April 8, 2019

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/054/2019]

On March 11, 2019, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"Copies or all correspondence (letters, e-mails, hand-written notes, text messages, iMessages, BBM message, etc.), briefing/information/decisions notes (draft, final or otherwise), reports (draft, final or otherwise), or any other relevant documents created/sent/received by the individuals listed below between the period of December 20, 2018 and March 11, 2019. This request is specific to the issue of regional waste management, specifically seasonal properties, unincorporated areas and local service districts in the Eastern Region of Newfoundland. Any/all correspondence or documents (same as request specifics above), between the group Cabin Owners Against Trash Tax and the individuals listed below should also be included.

Minister Graham Letto; Jamie Chippett; Dan Michielsen; Joseph Dunphy; Sheila Field; Boyd Wright; Randy Simms; and, Erin Shea."

In an email sent on March 13, 2019, you amended the date range of the request by stating the following:

"Please include the date range January 12, 2019 to March 11, 2019."

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Municipal Affairs and Environment to provide access to some of the requested information.

However, certain text contained within the records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act, 2015 (the Act):

Section 27(2)(b): "The head of a public body shall refuse to disclose to an applicant information in a record other than a cabinet record that would reveal the substance of deliberations of Cabinet."

P.O. Box 8700, St. John's, NL, Canada A1B 4J6  709 729 5677  709 729 0943  www.gov.nl.ca
Section 29(1)(a): “The head of a public body may refuse to disclose to an applicant information that would reveal advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister.”

Section 40(1): “The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.”

In addition to the above, please be advised that the following pages of the document package have been exempted from disclosure in accordance with the following section of the Act:

<table>
<thead>
<tr>
<th>Page #</th>
<th>Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>34-37</td>
<td>“Section 30(1)(b): The head of a public body may refuse to disclose to an applicant information that would disclose legal opinions provided to a public body by a law officer of the Crown.”</td>
</tr>
<tr>
<td>170</td>
<td>“Section 40(1)” The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.”</td>
</tr>
<tr>
<td>191-205</td>
<td>Section 27(1)(h): “a record created during the process of developing or preparing a submission for the Cabinet.”</td>
</tr>
<tr>
<td></td>
<td>Section 27(2)(a): “The head of a public body shall refuse to disclose to an applicant a cabinet record.”</td>
</tr>
<tr>
<td>206-213</td>
<td>Section 27(1)(g): “a record created for or by a minister for the purpose of briefing that minister on a matter for the Cabinet.”</td>
</tr>
<tr>
<td></td>
<td>Section 27(2)(a): “The head of a public body shall refuse to disclose to an applicant a cabinet record.”</td>
</tr>
</tbody>
</table>

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

P.O. Box 8700, St. John’s, NL, Canada  A1B 4J6  709 729 5677  709 729 0943  www.gov.nl.ca
Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John’s, NL A1B 3V8  
Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 709-729-7183 or by e-mail at ryancollins@gov.nl.ca.

Sincerely,

Ryan Collins  
ATIPP Coordinator  
Municipal Affairs and Environment

Enclosures
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

   (a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

   (b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45(2).
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
RE-send... It has been a week since I sent the email below to Mr. Bail and Government officials.
I have NOT heard back from anyone. So, I am re-sending it again. We are into 2019 now, and ERSB is sending out the Garbage tax bills for 2019.
I am requesting government, on behalf of Avalon cabin owners, to at least for now, to update the legislation to add "FEE IS RELATED TO SERVICE", until the review process is completed, so when we go to court to fight this unfair garbage tax, we can at least argue our case in court, which is the democratic thing we should have the right to do.
If someone can tell me why this can't be done, I would Like to know. When Avalon seasonal cabin owners go to court and fight for our rights, because ERSB can't supply year round, weekly, curbside garbage collection, we are told by the judges, that they understand our issues, but have got to rule in ERSB favor, because the judge interpretation of the law is "FEE IS NOT RELATED TO SERVICE".
This is unacceptable, if this legislation is allowed to stay this way, it basically gives ERSB to right to charge cabin owners $180.00 are year, even if they don't supply the service.
I have also attached an email from Mr. Ball to (COATT), on Sept 14, 2018, which was during the by-election between Paul Antle and Chess Crosby.

MR. Ball states that "I have spoken to officials within the department and you have my assurance that my government is committed to finding a resolution to the grievances outlined by your organization".
That was 4 months ago, and nothing has been done. This review process will do nothing for us if the legislation does not get changed.
I have also attached a copy of the review that Mr. Grant did last week with the Telegram. I have added my comments to his statements, and have sent it to media outlets.
MR. Grant just gives one side (ERSB), view of the issues, and as far as I am concerned, misrepresents the true facts about all the Avalon cabin owners.

Thank you

Sent from Mail for Windows 10

Happy New Year Everyone.

First, I know that government is going to have an independent review by an "OUTSIDE" consultant. The review will examine ERSB's waste management policies & collection processes in unincorporated areas. THIS IS A GOOD START.
Second, I believe in early January, a draft “Terms of Reference” for the review will be presented to ERSB and COATT for our input, before it is finalized prior to a request for proposals. AGAIN, THIS IS ALSO A GOOD IDEA.

I feel so strong about this unjust garbage collection, and how it can only be offered approx. 6 months a year (non serviced road) in Western Bay line, and even in the summer time garbage has to be left in the countryside for 4 days before it can be collected. Most cabin owners go to cabins on Friday, and back home on Sundays. Yet, garbage don’t get collected in the area until Thursdays.

Also, in the winter time, garbage trucks can get in on Western Bay line to collect garbage, because of accessibility. Garbage trucks can get in to collect garbage, yet, ERSB expects cabin owners to be able to get into their cabins. So, to justify their existence, ERSB (and last year was the first year they did this), put a sign at the end of western Bay line for people to drop off their garbage from January 1st to March 1st on the ground (no dumpsters). Again, if people did this on Sundays, it would be there for 4 days before it is collected. We are talking about the winter time. Garbage will either be torn apart by dogs, birds, wildlife, or frozen into the ground, or completely buried in a snowstorm, only to be thawed in the spring.

Also, can access Western Bay Line part of December, all March, April, and most of May each year. ERSB don’t say how they would collect garbage during those months.

The picture above with garbage bags just thrown on the ground (Not even a sign this year), was on Tuesday, January 1st, 2019 in Western Bay Line. The next day was one of the biggest storms we had this year. So, I guess that got buried in snowstorm, as garbage collection was on Thursday.

The other picture is in Brigus junction.

On ERSB website, they state that they supply year round curbside garbage collection, on a weekly basis, and one of their main goals is protecting the environment. As I have said on so many occasions, those statements can only apply to people living in unincorporated communities, where roads are plowed, and ERSB has access peoples properties all year round.

Those statements can’t be applied or fulfilled for Avalon Cabin owners, and if nothing else, is making our beautiful countryside more polluted, instead of their statement, they are protecting the environment.

My first thought is “What am I paying the $180.00 a year for”, and am I living in a communist country. Finally, this independent review and Terms of reference, is absolutely useless, if we are taken to court and the judges interpretation of the legislation is “The fee is not related to service”.

All Avalon cabin owners don’t care if the PC government brought this legislation in, or if the Liberals are in power now. WE WANT THIS LEGISLATION FIXED ASAP. As long as ERSB knows that they will always win in small claims court against all the hard working, law abiding, tax payers of this province, nothing will change.

We have no avenue to fight this unfair money grab by ERSB.

Yours sincerely
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
September 14, 2018

(On behalf of COATT)
Cabin Owners against Trash Tax
Via email

Dear [Name]

I am aware that you have received a letter from Paul Antle on September 6, 2018, with respect to your on-going issues with the Eastern Services Regional Board. Paul and I did indeed have a conversation about this. I have spoken to officials within the department and you have my assurances that my government is committed to finding a resolution to the grievances outlined by your organization.

Sincerely,

[Signature]

DWIGHT BALL
Premier
Haskell, Ellen

From: [Redacted]
Sent: Monday, January 14, 2019 1:41 PM
To: [Redacted]
Cc: Letto, Graham; Ball, Dwight; Glynn, Valerie; Roberts, Edna; Osborne, Tom; Chippett, Jamie; [Redacted]; Parsons, Pam; Crocker, Steve

Subject: Re: Changes need to legislation to add “FEE IS RELATED TO SERVICE”

I hope someone out there is listening. What is happening to democracy in this province. I’m sure if we were somewhere else in Canada this legislation just would not exist as it is unfair as well as unjust.

Sent from my iPad

On Jan 14, 2019, at 13:02, [Redacted] wrote:

RE-send... It has been a week since I sent the email below to Mr. Ball and Government officials. I have NOT heard back from anyone. So, I am re-sending it again. We are into 2019 now, and ERSB is sending out the Garbage tax bills for 2019.

I am requesting government, on behalf of Avalon cabin owners, to at least for now, to update the legislation to add “FEE IS RELATED TO SERVICE”, until the review process is completed, so when we go the court to fight this unfair garbage tax, we can at least argue our case in court, which is the democratic thing we should have the right to do.

If someone can tell me why this can’t be done, I would Like to know. When Avalon seasonal cabin owners go to court and fight for our rights, because ERSB can’t supply year round, weekly, curbside garbage collection, we are told by the judges, that they understand our issues, but have got to rule in ERSB favor, because the judge interpretation of the law is “FEE IS NOT RELATED TO SERVICE”.

This is unacceptable, if this legislation is allowed to stay this way, it basically gives ERSB right to charge cabin owners $180.00 are year, even if they don’t supply the service.

I have also attached an email from MR. Ball to [Redacted] (COATT), on Sept 14th, 2018, which was during the by-election between Paul Antle and Chess Crosbie.

MR. Ball states that “I have spoken to officials within the department and you have my assurance that my government is committed to finding a resolution to the grievances outlined by your organization”. That was 4 months ago, and nothing has been done. This review process will do nothing for us if the legislation does not get changed.

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Second, I believe in early January, a draft “Terms of Reference” for the review will be presented to ERSB and COATT for our input, before it is finalized prior to a request for proposals. AGAIN, THIS IS ALSO A GOOD IDEA.

However, even with those two proposals, I still have to start the new year off on a sour note.

countryside for 4 days before it can be collected. (most cabin owners go to cabins on Friday, and back home on Sundays. Yet, garbage don’t get collected in the area until Thursdays.

Also, in the winter time, garbage trucks can get in on Western Bay line to collect garbage, because of accessibility. Garbage trucks can get in to collect garbage, yet, ERSB expects cabin owners to be able to get into their cabins.

So, to justify their existence, ERSB (and last year was the first year they did this), put a sign at the end of western Bay line for people to drop off their garbage from January 1st to March 1st on the ground (no dumpsters). Again, if people did this on Sundays, it would be there for 4 days before it is collected. We are talking about the winter time. Garbage will either be torn apart by dogs, birds, wildlife, or frozen into the ground, or completely buried in a snowstorm, only to be thawed in the spring.

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WE WANT THIS LEGISLATION FIXED ASAP. As long as ERSB knows that they will always win in small claims court against all the hard working, law abiding, tax payers of this province, nothing will change. We have no avenue to fight this unfair money grab by ERSB.

Yours sincerely

S. 40(1)
Hi Guys,

As you know the Terms of Reference for the upcoming independent review of the waste collection program in unincorporated areas is now in your hands for review and response. In the covering letter the date to get back to us is listed as January 18th and while we would like you to hit that deadline if possible, we are more than prepared to go out to January 22nd or 23rd before we go to market. Do not feel as if you must provide your comments by the 18th. We recognize that this might not allow you the time you need to offer input.

I trust this meets with your approval and if you require anything in the meantime feel free to reach out.

Thanks,

Randy Simms
Executive Assistant to the Hon. Graham Letto
Minister of Municipal Affairs and Environment
709.3053 / 725.0213
Hi Valerie,

Attached for your Minister and Deputy Minister's attention, is an email from [removed] regarding the tax imposed on cabin owners by ERSB.

We are requesting a response on behalf of the Premier. Would you please copy the Premier on the Minister's response by emailing it to premier@gov.nl.ca within 10 business days.

Regards,

Marian Glavine

---< HPE Records Manager record information >---

Record Number: ICOR2019/0131
Title: Email from [removed] to Premier regarding the ERSB Tax imposed on Cabin Owners.
From: Haskell, Ellen
Sent: Sunday, January 13, 2019 10:54 AM
To: Premier of NL
Subject: FW: COATT
Attachments: IMG_6907.PNG; ATT00001.txt

-----Original Message-----
From: [Redacted]
Sent: Friday, January 11, 2019 9:43 PM
To: Ball, Dwight <DwightBall@gov.nl.ca>
Subject: COATT

Hello Mr. Ball

Please take the time to view the attached regarding the situation with the garbage tax placed on cabin owners. As you can see more then just cabin owners are being affected by this!!! The issue is NOT people whom have summer cottages or places to get away for the weekend, the issue is people who are living full time year round not in their ""Summer Homes"" in their permanent homes that are located in these areas.

Please can you do something about this ""Money Grab"" from Newfoundlanders Mr.Ball??
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
Newfoundland Labrador

Government of Newfoundland and Labrador
Department of Municipal Affairs and Environment
Office of the Minister

COR/2019/00194-01

E-mail: 

Dear 

I am writing in response to your e-mail to Premier Ball regarding the Eastern Regional Service Board’s (ERSB’s) waste management fees. As the Minister of Municipal Affairs and Environment, please accept this response on behalf of our government.

I appreciate your frustration, and I assure you that we are taking this matter very seriously. We have heard the concerns of cabin owners in Eastern region, and we have taken appropriate action to address the issues that have been identified by the Cabin Owners Against Trash Tax (COATT) group by directing ERSB to:

- cease waste collection services and fees on unserviced roads (i.e. roads that are not serviced by the Provincial Government, a local service district, or a municipality);
- going forward, limit all outstanding fees and interest (i.e. "back fees") charged to individuals on their first invoice to a two-year period; and,
- Improve the Board’s transparency, accountability, and engagement efforts.

In addition, our government has appointed the former Clerk of the Executive Council, Ms. Ann Marie Hann, to conduct a comprehensive review of the Provincial Waste Management Strategy to ensure it is being implemented in a strategic, efficient and equitable manner. This work will include a full review of fees, environmental standards, and the roles and governance of the regional service boards and other implementation partners. Additional information about this review, including the Terms of Reference, is available online at: https://www.releases.gov.nl.ca/releases/2019/mae/0219n03.aspx.

Thank you for sharing your perspective on this issue. Waste management is a key priority for me and for our government, and I look forward to advancing this and other important issues.

Sincerely,

GRAHAM LETTO
District of Labrador West
Minister of Municipal Affairs and Environment

/JL

cc: Honourable Premier Dwight Ball

P.O. Box 8700, St. John's, NL, Canada A1B 4J6
709 729 3046 = 709 729 0943
www.gov.nl.ca

MAE-054-2019

21
Hi Valerie,

Attached is an email from [Redacted] to Premier et al. regarding the ERSB Garbage Tax imposed on cabin owners.

Would you please copy the Premier on the Minister's response by emailing it to premier@gov.nl.ca.

Regards,

Marian Glavine

---< HPE Records Manager record Information >---

Record Number: ICOR2019/0134
Title: Email from [Redacted] to Premier et al. regarding the ERSB garbage Tax
Haskell, Ellen

From: Ball, Dwight  
Sent: Sunday, January 13, 2019 10:56 AM  
To: Premier of NL  
Subject: FW: ERSB garbage Tax

Good Day,

I have wrote some of you before and for some this is the first time, I wanted to share my thoughts on the so called garbage tax. I am sure all of you are aware how unhappy cabin owners are with this tax and it was very clear in the question of the day with VOCM that 70% are not in favor of it.

For me I own a cabin with no electricity or running water and we spend 40 days out of 365 there as opposed to someone spending 365 days and we pay the same amount of tax. For the sobeys bag full of trash that we generate in a weekend i bring it home to St John's where I am already paying a tax to dispose of it. I don't want this service and nor do I need it and nor do I use it. That money could be used to send my daughter to camp i work very hard for my few dollars and to just give it away it is very disheartening.

Since this system was put in place here are just a few of issues I have seen:
- There seems to be more garbage in cabin areas now as the bins are full and overflowing then wildlife and birds are spreading it around. Majority of cabin owners are gone on Sunday and the service is not suppose to be until Thursday. Sorry I respect my land and the environment to allow that to happen. So tells me it ain't being picked up in a timely manner or at all in some cases.
- Some winter months cabin owners are not to use the drop off location as there are signs indicating the service is not available due to weather conditions. (but yet we are to pay for this service)
- Now I am hearing from my fellow cabin owners ERSB is also charging a Fire TAX!!! when in communities where they are located that the volunteer fire depart looks after the area??
- Cabin owners on the West Coast don't pay but yet it is provincial legislation. so shouldn't that be all the province??
- Some pay by use with no set rate so they get charged a discounted rate.
- I can't understand how ERSB can charge someone that owns a piece of land with a movable trailer on it.
- Some cabin owners are feeling bullied and mistreated by ERSB and it is just so unfair.
- I honestly don't know if this is a money grab but it sure feels like it....... 
- I know that some of you I am sure visits the Facebook page COATT and are very familiar with alot of concerns and issues. The committee from COATT has done an exceptional job in relaying these concerns and issues. I am sure you are more than provided case after case by cabin owners with concerns and how frustrated they are.

I really hope the current government looks into this sooner rather than later as I believe that it is a real concern for cabin owners and tax paying citizens.

Thank you
Dear [Redacted]

I am writing in response to your recent e-mail to Premier Ball, various MHAs, and members of the Eastern Regional Service Board (ERSB) regarding fees for waste management and fire and emergency services in Eastern region. As the Minister of Municipal Affairs and Environment, please accept this response on behalf of our government.

I appreciate your frustration, and I assure you that we are taking this matter very seriously. We have heard the concerns of cabin owners in Eastern region, and we have taken appropriate action to address the issues that have been identified by the Cabin Owners Against Trash Tax (COATT) group by directing ERSB to:

- cease waste collection services and fees on un-serviced roads (i.e. roads that are not serviced by the Provincial Government, a local service district, or a municipality);
- going forward, limit all outstanding fees and interest (i.e. "back fees") charged to individuals on their first invoice to a two-year period; and,
- Improve the Board's transparency, accountability, and engagement efforts.

In addition, our government has appointed the former Clerk of the Executive Council, Ms. Ann Marie Hann, to conduct a comprehensive review of the Provincial Waste Management Strategy to ensure it is being implemented in a strategic, efficient and equitable manner. This work will include a full review of fees, environmental standards, and the roles and governance of the regional service boards and other implementation partners. Additional information about this review, including the Terms of Reference, is available online at: https://www.releases.gov.nl.ca/releases/2019/mae/0219n03.aspx.

With respect to your concerns about ERSB providing fire services, it is important to note that this authority is only being considered in those communities that have requested it. I would also note that the provision of fire and emergency services by ERSB in Eastern region is subject to the terms and conditions outlined by the Department, which includes an initial assessment by the province's Fire Commissioner.
Thank you for sharing your perspective on these issues. Waste management, environmental protection, and regional services are key priorities for me as Minister, and I look forward to advancing these and other important issues.

Sincerely,

GRAHAM LETTO
District of Labrador West
Minister of Municipal Affairs and Environment

/sj

cc: Honourable Premier Dwight Ball
Haskell, Ellen

From: Chippett, Jamie
Sent: Thursday, January 17, 2019 12:23 PM
To: Glynn, Valerie; Collins, Jerry; Michielsen, Dan
Subject: FW: COATT's response to your letter dated January 14, 2019
Attachments: Minister Graham Jan 17 2018 COATT response.pdf

Please see attached for TRIM and for review and consideration in finalizing the scope of work.

Jamie

From: [Redacted]
Sent: Thursday, January 17, 2019 11:59 AM
To: Letto, Graham <GrahamLetto@gov.nl.ca>
Cc: Leonard, Jackie <JackieLeonard@gov.nl.ca>; Chippett, Jamie <JamieChippett@gov.nl.ca>; Simms, Randy <RandySimms@gov.nl.ca>

Subject: COATT's response to your letter dated January 14, 2019

The attached letter dated January 17/19 is for your information and consideration.

Please acknowledge that it is received, and respond accordingly.

Thanks,
Mr. Graham Letto, Minister  
Department of Municipal Affairs and Environment  

January 17, 2019

Dear Mr. Letto,

This refers to your letter dated January 14, 2019 regarding the proposed review of the Eastern Regional Services Board’s waste management policies and collection processes in unincorporated areas on the Avalon Peninsula. COATT is requested to review the attached Consultant Fee Request which outlines the proposed scope of work and the approach to how it will be implemented.

With regard to the review of the Consultant Fee Request the following is recommended:

**Project Description:**
The is recommended to be added: This will help address the issues and concerns raised by cabin owners including: fees for waste collection services, waste management implementation, environmental standards, and the associated legislation.

It can be noted that additional wording is stated in the release entitled Comprehensive Review of Provincial Solid Waste Management Strategy and Senior Appointments Announced.

**Detailed Scope:**
(a) Agreed
(b) Agreed.
(c) To complete a limited review of select regions, etc. It is recommended that the select regions will include the western region, central region plus North and South given the fact that this is all part of the Provincial Waste Management Strategy – a province-wide initiative.
(d) Agreed.
(e) To provide opportunities for submissions by ERSB and the Cabin Owners Against Trash Tax group, as well as a number of group consultation sessions/meetings.
(f) Agreed.
( ) This is recommended to be added: To determine “if a pay if you use or a not pay if you don’t use” option is a consideration for unincorporated areas.
( ) This is recommended to be added: To complete a review of the issues and concerns regarding how the existing cabin garbage collection service is implemented and how the fees/taxes are collected given the very negative impact it is having on seasonal Avalon cabin owners.
( ) This is recommended to be added: To review and assess the government legislation that authorizes the various boards to implement the Provincial Waste Management Strategy regarding how effective and efficient it is, and does it provide legal options for those involved regarding the implementation of this strategy. (It has to be noted that this legislation has enabled ERSB to do or not to do anything and not be legally accountable to anyone. As the legislation is the law, this is a major issue that the various judges have indicated does not permit the court to legally consider any and all information expressed by defendants related to settlement hearings and further trial proceedings.)

It is also recommended that COATT will be given access to the DRAFT report prior to it being finalized as well as the opportunity to comment accordingly.

What we have recommended will help to ensure that this review will fully address the legitimate issues
and concerns that Avalon cabin owners have experienced with regard to ERSB's forceful implementation of a so-called cabin garbage collection service and what Avalon cabin owners view as ERSB's very intimidating and harassing collection policy. As this is basically only happening on the Avalon and not the rest of the province it must be addressed,

Minister Letto, we have to thank you for your attention to this matter which in the past has been quite the challenge. The fact that your government is taking these issues seriously and is committed to finding appropriate solutions is finally giving Avalon cabin owners the belief that it will be sincerely dealt with. Having said that it also can be said that until acceptable solutions are soon agreed upon and officially recognized and authorized by the Liberal government a large number of Avalon cabin owners/citizens will remain skeptical that it truly will be addressed to everyone's satisfaction.

Regards,

On behalf of COATT
Haskell, Ellen

From: Thursday, January 17, 2019 12:32 PM
To: Chippett, Jamie
Subject: Re: COATT's response to your letter dated January 14, 2019

Acknowledged, and thanks.

On Thu, Jan 17, 2019 at 12:19 PM Chippett, Jamie <JamieChippett@gov.nl.ca> wrote:

Hi [name]

Acknowledging your email and attached commentary on behalf of COATT. We will consider these comments as we finalize this document and move this review forward.

Jamie

From: Thursday, January 17, 2019 11:59 AM
To: Letto, Graham <GrahamLetto@gov.nl.ca>
Cc: Leonard, Jackie <JackieLeonard@gov.nl.ca>; Chippett, Jamie <JamieChippett@gov.nl.ca>; Simms, Randy <RandySimms@gov.nl.ca>
Subject: COATT's response to your letter dated January 14, 2019

The attached letter dated January 17/19 is for your information and consideration.

Please acknowledge that it is received, and respond accordingly.

Thanks,
Hi Valerie,

Attached for your Minister and Deputy Minister’s information, is an email from [REDACTED] to the Premier regarding the trash tax imposed on cabin owners.

We are requesting a response on behalf of the Premier. Would you please copy the Premier on the Minister’s response by emailing it to premier@gov.nl.ca.

Regards,

Marian Glavine

---< HPE Records Manager record Information >---

Record Number: ICOR2019/0044
Title: Email from [REDACTED] regarding the ERSB - Trash Tax paid by Cabin Owners
Mr. Ball,

We have been paying the waste management tax for the Avalon for a year and a half. We have never put out garbage at the cabin as there is no set place to put a bin for pick up near my property. There is not an open road to our cabin. Are we suppose to put a bin out on the side of the long country road where anybody can dump their garbage. This causes garbage to be strewn everywhere. You can see pictures of this on the COATT FB page. Also we only spend about 4 to 6 months of the year at the cabin. We feel this is an unjust tax that is used to take more money from the taxpayers of this province. Don't you think we pay more than enough in taxes and to pay for a service that isn't available to everyone, isn't wanted and isn't used. We do not use the very unorganized service that has been forced for us to pay. FORCED! Do we not live in a democratic country!

The only reason we are paying for an unwanted and never given service is to not let our line of credit be ruined. We should not have to pay to cover other peoples garbage pickup. We pay for garbage pickup in our community. We are not asking cabin owners who live at their cabin to help pay our garbage tax in the community we live. It all does not make sense to many of us.

It seems that the buck gets passed from our government to the board of ERSB. This Ed Grant fellow should not be on the board. He is not a very nice man dealing with this situation.

COATT is not going away. We will continue to state our discontent at the unfairness of this waste management tax.
January 21, 2019

Graham Letto
Minister
Municipal Affairs and Environment

Dear Minister Letto:

I am a cabin owner on [REDACTED] area. I am writing to express my concern related to the Garbage Disposal Tax Fee.

I open my cabin on May 24th weekend each year and visit there every weekend until Thanksgiving in mid October, at which time the cabin is shut down for the winter.

I feel the annual $180.00 garbage disposal fee is unfair considering my cabin is only used during the summer months. I believe a fee of $90.00 is more reasonable.

I have owned this cabin for [REDACTED] and have brought my garbage back to my permanent residence at the end of every weekend for disposal. My property is clean and free of litter year round.

Please respond to the address below.

Thank you very much.

Sincerely,

cc Sherry Gambin-Walsh
MHA - Placentia-St. Mary's
Can you trim and prepare for the Minister to review and sign. He is expecting this today.

