

13. Other Items

No other items were raised for discussion.

14. By-Laws

A. By-Law 1-2022

Moved by Aldo DiCarlo

Seconded by Hilda MacDonald

THAT By-Law 1-2022, being a by-law to authorize the execution of an agreement between the Essex-Windsor Solid Waste Authority and Venture Refractories Inc. for the Relining the Methane Flare Stack at the Essex-Windsor Regional Landfill.

**16-2022
Carried**

B. By-Law 2-2022

Moved by Aldo DiCarlo

Seconded by Hilda MacDonald

THAT By-Law 2-2022, 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 12th day of January, 2022

**17-2022
Carried**

15. Future Meeting Dates

Tuesday – February 1, 2022
Tuesday – March 1, 2022
Tuesday – April 5, 2022
Tuesday – May 3, 2022
Tuesday – June 7, 2022
Tuesday – July 5, 2022
Wednesday – August 10, 2022
Wednesday – September 14, 2022
Tuesday – October 4, 2022
Tuesday – November 1, 2022
Tuesday – December 6, 2022

16. Adjournment

Moved by Jim Morrison
Seconded by Ed Sleiman
THAT the Board stand adjourned at 6:01 pm.

**18-2022
Carried**

All of which is respectfully submitted.

**Gary Kaschak
Chair**

**Michelle Bishop
General Manager**



Essex-Windsor Solid Waste Authority Administrative Report

February 17, 2022

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Tom Marentette, Manager of Waste Disposal

Meeting Date: Tuesday, March 01, 2022

Subject: Appointment of One Board Member to the Regional Landfill Liaison Committee for 2022

Purpose

The purpose of this report is to request that the Authority appoint a Board Member, who is not from the Town of Essex, to the Landfill Liaison Committee for a one (1) year term for 2022.

As a matter of information, the Board's appointment for 2021 was Board Member Marc Bondy.

Background

The Environmental Compliance Approval for the Regional Landfill stipulates the establishment and maintenance of a Landfill Liaison Committee (LLC). The purpose of the LLC is to review and make comment on any activities associated with the Essex-Windsor Regional Landfill Site, and shall include a review of Operations and Monitoring reports, review of complaints as well as the development and implementation plan for eventual end use and perpetual care.

Membership of the LLC consists of 8 members as follows:

1 Member from the EWSWA Board that is not a Municipal Council Member from the host municipality, namely the Town of Essex – Term of 1 year

- 2 Members** from the Municipal Council of the host municipality, namely the Town of Essex – Term of Council, (Ms. Kim Verbeek & Mr. Richard Meloche)
- 1 Member** MOE Representative - Appointed by the District Manager of the Ministry of the Environment, Conservation and Parks (Ms. Vanessa Lubieniecki, Senior Environmental Officer - Windsor Office)
- 4 Members** Resident representatives from the 'Schedule A' area as defined in the Compensation Policy – Term of 3 years (Mr. Ted Polewski – 2021-2023, Ms. Susan Morand – 2022-2024, Ms. Louise Masse –2022-2024 and Mr. Richard Colenutt – 2020-2022).

Discussion

The LLC meets four (4) times per year, usually in May, July, September and November. Exact meeting dates are yet to be determined.

Recommendation

THAT the Board appoint one of its members, who is not a member of the Council of the Town of Essex, to the Landfill Liaison Committee for a term of one (1) year.

Submitted By



Tom Marentette, Manager of Waste Disposal



Essex-Windsor Solid Waste Authority Administrative Report

February 22, 2022

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Tom Marentette, Manager of Waste Disposal

Meeting Date: Tuesday, March 01, 2022

Subject: REQUEST FOR PROPOSALS – Engineering and Construction of a Concrete Push Wall Extension in Transfer Station #2, located in the Town of Kingsville

Purpose

The purpose of this report is to recommend the award of the Engineering and Construction Proposal for the extension of a concrete push wall located inside Transfer Station 2, in the Town of Kingsville to Barrinetti Construction Ltd. Barrinetti Construction Ltd. submitted a total price of \$88,800 which includes both Engineering and Construction.

