

February 19, 2018

Hon. Eddie Joyce, MHA
Minister of Municipal Affairs & Environment
Government of Newfoundland & Labrador
P.O. Box 8700
St. John's NL A1B 4J6

Dear Minister Joyce,

We acknowledge receipt of your letter dated Wednesday, January 31, specifically referencing the meeting the day before. The meeting was called on short notice and while we did ask for a meeting prior to discuss and understand the various issues, unfortunately, that request could not be accommodated. With all that said, Minister, we do appreciate your efforts to resolve this issue and specifically ensure our service to all properties is fair and held to a high standard.

As per your request please find included with this response, the recording of that meeting for your records, as well as other pertinent documentation.

We were genuine in our acknowledgement at the meeting that there are some obvious problems with the current method of service delivery and we indicated our full intention to look at all options to solve these problems. It does seem that much of the criticism of the Board is focused on operational issues that can be addressed through future dialogue.

The recent news articles regarding Brigus Junction only served to highlight these concerns. To better understand that issue we note the temporary winter drop-off site was only ever intended to be used by approximately 19 properties located on a road not plowed in the winter, and even then, only when inaccessible. We completed full curb side pickup in all areas including the above noted road that week. The temporary drop-off site was never intended as suggested in the news article (that all residents use the site). Nevertheless, we acknowledge the use of open drop sites for the seven unplowed roads in our service area is unsatisfactory and we are fully committed to reviewing all options to provide a more modern, more environmentally friendly solution to the problem. Hopefully by doing so, we will have addressed one of your concerns – charging properties for a service they do not receive. All other aspects of the service, including bulk garbage pickup and household hazardous waste collection/disposal will remain unchanged.

But again, let's be clear, the current effort by the Cabin Owners Against Trash Tax (COATT) group is not to solve these operational issues or to establish seasonal rates, rather, their position was stated at the January 30 meeting and again as late as February 15 that they want nothing less than ERSB/government totally out of the area. The bulk of the animosity towards the fee structure is based on the desire not to pay any fees or have any form of taxation whatsoever – waste, fire, etc. It might be of interest to you to note that in the VOCM Question of the Day on February 15, 2018, in which COATT was actively participating (verified from their Facebook activity), only approximately 4 per cent supported seasonal rates. Also interesting was the fact the majority of the respondents supported a flat fee of \$180.00.

The amount of misinformation disseminated on the COATT site is worrisome and really does undermine any rational discussion of the issues at hand. To at least get the factual information out to any interested parties we have created a fact-based website. We certainly invite you, COATT and all other interested parties to visit the site at www.fairwaste.ca. We believe the information provided will at least give some basis for rational discussion going forward.

Our Board has been listening to the various perspectives and opinions on this critical issue. We believe we are providing waste management services in the fairest and most transparent way. We recognize not everyone feels that way. We are looking at options to engage all stakeholders to get opinions and options that might improve the overall situation.

Now, returning to your letter, we attach our correspondence to the Office of the Citizens' Representative, emails from our lawyers, Curtis Dawe, dated July 2017, and a subsequent report dated February 9, 2018 which we requested to better clarify our original understanding and specifically focus on charging a seasonal rate. While we will comment further on this issue, please let me say clearly that our statement that it was "illegal" was incorrect. Our statement that it was "illegal" was, at best, premature in that the definitions and policies used by other regional service boards in the province have not been tested by the courts. We believe, based on the documents, that if tested they might be found to be wanting and therefore the fees would be unjustified and invalid. As per our legal opinion, "if a distinction between seasonal and permanent residents was intended in the legislation then this should have been expressly stated by the legislation." While we understand the intent of presumptive versus prescriptive in legislative writing the fact is prescriptive is easily identifiable for the public and administrators whereas, presumptive means you are going to court to have definitions and legislation interpreted. Our Board would rather focus on good service delivery than legal challenges.

However, and with that said, we herein want to issue, without reservation, a full and sincere apology to all parties in the meeting and to the service boards referenced.

We did provide you with the Office of the Citizens' Representative (OCR) report, and when you take our original submission to the OCR, our lawyer's opinion and the subsequent OCR findings we suggest our policy is both fair and defensible. The OCR did state that the Board has deliberated on this issue, considered alternatives and our approach does not contravene law and is FAIR. Further, we must qualify our conclusions in the meeting based on the OCR that "you cannot charge seasonal fees" to "you cannot charge seasonal fees without subsidization". We refer you to page 25 of said report.

We do need to be crystal clear – The Board's decision to implement a rate of \$180.00 per property was not in any way based on the belief we could not vary rates, but wholly on a position of FAIRNESS. Our Board made up of 20 elected municipal officials deliberated on numerous occasions and ultimately came to this conclusion. Varied/seasonal taxation is simply not considered within the municipal sphere and usage/seasonal authority to charge different waste collection rates to non-resident property owners is not implemented even though it is available to towns under the *Municipalities Act*, 2012 Section 177. Again, we reiterate what we have already noted above – we acknowledge shortcomings in our service delivery system and do commit to work with all stakeholders to make the necessary improvements to provide appropriate services.

Our Board has met again to discuss all these issues and has once again reaffirmed our position that our current fee policy is FAIR. The current legislation enables the Board to set this rate structure. However, Minister, we do sincerely want to meet with you and your officials to get a clear understanding of your specific concerns with a view to solving any issues you have identified. To that end, we suggest a meeting between you and several members of our Board to have an open discussion and hopefully find solutions to these issues prior to your meeting with the full Board.

We know the overall effect of providing a seasonal subsidy across the region will impact the other users – municipalities, local service districts and individuals. While our Board is not prepared to create this situation as we anticipate the push back would be significant and we deem that type of policy unfair, we are quite prepared to discuss all options you might have to resolve these issues.

In closing, we believe everyone should pay their fair share, and that as a region we can deliver a high level of service and at the lowest cost when everyone is equally included in the system.

We really do want to work with all stakeholders to arrive at a solution to these issues. We know you as Minister have many serious challenges to deal with facing our province and hopefully together we can bring this issue to some conclusion. While all stakeholders may not ultimately agree on the outcome, we do wish to proceed in a respectful and informed way.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ed Grant', written in a cursive style.

Ed Grant
Chairperson
Eastern Regional Service Board

Members of the Board of Directors of the Eastern Regional Service Board:

Vice Chairperson Harold Mallowney, Mayor - Town of Bay Bulls

Danny Breen, Mayor - City of St. John's

Hilda Whelan, Mayor - Town of Whitbourne

Sheilagh O'Leary, Deputy Mayor - City of St. John's

Sam Whalen, Deputy Mayor - Town of Colliers

Maggie Burton, Councillor at Large - City of St. John's

Sandy Hickman, Councillor at Large - City of St. John's

Dave Lane, Councillor at Large - City of St. John's

Bill Bailey, Councillor - Town of Clarenville

Glenn Clarke, Councillor - Town of Victoria

Wally Collins, Councillor - City of St. John's

Ian Froude, Councillor - City of St. John's

Hope Jamieson, Councillor - City of St. John's

Jamie Korab, Councillor - City of St. John's

Kevin McDonald, Councillor - Town of Long Harbour-Mount
Arlington Heights

Peggy Roche, Councillor - Town of Torbay

Deanne Stapleton, Councillor - City of St. John's

Lucy Stoyles, Councillor - City of Mount Pearl

Gerard Tilley, Councillor - Town of Conception Bay South

Sterling Willis, Councillor - Town of Paradise

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