Dan
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Limiting Eastern Regional Service Board’s (ERSB’S) Allowable Billing Period

Decision/Direction Required:

Background and Current Status:
- The Regional Service Boards Act, 2012 (the Act) and its associated regulations provide the regional service boards (RSBs) with the authority to deliver prescribed services within their region, and to charge user fees on a cost-recovery basis.
- The Cabin Owners’ Against Trash Tax (COATT) group, established in early 2018, is dissatisfied with ERSB’s service delivery and fees in Eastern Region. The group is active on social media and talk radio, and has met with the Minister, ERSB, and local MHAs.
- On November 23, 2018 the Minister of Municipal Affairs and Environment (MAE) wrote to the Chair of ERSB to request that it cease from advancing further court action against cabin owners until proposed changes to ERSB’s governance structure could be implemented to better represent cabin owners’ concerns. The Chair’s response indicated that the Board did not agree with the proposed governance structure changed, or with ceasing court actions.

Analysis:
- Cabin owners have complained that it is unfair to receive an initial invoice for multiple years of fees and interest from ERSB given their view that the service is unnecessary and not being adequately provided, and that sufficient notice has not been provided to them.
- ERSB has argued that they have made reasonable efforts to notify property owners when they expand their waste collection services into new areas, and that charging interest and arrears for past-due amounts is their only means of deterring fee avoidance activities.
- The Office of the Citizens’ Representative 2017-18 Annual Digest noted that ERSB’s approach has not helped mitigate citizens’ hostility to additional fees, and recommended changes in the areas of complaint handling, proactive disclosure, and exemption policies.
Haskell, Ellen

From: Letto, Graham
Sent: Thursday, January 24, 2019 10:31 AM
To: Simms, Randy
Subject: FW: ERSB Postponing Court Action Request

We need to discuss.

Graham Letto
Minister of Municipal Affairs and Environment
Confederation Building
St. John’s, NL, A1B 4J6
Tel: 709 729 3046

From: Letto, Graham <Graham.Letto@gov.nl.ca>
Sent: Thursday, January 24, 2019 9:57 AM
To: Letto, Graham <Graham.Letto@gov.nl.ca>; Simms, Randy <Randy.Simms@gov.nl.ca>
Cc: Chipcott, Jamie <Jamie.Chipcott@gov.nl.ca>

Subject: Fwd: ERSB Postponing Court Action Request

Back in November on behalf of cabin owners (and we had understood that the Premier agreed with us as well) we requested that government should request that ERSB should place on hold any further court action until government's commitment to deal with COATT's issues and concerns were dealt with. Minister Letto wrote ERSB accordingly and this obviously wasn't dealt with.

Eventually talked to Randy Simms about this and Randy told Joe that court action could not be changed by ERSB or government once it was scheduled.

Yesterday (Wednesday - January 23) I went to court to deal with my issues regarding this so called cabin garbage collection service. Mr. Minister, you have access to COATT's website so you can see what the result was........ not great for me.

The point I am making now is questioning Randy's statement that court action can not be changed by ERSB or by government once it was scheduled.

At my court hearing an elderly lady by the name of [redacted] came to witness what this court action was all about as she was scheduled to go to court with ERSB [redacted] Prior to my trial beginning Mr. Ken Kelly of ERSB called her off to the side and indicated that ERSB was postponing her court hearing until the proposed review with ERSB was completed, but I was given no consideration at all.

Based on [redacted] court case being postponed 2 days before it was scheduled (which is great) what Randy said does not appear to make sense and was not adhered by ERSB. Why??????

Regards,
Minister Letto's letter dated No. 23 to Ed Grant requested that ERSB should cease from any further court action while this cabin garbage issues are being dealt with.

and we all thought that based on the Minister's letter this would be placed on hold.

Recently talked to Randy Simms who indicated that this court action could not be changed by ERSB or Government once it is scheduled.

Rule 11, Small Claims Rules under the Small Claims Act (NL Regulations 52/97) states that claims or counter claims may be withdrawn - changing or withdrawing a statement of claim or reply or other documents is outlined and in that regard does that refer to the trial that has to deal with? If it does it means that ERSB can indeed withdraw court action against anyone. Of course if it happens it means that ERSB cannot pursue it again unless it makes a request to Small Claims again.

It is requested that you would contact ERSB and discuss what options are available, and advise accordingly.
Haskell, Ellen

From: [REDACTED]
Sent: Friday, January 25, 2019 1:20 AM
To: [REDACTED]
Cc: Letto, Graham; Chippett, Jamie; [REDACTED]
Subject: Re: ERSB Postponing Court Action Request

Thanks for being there, Randy, and I really hope we can bring some fairness to this situation.

Take care!!

From: Simms, Randy <randysimms@gov.nl.ca>
Sent: Thursday, January 24, 2019 8:06 PM
To: [REDACTED]
Cc: Letto, Graham; Chippett, Jamie; [REDACTED]
Subject: Re: ERSB Postponing Court Action Request

Hi [REDACTED],

I think [REDACTED] misunderstood or I failed to communicate clearly. As I recall, my intent was to point out that government was not in a position to order the ERSB to stop court action. The legislation provides them this remedy and the authority to pursue it. All we could do was make the request, which we did.

I apologize if I created any confusion for you or [REDACTED] I assume ERSB can decide to not go to court if they want given the civil nature of these cases.

As I recall [REDACTED] and I wondered if they could stop a court action if it was already in process and it seems from the story you relate that they can.

Again, sorry for any confusion I may have created.

Thanks

Randy

Sent from my iPhone

On Jan 24, 2019, at 9:56 AM [REDACTED] wrote:

Back in November on behalf of cabin owners (and we had understood that the Premier agreed with us as well) we requested that government should request that ERSB should place on hold any further court action until government's commitment to deal with COATT's issues and concerns were dealt with. Minister Letto wrote ERSB accordingly and this obviously wasn't dealt with.
eventually talked to Randy Simms about this and Randy told me that court action could not be changed by ERSB or government once it was scheduled.

Yesterday (Wednesday - January 23) I went to court to deal with my issues regarding this so-called cabin garbage collection service. Mr. Minister, you have access to COATT’s website so you can see what the result was. not great for me.

The point I am making now is questioning Randy’s statement that court action can not be changed by ERSB or by government once it was scheduled.

At my court hearing an elderly lady by the name of [redacted] came to witness what this court action was all about as she was scheduled to go to court with ERSB this coming Friday, January 25. Prior to my trial beginning Mr. Ken Kelly of ERSB called her off to the side and indicated that ERSB was postponing her court hearing until the proposed review with ERSB was completed, but I was given no consideration at all.

Based on [redacted] court case being postponed 2 days before it was scheduled (which is great) what Randy said does not appear to make sense and was not adhered by ERSB. Why??????

Regards,

---------- Forwarded message ----------

From: [redacted]
Date: Tue, Nov 27, 2018 at 2:28 PM
Subject: ERSB Postponing Court Action Request
To: Chippett, Jamie <jamiechippett@gov.nl.ca>
Cc: [redacted], Simms, Randy <RandySimms@gov.nl.ca>, Graham Letto <grahamlettov@gov.nl.ca>

Minister Letto’s letter dated No. 23 to Ed Grant requested that ERSB should cease from any further court action while this cabin garbage issues are being dealt with.

[redacted] is being dragged to court tomorrow (Nov 27) and we all thought that based on the Minister’s letter this would be placed on hold.

[redacted] recently talked to Randy Simms who indicated that this court action could not be changed by ERSB or Government once it is scheduled.

Rule 11, Small Claims Rules under the Small Claims Act (NL Regulations 52/97) states that claims or counter claims may be withdrawn - changing or withdrawing a statement of claim or reply or other documents is outlined and in that regard does that refer to the trial that Joe has to deal with? If it does it means that ERSB can indeed withdraw court action against anyone. Of course if it happens it means that ERSB cannot pursue it again unless it makes a request to Small Claims again.
It is requested that you would contact ERSB and discuss what options are available, and advise accordingly.

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
Haskell, Ellen

From: Michielsen, Dan  
Sent: Friday, January 25, 2019 10:55 AM  
To: Collins, Jerry; Kieley, Kim  

FYI.

Sent from my iPhone

Begin forwarded message:

From: "Glynn, Valerie" <VGlenn@gov.nl.ca>  
Date: January 25, 2019 at 10:49:11 AM NST  
To: "Michielsen, Dan" <MichielsenD@gov.nl.ca>, "Collins, Jerry" <JerryCollins@gov.nl.ca>  
Subject: HPE Records Manager BRIEFING NOTE : BN/2019/0011 : DN - Limiting ERSB's Allowable Billing Period (002)

Fyi...

------< HPE Records Manager record Information >------

Record Number : BN/2019/0011  
Title : DN - Limiting ERSB's Allowable Billing Period (002)
Decision/Direction Note  
Department of Municipal Affairs and Environment

Title: Limiting Eastern Regional Service Board's (ERSB'S) Allowable Billing Period

Decision/Direction Required:

Background and Current Status:
- The *Regional Service Boards Act, 2012* (the Act) and its associated regulations provide the regional service boards (RSBs) with the authority to deliver prescribed services within their region, and to charge user fees on a cost-recovery basis.

- The Cabin Owners' Against Trash Tax (COATT) group, established in early 2018, is dissatisfied with ERSS's service delivery and fees in Eastern Region. The group is active on social media and talk radio, and has met with the Minister, ERSS, and local MHAs.

- On November 23, 2018 the Minister of Municipal Affairs and Environment (MAE) wrote to the Chair of ERSS to request that it cease from advancing further court action against cabin owners until proposed changes to ERSS's governance structure could be implemented to better represent cabin owners' concerns. The Chair's response indicated that the Board did not agree with the proposed governance structure changed, or with ceasing court actions.

Analysis:
- Cabin owners have complained that it is unfair to receive an initial invoice for multiple years of fees and interest from ERSS given their view that the service is unnecessary and not being adequately provided, and that sufficient notice has not been provided to them.

- ERSS has argued that they have made reasonable efforts to notify property owners when they expand their waste collection services into new areas, and that charging interest and arrears for past-due amounts is their only means of deterring fee avoidance activities.

- The Office of the Citizens' Representative *2017-18 Annual Digest* noted that ERSS's approach has not helped mitigate citizens' hostility to additional fees, and recommended changes in the areas of complaint handling, proactive disclosure, and exemption policies.
See underline changes. Otherwise approved.

Sent from my iPhone

On Jan 27, 2019, at 2:27 PM, Shea, Erin <ErinShea@gov.nl.ca> wrote:

Dan, Please see the attached KMs for approval in advance of Minister Letto’s Open Line Call on Tues.
Lynn: can you please arrange a time with VOCM for a time for Minister to call in?
Thanks,
E.

KEY MESSAGES

Municipal Affairs and Environment
Cabin Owners Against Trash Tax (COATT)
January 28, 2018

Summary:
- Cabin Owners Against Trash Tax (COATT) has been vocal in opposing the Eastern Regional Service Board’s (ERSB) fee structure and quality of services. COATT asks that legislation be amended to force the boards to change the fee structure.
- The ERSB has been taking residents to small claims court 3-4 times a month for not paying bills for curbside waste/recycling (some have been retroactively billed from 2013 to present).

Anticipated Questions:
- What are you doing to address concerns of cabin owners who feel fees are unfair?
- Will you force Regional Service Boards to reduce fees for cabin owners?

Key Messages:
- We have reviewed all the concerns raised by those in unincorporated areas regarding Eastern Regional Service Board’s fees and services, and we have met with both COATT and the ERSB to discuss potential solutions.
- We are engaging an independent consultant to conduct a study of the ERSB’s waste management fees and services, particularly with respect to unincorporated areas.
• The outcome of the study will inform any decisions about whether legislative amendments are necessary to ensure that residents are being billed appropriately by the ERSB for services received.

• We anticipate the consultant will be providing the final study by late winter.

Secondary Messages (Independence of the Board):
• Through the Regional Service Boards Act, 2012, the boards have the authority to make operational policy decisions, which includes setting fees to offset the expenses of delivering these services, and establishing service delivery policies to properties within the region, including seasonal properties.

• If individual feels that concern has not been responded to appropriately by the regional service board, they may contact the Citizen’s Representative to file a complaint on matters such as these.

Prepared by: MAE Communications
Approved by: MAE Executive
Fact Sheet:
• The Cabin Owners' Against Trash Tax (COATT) group, established in early 2018, is dissatisfied with ERSB's service delivery and fees in Eastern Region. The group is active on social media and talk radio, and has met with the Minister, ERSB, and local MHAs.

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• Cabin owners have complained that it is unfair to receive an initial invoice for multiple years of fees and interest from ERSB given their view that the service is unnecessary and not being adequately provided, and that sufficient notice has not been provided to them.

• ERSB has argued that they have made reasonable efforts to notify property owners when they expand their waste collection services into new areas, and that charging interest and arrears for past-due amounts is their only means of deterring fee avoidance activities.

<KM - COATT Independent Study.docx>
Hi Minister,
Please see the following KMs in advance of Open Line call tomorrow. We have not yet scheduled a time but will let you
know asap.
Thanks,
E.

**KEY MESSAGES**

**Municipal Affairs and Environment**
**Cabin Owners Against Trash Tax (COATT)**
**January 28, 2018**

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- ERSB has argued that they have made reasonable efforts to notify property owners when they expand their waste collection services into new areas, and that charging interest and arrears for past-due amounts is their only means of deterring fee avoidance activities.
Dan,

Joe issued the Consultant Fee Request on Friday to 6 firms, along with the amended timeline (i.e. 2 weeks for proposals, 4 weeks for the work).

On a related note, are we able to disclose the project budget to the prospective firms? Joe has gotten a few requests from for that figure or general range.

Thank you,

Jerry Collins
Manager, Infrastructure and Waste Management (A)
Department of Municipal Affairs and Environment
Government of Newfoundland and Labrador
Tel: (709) 729-5334 | E-mail: JerryCollins@gov.nl.ca

From: Michielsen, Dan
Sent: Tuesday, January 29, 2019 8:33 AM
To: Collins, Jerry
Subject: FW: Review of ERSB

Have we moved on this yet:

DAN MICHIELSEN
ADM Municipal Infrastructure and Support
Department of Municipal Affairs and Environment
Government of Newfoundland and Labrador
(709)729-3051

From: Simms, Randy <RandySimms@gov.nl.ca>
Sent: Tuesday, January 29, 2019 8:14 AM
To: Michielsen, Dan <MichielsenD@gov.nl.ca>
Subject: FW: Review of ERSB

Hi Dan,

FYI... I see that [redacted] has not provided a copy of this to you. Thought I should pass it along. Any thought on how, or if, we should respond to [redacted] at this point?

Randy
Minister Letto,

When we met with Patricia Hynes-Coates and yourself on January 21 it was indicated that:
1. You had contacted Justice to determine if government could have ERSB postpone legal action against cabin owners until the proposed review is completed.

2. We would receive a response to the recommendations that we made regarding our input into the Consultant Fee Request.

No response provided to COATT as yet and in that regard an update on this would be appreciated.

Also it is requested that a copy of the Consultant Fee Request be provided for COATT’s information, and has it been forwarded for a response from the noted consultants?

Finally it would also be appreciated to be advised what schedule is in place to receive a response from the consultants, to have the review completed, and when will government be prepared to undertake any review proposed action?

Regards,
FYI....

Randy

From: [redacted]
Sent: Tuesday, January 29, 2019 8:54 AM
To: Simms, Randy <RandySimms@gov.nl.ca>
Letto, Graham <GrahamLetto@gov.nl.ca>
Subject: Re: Review of ERSB

The first two items were what you guys said at our meeting?

Also cabin owners have been given the impression that COATT is recognized and will be kept "up to speed" on what is going on with this view. In the past government interacted with ERSB off and on and we were kept in the dark. We assume that has been changed by Minister Letto.

On Tue, Jan 29, 2019 at 8:14 AM Simms, Randy <RandySimms@gov.nl.ca> wrote:

Minister,

I have passed on a copy of this email to Dan for his review. We might want to think about how or if we should respond to [redacted] at this point.

Randy

From: [redacted]
Sent: Monday, January 28, 2019 9:36 PM
To: Letto, Graham <GrahamLetto@gov.nl.ca>
Cc: Simms, Randy <RandySimms@gov.nl.ca>; Chippett,
Jamie <JamieChippett@gov.nl.ca>
Subject: Review of ERSB

Minister Letto,

When we met with Patricia Hynes-Coates and yourself on January 21 it was indicated that:

1. You had contacted Justice to determine if government could have ERSB postpone legal action against cabin owners until the proposed review is completed.

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Regards,

S. 40(1)

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January 29, 2019

Mr. G. Letto  
Minister of Municipal Affairs & Environment  
P.O. Box 8700  
St. John’s, NL  
A1B 4J6

Dear Mr. Letto:

I am writing concerning your conversation this morning with Paddy Daly regarding the garbage tax for cabin owners and other municipal issues.

I am not in favour of your government contracting out to an independent company to give their opinion on the garbage tax matter. You don’t ask people if they would “like to pay it a garbage tax”. You tell them they are paying it. If they don’t pay it and go into arrears then their property should be treated like it would be in other provinces. You give them a certain amount of time to pay their back bill and then the property is confiscated and resold for arrears. Do you think other provinces ask people if they take their garbage home? No they don’t. Here’s your bill and you pay it and we don’t care whether you take your garbage home or not.

Mr. Letto, it is time for a county system and it has been for a long time. This province has got to be dragged out of the 1940s and into today’s world. I have a place out around the bay. I have a paved road in front of my dwelling which is tended to summer and winter; I have a school down the road; school busses go by my house; I can call the police and they will come; I have a never-ending view of the ocean. What do I pay? Nothing!

I know of people who live out of province and come to Newfoundland for 3 months in the summer because it gets too hot in their home province. All their taxes and insurances are paid to other provinces and they pay nothing here except a paltry amount for garbage and fire. It’s not right.

I believe you mentioned on Paddy Daly that you were doing a trial system in two areas of the province that would mirror a county system. Mr. Letto, you don’t need to reinvent the wheel. Do what the other provinces are doing. It works.

Yours truly
Thank you

Sent from my iPhone

On Jan 30, 2019, at 8:11 AM, Michielsen, Dan <MichielsenD@gov.nl.ca> wrote:

See below
DAN MICHEILEN
ADM Municipal Infrastructure and Support
Department of Municipal Affairs and Environment
Government of Newfoundland and Labrador
(709)729-3051

From: Robinson, Lynn <LynnRobinson@gov.nl.ca>
Sent: Wednesday, January 30, 2019 7:54 AM
To: Michielsen, Dan <MichielsenD@gov.nl.ca>
Cc: Shea, Erin <ErinShea@gov.nl.ca>
Subject: Re: For Approval: Media Inquiry (CBC) Independent Review Garbage Collection Fees

Hi Dan,

Are you ok with this response below?

Thanks.
Lynn

Sent from my iPhone

On Jan 29, 2019, at 8:08 PM, Robinson, Lynn <LynnRobinson@gov.nl.ca> wrote:

Hi Dan,

Please see a response for CBC’s request below.

Thanks!
Lynn

Question:
We heard that Min. Letto has said the government is contracting an independent agency to conduct a review of the collection fee system for garbage pick up/disposal in some areas of the province.
Is that accurate? Can you please send us some info about that?

**Proposed Response:**
The Department of Municipal Affairs and Environment has reviewed all the concerns raised by those in unincorporated areas regarding Eastern Regional Service Board's fees and services, and the department has met with both Cabin Owners Against the Trash Tax (COATT) and the board to discuss potential solutions. The department is now in the process of engaging an independent consultant to conduct a study of the board's waste management fees and services, particularly with respect to unincorporated areas.

The outcome of the study will inform any decisions about whether legislative amendments are necessary to ensure that residents are being billed appropriately by the Eastern Regional Service Board for services received. The study is expected to be completed by late this winter.

Sent from my iPhone
Hi Guys,

I made a boo-boo... I sent an email to the Minister and to Dan that I apparently sent to [redacted] as well. That was a big mistake, though it is only one sentence, he sent it back this morning with the opinion that we are working at cross purposes on this item. I feel the need to respond to him in some manner. Have a quick read of this and let me know if you think it’s OK to send... Thoughts?

"Hi [redacted]

There was no nefarious intent in my email to the Minister regarding the timeliness of a response to your message of Jan 28th. While the message was not intended for you the explanation for it is quite transparent.

Given that we had met on January 21st your request of January 28th seems somewhat premature. You know from prior meetings that the Minister is committed to this process and we will complete the effort in as timely a manner as possible. Chasing this with a barrage of emails will not speed things up. Doing the project properly tops the need to do it quickly.

Work on integrating aspects of COATT commentary and ERSB commentary into the proposed terms of reference continues. We hope to have this portion completed soon. In the meantime, we would ask your indulgence; While the issue you want addressed is a very important one there are other priorities as well that require attention.

If I left a wrong or false impression, I apologize.

Thanks,

Randy"

From: [redacted]
Sent: Thursday, January 31, 2019 9:08 AM
To: Letto, Graham <GrahamLetto@gov.nl.ca>
On Monday (Jan. 28) I sent an email requesting information on what was noted by you when we met with Hynes-Coats and yourself, and also asking for an update on the review pertaining to ERSB.

The noted email dated Jan. 29 sent from Randy to yourself recommended that you might want to think about how or if you should want to respond at this point in time.

As yet NO response has been received.

Mr. Minister, what was requested in my email did not seem to be at all unreasonable and we were previously given a firm indication from yourself that you (and the Premier) appreciated where COATT was coming from and in that regard we were of the understanding that you would respond to reasonable requests for updates. Randy's email asking "how to respond or should you respond" certainly gives a different impression as to what is really going on.

Again, a response would be very much appreciated.

Regards,

Minister,

I have passed on a copy of this email to Dan for his review. We might want to think about how or if we should respond to [REDACTED] at this point.

Randy
Minister Letto,

When we met with Patricia Hynes-Coates and yourself on January 21 it was indicated that:

1. You had contacted Justice to determine if government could have ERSB postpone legal action against cabin owners until the proposed review is completed.

2. We would receive a response to the recommendations that we made regarding our input into the Consultant Fee Request.

No response provided to COATT as yet and in that regard an update on this would be appreciated.

Also it is requested that a copy of the Consultant Fee Request be provided for COATT's information, and has it been forwarded for a response from the noted consultants?

Finally it would also be appreciated to be advised what schedule is in place to receive a response from the consultants, to have the review completed, and when will government be prepared to undertake any review proposed action?

Regards,

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
Hi Guys,

I made a boo-boo... I sent an email to the Minister and to Dan that I apparently sent to [redacted] as well. That was a big mistake, though it is only one sentence, he sent it back this morning with the opinion that we are working at cross purposes on this item. I feel the need to respond to him in some manner. Have a quick read of this and let me know if you think it's OK to send... Thoughts?

"Hi [redacted]"

There was no nefarious intent in my email to the Minister regarding the timeliness of a response to your message of Jan 28th. While the message was not intended for you the explanation for it is quite transparent.

Given that we had met on January 21st and that all of the items in your request of January 28th are being worked on, I wondered whether we would be better off responding now or once these items were completed. You know from prior meetings that the Minister is committed to this process and we will complete these efforts in as timely a manner as possible. I think you'll agree that doing the project properly tops the need to do it quickly.

With respect to the specific item regarding integrating aspects of COATT commentary and ERSB commentary into the proposed terms of reference, this work is nearing completion. We will of course share this with you when it is done. This will include the timelines for the consultant etc. In the meantime, we would ask your indulgence. While the issue you want
addressed is a very important one, to you and to us, there are other priorities as well that require attention.

If I left a wrong or false impression, I apologize.

Thanks,

Randy"
I have passed on a copy of this email to Dan for his review. We might want to think about how or if we should respond at this point.

Randy

From: [Redacted]
Sent: Monday, January 28, 2019 9:36 PM
To: Letto, Graham <Graham.Letto@gov.nl.ca>
Cc: [Redacted]; Simms, Randy <Randy.Simms@gov.nl.ca>; Chippett, Jamie <Jamie.Chippett@gov.nl.ca>
Subject: Review of ERSB

Minister Letto,

When we met with Patricia Hynes-Coates and yourself on January 21 it was indicated that:

1. You had contacted Justice to determine if government could have ERSB postpone legal action against cabin owners until the proposed review is completed.

2. We would receive a response to the recommendations that we made regarding our input into the Consultant Fee Request.

No response provided to COATT as yet and in that regard an update on this would be appreciated.

Also it is requested that a copy of the Consultant Fee Request be provided for COATT's information, and has it been forwarded for a response from the noted consultants?

Finally it would also be appreciated to be advised what schedule is in place to receive a response from the consultants, to have the review completed, and when will government be prepared to undertake any review proposed action?
Regards,

S. 40(1)

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
Haskell, Ellen

From:  
Sent: Thursday, January 31, 2019 4:46 PM  
To:  
Cc: Simms, Randy; Letto, Graham; Chippett, Jamie; Michielsen, Dan  
Subject: Re: Review of ERSB  
Follow Up Flag: Follow up  
Flag Status: Flagged

I feel the same, let’s get on with our goal. COATT wants user pay for cabins in unincorporated areas, only thing that makes reasonable sense as 99% on unmaintained roads/accesses and service not or can’t be provided. Owners already pay garbage tax where they reside.

Sent from my iPad

On Jan 31, 2019, at 15:58, wrote:

"I can live with that"

From: Simms, Randy <randysimms@gov.nl.ca>  
Sent: Thursday, January 31, 2019 2:22 PM  
To:  
Cc: Letto, Graham; Bragg, Derrick; Chippett, Jamie; Michielsen, Dan  
Subject: Review of ERSB

Hi

There was no nefarious intent in my email to the Minister regarding the timeliness of a response to your message of Jan 28th. (See below) While the message was not intended for you the explanation for it is quite transparent.

Given that we had met on January 21st and that all of the items in your request of January 28th are being worked on, I wondered whether we would be better off responding now or once these items were completed. You know from prior meetings that the Minister is committed to this process and we will complete these efforts in as timely a manner as possible. I think you’ll agree that doing the project properly tops the need to do it quickly.
With respect to the specific item regarding integrating aspects of COATT commentary and ERSB commentary into the proposed terms of reference, this work is nearing completion. We will of course share this with you when it is done. This will include the timelines for the consultant, etc. In the meantime, we would ask your indulgence. While the issue you want addressed is a very important one, to you and to us, there are other priorities as well that require attention.

If I left a wrong or false impression, I apologize.