Background

The Authority operates Transfer Station #2 in Kingsville six days a week as a staffed, self-serve public facility where residents and businesses can drop-off volumes of waste for recycling or disposal. Most of the Essex-Windsor municipalities provide regular garbage, yard waste and recycling pick up at curbside, however Transfer Station #2 exists for those items which are too large for, or are in quantities large enough, to render them unacceptable at curbside.

The existing concrete push wall at Transfer Station #2 was constructed in approximately 1995. Since that time waste volumes have increased requiring additional containment of garbage to prevent damage to the building columns and exterior siding. The existing concrete wall push wall located on the west side of the transfer station and exterior block wall are inadequate in length and height to accommodate the volume of material.

RFP Evaluation Overview

The RFP Evaluation of Proposals was comprised of the following stages:

Stage 1: Proposals were reviewed to confirm compliance with all mandatory requirements.

Stage 2: All compliant Proposals were reviewed according to the Technical Evaluation which included providing three (3) projects undertaken within the last five (5) years that are relevant in size, nature, scope and complexity to this RFP.

Stage 3: All Proposals that achieved the Minimum Technical Score (60% or 42 out of 70 or greater) were reviewed in the Financial Evaluation.

Stage 4: The Proponent with the highest Technical and Financial Score (the "Combined Score") was recommended for contract award.

The evaluation of the proposals was carried out by a committee of three (3) appointed by the Authority and was comprised of the Manager and Supervisor of Waste Disposal and the Manager of Waste Diversion. The process was facilitated by the Manager of Procurement & Compliance for the County of Essex.

Discussion

On January 31, 2022, the Authority issued a Request for Proposals ("RFP") for the design and construction of a reinforced concrete push-wall. The RFP provided general information to enable interested Proponents to prepare and submit engineering and construction proposals for the extension of the concrete push-wall at Transfer Station #2.

The RFP was posted on Biddingo.com, MERX.com, bidsandtenders.com, Windsor Construction Association (wca.on.ca), EWSWA.org and was advertised in the Windsor Star newspaper. A site meeting was conducted at Transfer Station #2 on February 8, to review the site and answer questions about the project with interested proponents, five (5) proponents attended this meeting. The tender closed on February 17, 2022 and bid packages were received from four (4) proponents.

There was no public opening and bidders were required to email their tenders to the Authority by 2:00 pm on the day of closing. All bid packages received a time stamp and were reviewed for compliance with all mandatory requirements.

Compliant tenders proceeded to the Technical Evaluation Stage where the evaluation team individually reviewed and scored each Proposal.

Individual evaluations commenced February 17 and completed on February 22. A group consensus meeting took place at 2:30pm on February 22 facilitated by the County Procurement Officer. Of the four submissions, three (3) achieved the minimum technical score and proceeded to the Financial Evaluation stage of the process.

The Proponent with the highest Technical and Financial Score (the "Combined Score") is recommended for contract award.

Barrinetti Construction Ltd. achieved the highest technical score of 64.17 out of 70 points and 30 points for the best price totaling 94.17 out of 100 points and were identified as the "Preferred Proponent" per the terms of the RFP.

Financial Implications

The RFP for Engineering and Construction of the extension of the reinforced concrete push-wall in Transfer Station #2 was included as part of the 2022 capital budget. The cost of this project is below the budget estimate of \$125,000 and will be financed from the Equipment Replacement Reserve.

About the Recommended Proponent

According to the proponent's submission package, Barrinetti Construction Ltd. has been in operation for over 25 years and they are located in the Town of Leamington. Its president and founder is Mr. Tony Barraco who has been working in the construction industry since the 1970s.

Recommendation

That the Board approve the award of the RFP for Engineering and Construction of the extension of the reinforced concrete push-wall in Transfer Station #2, to Barrinetti Construction Ltd. at a cost of \$80,800 plus applicable taxes. The proposal satisfies all specifications as detailed in the RFP document.

