



**Regular Meeting  
November 28, 2023**

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Meeting minutes of the Open Session of the Board of Directors of Fundy Regional Service Commission held on Tuesday, November 28, 2023, at the Quispamsis Town Hall, 12 Landing Ct, Quispamsis.

**1. Call to Order**

Chair O'Hara called the meeting to order at 10:27 a.m.

**2. Record of Attendance**

Libby O'Hara	Chairperson, Quispamsis
Jim Bedford	Vice-Chair, Fundy St. Martins
John MacKenzie	Deputy Mayor, Saint John
Nancy Grant	Mayor, Rothesay
Erin Toole	Deputy Mayor, Grand Bay-Westfield
Ray Riddell	Fundy Rural District Alternative Representative
Robert Doucet	Mayor, Hampton

**OTHERS**

Phil Ouellette, Chief Executive Officer, FRSC  
Cassie Silhanek, Recording Secretary, FRSC

**GUESTS**

Marc MacLeod, FRSC General Manager  
Jihad El Zamer, Gemtec Consulting  
Graeme Stewart-Robertson, FRSC Policy and Research Manager

**ABSENT**

Brittany Merrifield, Mayor, Grand Bay-Westfield

**3. Approval of the Order of Business**

Chairperson O'Hara called for approval of the agenda.

**Motion:** To approve the November 28, 2023, Agenda.

**Moved:** Director Doucet  
**Seconded:** Director MacKenzie  
**Vote:** *Motion Carried*

#### **4. Disclosure of Conflict of Interest**

None.

The FRSC Board held a moment of silence for Jennifer Hachey at 10:29 a.m.

#### **5. Approval of the Minutes**

##### **a. Approval of the October 26, 2023, meeting minutes**

**Motion:** To approve the October 26, 2023, minutes as presented.

**Moved:** Director MacKenzie  
**Seconded:** Director Grant  
**Vote:** *Motion Carried*

#### **6. Consent Agenda**

- a. Development Update**
- b. Rural Upper Fundy Partnership**
- c. Q3 Financial Update**
- d. End-of-Year Financial Resolutions**
- e. Tender Outcome – Aggregate**
- f. Tender Outcome – Leachate Hauling**

**Motion:** To adopt all resolutions from all reports found within the consent agenda for October 26, 2023:

That the Board receive and file the Community Planning and Building Inspection Report;

That the Board direct CEO Ouellette to submit a letter of support on behalf of the Fundy Regional Service Commission towards the next phase of development of the Rural Upper Fundy Partnership;

That the Board receive and file 2023 Q3 Financial Statements.

That the Board approve transfer of \$ 25,000 from the Solid Waste Operating Fund to the Solid Waste Capital Reserve Fund in accordance with the replacement reserve requirements of Project No. 27900 – Canada-New Brunswick Building Canada Fund – Communities Component;

That the Board authorize to award Tender 2023-07 Supply of Aggregate to the lowest bidder Keel Construction Limited at \$12.25 per metric tonne for the 2024 fiscal year;

AND That the Board authorize to award tender 2023-06 Supply of Standby Collection and Haulage of Leachate to the lowest bidder Keel Construction Limited for the price of \$8.25 per metric tonne for the 2024 fiscal year.

**Moved:** Director MacKenzie  
**Seconded:** Director Bedford  
**Vote:** *Motion Carried*

## **7. Tender Outcome – Rock Truck**

Marc MacLeod, FRSC General Manager, reviewed the November 28, 2023, open report and staff recommendation with the FRSC Board.

**Motion:**

1. That the commission add an articulating rock truck to the 2024 capital plan for an estimated \$750,000 to be funded from long term debt within the capital application to the MCBB.

**Moved:** Director MacKenzie

**Seconded:** Director Grant

**Vote:** *Motion Carried*

2. That the Board authorize to award, only after MCBB approval, Tender 2023-05 for an Articulated Rock Truck to Paul Equipment for \$679,845.50 including HST before rebate and including the extended warranty package to be funded from borrowing.

**Moved:** Director MacKenzie

**Seconded:** Director Grant

**Vote:** *Motion Carried*

## **8. Updated 2024 FRSC Budget**

CEO Ouellette spoke about the November 28, 2023, open report stating that the additional funds were applied for and awarded. At this time the funds have been applied to the FRSC members.

**Motion:** To approve the amended 2024 FRSC operating, and capital budget as presented in the November 28<sup>th</sup>, 2023, open report.

**Moved:** Director MacKenzie

**Seconded:** Director Bedford

**Vote:** *Motion Carried*

## **9. 2024 Municipal Capital Borrowing Board Submission**

Marc MacLeod, FRSC General Manager, presented the November 28, 2023, open report referencing the two attachments that were included with the report to provide further detail.