Thanks,

Randy

From: Simms, Randy <RandySimms@gov.nl.ca>
Date: Tue, Jan 29, 2019 at 8:14 AM
Subject: RE: Review of ERSB

Minister,

I have passed on a copy of this email to Dan for his review. We might want to think about how or if we should respond to [redacted] at this point.

Randy

“"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.""
From: Bradley Power <BPower@ersbni.ca>
Sent: Friday, February 1, 2019 9:26 AM
To: Shea, Erin <ErinShea@gov.nl.ca>; Simms, Randy <RandySimms@gov.nl.ca>; Chippett, Jamie <JamieChippett@gov.nl.ca>
Cc: Ed Grant Contact <egrant431@gmail.com>; Ken Kelly <kkelly@ersbni.ca>
Subject: FYI: Statement re: Cabin Fees
Importance: High

Erin:

The attached statement will be issued shortly by the Eastern Regional Service Board.

Thanks,

BRADLEY POWER
EASTERN REGIONAL SERVICE BOARD
Board Clerk | Outreach Coordinator
255 Majors Path, Suite 3, St. John's, NL, A1A 0L5
O: 709-579-8889 | M: 709-697-2633 | F: 709-579-5392 | bpower@ersbni.ca

**Everyone has a role in keeping our province clean and beautiful. At the Eastern Regional Service Board we're committed to delivering consistent, sustainable waste management services to thousands of people in eastern Newfoundland. Visit our website https://fairwaste.ca/ for details.**
The following statement is being issued on behalf of Ed Grant, Chair of the Eastern Regional Service Board:

“Our Board welcomes the recent announcement by the Minister of Municipal Affairs, the Honourable Graham Letto, regarding a review of seasonal curbside waste collection rates in the Eastern Region.

“Since 2009, the ERSB has worked diligently to implement the Provincial Government’s Solid Waste Management Strategy. Initially, the implementation of the Strategy involved the closing of all community landfills, establishing various residential bulk drop-off centres (waste recovery facilities), and the construction of a waste transfer station near Clarenville. These were all constructed with capital investment from the Provincial Government on behalf of all residents in the region. The ERSB then subsequently contracted with various municipalities and local service districts to provide curbside waste collection services in individual communities.

“Around 2012, the ERSB was faced with a decision on whether or not to extend curbside waste collection services into unincorporated areas and what is known as “cabin country”. The Board did not make its decision lightly. There was much deliberation and consideration of the various implementation requirements of any decision. At that time the Board sought guidance on the issue from the Government of Newfoundland and Labrador. The Board was given clear direction at that time by the Provincial Government and subsequently expanded in a phased approach over the course of five years into all unincorporated areas and cabin country.

“When setting the waste fees, the Board also had much deliberation and discussion. The Board is comprised of elected officials from communities throughout the Eastern Region, representing the interests of 270,000 residents. The conclusion of the Board was that each property should pay an equal amount which equated to $180.00 per property regardless if the property was a primary residence, secondary residence, cabin or trailer. The Board determined this to be the fairest way to charge fees to cover the cost of the regional service and the ERSB’s position was confirmed by an independent review by the Office of the Citizen’s Representative in recent years.

“Let’s be clear – the ERSB has acknowledged to Minister Letto, and all his predecessors that we are implementing their strategy, and if the Provincial Government wants changes made to the implementation process we respectfully request they give us that direction. If the Provincial Government wants a seasonal rate, we await that direction. To move forward, we will need to know specifically which areas are to be included in the new seasonal rate, as well as how much should be charged and when it should apply. We have pointed out the implications of having a reduced fee for seasonal properties in the past and our rationale for having one equal fee for all properties; however, we take our direction from the Government of Newfoundland and Labrador.

“To that end, we would like to clarify today that ERSB will follow whatever direction the Provincial Government provides, as it is our role to implement the Provincial Solid Waste Management Strategy as determined by them.”
From: Parsons, Pam  
Sent: Friday, February 01, 2019 10:38 AM  
To:  
Cc: Anthony, Ivy; Letto, Graham; Simms, Randy  
Subject: Re: Trash

Hi,  
Thank you for your message. I agree with your points - I have been advocating on behalf of Cabin Owners in our district since this was brought to my attention in 2016. I will continue to lobby & voice these concerns to the Minister, Graham Letto. Recently it was announced that this concern is being reviewed. I hope the appropriate changes will be made to treat these particular cabin owners fairly. Will do my best. Pls call anytime you may wish to speak with me.  
Sincerely, 
Pam

Pam Parsons, MHA  
Harbour Grace Port de Grave District  
1 Excel Place, Bay Roberts, NL  
709-786-1372

> On Jan 26, 2019, at 8:47 AM wrote:  
>  
> As a cabin owner I strongly disagree with this cash grab from Ersb. we've managed all these years bringing our garbage home after a weekend of camping ...usually in a shopping bag. This is a service that is not wanted not needed and definitely not provided. It's essentially a cash grab for a non-service...and we sincerely hope you voice our concerns about this matter.  
>  
> Sent from my iPhone
Haskell, Ellen

From: Collins, Jerry
Sent: Wednesday, February 06, 2019 12:32 PM
To: Chippett, Jamie
Subject: Draft COATT Letter Outline
Attachments: BN - COATT solutions.doc

See attached, as discussed. Proposed letter outline on p. 8, and copied below:

Action: Minister to write letter to ERSB that may include any/all of the following items:

Jerry Collins
Manager, Infrastructure and Waste Management (A)
Department of Municipal Affairs and Environment
Government of Newfoundland and Labrador
Tel: (709) 729-5334 | E-mail: JerryCollins@gov.nl.ca
Information Note
Department of Municipal Affairs and Environment

Title: Potential Legislative and Policy Solutions to Cabin Owners’ Waste Management Issues

Issue: Numerous issues related to waste management by the Eastern Regional Service Board have been identified by cabin owners in the eastern region. This note summarizes potential solutions to these issues.

Background:
- The Provincial Waste Management Strategy (PWMS) was released in 2002 as an interdepartmental initiative aimed at province-wide modern waste management. An implementation plan was developed in 2007 for the PWMS’ required infrastructure.

- The PWMS outlines a regional approach whereby regional authorities with representation from local communities coordinate the delivery of waste management services within designated regions. Regional service boards (RSBs), which provide these services on a cost-recovery basis, were developed for this purpose.

- The Regional Service Boards Act, 2012 and its regulations provide RSBs with the authority to deliver prescribed services within their region, and to charge user fees on a cost-recovery basis. The current regulations for the Eastern regional Service Board (ERSB) include the following prescribed services:
  o constructing, acquiring, maintaining and operating a waste management system;
  o providing operational oversight of water and waste water systems owned by municipal authorities identified through the Community Sustainability Partnership initiative; and
  o providing fire protection services.

- The Eastern region extends from the communities on the Avalon Peninsula in the east to those in the Clarenville area in the west. The ERSB was established in 2011, and is comprised of an independent chairperson, a vice-chair, and 19 RSB members, 10 of which are representatives from the City of St. John’s (i.e. nine City Councillors and the Mayor).

- Under the Regional Service Boards Act, 2012 (the Act), the RSBs have the authority to implement their own fee structures and to deliver regional services in accordance with the powers prescribed by Ministerial regulation.

- ERSB’s current service delivery policy includes seasonal properties, some on un-serviced roads, in various unincorporated areas (UIAs). These property owners frequently contact MAE to express frustration that they cannot opt out of this service.

- The Cabin Owners’ Against Trash Tax (COATT) group has been expressing dissatisfaction with ERSB’s service delivery and related fees in the Eastern region since it was established in early 2018. The group is active on social media and on radio talk shows, as has had several meetings with the Minister and local MHA.

- A summary of COATT’s issues to date and potential solutions is outlined in Annex A, and a summary of potential solutions, organized by level of intervention, is outlined in Annex B.
Analysis:


Ministerial Approval: Received from Hon. Andrew Parsons. QC [Pending]

October 22, 2018
## ANNEX A – Summary of Cabin Owners’ Issues and Potential Solutions

<table>
<thead>
<tr>
<th>Issue</th>
<th>Analysis</th>
<th>Theme(s)</th>
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</thead>
<tbody>
<tr>
<td>1. Seasonal Use of Cabins</td>
<td></td>
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<tr>
<td>2. Garbage Collection Not Provided as Advertised and Creating Environmental Issues and Safety Hazards (e.g. attracting dangerous animals)</td>
<td></td>
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<tr>
<td>3. Cabin Area Private Roads (i.e. ERSB does not contribute to the maintenance of the private roads they use)</td>
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<td>4. No Consultation</td>
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<tr>
<td>Issue</td>
<td>Analysis</td>
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<tr>
<td>5. Taxes Paid At Primary Residences</td>
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<tr>
<td>6. No Credit / Recognition For Cabin Owners' Waste Management</td>
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<tr>
<td>7. Non Environmental Rules For Cabin Garbage Collection and Resulting in Safety Hazards</td>
<td></td>
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<tr>
<td>8. Garbage Not Collected On A Regular Basis</td>
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<tr>
<td>Issue</td>
<td>Analysis</td>
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<tr>
<td>9. Service Fees Different Between Boards (including a &quot;user-pay&quot; system in Western Region, in the electoral districts of several Ministers and the Premier)</td>
<td></td>
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<tr>
<td>10. Comments re Fire Protection and Emergency Services</td>
<td></td>
<td></td>
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<tr>
<td>11. Cabin Owners Have No Elected Representation</td>
<td></td>
<td></td>
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<tr>
<td>Issue</td>
<td>Analysis</td>
<td></td>
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<td>--------------------------------------------------------------------------</td>
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<tr>
<td>12. Financial Challenges of some to pay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. &quot;Intimidation&quot; Collection Strategy, and Allegations that ERSB is Harassing, Bullying, or Discriminating Against Cabin Owners</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Cabin Areas Not Specifically Referenced in the Provincial Waste Management Strategy</td>
<td></td>
<td></td>
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<tr>
<td>15. Questioning the &quot;Legality&quot; of ERSB's Mandatory Services</td>
<td></td>
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<tr>
<td>Issue</td>
<td>Analysis</td>
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<tr>
<td>16. Cabin Owners are Subsidizing “Livyers” (i.e. Individuals Who Live in Cabin Areas Year-round) and/or Other Residents Across the Region</td>
<td></td>
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<tr>
<td>17. Repeated Claims that the Minister is “Ignoring” Cabin Owners</td>
<td></td>
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</tbody>
</table>
### Annex B – Summary of Options

<table>
<thead>
<tr>
<th>Option</th>
<th>Level of Intervention</th>
<th>Issue Theme Addressed</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Maintain MAE's position that RSBs are responsible for operational policy</td>
<td>Low</td>
<td>• Transparency/Accountability</td>
<td></td>
</tr>
<tr>
<td>Option</td>
<td>Level of Intervention</td>
<td>Issue Theme Addressed</td>
<td>Analysis</td>
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</table>
| 2. Issue a letter from the Minister to ERSB clarify the roles and expectations of the RSB | Low to medium | • Fees  
• Services  
• Transparency/Accountability  
• Environmental | |
<table>
<thead>
<tr>
<th>Option</th>
<th>Level of Intervention</th>
<th>Issue Theme Addressed</th>
<th>Analysis</th>
</tr>
</thead>
</table>
| 3. Develop a new code of conduct to apply to all RSB members and staff | Low to medium | • RSB Conduct  
• Transparency/Accountability | |
| 4. Introduce new mandatory transparency, accountability, and/or consultation requirements for all RSBs by legislation | Medium to high | • Transparency/Accountability  
• Representation | |
<table>
<thead>
<tr>
<th>Option</th>
<th>Level of Intervention</th>
<th>Issue Theme Addressed</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Define service delivery standards by Ministerial direction, policy, and/or regulation</td>
<td>Medium to high</td>
<td>• Services</td>
<td>• Fees</td>
</tr>
<tr>
<td>Option</td>
<td>Level of Intervention</td>
<td>Issue Theme Addressed</td>
<td>Analysis</td>
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<tr>
<td>6. Implement legislative changes to the RSB election process to allow residents to serve as board members</td>
<td>Medium to high</td>
<td>• Transparency/Accountability • Representation</td>
<td></td>
</tr>
<tr>
<td>7. Legislative amendments to change the RSB chairperson selection process</td>
<td>High</td>
<td>• Representation</td>
<td></td>
</tr>
<tr>
<td>Option</td>
<td>Level of Intervention</td>
<td>Issue Theme Addressed</td>
<td>Analysis</td>
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<tr>
<td>8. Restructure the wards/subregions of ERSB by regulation to provide residents of unincorporated areas with a stronger voice in the RSB's decisions</td>
<td>High</td>
<td>• Representation</td>
<td></td>
</tr>
<tr>
<td>9. Prescribe differential fee structures for seasonal properties and/or areas located on un-serviced roads, by Ministerial direction, policy and/or regulation</td>
<td>High</td>
<td>• Fees • Services</td>
<td></td>
</tr>
<tr>
<td>Option</td>
<td>Level of Intervention</td>
<td>Issue Theme Addressed</td>
<td>Analysis</td>
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<tr>
<td>10. Introduce new policies, subsidies, and/or regulations to standardize waste management fees charged by all RSBs across the province</td>
<td>High</td>
<td>• Fees</td>
<td></td>
</tr>
</tbody>
</table>
Minister Letto passed on your comments below and asked that we provide you with a response.

The overarching issue you address of customer service relating to the ERSB is not one we can appropriately address through the department.

We are not engaged in the day to day activities of the ERSB so things like a significant delay in receiving a response from the organization stands outside our purview and authority to properly address.

Despite this circumstance, by way of this email message, we will pass along your comments to the ERSB Board for their consideration.

Thanks,

Randy Simms
Executive Assistant to the Hon. Graham Letto
Minister of Municipal Affairs and Environment
709.729.3053 / 709.725.0213

Sent from my iPhone
From: [Redacted]
Date: February 5, 2019 at 8:44:08 PM NST
To: <grahamletto@gov.nl.ca>
Subject: Fwd: FW: Invoice

Good evening Mr. Letto,

Can you explain to me why it will take Mr. Grant 6-8 weeks to reply to a what should be simple questions.

Questions are very easy in my opinion.
ERSB told me it would not be till the spring before a site visit could be completed to determine if my new not-finished cabin is exempt. Very ironic they cant complete a visit but can collect garbage. Why is it going to take so long?

How can you decide on whether or not my cabin which is currently under construction livable today if you are not going to complete an assessment till the spring? Exemption should be completed on current state not the state of cabin in 3-4 months.

If I pay full amount now as I was told I should or risk getting charged interest and my exemption is approved is ERSB going to pay back money with interest?

Thanks

---------- Forwarded message ----------
From: Eastern Regional Service Board <info@ersbnl.ca>
Date: Fri, Jan 25, 2019, 10:45 AM
Subject: RE: FW: Invoice
To: [Redacted]

Good Day,

Your email has been sent along to Mr. Grant for review, please allow 6 to 8 weeks for a response.

Regards,

Eastern Regional Service Board

255 Majors Path, Suite 3

St. John’s, NL A1A 0L5

Tel: 709.579.7960

www.easternwaste.ca

**Everyone has a role in keeping our province clean and beautiful. At the Eastern Regional Service Board we’re committed to delivering consistent, sustainable waste management**
services to thousands of people in eastern Newfoundland. Visit our website https://fairwaste.ca for details.**

From: [Redacted]
Sent: January 25, 2019 7:57 AM
To: Eastern Regional Service Board <info@ersbnl.ca>
Subject: Fwd: FW: Invoice

Mr. Chair,

Why is it not possible now to complete an assessment of my property?

If I pay full amount now and exemption is approved and you going to pay back money with interest?

How can you decide on whether or not my cabin which is currently under construction livable today if you are not going to complete an assessment till the spring?

People can build homes in 3-4 months so lots could change in the condition of my cabin. Or depending on time and money not much will change.

I can provide a copy of my NL Power statement, It has cabin listed but not services to date. I can provide that every month if required.

Thanks

-------- Forwarded message --------
From: Christie Dean <cdean@ersbnl.ca>
Date: Thu, Jan 24, 2019, 11:49 AM
Subject: RE: FW: Invoice
To: [Redacted]

Your questions regarding payment and exemption process have been answered, if you are not satisfied with the answers that is another issue and can be written to the chair as this is the direction for staff. He email is info@ersbnl.ca.

Take Care

Christie Dean, Manager Waste Operations

From: [Redacted]
Sent: Thursday, January 24, 2019 8:42 AM
To: Christie Dean <cdean@ersbnl.ca>
Subject: Re: FW: Invoice

That was one question. I send a few more. Hopefully, I will have the answers before the end of the month.

Thanks
On Thu, Jan 24, 2019, 8:38 AM Christie Dean <cdean@ersbnl.ca wrote:

I have been off Should you require immediate assistance from our office you can call 579.7960.

Tracey clearly communicated that

"On Tue, Jan 22, 2019, 10:19 AM Tracey Glasgow <tglasgow@ersbnl.ca wrote:

You will pay interest if you wait for the results of the exemption if it is denied.

Tracey"

If it is approved the payments will be refunded.

Should you have further concerns please wrote the chair as this is the direction for staff. He email is info@ersbnl.ca

From:
Sent: Thursday, January 24, 2019 8:05 AM
To: Christie Dean <cdean@ersbnl.ca>
Subject: Re: FW: Invoice

When should I expect answers to the questions I asked?

On Tue, Jan 22, 2019, 2:11 PM Christie Dean <cdean@ersbnl.ca wrote:

staff will complete the request when assessment of the property is possible, Curbside collections requires that material is placed curbside the assessment requires a walk on the property.

Christie Dean, Manager Waste Operations.

From:
Sent: January 22, 2019 10:31 AM
To: Tracey Glasgow <tglasgow@ersbnl.ca>
Subject: Re: Invoice

That does not seem right or fair. Why is it going to take 4-6 to process my exemption form?

If the roads are accessible for waste collection why the delay? If I wanted to I could drive to my cabin today. So what kind of weather does operations require?

Thanks

On Tue, Jan 22, 2019, 10:19 AM Tracey Glasgow <tglasgow@ersbnl.ca wrote:

You will pay interest if you wait for the results of the exemption if it is denied.
Tracey

From: [Redacted]  
Sent: January 22, 2019 10:17 AM  
To: Tracey Glasgow <tglasgow@ersbnl.ca>  
Subject: Re: Invoice

So will or will not have to pay interest?

On Tue, Jan 22, 2019, 10:15 AM Tracey Glasgow <tglasgow@ersbnl.ca> wrote:

I think you should pay the invoice and if approved we will issued you a cheque back for the fees you have paid. It really is up to yourself.

Regards,

Tracey Glasgow  
Accounts Receivable  
Eastern Regional Service Board  
255 Majors Path, Suite 3  
St. John’s, NL A1A 0L5  
Tel: 709.579.7960  
www.easternwaste.ca

**Everyone has a role in keeping our province clean and beautiful. At the Eastern Regional Service Board we’re committed to delivering consistent, sustainable waste management services to thousands of people in eastern Newfoundland. Visit our website https://fairwaste.ca for details.**

From: [Redacted]  
Sent: January 22, 2019 10:13 AM  
To: Tracey Glasgow <tglasgow@ersbnl.ca>  
Subject: Re: Invoice

So if deemed that I am not exempt then do I have to turn around and pay interest from Jan.
On Tue, Jan 22, 2019, 10:09 AM Tracey Glasgow <tglasgow@ersbnl.ca> wrote:

Hi [redacted]  

You are talking about the exemption form correct? I do not have a time frame on when the exemption will be completed. The operations department only do exemptions when the weather permits.

It may not get done till the spring.

Regards,

Tracey Glasgow  
Accounts Receivable  
Eastern Regional Service Board  
255 Majors Path, Suite 3  
St. John’s, NL A1A 0L5  
Tel: 709.579.7960  
www.easternwaste.ca  

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From [redacted]
Sent: January 22, 2019 7:30 AM  
To: Tracey Glasgow <tglasgow@ersbnl.ca>  
Subject: RE: Invoice

Good morning,

Just wondering when I should expect to hear back regarding the form I submitted Jan 9th? The deadline for pre-authorization is Jan 25, so it would be appreciated if you could advise me before that. I don’t wish to incur any interest.

Thanks  

From [redacted]  
Sent: January 9, 2019 10:28 AM  
To: 'Tracey Glasgow'
Subject: RE: Invoice

Fya, thanks
From: Tracey Glasgow <mailto:tglagow@ersbnl.ca>
Sent: January 8, 2019 4:26 PM
To: [REDACTED]
Subject: RE: Invoice

If it is a new build under construction, indicate that on the form.

Tracey

From: [REDACTED]
Sent: January 8, 2019 4:22 PM
To: Tracey Glasgow <mailto:tglagow@ersbnl.ca>
Subject: Re: Invoice

I just looked at the form and in order to be considered not habitable the windows have to be boarded up. Is that correct?

On Tue, Jan 8, 2019 at 4:17 PM Tracey Glasgow <mailto:tglagow@ersbnl.ca> wrote:

Good Afternoon [REDACTED]

Please visit our website at http://easternregionalserviceboard.com/about-us/policies/

Scroll down to exemption forms, please review the form and if you feel that your property fits our exemption, fill one out and submit back to our office.

Regards,

Tracey Glasgow

Accounts Receivable

Eastern Regional Service Board

255 Majors Path, Suite 3

St. John’s, NL A1A 0L5

Tel: 709.579.7960

www.easternwaste.ca

**Everyone has a role in keeping our province clean and beautiful. At the Eastern Regional Service Board we’re committed to delivering consistent, sustainable waste management services to thousands of people in eastern Newfoundland. Visit our website https://fairwaste.ca for details.**
From: [Redacted]  
Sent: January 8, 2019 3:44 PM  
To: Eastern Regional Service Board <info@ersbnl.ca>  
Subject: Invoice

Good day,

I just received an invoice for the Carbonear Waste Mgmt. Fee. I do understand that I will have to pay the fee. However, [Redacted] is not livable to date. The cabin was only shelled up late fall. I don’t have any electrical or water connected to the cabin yet. It don’t see fair or right to have to pay for service that I won’t be taking advantage of till my cabin is habitable.

Thanks

[Redacted]
Haskell, Ellen

From: Chippett, Jamie
Sent: Thursday, February 07, 2019 10:20 AM
To: Letto, Graham
Subject: RE: ERSB to cease various services in specific unincorporated (cabin) areas

Not a clue

From: Letto, Graham <GrahamLetto@gov.nl.ca>
Sent: Thursday, February 7, 2019 10:19 AM
To: Chippett, Jamie <JamieChippett@gov.nl.ca>
Subject: Fwd: ERSB to cease various services in specific unincorporated (cabin) areas

What's this all about

Sent from my iPhone

Begin forwarded message:

From: 
Date: February 7, 2019 at 9:36:09 AM AST
To: 
Cc: Bill Bailey <info@clarenville.net>, Danny Breen <dbreen@stjohns.ca>, "Dave Lane" <dwayne@stjohns.ca>, Deanne Stapleton <dstapleton@stjohns.ca>, "Gerard Tilley" <info@conceptionbaysouth.ca>, Glenn Clarke <gclarke@municipalnl.ca>, Harold Mullowney <hmullowney@irishloop.nl.ca>, Hilda Whelan <info@whitbourne.nl.ca>, Hope Jamieson <hjamieson@stjohns.ca>, Ian Froude <ifroude@stjohns.ca>, Jamie Korab <jkorab@stjohns.ca>, Lucy Stoyles <lstoyles@mountpearl.ca>, Maggie Burton <mburton@stjohns.ca>, Peggy Roche <proche@torbay.ca>, Sandy Hickman <shickman@stjohns.ca>, Sheilagh O'Leary <soleary@stjohns.ca>, Sterling Willis <swillis@townofparadise.ca>, "Wally Collins" <wcollins@stjohns.ca>, Graham Letto <grahamletto@gov.nl.ca>

Subject: Re: ERSB to cease various services in specific unincorporated (cabin) areas

Very disturbing that only now they may do the fair and just thing here. All the time and now government monies, not to mention the costs of hundreds of cabin owners hauled into court could have been saved if they had of lessened from the beginning.

Sent from my iPad

On Feb 7, 2019, at 08:41, wrote:
The attached letter is for your information and a response is requested to keep cabin owners up dated on ERSB’s plans for 2019.

Regards,

[Redacted]

On behalf of COATT
<ERSB Directors Feb 7 2019.pdf>
Haskell, Ellen

From: Collins, Jerry  
Sent: Thursday, February 07, 2019 10:49 AM  
To: Chippett, Jamie; Michielsen, Dan  
Cc: Kieley, Kim  
Subject: RE: Draft letter  

Attached is a tracked changes version with some suggestions.

ERSB may respond and claim that:

- All areas they service are accessible, per their mapping of UIAs and road networks and Appendix D of their Rate Structure Rationale submission, in which they presented cabin real estate advertisements where the properties noted to be accessible year round.
- Ceasing service/fees in certain areas will necessitate fee increases for other properties regardless of the Minister’s position, per previous statements that a seasonal rate would increase all other fees by $15 (https://fairwaste.ca/).
- Inadequate Government resources and support with respect to land ownership registries are why it takes them so long to locate property owners, and limiting back fees to two years will impose further financial and administrative burden while continuing to incentivize fee avoidance activities.

Thank you,

Jerry Collins  
Manager, Infrastructure and Waste Management (A)  
Department of Municipal Affairs and Environment  
Government of Newfoundland and Labrador  
Tel: (709) 729-5334 | E-mail: JerryCollins@gov.nl.ca

From: Chippett, Jamie  
Sent: Wednesday, February 06, 2019 2:35 PM  
To: Michielsen, Dan; Collins, Jerry  
Subject: Draft letter

Please review and particularly enhance/clarify language and context around the invoicing question. All feedback would be appreciated. We’ll discuss when we have a draft.

Jamie
Mr. Ed Grant, Chairperson
Eastern Regional Service Board
255 Majors Path, Suite 3
St. John's, NL A1A 0L5
E-mail: info@easternwaste.ca

Dear Mr. Grant:

I write in follow-up to a meeting with yourself and Ken Kelly on November 15, 2018 and subsequently with the Eastern Regional Service Board (ERSB) on December 5, 2018, and further to your press release of February 1, 2019 regarding the waste management collection services and fees for cabin owners in unincorporated areas.