Submitted By



Tom Marentette, Manager of Waste Disposal



Essex-Windsor Solid Waste Authority Administrative Report

February 8, 2022

To: The Chair and Board of the Essex-Windsor Solid Waste Authority
From: Michelle Bishop, General Manager
Meeting Date: Tuesday, March 01, 2022
Subject: Extension of Agreement for Farmland Rent

Purpose

The purpose of this report is to recommend that the Authority exercise the option to extend the agreement between the Authority and Chris Malott Farming Enterprises Inc. (CMFE) for a one-year period November 1, 2022 – October 31, 2023 at the current agreement price of \$276 per acre.

Background

Commencing in 2016, the Authority entered into a 5-year agreement with CMFE for the period November 1, 2016 – October 31, 2021. The agreement contains an option clause which allows for 3 additional extensions of one year each upon mutual consent of the parties.

In November 2020 the Authority approved the first one-year extension for the period of November 1, 2021 – October 31, 2022.

Discussion

Although the current term does not expire until late in 2022, Mr. Malott has communicated with Authority administration and confirmed his intention to request a second extension.

Mr. Malott has complied with all terms and conditions of the agreement and has made investments to enhance the condition of the soil of the various parcels of land.

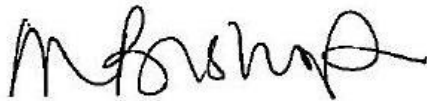
Financial Implications

The current agreement price is \$276 per acre for 10 parcels of farmland making up 813 acres in the vicinity of the Regional Landfill. This agreement earns the Authority revenue of \$224,388 per year.

Recommendation

THAT the Board authorize the General Manager to execute an extension agreement with Chris Malott Farming Enterprises Inc. for a one-year period November 1, 2022 – October 31, 2023 at the current agreement price of \$276 per acre for 10 parcels of farmland making up 813 acres in the vicinity of the Regional Landfill.

Submitted By



Michelle Bishop, General Manager



Essex-Windsor Solid Waste Authority

Administrative Report

January 13, 2022

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Michelle Bishop, General Manager

Meeting Date: Tuesday, March 01, 2022

Subject: Summary of Legal Account(s)

1. McTague Law Firm LLP **\$741.20 (exclusive of HST)**

Regarding: Various Legal Advice re: Review of contract language and correspondence to contractor.

Invoice # 315802

Billing Period December 1-30, 2021

Invoice Date December 31, 2021

Recommendation

That the Board authorize the payment of the legal account as summarized.

Submitted By

Michelle Bishop, General Manager

Essex-Windsor Solid Waste Authority

By-Law Number 3-2022

Being a By-Law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Barrinetti Construction Ltd. for the Engineering and Construction of a Concrete Push Wall Extension in Transfer Station #2, located in the Town of Kingsville

Whereas the Essex-Windsor Solid Waste Authority has approved entering into an Agreement with Barrinetti Construction Ltd. for the Engineering and Construction of a Concrete Push Wall Extension in Transfer Station #2, located in the Town of Kingsville.

Now Therefore the Essex-Windsor Solid Waste Authority enacts as follows:

1. THAT EWSWA hereby approves a contract with Barrinetti Construction Ltd. upon and subject to the terms, covenants and conditions contained in the Agreement.

THIS By-Law shall take effect upon the final passing thereof.

ESSEX-WINDSOR SOLID WASTE AUTHORITY

Gary Kaschak
EWSWA Board Chair

Michelle Bishop
General Manager

**Read a First, Second and Third Time, Enacted and Passed
this 1st Day of March, 2022.**

Essex-Windsor Solid Waste Authority

By-Law Number 4-2022

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

Gary Kaschak
EWSWA Board Chair

Michelle Bishop
General Manager

**Read a First, Second and Third Time, Enacted and Passed
This 1st Day of March, 2022.**