**Motion:**

1. Approve the revised five-year capital budget as presented in this report.

**Moved:** Director Bedford

**Seconded:** Director Doucet

**Vote:** *Motion Carried*

2. Be it resolved that, in accordance with section 28 of the Regional Service Delivery Act, the Fundy Regional Service Commission intends to submit an application to the Municipal Capital

Borrowing Board for authorization to borrow for a capital expense for the following purposes, amounts and terms:

Purpose: Environmental Health Services (General)  
Amount: \$7,014,000  
Term: \$1,114,000 for a term not to exceed 5 years  
\$5,900,000 for a term not to exceed 4 years

The CEO shall send a written notice of the vote, proposed borrowing, budget projections and the impact on future rates as attached to all members that are local governments and to the Minister at least 45 days before the vote.

**Moved:** Director MacKenzie  
**Seconded:** Director Grant  
**Vote:** *Motion Carried*

#### **10. FRSC Procedural Bylaw Update: Session**

Graeme Stewart-Robertson, FRSC Policy and Research Manager, presented the November 28, 2023, open report on the updated procedural bylaw. Mr. Stewart-Robertson is looking for feedback from the Board.

Chair O’Hara opened the floor for discussion on the Procedural Bylaw.

Director Grant requested more detail pertaining to the membership and procedure associated with the committees.

Director Riddell requested further clarification for the Act in the document, that 4.5 has a spelling mistake to be corrected, that the section 6.12.5 where it references that if you do not vote you are deemed to be in favour, there should also be the right to abstain included in the wording, and finally that a Code of Conduct should be referenced.

Director MacKenzie made the suggestion that in section 2.6.1 speaking to the election of losses, there could be a rotation of the Chair around the table.

Director Riddell noted that in section 4.5 referencing the committees that the Board is responsible for, PRAC was not included and would like clarification on this. CEO Ouellette said that PRAC is governed by a separate set of bylaws, there could be wording to include PRAC since appoint people to those committees.

**Motion:** That the Board direct CEO Ouellette to incorporate feedback received from the Board of Directors during its November 28<sup>th</sup>, 2023, meeting on the updated procedural bylaw and report back to the FRSC Board with an updated version.

**Moved:** Director Riddell  
**Seconded:** Director Doucet  
**Vote:** *Motion Carried*

## 11. Collection Study Recommendations

Jihad El Zamer, Gemtec, spoke to the Board about the study and its recommendations captured in the November 28, 2023, open report. More information is available with the attachments to the report.

**Motion:** That the Board receive and file the report “Regional Solid Waste Collection Feasibility Study” by GEMTEC Consulting Engineers and Scientists Limited dated November 8, 2023.

**Moved:** Director Bedford  
**Seconded:** Director Doucet  
**Vote:** *Motion Carried*

## 12. Response to comments received from FRSC Board on EIA

Marc MacLeod spoke to the November 28, 2023, open report regarding the concerns about the EIA process and its progress based on the last meeting in St. Martins.

Chair O’Hara added to Mr. MacLeod’s presentation that the information presented is in the open package which is open to the public. The public can gain this information for their own interest through the report, or they can make a call to the FRSC.

**Motion:** That the Board receive and file the staff report and corresponding attachments.

**Moved:** Director Doucet  
**Seconded:** Director Grant

Chair O’Hara opened the floor for questions on the motion.

Director MacKenzie requested some further clarification for how the meeting expense is being applied to host a meeting. Marco Sivitilli, Gemtec, spoke to the costs citing that it includes 3 senior professionals, 5 hours to hold the meeting, a facilitator, IT assistance, travel for the facilitation, refreshments, facility rentals and overall advertising for the meeting.

Chair O’Hara made a point of order, as this is an operational cost and not necessary for discussion.

Director MacKenzie, stated that there is currently a landfill odor issue. Mr. MacLeod stated that the new system is up and running and encourages contact with the FRSC so that there is an investigation immediately upon an odor complaint.

Director MacKenzie clarified that he is not stating that the staff or consultants are doing a bad job, just that there is an odor issue, and that there is a point to the additional public consultation so that there are people being heard. Mr. MacLeod stated that he is not opposed to more public engagement, but for the technical review portion of the EIA, it is not a requirement.

Director Toole spoke to the table stating that for the trust side of the engagement, at least for the communities directly impacted, this public in person meeting will assist with this. It is an olive branch to be extended since they do not understand all the information. Director Toole requested a consideration to reduce the cost of the meeting.

Director Bedford added to the discussion stating that there is a landfill odor no matter where you go, each landfill has this issue, and due diligence cannot stop the residual smell, capture the methane, and use it. Further, even if every facility could do that, there would still be a smell, even if localized.

**Vote:** *Motion Carried*

### **13. Adjournment**

Chairperson O'Hara called for a motion to adjourn.

**Motion:** To move to adjourn the meeting at 12:01 p.m.

**Moved:** Director Riddell

**Vote:** *Motion Carried*

APPROVED (date) \_\_\_\_\_

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Libby O'Hara, Chairperson

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Cassie Silhanek, Recording Secretary