As you know, my approach to this issue upon my appointment as Minister of Municipal Affairs and Environment in November was to seek to find common ground between cabin owners and the ERSB on these issues between cabin owners and the ERSB in a collaborative fashion. I had pursued this through meetings with the ERSB as well as and representatives from the Cabin Owners Against Trash Tax (COATT) group. During our meeting in November, I specifically requested that you and Mr. Kelly provide me with develop a plan to implement seasonal rates or to remove un-serviced roads from your collection routes, for further consideration and deliberation. I acted in this manner so that the This approach was intended to engage the Board - could be engaged in working towards a solution, rather than receiving a directive from the Provincial Government. From the follow-up meeting with the ERSB, board members and your subsequent correspondence, the board members advised me it has become clear that the Board was unwilling to take any such action.

In your the recent public statement issued last week, I took great interest in the indication that the ERSB would take direction from the Provincial Government with respect to waste collection practices in these areas. I appreciate pleased to see you publicly outlining the ERSB’s position in this regard state this, and as the Minister responsible for the Regional Service Boards Act, 2012 (the Act), I am taking this opportunity to clarify our government’s position and provide clear direction on waste management in the region.

I am directing the Eastern Regional Service Board to take the actions outlined below.
While First, I acknowledge that the Regional Service Board Act and its associated regulations includes unincorporated areas within the regions in areas over which Regional Service Boards may provide services. I also acknowledge it is our view that determining the specific areas specifically to serviced are are operational policy decisions that are within the jurisdiction of the local government representatives who serve on the respective Boards. However, I support the our government firmly believes in the principle that fees should only be charged and collected where the service can be reliably delivered reasonably provided in keeping with our vision to deliver better services and outcomes through The Way Forward. I would also expect that such service delivery considerations and logistics be considered in the Board’s operational decisions.

Therefore, I am hereby directing the ERSB to take the actions outlined below:

1) I am directing the ERSB to cease the collection of waste on un-serviced roads, or where the services cannot be reasonably provided on a regular basis, as soon as possible. It is my position that this action should not result in any increased costs to other clients of waste management services in the region for which you provide these services. I would appreciate an update on plans to discontinue this practice by February 20, 2019.

2) I am also directing the ERSB, on a go forward basis, to cease with all outstanding fees and interest (i.e., or “back fees”) charged to individuals on their first invoice to a two-year period.

3) Improve the board's transparency, accountability, and engagement by publicly advertising the time and location of public meetings, posting minutes in a timely fashion, and ensuring that thorough consultations are completed in advance of the setting of an annual budget and fees and/or expanding service areas or other operational changes impacting the public invoicing persons beyond a two-year period for outstanding fees.

Finally, I would like to emphasize the need for the ERSB to publicly advertise the time and location of public meetings, to post minutes in a timely fashion, and to ensure that thorough consultation is completed in advance of the setting of an annual budget and fees and/or expanding service areas or other operational changes impacting the public.
I appreciate the important role that the Eastern Regional Service Board (ERSB) plays in implementing the Provincial Waste Management Strategy and providing these services to the public in this region of the Province. I am hopeful that we can work together to strengthen the relationship between Government and the Board as we partner in this endeavor.

Sincerely,

GRAHAM LETTO, MHA
District of Labrador West
Minister of Municipal Affairs and Environment

cc: Honourable Premier Dwight Ball
Haskell, Ellen

From: Shea, Erin
Sent: Thursday, February 07, 2019 9:14 PM
To: Chippett, Jamie
Subject: FOR REVIEW: KM - Direction Given to ERSB.docx
Attachments: KM - Direction Given to ERSB.docx

Please see the following for review:

KEY MESSAGES

Municipal Affairs and Environment
Direction Issued to Eastern Regional Service Board
February 7, 2019

Summary:
- The Eastern Regional Service Board has requested that the Minister of Municipal Affairs and Environment provide direction on the implementation of the Provincial Waste Management Strategy.
- The board has been battling cabin owners for years because the cabin owners feel the $180 annual fee is unwarranted when they don't need or want the services.

Anticipated Questions:
- Are you forcing the ERSB to change their fees for cabin owners?
- Why hasn't this been changed before?

Key Messages:
- The cabin owners have told us time and again that they feel the fee for services in unincorporated areas is unfair, and we have heard them.
- The board has asked that I provide direction on ERSB implementation of the provincial waste strategy, specifically with regard to a seasonal rate in unincorporated areas. And that's what I've done.
- I have directed the board to:
  o Cease the collection of waste on un-serviced roads as soon as possible
  o limit all outstanding fees and interest for a two year period
  o Improve the Board's transparency, accountability, and engagement
- The board plays an integral role in implementing the Provincial Waste Management Strategy, and we appreciate their work to provide services to residents of the region.
- We look forward to continuing to work with the board on improving services for residents.
Q&A

Are you cancelling the review of the structure of fees and services in unincorporated areas?
At this point, yes. Now that we have provided direction to the board – as they requested – we will no longer need to proceed with the review of the ERSB's fees and services.

What has the board asked for?
The board has asked for direction on:
  o specifically which areas are to be included in the new seasonal rate
  o how much should be charged
  o when it should apply.

Why wasn't this problem fixed before now?
We have been in discussions with the Eastern Regional Service Board over this matter for a very long time, and we have continued to hear from and meet with the Cabin Owners Against Trash Tax. As the ERSB recently indicated it will not change its fees unless it received specific direction from government, we have provided that direction.
KEY MESSAGES

Municipal Affairs and Environment
Direction Issued to Eastern Regional Service Board
February 7, 2019

Summary:

- The Eastern Regional Service Board has requested that the Minister of Municipal Affairs and Environment provide direction on the implementation of the Provincial Waste Management Strategy.
- The board has been battling cabin owners for years because the cabin owners feel the $180 annual fee is unwarranted when they don’t need or want the services.

Anticipated Questions:

- Are you forcing the ERSB to change their fees for cabin owners?
- Why hasn’t this been changed before?

Key Messages:

- The cabin owners have told us time and again that they feel the fee for services in unincorporated areas is unfair, and we have heard them.

- The board has asked that I provide direction on ERSB implementation of the provincial waste strategy, specifically with regard to a seasonal rate in unincorporated areas. And that’s what I’ve done.

- I have directed the board to:
  o Cease the collection of waste on un-serviced roads as soon as possible
  o limit all outstanding fees and interest for a two year period
  o Improve the Board’s transparency, accountability, and engagement

- The board plays an integral role in implementing the Provincial Waste Management Strategy, and we appreciate their work to provide services to residents of the region.

- We look forward to continuing to work with the board on improving services for residents.

Prepared by: MAE Communications
Approved by: MAE Executive
Q&A

Are you cancelling the review of the structure of fees and services in unincorporated areas?
At this point, yes. Now that we have provided direction to the board – as they requested – we will no longer need to proceed with the review of the ERSB’s fees and services.

What has the board asked for?
The board has asked for direction on:

- specifically which areas are to be included in the new seasonal rate
- how much should be charged
- when it should apply.

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We have been in discussions with the Eastern Regional Service Board over this matter for a very long time, and we have continued to hear from and meet with the Cabin Owners Against Trash Tax. As the ERSB recently indicated it will not change its fees unless it received specific direction from government, we have provided that direction.
Haskell, Ellen

From: Shea, Erin
Sent: Thursday, February 07, 2019 9:27 PM
To: Chippett, Jamie
Subject: KM - Direction Given to ERSB.docx
Attachments: KM - Direction Given to ERSB.docx

Here is revised

KEY MESSAGES

Municipal Affairs and Environment
Direction Issued to Eastern Regional Service Board
February 7, 2019

Summary:
- The Eastern Regional Service Board has requested that the Minister of Municipal Affairs and Environment provide direction on the implementation of the Provincial Waste Management Strategy.
- The board has been battling cabin owners for years because the cabin owners feel the $180 annual fee is unwarranted when they don’t need or want the services.

Anticipated Questions:
- Are you forcing the ERSB to change their fees for cabin owners?
- Why hasn’t this been changed before?

Key Messages:
- The cabin owners have told us time and again that they feel the fee for services in unincorporated areas is unfair, and we have heard them.
- The board has asked that I provide direction on ERSB implementation of the provincial waste strategy. And that’s what I’ve done.
- I have directed the board to:  
  - Cease the collection of waste on un-serviced roads as soon as possible
  - Limit all outstanding fees and interest for a two year period
  - Improve the Board’s transparency, accountability, and engagement
- I have also notified the board that further direction may be provided depending on the outcome of the full review of the Provincial Waste Management Strategy now underway.
- The board plays an integral role in implementing the Provincial Waste Management Strategy, and we appreciate their work to provide services to residents of the region.
We look forward to continuing to work with the board on improving services for residents.

Prepared by: MAE Communications
Approved by: MAE Executive
Q&A

Are you cancelling the review of the structure of fees and services in unincorporated areas?
At this point, yes. Now that we have provided direction to the board – as they requested – we will no longer need to proceed with the review of the ERSB’s fees and services.

What has the board asked for?
The board has asked for direction on:
- specifically which areas are to be included in a new seasonal rate
- how much should be charged
- when it should apply.

Why wasn’t this problem fixed before now?
We have been in discussions with the Eastern Regional Service Board over this matter for a very long time, and we have continued to hear from and meet with the Cabin Owners Against Trash Tax. As the ERSB recently indicated it will not change its fees unless it received specific direction from government, we have provided that direction.
KEY MESSAGES

Municipal Affairs and Environment
Direction Issued to Eastern Regional Service Board
February 7, 2019

Summary:

- The Eastern Regional Service Board has requested that the Minister of Municipal Affairs and Environment provide direction on the implementation of the Provincial Waste Management Strategy.
- The board has been battling cabin owners for years because the cabin owners feel the $180 annual fee is unwarranted when they don’t need or want the services.

Anticipated Questions:

- Are you forcing the ERSB to change their fees for cabin owners?
- Why hasn’t this been changed before?

Key Messages:

- The cabin owners have told us time and again that they feel the fee for services in unincorporated areas is unfair, and we have heard them.

- The board has asked that I provide direction on ERSB implementation of the provincial waste strategy. And that’s what I’ve done.

- I have directed the board to:
  - Cease the collection of waste on un-serviced roads as soon as possible
  - Limit all outstanding fees and interest for a two year period
  - Improve the Board’s transparency, accountability, and engagement

- I have also notified the board that further direction may be provided depending on the outcome of the full review of the Provincial Waste Management Strategy now underway.

- The board plays an integral role in implementing the Provincial Waste Management Strategy, and we appreciate their work to provide services to residents of the region.

- We look forward to continuing to work with the board on improving services for residents.

Prepared by: MAE Communications
Approved by: MAE Executive
Q&A

Are you cancelling the review of the structure of fees and services in unincorporated areas?
At this point, yes. Now that we have provided direction to the board – as they requested – we will no longer need to proceed with the review of the ERSB’s fees and services.

What has the board asked for?
The board has asked for direction on:
  - specifically which areas are to be included in a new seasonal rate
  - how much should be charged
  - when it should apply.

Why wasn’t this problem fixed before now?
We have been in discussions with the Eastern Regional Service Board over this matter for a very long time, and we have continued to hear from and meet with the Cabin Owners Against Trash Tax. As the ERSB recently indicated it will not change its fees unless it received specific direction from government, we have provided that direction.
Haskell, Ellen

From: Chippett, Jamie
Sent: Thursday, February 07, 2019 9:40 PM
To: Shea, Erin
Subject: Re: KM - Direction Given to ERSB.docx
Follow Up Flag: Follow up
Flag Status: Flagged

See below

Sent from my iPhone

On Feb 7, 2019, at 9:26 PM, Shea, Erin <ErinShea@gov.nl.ca> wrote:

Here is revised

KEY MESSAGES

Municipal Affairs and Environment
Direction Issued to Eastern Regional Service Board
February 7, 2019
Summary:
- The Eastern Regional Service Board has requested that the Minister of Municipal Affairs and Environment provide direction on the implementation of the Provincial Waste Management Strategy in cabin areas
- The board has been battling cabin owners for years because the cabin owners feel the $180 annual fee is unwarranted when they don’t need or want the services.

Anticipated Questions:
- Are you forcing the ERSB to change their fees for cabin owners?
- Why hasn’t this been changed before?

Key Messages:
- The cabin owners have told us time and again that they feel the fee for services in unincorporated areas is unfair, and we have heard them.
- The board has asked that I provide direction on ERSB implementation of the provincial waste strategy. And that’s what I’ve done.
- I have directed the board to:
  - Cease the collection of waste on un-serviced roads as soon as possible
  - limit all outstanding fees and interest to a two year period on the first invoice
Improving the Board's transparency, accountability, and engagement

I have also notified the board that once the comprehensive review of the Provincial Waste Management Strategy has concluded direction may be provided on other issues.

- The board plays an integral role in implementing the Provincial Waste Management Strategy and we will continue to work with them to improve services for residents.

Prepared by: MAE Communications
Approved by: MAE Executive
Q&A

Are you cancelling the review of the structure of fees and services in unincorporated areas?
At this point, yes. Now that we have provided direction to the board – as they requested – we will no longer need to proceed with the review of the ERSB's fees and services.

What has the board asked for?
The board has asked for direction on:
  - specifically which areas are to be included in a new seasonal rate
  - how much should be charged
  - when it should apply.

Why wasn't this problem fixed before now?
We have been in discussions with the Eastern Regional Service Board over this matter for a very long time, and we have continued to hear from and meet with the Cabin Owners Against Trash Tax. As the ERSB recently indicated it will not change its fees unless it received specific direction from government, we have provided that direction.

<KM - Direction Given to ERSB.docx>
Two sentences need to be replaced per my changes to the kms 

Sent from my iPhone

On Feb 7, 2019, at 10:05 PM, Shea, Erin <ErinShea@gov.nl.ca> wrote:

Please see the following statement for review:

As the Minister of Municipal Affairs and Environment, I have provided direction to the Eastern Regional Service Board regarding the implementation of the Provincial Waste Management Strategy in the eastern region.

The board has acknowledged its role in the implementation of the Strategy and has requested direction regarding the issue of waste management for cabin owners in unincorporated areas.

As such, I have directed the board to take the following actions: cease the collection of waste on un-serviced roads as soon as possible; limit all outstanding fees and interest for a two year period; and improve the board's transparency, accountability, and engagement. I have also notified the board that further action may be required depending on the outcome of the comprehensive review of the Provincial Waste Management Strategy which is currently underway.

The board plays an integral role in implementing the Strategy, and the Provincial Government appreciates their work to provide services to residents of the region.
Fees sentence needs to mirror letter - the one on interest etc

Sent from my iPhone

On Feb 7, 2019, at 10:12 PM, Shea, Erin <ErinShea@gov.nl.ca> wrote:

Sorry – my fault. See this revised version

From: Chippett, Jamie <JamieChippett@gov.nl.ca>
Sent: Thursday, February 7, 2019 10:10 PM
To: Shea, Erin <ErinShea@gov.nl.ca>
Subject: Re: FOR REVIEW: Statement

Two sentences need to be replaced per my changes to the kms

Sent from my iPhone

On Feb 7, 2019, at 10:05 PM, Shea, Erin <ErinShea@gov.nl.ca> wrote:

Please see the following statement for review:

As the Minister of Municipal Affairs and Environment, I have provided direction to the Eastern Regional Service Board regarding the implementation of the Provincial Waste Management Strategy in the eastern region.

The board has acknowledged its role in the implementation of the Strategy and has requested direction regarding the issue of waste management for cabin owners in unincorporated areas.

As such, I have directed the board to: cease the collection of waste on unserviced roads as soon as possible; limit all outstanding fees and interest for a two year period; and improve the board’s transparency, accountability, and engagement. I have also notified the board that once the comprehensive review of the Provincial Waste Management Strategy has concluded, direction may be provided on other issues.

The board plays an integral role in implementing the Provincial Waste Management Strategy and we will continue to work with them to improve services for residents.
Regarding your January 31 email, is an update available as yet?

regards,

On Thu, Jan 31, 2019 at 3:52 PM Simms, Randy <RandySimms@gov.nl.ca> wrote:

Hi 

There was no nefarious intent in my email to the Minister regarding the timeliness of a response to your message of Jan 28th. (See below) While the message was not intended for you the explanation for it is quite transparent.

Given that we had met on January 21st and that all of the items in your request of January 28th are being worked on, I wondered whether we would be better off responding now or once these items were completed. You know from prior meetings that the Minister is committed to this process and we will complete these efforts in as timely a manner as possible. I think you’ll agree that doing the project properly tops the need to do it quickly.

With respect to the specific item regarding integrating aspects of COATT commentary and ERSB commentary into the proposed terms of reference, this work is nearing completion. We will of course share this with you when it is done. This will include the timelines for the consultant, etc. In the meantime, we would ask your indulgence. While the issue you want addressed is a very important one, to you and to us, there are other priorities as well that require attention.

If I left a wrong or false impression, I apologize.
From: Simms, Randy <RandySimms@gov.nl.ca>
Date: Tue, Jan 29, 2019 at 8:14 AM
Subject: RE: Review of ERSB
To: [Redacted]

Minister,

I have passed on a copy of this email to Dan for his review. We might want to think about how or if we should respond to [Redacted] at this point.

Randy

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
From: Shea, Erin  
Sent: Friday, February 8, 2019 1:00 PM  
To: Robinson, Lynn <LynnRobinson@gov.nl.ca>  
Subject: FW: FOR APPROVAL: Statement on Trash Tax

From: Shea, Erin  
Sent: Friday, February 8, 2019 11:14 AM  
To: Letto, Graham <GrahamLetto@gov.nl.ca>  
Cc: Chippett, Jamie <JamieChippett@gov.nl.ca>; Michielsen, Dan <MichielsenD@gov.nl.ca>; Robinson, Lynn <LynnRobinson@gov.nl.ca>  
Subject: FOR APPROVAL: Statement on Trash Tax

Minister: Please see the following statement approval. If approved, this will be provided to the media later today (after letter is sent) along with the letter and the ERSB news release:

As the Minister of Municipal Affairs and Environment, I have provided direction to the Eastern Regional Service Board regarding the implementation of the Provincial Waste Management Strategy in the eastern region.

The board has acknowledged its role in the implementation of the Strategy and has requested direction regarding the issue of waste management for cabin owners in unincorporated areas.

As such, I have directed the board to: cease the collection of waste on un-serviced roads as soon as possible; on a go forward basis, limit all outstanding fees and interest (i.e. or “back fees”) charged to individuals on their first invoice to a two-year period; and improve the board's transparency, accountability, and engagement. I have also notified the board that once the comprehensive review of the Provincial Waste Management Strategy has concluded, direction may be provided on other issues.

The board plays an integral role in implementing the Provincial Waste Management Strategy and we will continue to work with them to improve services for residents.

Thanks,
E.
Haskell, Ellen

From: Chippett, Jamie
Sent: Friday, February 08, 2019 1:12 PM
To: Glynn, Valerie
Cc: Shea, Erin
Subject: FW: FYI - ERSB
Attachments:

Letter can be sent now.

From: Chippett, Jamie
Sent: Friday, February 8, 2019 1:10 PM
To: Mercer, Greg <GregMercer@gov.nl.ca>; Osborne, Tom <tosborne@gov.nl.ca>; Coady, Siobhan <SiobhanCoady@gov.nl.ca>; Davis, Bernard <BernardDavis@gov.nl.ca>
Cc: Letto, Graham <GrahamLetto@gov.nl.ca>; Shea, Erin <ErinShea@gov.nl.ca>; Card, Jason <JasonCard@gov.nl.ca>
Subject: FYI - ERSB

Ministers, Chief of Staff,

Per discussion, please see attached the letter to ERSB as well as the statement (below) which will be sent to ERSB and released to the media shortly. Also attached for ease of reference is the statement released by ERSB on February 1.

Jamie

As the Minister of Municipal Affairs and Environment, I have provided direction to the Eastern Regional Service Board regarding the implementation of the Provincial Waste Management Strategy in the eastern region.

The board has acknowledged its role in the implementation of the Strategy and has requested direction regarding the issue of waste management for cabin owners in unincorporated areas.

As such, I have directed the board to: cease the collection of waste on un-serviced roads as soon as possible; on a go forward basis, limit all outstanding fees and interest (i.e. or "back fees") charged to individuals on their first invoice to a two-year period; and improve the board's transparency, accountability, and engagement. I have also notified the board that once the comprehensive review of the Provincial Waste Management Strategy has concluded, direction may be provided on other issues.

The board plays an integral role in implementing the Provincial Waste Management Strategy and we will continue to work with them to improve services for residents.
The following statement is being issued on behalf of Ed Grant, Chair of the Eastern Regional Service Board:

“Our Board welcomes the recent announcement by the Minister of Municipal Affairs, the Honourable Graham Letto, regarding a review of seasonal curbside waste collection rates in the Eastern Region.

“Since 2009, the ERSB has worked diligently to implement the Provincial Government’s Solid Waste Management Strategy. Initially, the implementation of the Strategy involved the closing of all community landfills, establishing various residential bulk drop-off centres (waste recovery facilities), and the construction of a waste transfer station near Clarenville. These were all constructed with capital investment from the Provincial Government on behalf of all residents in the region. The ERSB then subsequently contracted with various municipalities and local service districts to provide curbside waste collection services in individual communities.

“Around 2012, the ERSB was faced with a decision on whether or not to extend curbside waste collection services into unincorporated areas and what is known as “cabin country”. The Board did not make its decision lightly. There was much deliberation and consideration of the various implementation requirements of any decision. At that time the Board sought guidance on the issue from the Government of Newfoundland and Labrador. The Board was given clear direction at that time by the Provincial Government and subsequently expanded in a phased approach over the course of five years into all unincorporated areas and cabin country.

“When setting the waste fees, the Board also had much deliberation and discussion. The Board is comprised of elected officials from communities throughout the Eastern Region, representing the interests of 270,000 residents. The conclusion of the Board was that each property should pay an equal amount which equated to $180.00 per property regardless if the property was a primary residence, secondary residence, cabin or trailer. The Board determined this to be the fairest way to charge fees to cover the cost of the regional service and the ERSB’s position was confirmed by an independent review by the Office of the Citizen’s Representative in recent years.

“Let’s be clear – the ERSB has acknowledged to Minister Letto, and all his predecessors that we are implementing their strategy, and if the Provincial Government wants changes made to the implementation process we respectfully request they give us that direction. If the Provincial Government wants a seasonal rate, we await that direction. To move forward, we will need to know specifically which areas are to be included in the new seasonal rate, as well as how much should be charged and when it should apply. We have pointed out the implications of having a reduced fee for seasonal properties in the past and our rationale for having one equal fee for all properties; however, we take our direction from the Government of Newfoundland and Labrador.

“To that end, we would like to clarify today that ERSB will follow whatever direction the Provincial Government provides, as it is our role to implement the Provincial Solid Waste Management Strategy as determined by them.”
Mr. Ed Grant, Chairperson  
Eastern Regional Service Board  
255 Majors Path, Suite 3  
St. John’s, NL A1A 0L5  
E-mail: info@easternwaste.ca

Dear Mr. Grant:

I write in follow-up to a meeting with yourself and Ken Kelly on November 15, 2018 and subsequently with the Eastern Regional Service Board (ERSB) on December 5, 2018, and further to your press release of February 1, 2019 regarding waste management collection services and fees for cabin owners in unincorporated areas.

As you know, my approach to this issue upon my appointment as Minister of Municipal Affairs and Environment in November was to seek to find common ground between cabin owners and the ERSB on these issues in a collaborative fashion. I had pursued this through meetings with the ERSB as well as representatives from the Cabin Owners Against Trash Tax (COATT) group. During our meeting in November, I specifically requested that you and Mr. Kelly develop a plan to implement seasonal rates or to remove un-serviced roads from your collection routes, for further consideration and deliberation. This approach was intended to engage the Board in working towards a solution, rather than receiving a directive from the Provincial Government. From the follow-up meeting with the ERSB board members and your subsequent correspondence, it had become clear that the Board was unwilling to take any such action. At that time, the preferred course of action was to pursue an independent review of waste management collection services and associated fees in this region.

In your recent public statement, I took great interest in the indication that the ERSB would take direction from the Provincial Government with respect to waste collection practices in these areas. I note ERSB’s position in this regard, and as the Minister responsible for the Regional Service Boards Act, 2012 (the Act), I am taking this opportunity to clarify our government’s position and provide clear direction on waste management in the region.
First, I acknowledge that the Act and its associated regulations include unincorporated areas within the regions in which Regional Service Boards may provide services. I also acknowledge that determining the specific areas to be serviced are operational policy decisions that are within the jurisdiction of the local government representatives who serve on the respective Boards. However, our government firmly believes in the principle that fees should only be charged and collected where the service can be reasonably provided, in keeping with our vision to deliver better services and outcomes through The Way Forward. I would also expect that such service delivery considerations and logistics be considered in the Board’s operational decisions.

Therefore, I am hereby directing the ERSB to take the actions outlined below:

1) Cease the collection of waste on un-serviced roads, or where the services cannot be reasonably provided on a regular basis, as soon as possible. Based on past discussions, it is my understanding that officials with the ERSB have some idea as to the areas in question but a dialogue amongst our respective teams may assist in finalizing the approach. It is also my position that this action should not result in any increased costs to other clients of waste management services in the region for which you provide these services. I would appreciate an update on plans to discontinue this practice by February 20, 2019.

2) On a go forward basis, limit all outstanding fees and interest (i.e. or “back fees”) charged to individuals on their first invoice to a two-year period.

3) Improve the Board’s transparency, accountability, and engagement by publicly advertising the time and location of public meetings, posting minutes in a timely fashion, and ensuring that thorough consultations are completed in advance of the setting of an annual budget and fees and/or expanding service areas or other operational changes impacting the public.

In addition to the above, as you know the Province is undertaking a comprehensive review of the Provincial Waste Management Strategy, and direction on other issues pertaining to waste management may be conveyed upon its conclusion.
The ERSB plays an integral role in implementing the Provincial Waste Management Strategy and providing these services to the public in this region of the Province. The Province will continue to work with you in this endeavor.

Sincerely,

GRAHAM LETTO, MHA
District of Labrador West
Minister of Municipal Affairs and Environment

cc: Honourable Premier Dwight Ball
    COATT
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
The attached letter dated February 9, 2019 is for your information and a response is requested. Minister, we have to say that we are very pleased that finally the Liberal government and yourself appear to be sincerely committed to having this addressed. Our comments are sincere as well and are not made simply in a negative way. What is being suggested/recommended fully addresses the major issues and concerns that Avalon cabin owners have experienced over the last number of years and definitely require attention. Should government agree with what is suggested in our letter it will eliminate most negative reactions to what is going on and we will promote it as much as possible.

Again thanks very much.

On behalf of

[Redacted]
February 9, 2019

Mr. Graham Letto  
Minister of Municipal Affairs and Environment  
Government of Newfoundland and Labrador

Dear Minister Letto,

On behalf of COATT and in reference to your letter dated February 8, 2019 to Ed Grant we would like to thank you and Premier Ball for finally starting to address Avalon cabin owners issues and concerns regarding ERSB forceful implementation of a so called cabin garbage collection service. Up until now not much has been accomplished; however, your sincere efforts to deal with this has resulted in a very positive response from most Avalon cabin owners. There is still a concern as until this is properly dealt with by ERSB and Government a lot of cabin owners will remain somewhat skeptical as in the past not much has really happened to have our issues and concerns addressed.

With regard to your letter the following comments are for your information and response:

1. It is indicated that ERSB will “cease the collection of waste on un-serviced roads”. Is the definition of un-serviced roads means any roads that are not constructed and/or not maintained and/or not serviced by government? In other words the cost of construction and/or maintenance and/or servicing activities on these roads are financed by local cabin owners.

2. With regard to roads in unincorporated areas that are constructed, maintained, and serviced by government (or whomever), will government permit ERSB to treat Avalon cabin owners differently with the forceful implementation of a so called cabin garbage collection service as opposed to cabin owners off the Avalon where it is primarily a “pay if you use or not pay if you don’t use” waste collection policy? This is viewed by Avalon cabin owners as being very discriminatory which is a major concern to all of us given that waste collection is part of the Provincial (province-wide) Waste Management Strategy. Whatever happens with respect to cabin properties in one part of the province should be applied all over.

3. It is indicated that ERSB will “cease the collection of waste where the services cannot be reasonably provided on a regular basis”. Does this refer to seasonal cabin areas and/or the fact that cabin garbage cannot be left out for extended periods of time (no more than a few hours as this is a major safety issue for cabin owners and their families and their pets) before it is picked up? Or what else does this refer to?

4. It is indicated that in order to deal with what is suggested you have stated that “it is your understanding that officials with ERSB have some idea as to the areas in question but a dialogue amongst our respective teams may assist in finalizing the approach.” Will COATT have representation on the “respective teams”?

5. It is stated that “On a go forward basis, limit all outstanding fees and interest (i.e. or back fees) charged to individuals on their first invoice to a two year period.” It appears that the statement “On a go forward basis” specifically refers to what will happen in the future which means that what has happened in the past will not be addressed. Avalon cabin owners have been charged hundreds/thousands of extra dollars by ERSB based on what is viewed as ERSB’s intimidation collection policy and based on government’s amended legislation in 2012 when the term “user fee” was changed to plain and simple “fee”. This therefore means that existing recognized cabin owners will have to accept this “extra” expense with no consideration for a degree of reimbursement from ERSB or from government which made all of this happen. The question is will reimbursement be considered as only newly invoiced cabin owners will benefit from the adoption of this policy?
6. The amended legislation in 2012 which changed “user fee” to plain and simple “fee” allowed the various regional service boards to charge a fee for any service that is not required, not necessary, not requested, not wanted, not provided, and not used. This had a major negative impact on all Avalon cabin owners resulting in ERSB charging hundreds/thousands of dollars for such services and eliminating all legal options related to the way ERSB operated. We are of the view that this must be addressed with the word “fee” being changed back to “user fee” which would result in a “user pay if you use the service” or “you do not pay if you don’t use the service”. Will this be addressed?

Again thank you for your initial commitment to have COATT’s issues and concerns dealt with and we are hopeful that the above noted comments will be seriously considered to finally and sincerely deal with such a nightmare that Newfoundland citizens have experienced as basic cabin owners on the Avalon Peninsula. You have indicated that you would appreciate an update from ERSB on plans to discontinue this practice by February 20, 2019 and in that regard cabin owners would appreciate a response to the above noted comments by that time as well.

Regards,

[Signature]

s. 40(1)

On behalf of COATT

cc Premier Ball
Please review and particularly enhance/clarify language and context around the invoicing question. All feedback would be appreciated. We’ll discuss when we have a draft.

Jamie
Dear Mr. Grant:

I write in follow-up to a meeting with yourself and Ken Kelly on November 15, 2018 and subsequently with the Eastern Regional Service Board (ERSB) on December 5, 2018, and further to your press release of February 1, 2019 regarding the waste management collection and fees for cabin owners.

As you know, my approach to this issue upon my appointment as Minister of Municipal Affairs and Environment in November was to seek to find common ground on these issues between cabin owners and the ERSB in a collaborative fashion. I had pursued this through meetings with the ERSB and representatives from the Cabin Owners Against Trash Tax (COATT) group. During our meeting in November, I specifically requested that you and Mr. Kelly provide me with a plan to implement seasonal rates or to remove un-serviced roads from your collection routes. I acted in this manner such that the Board could be engaged in working towards a solution rather than receiving a directive from the provincial government. In the follow-up meeting with the Eastern Regional Service Board, Board members advised me that the Board was unwilling to take any such action.

In the public statement issued last week, I took great interest in the indication that the Eastern Regional Service Board would take direction from the provincial government with respect to waste collection practices in these areas. I am pleased to see you publicly state this, and as the Minister responsible for the Regional Service Boards Act, I am directing the Eastern Regional Service Board to take the actions outlined below.

While I acknowledge that the Regional Service Board Act includes unincorporated areas within the areas over which Regional Service Boards may provide services, it is our view that the areas specifically serviced are within the jurisdiction of the respective Boards. However, I support the principle that fees should only be charged and collected where the service can be reliably delivered. I would also expect that such service delivery considerations and logistics be considered in the Board’s operational decisions. Therefore, I am directing the ERSB to cease collection of waste on un-serviced roads, or where the services cannot be provided on a regular basis, as soon as possible. It is my position that this action should not result in any increased costs to other clients of waste management services in the region for which you provide these services. I would appreciate an update on plans to discontinue this practice by February 20, 2019.

I am also directing the ERSB, on a go-forward basis, to cease with invoicing persons beyond a 2 year period for outstanding fees.

Finally, I would like to emphasize the need for the ERSB to publicly advertise the time and location of public meetings, to post minutes in a timely fashion, and to ensure that thorough consultation is completed in advance of the setting of an annual budget and fees and/or expanding service areas or other operational changes impacting the public.

I appreciate the role that the Eastern Regional Service Board provides in implementation of the Provincial Waste Management Strategy and providing these services to the public in this region.
of the Province. I am hopeful that we will work to strengthen the relationship between Government and the Board as we partner in this endeavor.

Graham Letto
MINISTER.
Hi Guys,

I just had a call from a [REDACTED] lady who noted that the announcement that ERSB was being directed to cease and desist from collecting or charging for garbage collection on unserviced roads was not well timed. She says the decision was not announced until “72 hours” after the deadline for annual payment had passed. She thinks this is unfair and perhaps deliberate. She paid her annual fee and wants to know what happens “now that these crooks have my money.”

She says her cabin is located in [REDACTED] and is on an unserviced road. Yes, her road is maintained and they do have a fellow they pay to keep the road open in winter, but that’s not the point. To her it’s an unserviced road. She either wants service or she wants her money back. I told her I would pass it on.

Randy
Hi Guys,

Had the following question posed to me this morning by a [redacted]. He owns a secondary residence in [redacted] which he tells me is an unincorporated area. He says the question is about an appeal mechanism.

Can he appeal a decision of the ERSB if they do not declare a road to be unserviced, especially if he thinks it is unserviced and can prove it? To whom would he appeal?

I guess his concern is that he doesn’t want ERSB to be the final arbiter of disputes.

Randy
Honorable Graham Letto
Minister of Municipal Affairs and Environment
Box 8700, St. John's, NL, A1B 4J6

Dear sir,

Enclosed please find correspondence I have had with Ed Grant concerning what I call not honorable practices of the Eastern Service Board. My accompanying letters will explain my situation, but I am being charged interest on service fees that I was never informed that I owed. My husband and I owned the property originally in [redacted] and at the time we paid for our garbage pick-up with the Local Service District [redacted]. My husband only spent the summer there. I was never informed at any time about the Eastern Service Board fees. I assumed when I paid my Local Service Fees that I was still paying for garbage as it always was. There was no breakdown of the services supplied, only stated service fees. I was very surprised when I received an invoice 2 and a half years later, from Eastern Services for fees of $433.97 plus $202.46 interest. I immediately called and was told I had to pay it. I paid the fees that same day but have not paid the interest. I have paid the new invoice for 2019 but not the interest. I feel I am being gouged by the Eastern Services Board, because they neglected to invoice me earlier.

I am asking that your office look into this for me as I don't feel it is legal or moral to be asked to pay interest on a bill that I never knew I owed.

Sincerely,

Enclosures: Letters to Ed Grant
Letter from Ed Grant
copies of info letters from Ministers Joyce and Parsons (sent by Ed Grant)
Oct 30, 2018

Eastern Regional Service Board

255 Majors Path, Suite 3

St. John's, NL

Attn: Ed Grant

Re: Account No.

Dear Sir:

I purchased my house in [redacted] This house was built by my husband and I, 12 years ago. At the time I purchased the house, or any time since, nobody told me about the fee for waste management. When I lived here before it was all included with the Local District fees and I assumed it was still the same. I paid my Local fees and assumed all was taken care of. This is my home but I don't live here permanently, and my mail goes to my daughter's mailbox. I am only back and forth during the summer and I am out of the country for 4 months in the winter.

I just received an invoice for Waste management fees from Aug. 04, 2016 to Dec. 31, 2018, and I have just made payment for the fees of $433.97 through [redacted] On that invoice is a charge for $202.46 interest that I feel I should not have to pay. I have never received an invoice from you before so I don't see how you can charge me interest on something I knew nothing about. If I had received an invoice before it would have been paid right away.

I would appreciate your consideration of waiving this interest charge, and would appreciate hearing from you in the near future.

Sincerely
Haskell, Ellen

From: Ken Kelly <kelly@ersbnl.ca>
Sent: Wednesday, February 20, 2019 12:41 PM
To: Letto, Graham; Chippett, Jamie; Ed Grant Contact
Subject: DRAFT letter of response

On Behalf of Ed Grant,

Please see the attached DRAFT letter in response to your letter of Feb 8, 2019. The roads are in ten areas of the region and will affect about 300 properties.

Ken T. Kelly, CPA
Chief Administrative Officer
Eastern Regional Service Board
Tel: 709-579-7960
Email: kelly@ersbnl.ca
255 Majors Path
St. John’s, NL

**Everyone has a role in keeping our province clean and beautiful. At the Eastern Regional Service Board we’re committed to delivering consistent, sustainable waste management services to thousands of people in eastern Newfoundland. Visit our website https://fairwaste.ca/ for details.**
Hon, Graham Letto, MHA  
Minister of Municipal Affairs and Environment  
Government of Newfoundland & Labrador  
PO Box 8700  
St. John’s, NL, A1B 4J6

February 20, 2019

Dear Minister Letto,

The Eastern Regional Service Board (ERSB) is extremely pleased to have received your letter of February 8, 2019 clarifying your Government’s position on the Provincial Waste Management Strategy. In our press release of February 1, 2019 the Board had requested just such a response and we now look forward to implementing this new directive.

In your letter there were three areas in which you focused your direction to the Board. We have structured our response to your letter around those directives.

Therefore, I am hereby directing the ERSB to take the actions outlined below:

1) Cease the collection of waste on un-serviced roads, or where the services cannot be reasonably provided on a regular basis, as soon as possible. Based on past discussions, it is my understanding that officials with the ERSB have some idea as to the areas in question but a dialogue amongst our respective teams may assist in finalizing the approach. It is also my position that this action should not result in any increased costs to other clients of waste management services in the region for which you provide these services. I would appreciate an update on plans to discontinue this practice by February 20, 2019.

Attached is a list of roads within the eastern region where we have experienced some operational challenges in maintaining a curbside/roadside waste collection service year-round. This list is based on the review of our Global Positioning System (GPS) fleet tracking data of the routes our vehicles travel. Discussions between ERSB and the Department of Municipal Affairs and Environment identified these areas and we acknowledge issues with access on a recurring basis. Service on these roads can be stopped immediately and a motion can be tabled at our next monthly meeting that will bring this change in operations into effect as of March 31, 2019 as per your directive.

In these areas we have augmented the summer curbside/roadside waste collection service with a series of winter waste drop-off locations to ensure that property owners have a means to dispose of waste in an appropriate manner. This practice was approved and operated under a Certificate of Approval. We suggest continuing with the winter drop off locations until March 31, 2019 as it
correlates with the posted removal dates for the winter drop off locations. This should provide sufficient time for communication of changes and mitigate any confusion of the public that use these sites that the service has disappeared without an alternative being put in place and avoid illegal dumping.

Further, we will advise these property owners that all service, both summer/winter will be discontinued and they should make alternative arrangements. We will arrange to very quickly refund anyone who may have paid for the 2019 service. At the same time we will strongly encourage all these property owners to utilize our nearest Residential Waste Recovery Facility for bulk household items, at no charge, to protect the environment from illegal dumping.

This change in operations will not necessitate any increase in fees charged to those remaining as recipients of the weekly curbside/roadside waste collection services delivered by the ERSB.

With your concurrence, the attached list of roads can be immediately removed from our service model, property owners advised, and refunds issued where necessary. Further, there is considerable confusion surrounding “un-serviced” roads which needs to be rectified. We suggest that a joint press release be issued clarifying exactly who is affected as we are getting calls for refunds, cancelling existing payment arrangements, who do they get to provide service and related issues.

2) **On a go forward basis, limit all outstanding fees and interest (i.e. or “back fees”) charged to individuals on their first invoice to a two year period.**

We acknowledge this directive and will now only back charge to 2017 or later if the service started thereafter. We are concerned that this directive to limit outstanding fees and interest to two years without qualifying the circumstances will incentivize those that have not come forward to continue to defer identification. I often refer to this as “Catch as catch can.” We suggest we establish January 1, 2017 as the date that new invoices to newly invoiced property owners will be limited. This creates an incentive for those that have not self-identified to come forward. However, we further assert that by now all property owners in the eastern region know of the service and therefore the back charge period not be limited to two years going forward. We await your further clarification of this position.

Actions to recover funds from delinquent accounts will start again as of the date of this letter.

3) **Improve the Board’s transparency, accountability, and engagement by publicly advertising the time and location of public meetings, posting minutes in a timely fashion, and ensuring that thorough consultations are completed in advance of the setting of an annual budget and fees and/or expanding service areas or other operational changes impacting the public.**

With regards to the last directive the ERSB holds monthly public meetings with the details of these meetings published to our Board’s website so that the public can attend. This has been the practice for some time. All minutes of our meetings are made public once they have been adopted, normally at the following monthly meeting. This is the same practice for a municipality to adopt
minutes of the previous meeting at the next available opportunity. Minutes of meetings have been published to our web site since 2013.

With regards to annual budgets these reflect the costs of the Board and are published on our web site. Information on our annual budget is sent to all of the municipalities and local service districts in the eastern region. Once adopted, it is posted to the Board website along with the minutes of all meetings since 2013. Further, the annual audit of the Board and the presentation of financial statements are prepared by a licensed public accounting firm and are also published to our website.

In addition, the Board recently completed a public consultation project in which all 32,000 properties in our service area were asked to participate in either an online survey or via telephone. Invitations were sent to seasonal and permanent property owners, online advertising and social media advertisements were placed as were traditional media advertising. The consultation resulted in 323 responses which was not even sufficient to make the results statistically representative. The Board then engaged a third party firm to telephone another 200 property owners in the service area to receive sufficient feedback to make the sample statistically representative. This survey asked about our services, what services were important to property owners, how they thought the services should be paid for and what was their opinion of the ERSB. We service some 46 municipalities and 46 LSD’s in addition to unincorporated areas. We consider the lack of response from our client base to be reflective of satisfactory service, albeit, we are constantly striving to make improvements. Many of the critics of the service are simply not providing factual information regarding operations, accountability or transparency. They simply reject the service outright and, frankly, we are unable to find any accommodation for their position. Any suggestions you can offer would be appreciated.

As mentioned earlier your three directives require clarification amongst the public. We have been monitoring the social media discussions on your directives and they are interpreting the directives in many different fashions. A joint Provincial Government and ERSB communication that details the outcomes of the work done to date is required to provide clarity. Further, we could possibly outline steps and options for those that are displeased by this outcome to advocate during the Provincial Waste Management Strategic review.

Sincerely,

ED GRANT
From: Ken Kelly <kkelly@ersb.n.l.ca>
Sent: Wednesday, February 20, 2019 8:46 PM
To: Letto, Graham <Graham.Letto@gov.nl.ca>; Chippett, Jamie <Jamie.Chippett@gov.nl.ca>; Ed Grant Contact <egrant431@gmail.com>
Subject: FW: List of roads for Minister Letto

On Behalf of Ed Grant:

Further to the DRAFT letter sent earlier today,

This is the list of proposed roads to be excluded that is referenced in the letter. It includes 10 areas that contain 14 roads or parts of roads to be excluded. That would be 300 potential properties with 175 people who have been invoiced in previous years and in 2019. Of the 175 that have been invoiced on the proposed roads to be excluded from service there are 82 that have paid all or some portion of the $180 in fees for 2019. The plan would be to refund any fees paid in 2019 for these 82 property owners. Total amount to refunded for 2019 as of today’s date is approximately $13,000.

Ken T. Kelly, CPA
Chief Administrative Officer
Eastern Regional Service Board
Tel: 709-579-7960
Email: k.kelly@ersb.n.l.ca
255 Majors Path
St. John’s, NL
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<th>ROAD NAME</th>
<th>TOTAL UNITS IDENTIFIED BY MAPPING</th>
<th>TOTAL UNITS IDENTIFIED &amp; INVOICED BY ERSB</th>
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<th>% OF 2018 FEES PAID</th>
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TOTAL 2019 FEES PAID BY CUSTOMERS IN ABOVE AREAS TO FEBRUARY 20: $12,905.07

NOTE: Bruges Junction - Twin Guilles Road - ONE customer is a permanent resident
Old Witless Bay Line - ONE customer is a permanent resident
Haskell, Ellen

From: Chippett, Jamie  
Sent: Thursday, February 21, 2019 10:58 AM  
To: Michielsen, Dan  
Subject: PW: DRAFT letter of response  
Follow Up Flag: Follow up  
Flag Status: Flagged

From: Ken Kelly <kkelly@ersbml.ca>  
Sent: Wednesday, February 20, 2019 12:41 PM  
To: Letto, Graham <GrahamLetto@gov.nl.ca>; Chippett, Jamie <jamieChippett@gov.nl.ca>; Ed Grant Contact <egrant431@gmail.com>  
Subject: DRAFT letter of response

On Behalf of Ed Grant,

Please see the attached DRAFT letter in response to your letter of Feb 8, 2019. The roads are in ten areas of the region and will affect about 300 properties.

Ken T. Kelly, CPA  
Chief Administrative Officer  
Eastern Regional Service Board  
Tel: 709-579-7960  
Email: kkelly@ersbml.ca  
255 Majors Path  
St. John’s, NL

**Everyone has a role in keeping our province clean and beautiful. At the Eastern Regional Service Board we’re committed to delivering consistent, sustainable waste management services to thousands of people in eastern Newfoundland. Visit our website https://fairwaste.ca/ for details.**
Hon, Graham Letto, MHA  
Minister of Municipal Affairs and Environment  
Government of Newfoundland & Labrador  
PO Box 8700  
St. John's, NL, A1B 4J6

February 20, 2019

Dear Minister Letto,

The Eastern Regional Service Board (ERSB) is extremely pleased to have received your letter of February 8, 2019 clarifying your Government’s position on the Provincial Waste Management Strategy. In our press release of February 1, 2019 the Board had requested just such a response and we now look forward to implementing this new directive.

In your letter there were three areas in which you focused your direction to the Board. We have structured our response to your letter around those directives.

Therefore, I am hereby directing the ERSB to take the actions outlined below:

1) Cease the collection of waste on unserviced roads, or where the services cannot be reasonably provided on a regular basis, as soon as possible. Based on past discussions, it is my understanding that officials with the ERSB have some idea as to the areas in question but a dialogue amongst our respective teams may assist in finalizing the approach. It is also my position that this action should not result in any increased costs to other clients of waste management services in the region for which you provide these services. I would appreciate an update on plans to discontinue this practice by February 20, 2019.

Attached is a list of roads within the eastern region where we have experienced some operational challenges in maintaining a curbside/roadside waste collection service year-round. This list is based on the review of our Global Positioning System (GPS) fleet tracking data of the routes our vehicles travel. Discussions between ERSB and the Department of Municipal Affairs and Environment identified these areas and we acknowledge issues with access on a recurring basis. Service on these roads can be stopped immediately and a motion can be tabled at our next monthly meeting that will bring this change in operations into effect as of March 31, 2019 as per your directive.

In these areas we have augmented the summer curbside/roadside waste collection service with a series of winter waste drop-off locations to ensure that property owners have a means to dispose of waste in an appropriate manner. This practice was approved and operated under a Certificate of Approval. We suggest continuing with the winter drop off locations until March 31, 2019 as it...
correlates with the posted removal dates for the winter drop off locations. This should provide sufficient time for communication of changes and mitigate any confusion of the public that use these sites that the service has disappeared without an alternative being put in place and avoid illegal dumping.

Further, we will advise these property owners that all service, both summer/winter will be discontinued and they should make alternative arrangements. We will arrange to very quickly refund anyone who may have paid for the 2019 service. At the same time we will strongly encourage all these property owners to utilize our nearest Residential Waste Recovery Facility for bulk household items, at no charge, to protect the environment from illegal dumping.

This change in operations will not necessitate any increase in fees charged to those remaining as recipients of the weekly curbside/roadside waste collection services delivered by the ERSB.

With your concurrence, the attached list of roads can be immediately removed from our service model, property owners advised, and refunds issued where necessary. Further, there is considerable confusion surrounding “un-serviced” roads which needs to be rectified. We suggest that a joint press release be issued clarifying exactly who is affected as we are getting calls for refunds, cancelling existing payment arrangements, who do they get to provide service and related issues.

2) On a go forward basis, limit all outstanding fees and interest (i.e. or "back fees") charged to individuals on their first invoice to a two-year period.

We acknowledge this directive and will now only back charge to 2017 or later if the service started thereafter. We are concerned that this directive to limit outstanding fees and interest to two years without qualifying the circumstances will incentivize those that have not come forward to continue to defer identification. I often refer to this as “Catch as catch can.” We suggest we establish January 1, 2017 as the date that new invoices to newly invoiced property owners will be limited. This creates an incentive for those that have not self-identified to come forward. However, we further assert that by now all property owners in the eastern region know of the service and therefore the back charge period not be limited to two years going forward. We await your further clarification of this position.

Actions to recover funds from delinquent accounts will start again as of the date of this letter.

3) Improve the Board’s transparency, accountability, and engagement by publicly advertising the time and location of public meetings, posting minutes in a timely fashion, and ensuring that thorough consultations are completed in advance of the setting of an annual budget and fees and/or expanding service areas or other operational changes impacting the public.

With regards to the last directive the ERSB holds monthly public meetings with the details of these meetings published to our Board’s website so that the public can attend. This has been the practice for some time. All minutes of our meetings are made public once they have been adopted, normally at the following monthly meeting. This is the same practice for a municipality to adopt
minutes of the previous meeting at the next available opportunity. Minutes of meetings have been published to our website since 2013.

With regards to annual budgets these reflect the costs of the Board and are published on our website. Information on our annual budget is sent to all of the municipalities and local service districts in the eastern region. Once adopted, it is posted to the Board website along with the minutes of all meetings since 2013. Further, the annual audit of the Board and the presentation of financial statements are prepared by a licensed public accounting firm and are also published to our website.

In addition, the Board recently completed a public consultation project in which all 32,000 properties in our service area were asked to participate in either an online survey or via telephone. Invitations were sent to seasonal and permanent property owners, online advertising and social media advertisements were placed as were traditional media advertising. The consultation resulted in 323 responses which was not even sufficient to make the results statistically representative. The Board then engaged a third party firm to telephone another 200 property owners in the service area to receive sufficient feedback to make the sample statistically representative. This survey asked about our services, what services were important to property owners, how they thought the services should be paid for and what was their opinion of the ERSB. We service some 46 municipalities and 46 LSD’s in addition to unincorporated areas. We consider the lack of response from our client base to be reflective of satisfactory service, albeit, we are constantly striving to make improvements. Many of the critics of the service are simply not providing factual information regarding operations, accountability or transparency. They simply reject the service outright and, frankly, we are unable to find any accommodation for their position. Any suggestions you can offer would be appreciated.

As mentioned earlier your three directives require clarification amongst the public. We have been monitoring the social media discussions on your directives and they are interpreting the directives in many different fashions. A joint Provincial Government and ERSB communication that details the outcomes of the work done to date is required to provide clarity. Further, we could possibly outline steps and options for those that are displeased by this outcome to advocate during the Provincial Waste Management Strategic review.

Sincerely,

ED GRANT
Haskell, Ellen

From: Michielsen, Dan
Sent: Thursday, February 21, 2019 11:17 AM
To: Kieley, Kim; Collins, Jerry
Subject: FW: List of roads for Minister Letto
Attachments: Unserviced Areas Worksheet FINAL Feb 20 2019.pdf

DAN MICHEIENSEN
ADM Municipal Infrastructure and Support
Department of Municipal Affairs and Environment
Government of Newfoundland and Labrador
(709)729-3051

From: Chippett, Jamie <JamieChippett@gov.nl.ca>
Sent: Thursday, February 21, 2019 10:57 AM
To: Michielsen, Dan <MichielsenD@gov.nl.ca>
Subject: FW: List of roads for Minister Letto

From: Ken Kelly <kkelly@ersbni.ca>
Sent: Wednesday, February 20, 2019 8:46 PM
To: Letto, Graham <GrahamLetto@gov.nl.ca>; Chippett, Jamie <JamieChippett@gov.nl.ca>; Ed Grant Contact <egrant431@gmail.com>
Subject: FW: List of roads for Minister Letto

On Behalf of Ed Grant:

Further to the DRAFT letter sent earlier today.

This is the list of proposed roads to be excluded that is referenced in the letter. It includes 10 areas that contain 14 roads or parts of roads to be excluded. That would be 300 potential properties with 175 people who have been invoiced in previous years and in 2019. Of the 175 that have been invoiced on the proposed roads to be excluded from service there are 82 that have paid all or some portion of the $180 in fees for 2019. The plan would be to refund any fees paid in 2019 for these 82 property owners. Total amount to refunded for 2019 as of today’s date is approximately $13,000.

Ken T. Kelly, CPA
Chief Administrative Officer
Eastern Regional Service Board
"Everyone has a role in keeping our province clean and beautiful. At the Eastern Regional Service Board we're committed to delivering consistent, sustainable waste management services to thousands of people in eastern Newfoundland. Visit our website https://fairwaste.ca/ for details."
<table>
<thead>
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<th>AREA</th>
<th>COMMUNITY CODE</th>
<th>ROAD NAME</th>
<th>TOTAL UNITS IDENTIFIED BY MAPPING</th>
<th>TOTAL UNITS IDENTIFIED &amp; INVOICED BY ERSB</th>
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<th>% OF 2018 FEES PAID</th>
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TOTAL 2019 FEES PAID BY CUSTOMERS IN ABOVE AREAS TO FEBRUARY 20: $12,905.07

NOTE: 
- Brigus Junction - Twin Gullies Road - ONE customer is a permanent resident
- Old Witless Bay Line - ONE customer is a permanent resident

DRAFT
Haskell, Ellen

From: Kelly, Sean
Sent: Thursday, February 21, 2019 1:40 PM
To: Letto, Graham; Chippett, Jamie
Cc: Michielsen, Dan; Glynn, Valerie; Shea, Erin; Hann, Ann Marie
Subject: Letter to regional service boards
Attachments: Letter to Eastern RSB_Introduction.docx

Hello Minister and Jamie,

For your information, the attached letter to the Eastern Regional Service Board is an example of a standard letter we are sending to each of the 12 regions. In areas where the boards are not active, I have to ensure we have the correct contact information which may take a couple of days. If you have any questions, contact me at your convenience.

Sean

Sean Kelly MA, APR, FCPRS
Policy Advisor
Provincial Solid Waste Management Strategy Review
(709) 728-3642
February 21, 2019

Mr. Ed Grant, Chair
Eastern Regional Service Board
255 Major's Path, Suite 3
St. John's, NL
A1A 0L5
Email: [redacted]

Dear Mr. Grant:

On January 9, 2019 the Provincial Government announced it would undertake a review of the 2002 Provincial Solid Waste Management Strategy and its implementation and that I would lead this review. This announcement was followed-up on February 19, 2019 with the release of the Terms of Reference for the review by the Honourable Graham Letto, Minister of Municipal Affairs and Environment. These announcements and the Terms of Reference are attached.

Without question, substantial progress has been made to improve waste management in the province, and local and regional authorities overseeing waste management activities should be proud of the work accomplished thus far. That being said, some of the goals of the original Strategy remain unfulfilled. This review will help inform government of the future actions and investment needed to support the delivery of high quality waste management services at a reasonable cost.

As you are aware, implementation of the Strategy involves a multitude of players (e.g., regional service boards, municipalities, local committees, Multi-Materials Stewardship Board, indigenous governments, provincial government) and affects every resident of the province. Waste management issues and opportunities can be specific to individual regions, but also extend across regions. Many of the issues also have province-wide policy implications. For these reasons, collaboration and consensus building among the key players in waste management on issues of common concern will be integral to my work.

The engagement and consultation program I plan to carry out will be multi-faceted. It is important that we capture the views and perspectives of all those who are involved in or affected by waste and waste management. As a start, I am hoping to visit a number of sites and facilities across the island and Labrador to have initial conversations and get first-hand accounts of waste management practices, and the issues and opportunities in each region of the province. Through these initial meetings I hope to gain early perspective from the people who have direct
responsibility for managing waste, including a sense of priorities and ideas for future delivery of waste management.

I am hoping you will agree to meet with me and permit me to visit some of the waste management facilities in your region. I will be in contact with your office shortly in follow-up. I look forward to it.

Should you wish to contact me any time, please do not hesitate to do so by email at annmariehann@gov.nl.ca or by phone at 709-725-9389. Mr. Sean Kelly will be working with me directly as Policy Advisor and you can reach out to him at seankelly@gov.nl.ca or 709-728-3642. I look forward to our discussions and working with you on this important initiative.

Sincerely,

Ann Marie Hann

ANN MARIE HANN
Executive Advisor
Provincial Solid Waste Management Strategy Review

cc: Mr. Ken Kelly, Chief Administrative Officer
   Email: info@easternwaste.ca

Attachment
https://www.releases.gov.nl.ca/releases/2019/mac/0219n03.aspx
Hi guys,

FYI...

Randy

Sent from my iPhone

Begin forwarded message:

From: "GambinWalsh, Sherry" <SherryGambinWalsh@gov.nl.ca>
Date: February 25, 2019 at 9:56:57 PM NST
To: "Simms, Randy" <RandySimms@gov.nl.ca>
Cc: "White, Kelly" <KellyWhite@gov.nl.ca>
Subject: FW: Garbage Collection

Randy – please advise.

Thank you,
Sherry

From: [REDACTED] Sent: Monday, February 25, 2019 8:30 PM
To: GambinWalsh, Sherry <SherryGambinWalsh@gov.nl.ca>
Subject: Garbage Collection

I am a cabin owner at [REDACTED] As you are aware, cabin owners have been required to pay $180 per year for garbage collection in cabin areas. I have been paying my fee over the last few years. I pay my fee by paying $20 per month over 9 months.

I understand from the media and the press releases on February 8, 2019 that Minster Letto directed ERSB to cease collection of garbage on unserviced roads. The whole Mahers area is unserviced. It is not under any municipality or local service district. Cabin owners donate money to fix the wholes in the dirt road during the spring, summer, and fall and to have it graded by a grader approximately twice per year. Also snow clearing is paid from by the cabin owners for those hand full that live there year round.

I understand from a few that live there all year round that garbage collection has not stopped to date. Cabin owners have been inquiring if they are required to continue with paying their monthly fee to ERSB. I am one of them. I did pay January, but I assumed since the press release that no other fees would be required. A cabin owner has contacted ERSB who advised them that to date they only know what is in the media and they have not been directed yet to stop garbage collection on non-serviced roads.
Since the cabin area is in your district, it would be appreciated if you could shed some light on the situation. If garbage collection has not stopped to date, are cabin owners still required to pay the fee? Like as I pay for 9 months of the year am I expected to pay February now that Minister Letto advises that they have been directed to stop collection? Obviously the direction hasn't reached ERSB .... at least for the cabin area.

Your response would be greatly appreciated. Thank you.
Minister/D. Minister:
We attach our internal email and related data FYI.
This significant drop in fee collections can present a serious financial challenge going forward and is an expected consequence of an undefined “unserviceable roads”. As noted in our draft letter, it is imperative this get clarified immediately. We have clients cancelling PADs, requesting the return of post dated cheques and generally seeking refunds. Many have absolutely no connection to the areas in question.
While we can and will issue a clarification of the areas involved, we all know that COATTS and others will not simply accept our position. It is imperative that the Minister issue a press release on the issue so as to bring financial order back to the system.
We look forward to your early reply. Thanks
Sent from my iPad

Begin forwarded message:

From: Ken Kelly <kkelly@ersbnl.ca>
Date: February 25, 2019 at 1:02:30 PM NST
To: Ed Grant Contact <egrant431@gmail.com>, Harold Mullowney <hmullowney@irishloop.nf.ca>, Sandy Hickman <shickman@stjohns.ca>, "Danny Breen" <dbreen@stjohns.ca>
Subject: Impact of the Minister’s Letter on Revenue of ERSB

Hi Folks,

We did some analysis of the rate of payments for the first 8 weeks of the year to compare 2017, 2018 and 2019. Conclusion so far is that since Feb 8 when Minister Letto issued letter about unserviced roads the payments from seasonal property owners has dropped significantly and permanent payments are also down.

What we can see from the attached data is that we were doing very well for the first 6 weeks of 2019. Overall we are on par with 2017 and 2018. The Friday of the sixth week would have been the day that Minister Letto issued the letter to stop collecting on unserviced roads. So we then focused in on Weeks 7 and 8. Even though we have issued a higher amount of invoices to seasonal properties we have seen a large drop in payments. In 2017 we had a total of $539k in seasonal invoices versus 2019 we issued $896k. So you would expect that we would be bringing in more revenue. We see that in 2018 we received $37k in seasonal payments in weeks 7 and 8 versus $26k for 2019 after the Feb 8th letter.

Point being we need to have the “unserviced” issue clarified so that we can get the collections back on track. Seasonal property owners seem to be making their own assumptions about what “unserviced” means and it shows in the level of revenue.
Ken T. Kelly, CPA
Chief Administrative Officer
Eastern Regional Service Board
Tel: 709-579-7960
Email: kkelly@ersbndl.ca
255 Majors Path
St. John's, NL

**Everyone has a role in keeping our province clean and beautiful. At the Eastern Regional Service Board we're committed to delivering consistent, sustainable waste management services to thousands of people in eastern Newfoundland. Visit our website [https://fairwaste.ca/](https://fairwaste.ca/) for details.**
### PAYMENTS RECEIVED IN WEEKS 7 AND 8: SEASONAL AND PERMANENT

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**2017 Seasonal Invoices Total** | 539,609.84 |
**2017 % Fees Collected Weeks 7 & 8** | 4% |

**2018 Seasonal Invoices Total** | 834,584.00 |
**2018 % Fees Collected Weeks 7 & 8** | 4% |

**55% Increase over 2017 Seasonal Invoices**

**2019 Seasonal Invoices Total** | 896,307.62 |
**2019 % Fees Collected Weeks 7 & 8** | 3% |

**7% Increase over 2018 Seasonal Invoices**
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**Total Invoiced**: 4,570,644.32, 4,684,085.04, 4,583,159.13

**% Collected**: 42%, 46%, 45%
Good Afternoon Mr. Grant,

Please see attached letter forwarded on behalf of Minister Letto. Thanks, Connie

CONNIE K. SHEA
Administrative Assistant to Deputy Minister Department of Municipal Affairs and Environment
Phone: 729-3052 Fax: 729-0943
Email: ckshea@gov.nl.ca

-------< HPE Records Manager record Information >-----

Record Number: COR/2019/00701
Title: Letter - identifying unserviced roads and payment of back fees
FEB 27 2019

Mr. Ed Grant, Chair
Eastern Regional Service Board
255 Majors Path, Suite 3
St. John’s NL, A1B 4J6

Dear Mr. Grant:

Thank you for your draft response dated February 20, 2019, to my February 8, 2019 letter in which I provided direction to ERSB with respect to waste management collection services in unincorporated areas. I am pleased to see that ERSB is willing to comply with the direction provided.

With respect to the list identifying roads where you have experienced operational challenges in maintaining collection services year round, I am pleased to confirm that these are indeed un-serviced and should be removed from waste collection service immediately and refunds provided as per your suggested approach.

Further to this, I acknowledge that there has been significant confusion around the definition of an un-serviced road and how it pertains to other publicly owned roads that may be maintained through private arrangements. The Department has engaged our colleagues in Transportation and Works to review policies that they have in place with respect to un-serviced roads in an effort to determine if additional roads should be considered. It is expected that this internal review will be completed in the coming weeks and further guidance and direction will be provided to ERSB.

In regard to the issue related to back fees, the directive as written in my February 8, 2019 letter accurately reflects the fact that the onus is on ERSB to identify and adequately provide invoices to the property owners being serviced. Therefore, the suggestion by ERSB to utilize January 1, 2017 as the initial date of fee collection for all future identified property owners, regardless as to when the property is identified, is not acceptable.
I look forward to continue to engage with your board and staff as we work through this issue as well as the fulsome review of the Provincial Waste Management Strategy.

Sincerely,

GRAHAM LETTO, MHA
District of Labrador West
Minister of Municipal Affairs and Environment
Haskell, Ellen

From: Michielsen, Dan
Sent: Thursday, February 28, 2019 9:26 AM
To: Kelly, Sean; Hann, Ann Marie
Subject: COR 2019 00701-01 Letter - incoming letter from ERSB(2).PDF
Attachments: COR 2019 00701-01 Letter - incoming letter from ERSB(2).PDF

Incoming email to go with the letter sent yesterday.
Hon. Graham Letto, MHA  
Minister of Municipal Affairs and Environment  
Government of Newfoundland & Labrador  
PO Box 8700  
St. John’s, NL, A1B 4J6

February 20, 2019

Dear Minister Letto,

The Eastern Regional Service Board (ERSB) is extremely pleased to have received your letter of February 8, 2019 clarifying your Government’s position on the Provincial Waste Management Strategy. In our press release of February 1, 2019 the Board had requested just such a response and we now look forward to implementing this new directive.

In your letter there were three areas in which you focused your direction to the Board. We have structured our response to your letter around those directives.

Therefore, I am hereby directing the ERSB to take the actions outlined below:

1) Cease the collection of waste on un-serviced roads, or where the services cannot be reasonably provided on a regular basis, as soon as possible. Based on past discussions, it is my understanding that officials with the ERSB have some idea as to the areas in question but a dialogue amongst our respective teams may assist in finalizing the approach. It is also my position that this action should not result in any increased costs to other clients of waste management services in the region for which you provide these services. I would appreciate an update on plans to discontinue this practice by February 20, 2019.

Attached is a list of roads within the eastern region where we have experienced some operational challenges in maintaining a curbside/roadside waste collection service year-round. This list is based on the review of our Global Positioning System (GPS) fleet tracking data of the routes our vehicles travel. Discussions between ERSB and the Department of Municipal Affairs and Environment identified these areas and we acknowledge issues with access on a recurring basis. Service on these roads can be stopped immediately and a motion can be tabled at our next monthly meeting that will bring this change in operations into effect as of March 31, 2019 as per your directive.

In these areas we have augmented the summer curbside/roadside waste collection service with a series of winter waste drop-off locations to ensure that property owners have a means to dispose of waste in an appropriate manner. This practice was approved and operated under a Certificate of Approval. We suggest continuing with the winter drop off locations until March 31, 2019 as it
correlates with the posted removal dates for the winter drop off locations. This should provide sufficient time for communication of changes and mitigate any confusion of the public that use these sites that the service has disappeared without an alternative being put in place and avoid illegal dumping.

Further, we will advise these property owners that all service, both summer/winter will be discontinued and they should make alternative arrangements. We will arrange to very quickly refund anyone who may have paid for the 2019 service. At the same time we will strongly encourage all these property owners to utilize our nearest Residential Waste Recovery Facility for bulk household items, at no charge, to protect the environment from illegal dumping.

This change in operations will not necessitate any increase in fees charged to those remaining as recipients of the weekly curbside/roadside waste collection services delivered by the ERSB.

With your concurrence, the attached list of roads can be immediately removed from our service model, property owners advised, and refunds issued where necessary. Further, there is considerable confusion surrounding “un-serviced” roads which needs to be rectified. We suggest that a joint press release be issued clarifying exactly who is affected as we are getting calls for refunds, cancelling existing payment arrangements, who do they get to provide service and related issues.

2) On a go forward basis, limit all outstanding fees and interest (i.e. or "back fees") charged to individuals on their first invoice to a two-year period.

We acknowledge this directive and will now only back charge to 2017 or later if the service started thereafter. We are concerned that this directive to limit outstanding fees and interest to two years without qualifying the circumstances will incentivize those that have not come forward to continue to defer identification. I often refer to this as “Catch as catch can.” We suggest we establish January 1, 2017 as the date that new invoices to newly invoiced property owners will be limited. This creates an incentive for those that have not self-identified to come forward. However, we further assert that by now all property owners in the eastern region know of the service and therefore the back charge period not be limited to two years going forward. We await your further clarification of this position.

Actions to recover funds from delinquent accounts will start again as of the date of this letter.

3) Improve the Board’s transparency, accountability, and engagement by publicly advertising the time and location of public meetings, posting minutes in a timely fashion, and ensuring that thorough consultations are completed in advance of the setting of an annual budget and fees and/or expanding service areas or other operational changes impacting the public.

With regards to the last directive the ERSB holds monthly public meetings with the details of these meetings published to our Board’s website so that the public can attend. This has been the practice for some time. All minutes of our meetings are made public once they have been adopted, normally at the following monthly meeting. This is the same practice for a municipality to adopt
minutes of the previous meeting at the next available opportunity. Minutes of meetings have been published to our website since 2013.

With regards to annual budgets these reflect the costs of the Board and are published on our website. Information on our annual budget is sent to all of the municipalities and local service districts in the eastern region. Once adopted, it is posted to the Board website along with the minutes of all meetings since 2013. Further, the annual audit of the Board and the presentation of financial statements are prepared by a licensed public accounting firm and are also published to our website.

In addition, the Board recently completed a public consultation project in which all 32,000 properties in our service area were asked to participate in either an online survey or via telephone. Invitations were sent to seasonal and permanent property owners, online advertising and social media advertisements were placed as were traditional media advertising. The consultation resulted in 523 responses which was not even sufficient to make the results statistically representative. The Board then engaged a third party firm to telephone another 200 property owners in the service area to receive sufficient feedback to make the sample statistically representative. This survey asked about our services, what services were important to property owners, how they thought the services should be paid for and what was their opinion of the ERSB. We service some 46 municipalities and 46 LSDs in addition to unincorporated areas. We consider the lack of response from our client base to be reflective of satisfactory service, albeit, we are constantly striving to make improvements. Many of the critics of the service are simply not providing factual information regarding operations, accountability or transparency. They simply reject the service outright and, frankly, we are unable to find any accommodation for their position. Any suggestions you can offer would be appreciated.

As mentioned earlier your three directives require clarification amongst the public. We have been monitoring the social media discussions on your directives and they are interpreting the directives in many different fashions. A joint Provincial Government and ERSB communication that details the outcomes of the work done to date is required to provide clarity. Further, we could possibly outline steps and options for those that are displeased by this outcome to advocate during the Provincial Waste Management Strategic review.

Sincerely,

ED GRANT
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<th>TOTAL UNITS IDENTIFIED &amp; INVOICED BY ERSB</th>
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<td>3</td>
<td>2</td>
<td>2</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pigeon Inlet</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Twin Gullies Road</td>
<td>8</td>
<td>6</td>
<td>2</td>
<td>18%</td>
<td>67%</td>
</tr>
<tr>
<td>SOUTHERN SHORE</td>
<td>5456</td>
<td>Old Witless Bay Line</td>
<td>24</td>
<td>13</td>
<td>5</td>
<td>36%</td>
<td>59%</td>
</tr>
<tr>
<td>GOOBIES</td>
<td>1885</td>
<td>North Harbour Pond Road</td>
<td>24</td>
<td>11</td>
<td>2</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>NEW HARBOUR BARRENS</td>
<td>5018</td>
<td>Rocky Pond Road</td>
<td>14</td>
<td>11</td>
<td>3</td>
<td>19%</td>
<td>38%</td>
</tr>
<tr>
<td>PLACENTIA JUNCTION</td>
<td>3805</td>
<td>Junction Pond Road</td>
<td>6</td>
<td>5</td>
<td>3</td>
<td>42%</td>
<td>82%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Old Mill Road West of Second Bridge</td>
<td>15</td>
<td>6</td>
<td>6</td>
<td>73%</td>
<td>89%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Station Pond Road North of Pond</td>
<td>14</td>
<td>10</td>
<td>7</td>
<td>78%</td>
<td>79%</td>
</tr>
</tbody>
</table>

TOTAL 2019 FEES PAID BY CUSTOMERS IN ABOVE AREAS TO FEBRUARY 20:

| TOTAL FEES PAID | 12,905.07 |

NOTE:
- Brigus Junction - Twin Gullies Road - ONE customer is a permanent resident
- Old Witless Bay Line - ONE customer is a permanent resident
From: Simms, Randy  
Sent: Thursday, February 28, 2019 12:19 PM  
To: Chippett, Jamie; Michielsen, Dan; Letto, Graham  
Subject: FW: Garbage Collection Lower Island Cove  
Attachments: 

Hi Guys,  

This guy called this morning.

Randy

From: RandySimms@gov.nl.ca  
Sent: Thursday, February 28, 2019 11:46 AM  
To: Simms, Randy <RandySimms@gov.nl.ca>  
Subject: Fwd: Garbage Collection Lower Island Cove

Hello Mr. Simms,

Further to our telephone conversation. I own a property in [redacted] (an unincorporated community in Conception Bay North). The road to my property [redacted] is unserviced and is not plowed in the wintertime. According to Minister Letto’s directive to the ERSB the Board is suppose to cease collecting and stop charging for garbage collection service on unserviced roads asap however when I called Tracey Glasgow at the ERSB I was told that the Board is currently waiting on a list from government informing them exactly which roads they are being directed to exclude. The ERSB already knows that the road to my property is unserviced as evidenced by January 3rd 2018 email I received from Ken Kelly of the ERSB (which I have attached) that provides a map of where I should place my garbage in the winter months (which incidentally the Board only designated to be January and February). I believe that my property should be excluded as per Minister Letto’s directive. Could you please forward my concerns to the government officials who are handling this file and have them get back to me before any final decisions are made.

Thank You,

-------- Forwarded message --------
From: Ken Kelly <kkelly@ersbnl.ca>
Date: Tue, Jan 2, 2018 at 16:58
Subject: RE: [redacted]
To: [redacted]
Attached is a map indicating the location of the winter drop off location. Signs for the winter drop locations are being set out this week as currently all roads in our system that are passable by collection vehicles. Set out your garbage by the sign indicating the winter drop off location.

From: [Name redacted]
Sent: Monday, January 1, 2018 4:36 PM
To: Ken Kelly <k.kelly@ersbml.ca>
Subject: Re: [Name redacted]

Dear Mr. Kelly,

I intend to go up to my property in [Location redacted] this coming weekend. As the road to my property is not plowed, could you please let me know where I am expected to put my garbage in order for it will to be collected?

Thank You,

On Tue, Nov 28, 2017 at 11:10 AM, [Name redacted] wrote:

Dear Mr. Kelly,
As the road to my property in [redacted] is not plowed in the winter, I am going to require Eastern Waste Management to put a garbage box that I can access in the winter months as per your agency's policy. Please let me know when and where once the garbage box has been put in place.

Thank You,
perfect

From: Shea, Erin <ErinShea@gov.nl.ca>
Sent: Thursday, February 28, 2019 9:40 AM
To: Chippett, Jamie <JamieChippett@gov.nl.ca>
Subject: FOR APPROVAL: QP Issue Note_Cabin Owners Against Trash Tax (COATT).docx

I’ve revised these according to Dan’s feedback:

QP Issue Note – Cabin Owners Against Trash Tax (COATT)

Department of Municipal Affairs and Environment
March 1, 2019

ISSUE: The Eastern Regional Service Board has been battling cabin owners for years because the cabin owners feel the $180 annual fee is unwarranted when they don’t need or want the services. As requested by the Board, the Minister provide direction on the implementation of the Provincial Waste Management Strategy.

ANTICIPATED QUESTIONS:
What has your government done to address the concerns of cabin owners?
Why hasn’t anything been done before?

KEY MESSAGES:

I have directed the board to:
1. Cease collection on un-serviced roads or where services cannot regularly be provided.
2. Limit all ‘Back Fees” and interest charged on the first invoice to 2 years.
3. Improve Board transparency, accountability and public engagement.

More direction may be provided to the Board after the review of the Provincial Waste Management Strategy is completed in 2019.

Regional Service Boards are operated independent of government.

Individuals can contact the Citizen’s Representative if their concerns are going unheard by the board.

SECONDARY MESSAGES (Which Roads are Unserviced):
• We are working with the Board to define what constitutes an unserviced road.
• The department has concurred with the board's initial list of roads which cannot be reasonably serviced, and current year fees on those roads will be refunded.

• Government is reviewing current policies around unserviced roads to determine whether additional roads should be considered.

**BACKGROUND INFORMATION:**

Through the Regional Service Boards Act, 2012, the boards have the authority to make operational policy decisions, which includes setting fees to offset the expenses of delivering these services, and establishing service delivery policies to properties within the region, including seasonal properties.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Hello Mr. Simms,

I was just informed by Ken Kelly of ERSB that the road to my property in [redacted] is being excluded from their service area. Thank you for your assistance in this matter.

Best Regards,

[Name]

-------- Forwarded message --------
From: [Name]
Date: Thu, Feb 28, 2019 at 16:31
Subject: Re: Garbage Collection
To: Ken Kelly <kkelly@ersbnl.ca>

Good to hear. Thank you.

On Thu, Feb 28, 2019 at 16:28 Ken Kelly <kkelly@ersbnl.ca> wrote:

Mr. [Name]

The Province has confirmed that your road is an un-serviced road for waste management collection services. Here is a link to more detailed information including the most recent letter from Minister Letto on this matter. With regards to your account there will be a refund of your 2019 fees that you have paid to date in the amount of $36.00 that our Board has approved. A cheque will be issued to you and mailed out by March 8, 2019. The Province did not require any fees to be refunded.


Ken T. Kelly, CPA
Chief Administrative Officer
Eastern Regional Service Board  
Tel: 709-579-7960  
Email: kkelly@ersbnl.ca  
255 Majors Path  
St. John's, NL

**Everyone has a role in keeping our province clean and beautiful. At the Eastern Regional Service Board we're committed to delivering consistent, sustainable waste management services to thousands of people in eastern Newfoundland. Visit our website [https://fairwaste.ca](https://fairwaste.ca) for details.**

---

From: [Redacted]  
Sent: Thursday, February 28, 2019 12:12 PM  
To: Ken Kelly <kkelly@ersbnl.ca>  
Cc: randysimms@gov.nl.ca  
Subject: Fwd: Garbage Collection

Dear Mr. Kelly,

As you know the road to my property in [Redacted] is unserviced. Based on Minister Letto's February 9th, 2019 directive to the ERSB, garbage collection service to unserviced roads should be ceased as soon as possible, however when I called your office I was informed that you are currently waiting on government to provide you with a list of specific roads which you are to exclude.

Do you intend to exclude my property from the service area as per Minister Letto's directive?
I bring this up right now because I am concerned that if my property is not excluded when the initial decision is made then there may be no opportunity to appeal that decision. As a courtesy, in this thread, I have included a copy of an email I sent to Randy Simms of the Department of Municipal Affairs with respect to this matter.

Regards,

---------- Forwarded message ----------
From: 
Date: Thu, Feb 28, 2019 at 11:45
Subject: Fwd: Garbage Collection
To: randysimms@gov.nl.ca

Hello Mr. Simms,

Further to our telephone conversation. I own a property in [redacted] (an unincorporated community in Conception Bay North). The road to my property is unserviced and is not plowed in the wintertime. According to Minister Letto’s directive to the ERSB the Board is supposed to cease collecting and stop charging for garbage collection service on unserviced roads asap however when I called Tracey Glasgow at the ERSB I was told that the Board is currently waiting on a list from government informing them exactly which roads they are being directed to exclude. The ERSB already knows that the road to my property is unserviced as evidenced by January 3rd 2018 email I received from Ken Kelly of the ERSB (which I have attached) that provides a map of where I should place my garbage in the winter months (which incidentally the Board only designated to be January and February). I believe that my property should be excluded as per Minister Letto’s directive. Could you please forward my concerns to the government officials who are handling this file and have them get back to me before any final decisions are made.

Thank You,
--------- Forwarded message ---------
From: Ken Kelly <kkelly@ersbnl.ca>
Date: Tue, Jan 2, 2018 at 16:58
Subject: RE: Garbage Collection Lower Island Cove
To: [Redacted]

Attached is a map indicating the location of the winter drop off location. Signs for the winter drop locations are being set out this week as currently all roads in our system that are passable by collection vehicles. Set out your garbage by the sign indicating the winter drop off location.

From: [Redacted]
Sent: Monday, January 1, 2018 4:36 PM
To: Ken Kelly <kkelly@ersbnl.ca>
Subject: Re: Garbage Collection

Dear Mr. Kelly,

I intend to go up to my property in [Redacted] this coming weekend. As the road to my property is not plowed, could you please let me know where I am expected to put my garbage in order for it will to be collected?

Thank You,
On Tue, Nov 28, 2017 at 11:10 AM [redacted] wrote:

Dear Mr. Kelly,

As the road to my property is not plowed in the winter, I am going to require Eastern Waste Management to put a garbage box that I can access in the winter months as per your agency's policy. Please let me know when and where once the garbage box has been put in place.

Thank You,
Haskell, Ellen

From: Letto, Graham
Sent: Thursday, February 28, 2019 5:52 PM
To: Simms, Randy
Subject: Fwd: ERSB Unserviced Road

Sent from my iPhone

Begin forwarded message:

From: [Redacted]
Date: February 28, 2019 at 5:45:21 PM NST
To: <grahamletto@gov.nl.ca>
Subject: ERSB Unserviced Road

My cabin is on a [Redacted] cabin owners built and maintain this road. Why is it not included on your list of unserviced roads on the Avalon. I await your reply.
Val, Please hold all of these as we develop a response template today. Once the Minister approves, they can be customized with the name and email of each person and the reply can be sent out.

Dan

From: Glynn, Valerie <VGlynn@gov.nl.ca>
Sent: Friday, March 1, 2019 7:45 AM
To: Letto, Graham <GrahamLetto@gov.nl.ca>; Chippett, Jamie <JamieChippett@gov.nl.ca>; Simms, Randy <RandySimms@gov.nl.ca>; Michielsen, Dan <MichielsenD@gov.nl.ca>
Subject: FW: Unserviced roads/serciced roads

Fyi...

From: [Redacted]
Sent: Thursday, February 28, 2019 6:02 PM
To: Glynn, Valerie <VGlynn@gov.nl.ca>
Subject: Unserviced roads/serciced roads

Mr Letto, I am writing you in regard to your decision on what constitutes a serviced/unserviced road. I am appalled that you see roads that are maintained 100% by cabin owners to be serviced roads. Snow clearing, grading, and general maintenance done by committees and not Government.

I actually thought you would see this issue as it is. Not as ERSB see's it. Its obvious now that you, and your Government are not running the show. ERSB is running it.

I now know where my, and 12-20 family members votes will be going!!! Not to you, and your Liberal Government!!!

Dismayed cabin owner,

[Redacted]

Get Outlook for Android
Sent from my iPhone

Begin forwarded message:

From: Letto, Graham <GrahamLetto@gov.nl.ca>
Sent: Friday, March 1, 2019 8:45 AM
To: Glynn, Valerie <V.Glynn@gov.nl.ca>; Simms, Randy <RandySimms@gov.nl.ca>
Subject: Fwd: ERSB Garbage Collection Tax Grab


https://www.roads.gov.nl.ca/highwaydriving/winter_maintenance_operations.stm?fbclid=IwAR0uk3rBoxUjOuXlDM0esVl2fiqvRZGY8d-5S1GtH994dBpF9WGgUmlNiJ1

Minister Letto,

The above noted link refers:

While I was pleased to see your memo to the ERSB clearly outlining the government's direction this more recent release by ERSB is nothing more than playing games.

I am responsible for a seasonal family cabin on [censored] To the best of my knowledge this is considered a Class 4 road under provincial guidelines (Para 1f & 1g of the Winter Maintenance schedule). This road is maintained solely by the [censored] to whom I pay an annual road maintenance fee.

Can you please tell me why the ERSB continue to play these games with law abiding, tax paying citizens? I and many other cabin owners are not happy about this entire tax grab issue.

It is clear here that as Minister of Municipal Affairs and Environment, you or your staff are going to have to clearly spell out your direction to this organization.
Regards,

[Redacted]

Taxpayer & Voter
Province of Newfoundland and Labrador

Sent from my Bell Samsung device over Canada's largest network.
Good morning

I feel compelled to relate to you my, along with the majority of COATT members (1777) our disappointment, disbelief and total outrage that government would allow ERSB to decide what roads/accesses will be deemed as unserviced for Avalon cabin owners. The list published, with your approval, on ERSB web site is grossly incomplete and inaccurate. I believe this is an attempt to pit cabin owner against cabin owner -neighbor against neighbor as in some case a single road i.e. the ole rail bed is being considered as partially serviced. Absolutely ridiculous and discriminatory to the other people on the same road/accesses. This list may please less than 5% of Avalon cabin owners and seems to be an attempt to satisfy you that ERSB is taking our concerns seriously however in my view only a smoke screen and delay tactic in the hopes government and COATT cease further actions. I can assure both ERSB and government that COATT will continue to lobby to achieve the same treatment as the rest of NL cabin owners. In my view this is a total disregard and obvious variation of your direction to immediately cease operations to cabins on ALL unserviced roads/accesses. A detailed definition of "Unserviced roads/accesses" should be given in order to make clear governments wish. My interpretation is any road/access not maintained/plowed by a governing body, be it provincial, municipal or LSD is obviously UNSERVICED.

> In conclusion it would appear ERSB once again instructing government on what they will or are willing to do and not what government directs them to do. COATT's only wish is to to have fair and just treatment for the cabin owners on the Avalon and believe this can be accomplished easily by changing the wording in the existing legislation to allow cabin owners the user pay option.

> I request a reply Mr. Letto so that I can share and perhaps give COATT members back some hope that our concerns are still being addressed to reach a resolution as the premier has publicly promised us.

> Regards
I am trying to draft something ASAP, but I am also getting all calls on this directed to me, and along with everything else that's being requested on very short timeframes, it's quickly becoming unmanageable.

Just had a call from someone who lives full time on one of the roads included ERSB's initial list, and is disputing that his road is "unserviced" because it is always accessible even though TW doesn't plow it. He uses the service regularly and wanted clarification on why his road was included on this list of immediate roads that will no longer have waste collection as of Monday. He feels that there may have been an error by including a "Road" instead of "Lane" but we have no way to verify or validate ERSB's list. Should that be our response?

He is also concerned that the review from TW will find that all roads in his area are "unserviced" and that they will all be back to the way things were two years ago when that happens. The e-mail I'm drafting will not be responsive to these sorts of concerns from full-time residents.

Jerry Collins
Manager, Infrastructure and Waste Management (A)
Department of Municipal Affairs and Environment
Government of Newfoundland and Labrador
Tel: (709) 729-5334 | E-mail: JerryCollins@gov.nl.ca

Jerry let's discuss in the am

Sent from my iPhone

Begin forwarded message:

From: "Chippett, Jamie" <JamieChippett@gov.nl.ca>
Date: February 28, 2019 at 6:20:42 PM NST
To: "Letto, Graham" <GrahamLetto@gov.nl.ca>
Cc: "Simms, Randy" <RandySimms@gov.nl.ca>, "Shea, Erin" <ErinShea@gov.nl.ca>, "Michielsen, Dan" <MichielsenD@gov.nl.ca>
Subject: Re: ERSB

Good idea
Dan please develop.

Jamie

Sent from my iPhone

On Feb 28, 2019, at 6:12 PM, Letto, Graham <GrahamLetto@gov.nl.ca> wrote:

We will need to devise a standard reply to those people who are now wanting their roads included (or excluded)

Sent from my iPhone

Begin forwarded message:

From:

Date: February 28, 2019 at 6:09:32 PM NST
To: "grahamletto@gov.nl.ca" <grahamletto@gov.nl.ca>
Subject: ERSB
Reply-To:

Good Day,

Just read the news release about garbage collection for unserviced roads. I noticed that my cabin area [redacted] was not on the list. Clearly this is an oversight since the road is not serviced by government at all. Some cabin owners pay a voluntary fee each year to help with maintenance. The area is not incorporated either.

I was at my cabin today and one of neighbours was using his ATV to clear the road..... this clearly does not constitute a serviced road.

Of interest also is I purposely put a bag of garbage in a bin at the end of my driveway on January 10th to see if it would get picked up. Guess what.... As of today February 27th it is still there!

I do not want or need this service.

I would appreciate a response on this matter.
Dear [name]:

This e-mail is in response to your inquiry regarding the direction provided to Eastern Regional Service Board (ERSB) on February 8, 2019 to cease waste collection services on un-serviced roads (https://www.releases.gov.nl.ca/releases/2019/mae/0208n03.aspx).

In accordance with this direction, on February 27, 2019, the ERSB outlined an initial list of roads where these services will be discontinued, effective immediately (http://easternregionalserviceboard.com/news/important-changes-to-service-delivery-policy).

The Department of Municipal Affairs and Environment is working with the Department of Transportation and Works to review policies that are in place with respect to un-serviced roads, to determine whether additional changes to ERSB’s service delivery policies may be warranted, including potentially discontinuing this service in other specific areas and roads. This review is expected to be completed in the coming weeks, and additional direction and guidance will be provided to the ERSB as soon as possible to ensure residents and property owners are informed of any changes to service delivery in a timely manner.

Additional information regarding services in your area is available online at: http://easternwaste.ca/

Thank you,

Jerry Collins
Manager, Infrastructure and Waste Management (A)
Department of Municipal Affairs and Environment
Government of Newfoundland and Labrador
Tel: (709) 729-5334 | E-mail: JerryCollins@gov.nl.ca
Sent from my iPhone

Begin forwarded message:

From: "Chippett, Jamie" <JamieChippett@gov.nl.ca>
Date: February 28, 2019 at 6:20:42 PM NST
To: "Letto, Graham" <GrahamLetto@gov.nl.ca>
Cc: "Simms, Randy" <RandySimms@gov.nl.ca>, "Shea, Erin" <ErinShea@gov.nl.ca>,
"Michielsen, Dan" <MichielsenD@gov.nl.ca>
Subject: Re: ERSB

Good idea

Dan please develop.

Jamie

Sent from my iPhone

On Feb 28, 2019, at 6:12 PM, Letto, Graham <GrahamLetto@gov.nl.ca> wrote:

We will need to devise a standard reply to those people wh are now wanting their
radios included (or excluded)

Sent from my iPhone

Begin forwarded message:

From: [Redacted]  
Date: February 28, 2019 at 6:09:32 PM NST
To: "grahamletto@gov.nl.ca" <grahamletto@gov.nl.ca>
Subject: ERSB
Reply-To: [Redacted]

Good Day,

Just read the news release about garbage collection for unserviced
roads. I noticed that my cabin area was not on the
list. Clearly this is an oversight since the road is not serviced by
government at all. Some cabin owners pay a voluntary fee each
year to help with maintenance. The area is not incorporated
either.

I was at my cabin today and one of neighbours was using his ATV
to clear the road..... this clearly does not constitute a serviced road.

Of interest also is I purposely put a bag of garbage in a bin at the
end of my driveway on January 10th to see if it would get picked
up. Guess what.... As of today February 27th it is still there!

I do not want or need this service.
I would appreciate a response on this matter.
Haskell, Ellen

From: Collins, Jerry
Sent: Friday, March 01, 2019 3:20 PM
To: Michielsen, Dan
Subject: RE: Emailing: BN- updated COATT.docx

The Board provides direct service to approximately 32,000 households and businesses. (ERSB's 2017 Annual Report)

curbisde waste collection being provided to approximately 29,000 properties in both 2017 and 2016. (ERSB's 2017 Annual Report)

Appendix 2 contains an illustrative map of the 104 communities served by the Board's weekly waste collection service. (ERSB's 2017 Annual Report)

163 communities in Eastern in total (ERSB's 2017 Annual Report)

2016 Census Population for Eastern Region: 283,100 (our figures)

The staff complement includes a total of 25 full time employees and 10 part time employees. (ERSB's 2017 Annual Report)

Jerry Collins
Manager of Infrastructure and Waste Management Department of Municipal Affairs and Environment Government of Newfoundland and Labrador
Tel: (709) 729-5334 | E-mail: JerryCollins@gov.nl.ca

-----Original Message-----
From: Collins, Jerry
Sent: Friday, March 01, 2019 2:32 PM
To: Michielsen, Dan
Subject: Emailing: BN- updated COATT.docx

See attached for latest note, with a few updates made.

Your message is ready to be sent with the following file or link attachments:

BN- updated COATT.docx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.
Minister Letto, I would like to give you an example that proves the subject's incompleteness.
In my case you must leave Placentia Junction and head south down the old rail bed towards Argentina for approximately 3kms. At this point there is a short 1000meter road to the left, clearly identified on the list maps. The road was constructed by crown lands in 2002 and 12 lots put up on a draw. Presently there are 8 cabins and virtually no maintain has ever been done since 2002. We were told by crown lands that the upkeep was totally our/cabin owners responsibility.
ERSB states they used their GPS readings to determine what roads they could service not what roads were serviced by government. I was supplied, last year (before my trial date) with their GPS read outs for my road showing that in the first 19 weeks of 2018 they couldn't or didn't travel up to my cabin 18 of those first 19 and yet our road made the list as serviced. I attribute this to the fact they know exactly where my cabin is and this is attempt to punish me for being somewhat or a pain in their rear.
I do not look for special treatment only to inform you that this list is totally flawed and to add further, how can the old NL rail bed be considered as a serviced road.
For your consideration Sir
Mr Letto I would like to add a couple points to my previous e-mails that, I feel, are very important to be considered for use in determining a final list of unserviced roads/accesses in unincorporated areas on the Avalon.

1. ERSB state they used their garbage pickup vehicles GPS readings to determine what roads/accesses are serviced (by them). I think we can all agree the weather so far as snow fall this year has been abnormal and access to cabin areas has been undeterred when a 4X4 1/2 ton vehicle etc. is used. As in my case, normally this time of year I would have to park as far as 3kms away and walk in towing to boggan with supplies to reach my cabin. This makes using only this year's GPS reading deceiving. How can GPS reading even be considered in determining the serviced versus unserviced roads.

2. I am not 100% certain, but believe commercial vehicles are restricted from using the old rail beds. Also there are bridges along the rail beds, one is just south of Placentia Junction which hasn't been government inspected for use in decades. Could this not make government liable for injuries etc if anything should occur while crossing.

3. It is the view of most cabin owners that unserviced roads/accesses in unincorporated areas be defined as those not plowed, paved or graded by government.

In closing, I truly believed that u and the premier were sincere about giving the cabin owners on the Avalon fair and just treatment as in other areas (west coast, user pay) on the Island. In resolving this issue it would give you much more time to deal with other important issues in your portfolio. Your final decision on this issue will prove me right or wrong and help me with my decision as to which party to support and lobby for in the upcoming provincial election.

Sent from my iPad
Please see the below NR and KM for review based on the draft letter.

Thanks,
E.

Municipal Affairs and Environment
March 4, 2019

Minister Directs Eastern Regional Services Board to Change Waste Collection Services Structure

The Honourable Graham Lettto, Minister of Municipal Affairs and Environment, has provided further direction to the Eastern Regional Services Board to implement a change in waste collection services. Minister Lettto has directed that any person possessing a seasonal property outside of a community on an un-serviced road not be required to pay a fee for waste collection services.

Upon the request of the Board, on February 8, 2019, Minister Lettto provided direction that the Board cease the collection of waste on un-serviced roads; limit all outstanding fees and interest charged on their first invoice to a two-year period; and improve the board’s transparency, accountability, and engagement.

The Board has made a further request for direction regarding which un-serviced roads should be included. As such, in addition to providing parameters for which roads should be charged for services, the Minister is now instructing the Board to:

- devise a plan for implementation that does not result in an increase in fees for its remaining clients.
- provide a means for seasonal residents to opt in to the collection services if they wish to do so.

Under the Regional Services Board Act, the Provincial Government will also proceed with a special audit of the Board’s waste collection services and associated fee setting practices. This matter will also be examined on a provincial scale through the ongoing comprehensive review of the Provincial Solid Waste Management Strategy. Once the review has concluded, government may provide direction to the Board on other issues.

Learn More
Review of Provincial Waste Management Strategy

Minister Lettto Issues Direction to Eastern Regional Service Board

Quotes
“These changes to the Eastern Regional Service Board’s services and fee structure mean that seasonal property owners who are located outside of a community on an un-serviced road will no longer be paying for a service they don’t use. The regional service boards play an integral role in implementing the Provincial Waste Management Strategy, and we look forward to continuing to work with Board as it executes the directed changes.”
Honourable Graham Letto
Minister of Municipal Affairs and Environment

Media contact
Lynn Robinson
Municipal Affairs and Environment
709-729-5449, 691-9466
lynnrobinson@gov.nl.ca

QP Issue Note – ERSB Direction on Waste Management Services and Fees
Department of Municipal Affairs and Environment
March 4, 2019

ISSUE: The Minister has directed the Eastern Regional Service Board to implement changes to its waste collection services so that seasonal property owners outside of a community on an un-serviced road will not be required to pay a fee for waste collection.

ANTICIPATED QUESTIONS:
How are you helping residents that live on these roads that do want the service?
Why are you telling the regional service board what to do while they are independent?

KEY MESSAGES:
We are committed to environmentally sustainable and cost-effective waste management practices.

As this issue has been long been a source of contention and the Board has asked for guidance, I am providing direction to facilitate a resolution.

Seasonal property owners will no longer be paying for a service they don’t use, and property owners who do want the service will be able to opt in.

SECONDARY MESSAGES:
• We will continue provide support as the Board executes the directed changes.
• The Board is integral in implementing the Provincial Waste Management Strategy.
• I’ve also ordered a special audit of the Board’s waste collection services and fee setting practices.

BACKGROUND INFORMATION:
See factsheet
Factsheet

- Cabin owners have complained it is unfair for them to be billed for waste collection fees and interest by ERSB, given their view that the service is unnecessary and not being adequately provided, and that sufficient notice has not been provided to them.

- ERSB has argued that they have made reasonable efforts to notify property owners when they expand their waste collection services into new areas, and that charging interest and arrears for past-due amounts is their only means of deterring fee avoidance activities.

- February 8, 2019: the Minister of MAE directed ERSB to:
  - Cease the collection of waste on un-serviced roads as soon as possible;
  - Going forward, limit all outstanding fees and interest (i.e. “back fees”) charged to individuals on their first invoice to a two-year period; and
  - Improve the board’s transparency, accountability, and engagement.

- Feb 20: ERSB provided a list un-serviced on the basis of ERSB’s ability to consistently provide curbside service directly to households located on them. This list included all or portions of 14 roads, in 10 areas, affecting 300 property owners.

- February 27, 2019: the Minister responded to instruct ERSB to cease collecting the 14 identified roads immediately and to advise that MAE would be working with Transportation and Works to assess whether additional roads should be included in this direction.

- March 4: Meeting with TW to examine additional roads which fall into an un-serviced category from Government’s perspective.

- March 4: Minister Letto has directed that any person possessing a seasonal property outside of a community on an un-serviced road not be required to pay a fee for waste collection services. It is Minister’s position that this could be verified by the provision of a tax or fee invoice for the primary residence. In addition Minister instructed the Board to:
  - devise a plan for implementation that does not result in an increase in fees for its remaining clients.
  - provide a means for seasonal residents to opt in to the collection services if they wish to do so.
QP Issue Note – ERSB Direction on Waste Management Services and Fees

Department of Municipal Affairs and Environment
March 4, 2019

ISSUE: The Minister has directed the Eastern Regional Service Board to implement changes to its waste collection services so that seasonal property owners outside of a community on an un-serviced road will not be required to pay a fee for waste collection.

ANTICIPATED QUESTIONS:
How are you helping residents that live on these roads that do want the service? Why are you telling the regional service board what to do while they are independent?

KEY MESSAGES:
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  - devise a plan for implementation that does not result in an increase in fees for its remaining clients.
  - provide a means for seasonal residents to opt in to the collection services if they wish to do so.
Haskell, Ellen

From: Letto, Graham  
Sent: Monday, March 04, 2019 8:12 AM  
To: Simms, Randy; Glyn, Valerie  
Subject: FW: ERSB vs Government NL definition of Unserviced Road

Graham Letto  
Minister of Municipal Affairs and Environment  
Confederation Building  
St. John's, NL, A1B 4J6  
Tel: 709 729 3046

From: [Redacted]  
Sent: Sunday, March 3, 2019 7:05 PM  
To: Letto, Graham <Graham.Letto@gov.nl.ca>; Ball, Dwight <DwightBall@gov.nl.ca>  
Subject: ERSB vs Government NL definition of Unserviced Road

Dear Minister Letto,

I am writing you concerning my displeasure regarding the ERSB’s definition of "Unserviced Road". They have apparently come up with their own definition in that "it is only an unserviced road if we don't service it"!

It has been my understanding and that of the majority of cabin owners that cabin country roads were Class 4 roads and were not serviced in any way by the Provincial Government, hence "Unserviced Roads".

It would be very much appreciated if your government would clearly articulate this to the ERSB.

Regards,

Voter and Taxpayer.

Sent from my Bell Samsung device over Canada's largest network.
From: Ken Kelly <kkelly@ersb.nl.ca>
Sent: Monday, March 04, 2019 10:16 AM
To: Letto, Graham; Chippett, Jamie
Cc: Ed Grant Contact; Harold Mullowney
Subject: Different perspective from property owner's in unincorporated areas. FW: Waste collection, s. 40(1)

Graham/Jamie,

This is simply forwarded on to you to provide a different perspective. We have heard from several groups on the roads we serviced who are concerned about "what's next?"

Ken

From: s. 40(1)
Sent: Monday, March 4, 2019 10:01 AM
To: Ken Kelly <kkelly@ersb.nl.ca>
Cc: s. 40(1)
Subject: Re: Waste collection, s. 40(1) Cape Broyle NL

Thank you for your prompt response, and yes this letter can be forwarded if you wish.

Just to add some more comments, we, as a community including the cabin owners we have taken care of our area over the years with regards to collecting waste that was plaguing our wooded areas for years and properly disposing of it. This problem has not been conquered, but has decreased significantly over the last couple of years.

We are not against the cabin owners not wanting to pay the fee, we are against them including us in their plight. We need to sustain the services we have and add the services we don't have like fire protection as well for one.

We want to maintain our road, this is a service we struggle with as well, but we work at it and get it done. The first two kilometres of well maintained and snow cleared at at high level of service. The winter maintenance on the first two kilometres is fully funded by the residents of that section. However, all users enjoy the benefits of it.

In closing, our mission is to make our home as pleasant as possible for all who live and play there. We know we can't afford extravagant services, but we are willing to pay our share for basic services that are provided to us.

Thanks

s. 40(1)

From: s. 40(1)
Sent: Sunday, March 3, 2019 5:57 PM
To: Ken Kelly <kkelly@ersb.nl.ca>

s. 40(1)
Good day Mr. Kelly, my name is [REDACTED] and have lived here for the past thirty years. I have been listening to all the chatter about garbage collection in all areas of Newfoundland and all the reasons why it should not be maintained. The first thing I would like to mention is that [REDACTED] Road is a serviced road and it is maintained by the full-time residents and the cabin owners. We collect the money for the road and we are involved in all the road servicing that goes forward. Monies collected all year around pooled with some funds from NL Power provide road maintenance spring, summer and fall. We also provide dust control in the summer months as well. In the winter time the full time residents provide snow clearing through a contractor service. The first two kilometers of [REDACTED] is snow cleared, salted and sanded when necessary, and is provided at a high level of service, throughout the winter months. The full time residents that live on the first two kilometers fund the winter maintenance complete.

The remaining two kilometers is snow cleared through a contractor that NL Power hires, this portion of the road is not as well maintained in the winter to the level of the first two, but it is cleared after every snow fall, and salted if necessary.

The liveries of [REDACTED] that live in the first two kilometers have a high stake invested in this area and we wish to maintain the services we are provided with. Garbage collection is a very important service to all who live in the first two kilometers. We work in all areas and travel back and forth to our homes everyday. Our kids attend school and we are proud of our area.

We are fully engaged in moving our community forward, rather than backwards. We want all the services we can gather and we are willing to pay for them. This is our home and the cabin owners are just a part of our home as well. If they don't want to pay for a service, that's fine with us, but we are the more important group here, we live here.

Thank you Mr. Kelly for reading our concerns, we look forward to hearing from you, and we would appreciate you moving these concerns forward to the departments who make these decisions. We will not accept being removed from this service. We are not in a non-serviced area as some of these cabin owners think. This is our home.

Sincerely
Haskell, Ellen

From: Michielsen, Dan
Sent: Monday, March 04, 2019 2:34 PM
To: Collins, Jerry
Cc: Kieley, Kim; Shea, Erin
Subject: RE: Draft for email to ERSB

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks Jerry. I will let you know what happens from here with respect to your questions.

From: Collins, Jerry <JerryCollins@gov.nl.ca>
Sent: Monday, March 4, 2019 2:12 PM
To: Michielsen, Dan <MichielsenD@gov.nl.ca>
Cc: Kieley, Kim <KimKieley@gov.nl.ca>; Shea, Erin <ErinShea@gov.nl.ca>
Subject: RE: Draft for email to ERSB

See attached for draft letter. I will upload this to TRIM, and action it to myself for now.

Some additional considerations/questions below:

- Is the special audit going to be a cost of the Board, as provide in the Act? If not, we will need to identify and plan for this unanticipated expenditure, and I don’t think it will be feasible to get this work awarded, completed, and billed by March 31. That said, the experience with a more “hands-off,” board-funded Special Audit in Central Region did not necessarily provide the independent assessment that was intended. The

- Do we need a deadline for the submission of the implementation plan?

Thanks,

Jerry Collins
Manager, Infrastructure and Waste Management (A)
Department of Municipal Affairs and Environment
Government of Newfoundland and Labrador
No problem Jerry.

Sent from my iPhone

On Mar 3, 2019, at 9:57 PM, Collins, Jerry <JerryCollins@gov.nl.ca> wrote:

Sorry, but I have an appointment tomorrow morning so I won't be in until around 11:30. I can do this when I get in.

Jerry Collins
Manager, Infrastructure and Waste Management (A)
Department of Municipal Affairs and Environment
Government of Newfoundland and Labrador
Tel: (709) 729-5334 | E-mail: JerryCollins@gov.nl.ca

See below. We will chat in the am

Dan

Sent from my iPhone

Begin forwarded message:

From: "Chippett, Jamie" <JamieChippett@gov.nl.ca>
Date: March 3, 2019 at 8:43:49 PM NST
To: "Michielsen, Dan" <MichielsenD@gov.nl.ca>
Cc: "Shea, Erin" <ErinShea@gov.nl.ca>
Subject: Draft for email to ERSB

Dan,

Per discussion please have this cleaned up and placed on letterhead for Minister ASAP tomorrow

Further to my letter of x date regarding direction respecting cabins on unserviced roads and my subsequent letter of y date regarding removal of roads where the ERSB experiences challenges in delivering waste collection services, I am writing to provide further direction on this matter.

I am directing that the ERSB implement a change in waste collection services
such that any person possessing a seasonal property outside of a community on an unserviced road not be required to pay a fee for waste management collection services. It is my position that this could be verified by the provision of a tax or fee invoice for the primary residence. It is our position that seasonal residents should not pay for this service. Eastern Regional Service Board should also provide a means for seasonal residents to opt in to the collection services if they wish to do so.

I am also directing that the ERSB devise a plan for implementation that does not result in an increase in fees for its remaining clients. Coincidentally with this I am ordering a special audit of the ERSB per section whatever of the RSB act with respect to the waste collection services and associated fee setting practices of ERSB. I will provide further detail on how this audit will proceed in the coming days.

I would also acknowledge that this matter will be covered on a provincial scale through the comprehensive review of the provincial solid waste management strategy announced in January 2019. As stakeholder consultation will be a part of this review I would expect ERSB to participate fully in this review.

Graham Letto

Jamie

Sent from my iPhone
For your review. Note Jerry’s questions below.

See attached for draft letter. I will upload this to TRIM, and action it to myself for now.

Some additional considerations/questions below:

- Do we need a deadline for the submission of the implementation plan?

Thanks,

Jerry Collins  
Manager, Infrastructure and Waste Management (A)  
Department of Municipal Affairs and Environment  
Government of Newfoundland and Labrador  
Tel: (709) 729-5334 | E-mail: JerryCollins@gov.nl.ca
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Jerry Collins  
Manager, Infrastructure and Waste Management (A)  
Department of Municipal Affairs and Environment  
Government of Newfoundland and Labrador  
Tel: (709) 729-5334 | E-mail: JerryCollins@gov.nl.ca

From: Michielsen, Dan  
Sent: Sunday, March 03, 2019 9:37 PM  
To: Collins, Jerry; Kieley, Kim  
Subject: Fwd: Draft for email to ERSB

See below. We will chat in the am

Dan

Sent from my iPhone

Begin forwarded message:

From: "Chippett, Jamie" <JamieChippett@gov.nl.ca>  
Date: March 3, 2019 at 8:43:49 PM NST  
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I am also directing that the ERSB devise a plan for implementation that does not result in an increase in fees for its remaining clients. Coincidentally with this I am ordering a special audit of the ERSB per section whatever of the RSB act with respect to the waste collection services and associated fee setting practices of ERSB. I will provide further detail on how this audit will proceed in the coming days.

I would also acknowledge that this matter will be covered on a provincial scale through the comprehensive review of the provincial solid waste management strategy announced in January 2019. As stakeholder consultation will be a part of this review I would expect ERSB to participate fully in this review.

Graham Lotto

Jamie

Sent from my iPhone
Mr. Ed Grant, Chair  
Eastern Regional Service Board  
255 Major’s Path, Suite 3  
St. John’s, NL A1A 0L5  
E-mail: info@easternwaste.ca

Dear Mr. Grant:

Further to my letter of February 8, 2019, which provided direction with respect to cabins on un-serviced roads and my subsequent letter of February 27, 2019, regarding the discontinuation of waste collection services for roads where the Eastern Regional Service Board (ERSB) experiences challenges in delivering waste collection services, I am writing to provide further direction on this matter.

To this end, I am directing that the ERSB implement a further change to its Service Delivery Policy for waste collection, such that mandatory fees for waste collection services will no longer be charged to any individuals who:

1) own a secondary and/or seasonal property in an unincorporated area; and,
2) can demonstrate that they also own a primary residence within Eastern Region.

It is my position that these property ownership criteria could be verified by the provision of a tax or fee invoice for the primary residence. It is also my position that seasonal residents should not be required to pay for this service if they have alternative waste disposal arrangements in place. However, ERSB should also provide a means for seasonal residents to continue to receive collection services, should they wish to do so.

In addition, I am also directing ERSB to develop an implementation plan for these Service Delivery Policy changes that does not result in fee increases for its remaining clients. At the same time, I am also ordering a special audit regarding ERSB’s waste collection services and associated fee-setting practices, in accordance with section 34(3) of the Regional Service Boards Act, 2012. I will provide further detail on how this audit will be conducted in the coming days.
Finally, I also acknowledge that these issues regarding service delivery and fee structures will be addressed on a provincial scale through the comprehensive review of the Provincial Solid Waste Management Strategy, announced in January 2019. Stakeholder consultation will be a part of this review, and I expect ERSB will participate fully in this review.

Thank you for your attention to this matter, and I look forward to working to implementing these next steps in the very near future.

Sincerely,

GRAHAM LETTO, MHA
District of Labrador West
Minister of Municipal Affairs and Environment

/jl

cc: Honourable Premier Dwight Ball
Minister Letto,

On behalf of Mr. Grant and the ERSB Board please see the attached letter confirming that the Board took steps at its meeting of Feb 27, 2019 to implement the direction of Government with regards to un-serviced roads.

Kindest regards,

Ken T. Kelly, CPA
Chief Administrative Officer
Eastern Regional Service Board
Tel: 709-579-7960
Email: kkelly@ersbnl.ca
255 Majors Path
St. John’s, NL

**Everyone has a role in keeping our province clean and beautiful. At the Eastern Regional Service Board we’re committed to delivering consistent, sustainable waste management services to thousands of people in eastern Newfoundland. Visit our website https://fairwaste.ca/ for details.**
Hon. Graham Letto, MHA  
Minister of Municipal Affairs and Environment  
Government of Newfoundland & Labrador  
PO Box 8700  
St. John’s, NL, A1B 4J6

March 4, 2019

Dear Minister Letto,

We acknowledge receipt your letter of February 27th and took immediate action at our monthly Board meeting held that very evening to amend our Service Delivery Policy to exclude roads that we jointly agreed will be un-serviced for the purposes of waste management collection. This was confirmed in your letter and all service has ceased on the affected roads as of March 1, 2019.

This change will be communicated to all those affected property owners by letter where we have appropriate contact information. Further, they will be informed of any refund and that no services will be provided in the future (summer or winter). We anticipate issuing these refunds to affected property owners who have paid 2019 fees by March 6, 2019.

We note you are continuing to review the issue of “un-serviced” roads and we await your further direction. As we have noted repeatedly, Government had originally instructed the Board to go into these areas and we will obviously comply with any changes Government now directs. We had understood the list of such roads had been agreed to by both parties and generally involved roads we could not service year-round.

Again, further to your directive to the Board, we have amended our Fee Collection Policy to limit the recovery of past fees that are due from property owners on serviced roads to two years on any new invoices on a go forward basis. Again, as we have cautioned in the past, this does not create an incentive for property owners to self-identify or pay.

We acknowledge your comment that the “onus” is on our Board to identify property owners. However, that is not articulated in the enabling legislation and it is not how the courts have interpreted the responsibilities of the Board. We must point out this Province has no central registry for property ownership. The Province has provided no assistance to the Board in identifying property ownership and more importantly the mailing addresses for property owners even when the Province is in possession of this information.

As stated earlier there is no requirement in this province to register property and therefore the Registry of Deeds is not a comprehensive repository of property ownership information and in the case of secondary properties it does not necessarily have the mailing addresses for an owners’
permanent residence. Crown Lands is in possession of mailing addresses for property owners but refuses to provide said information due to issues it perceives around privacy. Motor Vehicle Registration also has care and control of information that can be used to identify property ownership and it also has refused to provide this information due to privacy.

Our Board has performed searches of the publicly available information, it has regularly canvassed these areas and it has posted newspaper ads.

Our Board is open to your suggestions as to what more we can do to identify owners and mailing addresses for properties that we service. In particular the Board would be open to your suggestions on how to deal with those property owners that refuse to provide contact information and continue to be delinquent years after initial contact.

We will await further direction from Government on these issues.

Sincerely

[Signature]

Ed Grant
Chairperson
Eastern Regional Service Board
Haskell, Ellen

From: Collins, Jerry  
Sent: Wednesday, March 06, 2019 10:41 AM  
To: Michielsen, Dan  
Cc: Kieley, Kim; Shea, Erin  
Subject: RE: Draft for email to ERSB  
Attachments: Letter - ERSB - Further Direction on Cabin Waste Collection and Fees.docx

Revised and updated in TRIM, per direction received.

Thank you,

Jerry Collins  
Manager, Infrastructure and Waste Management (A)  
Department of Municipal Affairs and Environment  
Government of Newfoundland and Labrador  
Tel: (709) 729-5334 | E-mail: JerryCollins@gov.nl.ca

From: Collins, Jerry  
Sent: Monday, March 04, 2019 2:12 PM  
To: Michielsen, Dan  
Cc: Kieley, Kim; Shea, Erin  
Subject: RE: Draft for email to ERSB

See attached for draft letter. I will upload this to TRIM, and action it to myself for now.

Some additional considerations/questions below:

- 
- 
- 
- Do we need a deadline for the submission of the implementation plan?  
- 

Thanks,

Jerry Collins
Manager, Infrastructure and Waste Management (A)
Department of Municipal Affairs and Environment
Government of Newfoundland and Labrador
Tel: (709) 729-5334 | E-mail: JerryCollins@gov.nl.ca

From: Michielsen, Dan
Sent: Sunday, March 03, 2019 10:15 PM
To: Collins, Jerry
Subject: Re: Draft for email to ERSB

No problem Jerry.

Sent from my iPhone

On Mar 3, 2019, at 9:57 PM, Collins, Jerry <JerryCollins@gov.nl.ca> wrote:

Sorry, but I have an appointment tomorrow morning so I won’t be in until around 11:30. Can do this when I get in.

Jerry Collins
Manager, Infrastructure and Waste Management (A)
Department of Municipal Affairs and Environment
Government of Newfoundland and Labrador
Tel: (709) 729-5334 | E-mail: JerryCollins@gov.nl.ca

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Sent: Sunday, March 03, 2019 9:37 PM
To: Collins, Jerry; Kieley, Kim
Subject: Fwd: Draft for email to ERSB

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Dan

Sent from my iPhone

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From: "Chippett, Jamie" <JamieChippett@gov.nl.ca>
Date: March 3, 2019 at 8:43:49 PM NST
To: "Michielsen, Dan" <MichielsenD@gov.nl.ca>
Cc: "Shea, Erin" <ErinShea@gov.nl.ca>
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I am directing that the ERSB implement a change in waste collection services such that any person possessing a seasonal property outside of a community on an unserviced road not be required to pay a fee for waste management collection services. It is my position that this could be verified by the provision of a tax or fee invoice for the primary residence. It is our position that seasonal residents should not pay for this service. Eastern Regional Service Board should also provide a means for seasonal residents to opt in to the collection services if they wish to do so.

I am also directing that the ERSB devise a plan for implementation that does not result in an increase in fees for its remaining clients. Coincidentally with this I am ordering a special audit of the ERSB per section whatever of the RSB act with respect to the waste collection services and associated fee setting practices of ERSB. I will provide further detail on how this audit will proceed in the coming days.

I would also acknowledge that this matter will be covered on a provincial scale through the comprehensive review of the provincial solid waste management strategy announced in January 2019. As stakeholder consultation will be a part of this review I would expect ERSB to participate fully in this review.

Graham Letto

Jamie

Sent from my iPhone
Mr. Ed Grant, Chair  
Eastern Regional Service Board  
255 Major’s Path, Suite 3  
St. John’s, NL A1A 0L5  
E-mail: info@easternwaste.ca

Dear Mr. Grant:

Further to my letter of February 8, 2019, which provided direction with respect to cabins on un-serviced roads and my subsequent letter of February 27, 2019, regarding the discontinuation of waste collection services for roads where the Eastern Regional Service Board (ERSB) experiences challenges in delivering waste collection services, I am writing to provide further direction on this matter.

To this end, I am directing that the ERSB to implement an additional change to its Service Delivery Policy for waste collection, such that mandatory fees for waste collection services will no longer be charged to any individuals who own a secondary residence on any road that is not serviced, directly or indirectly, by a level of government. For further clarify, this would include all roads maintained by the Provincial Government, a municipality, or a local service district, and would not include any roads maintained by other groups (e.g. cabin owners) on a voluntary basis.

It is my position that these property ownership criteria could be verified by the provision of a tax or fee invoice from a municipality or a local service district for the primary residence. It is also my position that seasonal residents should not be required to pay for this service if they have alternative waste disposal arrangements in place. However, ERSB should also provide a means for seasonal residents to continue to receive collection services, should they wish to do so.

In addition, I am also directing ERSB to develop an implementation plan for these Service Delivery Policy changes that does not result in fee increases for its remaining clients. At the same time, I am also ordering a special audit regarding ERSB’s waste collection services and associated fee-setting practices, in accordance with section 34(3) of the Regional Service Boards Act, 2012. I will provide further detail on how this audit will be conducted in the coming days.
Finally, I also acknowledge that these issues regarding service delivery and fee structures will be addressed on a provincial scale through the comprehensive review of the Provincial Solid Waste Management Strategy, announced in January 2019. Stakeholder consultation will be a part of this review, and I expect ERSB will participate fully in this review.

Thank you for your attention to this matter, and I look forward to working with you to implement these next steps in the very near future.

Sincerely,

GRAHAM LETTO, MHA
District of Labrador West
Minister of Municipal Affairs and Environment

/jl

cc: Honourable Premier Dwight Ball
On Mar 3, 2019, at 11:10 PM, Shea, Erin <ErinShea@gov.nl.ca> wrote:

Please see the below NR and KM for review based on the draft letter.
Thanks,
E.

Municipal Affairs and Environment
March 4, 2019

Minister Directs Eastern Regional Services Board to Change Waste Collection Services Structure

The Honourable Graham Letto, Minister of Municipal Affairs and Environment, has provided further direction to the Eastern Regional Services Board to implement a change in waste collection services. Minister Letto has directed that any person possessing a seasonal property outside of a community on an un-serviced road not be required to pay a fee for waste collection services.

Upon the request of the Board, on February 8, 2019, Minister Letto provided direction that the Board cease the collection of waste on un-serviced roads; limit all outstanding fees and interest charged on their first invoice to a two-year period; and improve the board’s transparency, accountability, and engagement.

The Board has made a further request for direction regarding which un-serviced roads should be included. As such, in addition to providing parameters for which roads should be charged for services, the Minister is now instructing the Board to:

- devise a plan for implementation that does not result in an increase in fees for its remaining clients.
- provide a means for seasonal residents to opt in to the collection services if they wish to do so.
Under the Regional Services Board Act, the Provincial Government will also proceed with a special audit of the Board’s waste collection services and associated fee setting practices. This matter will also be examined on a provincial scale through the ongoing comprehensive review of the Provincial Solid Waste Management Strategy. Once the review has concluded, government may provide direction to the Board on other issues.

Learn More
Review of Provincial Waste Management Strategy

Minister Letto Issues Direction to Eastern Regional Service Board

Quotes
“These changes to the Eastern Regional Service Board’s services and fee structure mean that seasonal property owners who are located outside of a community on an unserviced road will no longer be paying for a service they don’t use. The regional service boards play an integral role in implementing the Provincial Waste Management Strategy, and we look forward to continuing to work with Board as it executes the directed changes.”
Honourable Graham Letto
Minister of Municipal Affairs and Environment

Media contact
Lynn Robinson
Municipal Affairs and Environment
709-729-5449, 691-9466
lynnrobinson@gov.nl.ca

QP Issue Note – ERSB Direction on Waste Management Services and Fees

Department of Municipal Affairs and Environment
March 4, 2019

ISSUE: The Minister has directed the Eastern Regional Service Board to implement changes to its waste collection services so that seasonal property owners outside of a community on an un-serviced road will not be required to pay a fee for waste collection.

ANTICIPATED QUESTIONS:
How are you helping residents that live on these roads that do want the service?
Why are you telling the regional service board what to do while they are independent?

KEY MESSAGES:
We are committed to environmentally sustainable and cost-effective waste management practices.

As this issue has been long been a source of contention and the Board has asked for guidance, I am providing direction to facilitate a resolution.
Seasonal property owners will no longer be paying for a service they don’t use, and property owners who do want the service will be able to opt in.

**SECONDARY MESSAGES:**
- We will continue provide support as the Board executes the directed changes.
- The Board is integral in implementing the Provincial Waste Management Strategy.
- I’ve also ordered a special audit of the Board’s waste collection services and fee setting practices.

**BACKGROUND INFORMATION:**
See factsheet
Factsheet

- Cabin owners have complained it is unfair for them to be billed for waste collection fees and interest by ERSB, given their view that the service is unnecessary and not being adequately provided, and that sufficient notice has not been provided to them.

- ERSB has argued that they have made reasonable efforts to notify property owners when they expand their waste collection services into new areas, and that charging interest and arrears for past-due amounts is their only means of deterring fee avoidance activities.

- February 8, 2019: the Minister of MAE directed ERSB to:
  - Cease the collection of waste on un-serviced roads as soon as possible;
  - Going forward, limit all outstanding fees and interest (i.e. "back fees") charged to individuals on their first invoice to a two-year period; and
  - Improve the board’s transparency, accountability, and engagement.

- Feb 20: ERSB provided a list un-serviced on the basis of ERSB’s ability to consistently provide curbside service directly to households located on them. This list included all or portions of 14 roads, in 10 areas, affecting 300 property owners.

- February 27, 2019: the Minister responded to instruct ERSB to cease collecting the 14 identified roads immediately and to advise that MAE would be working with Transportation and Works to assess whether additional roads should be included in this direction.

- March 4: Meeting with TW to examine additional roads which fall into an un-serviced category from Government's perspective.

- March 4: Minister Letto has directed that any person possessing a seasonal property outside of a community on an un-serviced road not be required to pay a fee for waste collection services. It is Minister’s position that this could be verified by the provision of a tax or fee invoice for the primary residence. In addition Minister instructed the Board to:
  - devise a plan for implementation that does not result in an increase in fees for its remaining clients.
  - provide a means for seasonal residents to opt in to the collection services if they wish to do so.

<NR - Government Issues Further Direction to ERSB.docx>
<QP Issue Note_PG Directs ERSB to Change Cabin Fees.docx>
Haskell, Ellen

From: [Redacted]
Sent: Monday, March 11, 2019 10:00 AM
To: Letto, Graham
Cc: Premier of NL; Chippett, Jamie
Subject: clarification on letter to ERSB.

Mr. Letto,

As a full time resident of the [Redacted] area of [Redacted],
I need clarification on your letter to the ERSB.
Does your letter mean that the ERSB is to stop collecting waste at all unincorporated area including residents and cabins owners, or that waste collection is to continue in these areas, but cabin owners in an unincorporated areas are not to be billed again for this service, if they pay their taxes at their full time residents of a municipality or LSD.
Can you give me clarification on what your letter meant.
Hope to hear from you on this matter.
Dan,

I will copy what you have written and forward the letter from Minister Letto, if that's ok with you.

Thank you

Darrin

Darrin Feehan
Constituency Assistant to the Hon. Siobhan Coady – MHA St. John's West
Minister of Natural Resources & Deputy Government House Leader

7th Floor, Natural Resources Building
50 Elizabeth Ave P.O. Box 8700
St. John's, NL A1B 4J6

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Cell: (709) 689-7314
Fax: (709) 729-0059
Email: darrinfeehan@gov.nl.ca

The statement is not inaccurate but it is incomplete as someone could have the primary residence in an LSD and pay a fee, that would also allow their secondary residence to be exempted. Additionally it should note that this does not apply right away as we have asked ERSB to give us a plan to implement this. They may have significant contractual obligations that may delay this for some areas.

The wording in the letter states.

"... I am directing that the ERSB submit a plan by April 1, 2019 to implement additional changes to its Service Delivery Policy for waste collection, such that waste collection services and respective fees will no longer be mandatory for any individuals who owns a secondary residence on any road that is not serviced, directly
or indirectly, by a level of government. It is my position that these property ownership criteria could be verified by the provision of a tax or fee invoice from a municipality or a local service district for the primary residence.

To further clarify, the directive does not apply to properties on roads maintained by the Provincial Government, a municipality, or a local service district, but would apply to roads maintained solely by other groups (e.g. cabin owners) on a voluntary basis.”

---

From: Simms, Randy <RandySimms@gov.nl.ca>
Sent: Monday, March 11, 2019 2:59 PM
To: Michielsen, Dan <MichielsenD@gov.nl.ca>
Cc: Feehan, Darrin <DarrinFeehan@gov.nl.ca>
Subject: FW: ERSB

Hi Dan,

Can you provide some thoughts on this? Is this an appropriate response to emails from individual constituents? Apparently it has been posted to the COATT website by Minister Osborne. See the question being posed by Darrin. Is it appropriate for Minister Coady to use it in responding to constituents?

Thanks,

Randy

---

From: Feehan, Darrin <DarrinFeehan@gov.nl.ca>
Sent: Monday, March 11, 2019 11:03 AM
To: Simms, Randy <RandySimms@gov.nl.ca>
Subject: ERSB

Good morning Randy,

We have had several constituents call to complain regarding the garbage collection at their cabins. I believe you spoke to Keith about this last week.

In light of the announcement/decision on Friday, I want to send a response to the Ministers constituents.

This is directly from Minister Osborne’s Facebook post on the subject....is it satisfactory or should I tweak it?

*Government has provided direction to the ERSB.*

Anyone who pays property tax on their home and has a cabin on an unserviced road does not have to pay the $180 garbage fee charged by ESRB.

*Government has defined an unserviced road as 'any road that is not serviced by either the provincial government, a municipality or a local service district.'*

*In other words, if you own a home in St. John’s (or another municipality...and pay property tax on it) and have a cabin on an unserviced road the ESRB can no longer charge you the fee.*
Also, could you provide me with a copy of the letter so that I can include it in my email to them.

Thank you

Darrin

Darrin Feehan
Constituency Assistant to the Hon. Siobhan Coady – MHA St. John’s West
Minister of Natural Resources & Deputy Government House Leader

7th Floor, Natural Resources Building
50 Elizabeth Ave I P.O. Box 8700
St. John’s, NL A1B 4J6

Office: (709) 729-2449
Cell: (709) 689-7514
Fax: (709) 729-0039
Email: darrinfeehan@gov.nl.ca
Good here

Sent from my iPhone

On Mar 11, 2019, at 8:43 PM, Shea, Erin <ErinShea@gov.nl.ca> wrote:

Please see the following KMs for HoA and NR in case we need it. At this point, I would think we can hold off. Dan has reviewed:

QP Issue Note – ERSB Direction on Unserviced Roads and Audit

Department of Municipal Affairs and Environment
March 8, 2019

ISSUE: The Minister has directed the Eastern Regional Service Board to implement changes to its waste collection services so that secondary seasonal property owners outside of a community on an un-serviced road will not be required to pay a fee for waste collection.

ANTICIPATED QUESTIONS:
How are you helping residents that live on these roads that do want the service?
Why are you telling the regional service board what to do while they are independent?

KEY MESSAGES:
We are committed to environmentally sustainable and cost-effective waste management practices.

As this issue has been long been a source of contention and the Board has asked for guidance, I am providing direction to facilitate a resolution.

We’ll continue to provide support as the Board executes the changes.

SECONDARY MESSAGES:

- I’ve also ordered a special audit of the Board’s waste collection services and fee setting practices.
- The Board is integral in implementing the Provincial Waste Management Strategy.
• Seasonal property owners outside of a community on an un-serviced road will no longer have to pay, if they can show that they’re paying at the primary residence.

• Property owners who do want the service can elect not to opt out in areas where the service is provided.

BACKGROUND INFORMATION:
See factsheet
Factsheet

- Cabin owners have complained it is unfair for them to be billed for waste collection fees and interest by ERSB, given their view that the service is unnecessary and not being adequately provided, and that sufficient notice has not been provided to them.

- ERSB has argued that they have made reasonable efforts to notify property owners when they expand their waste collection services into new areas, and that charging interest and arrears for past-due amounts is their only means of deterring fee avoidance activities.

- February 8, 2019: the Minister of MAE directed ERSB to:
  - Cease the collection of waste on un-serviced roads as soon as possible;
  - Going forward, limit all outstanding fees and interest (i.e. "back fees") charged to individuals on their first invoice to a two-year period; and
  - Improve the board’s transparency, accountability, and engagement.

- Feb 20: ERSB provided a list un-serviced on the basis of ERSB’s ability to consistently provide curbside service directly to households located on them. This list included all or portions of 14 roads, in 10 areas, affecting 300 property owners.

- February 27, 2019: the Minister responded to instruct ERSB to cease collecting the 14 identified roads immediately and to advise that MAE would be working with Transportation and Works to assess whether additional roads should be included in this direction.

- March 4: Meeting with TW to examine additional roads which fall into an un-serviced category from Governments perspective.

- March 8: Minister Letto has directed:
  - ERSB submit a plan by April 1, 2019 to implement additional changes to its Service Delivery Policy for waste collection, such that waste collection services and respective fees will no longer be mandatory for any individuals who own a secondary residence on any road that is not serviced, directly or indirectly, by a level of government. To opt out of the service a property owner would be required to demonstrate that they already pay for waste collection services at their primary residence.
  - Ensure the plan for implementation that does not result in an increase in fees for its remaining clients.
  - That a special audit regarding ERSB’s waste collection services and associated fee-setting practices be conducted, in accordance with section 34(3) of the Regional Service Boards Act, 2012.
March ??, 2019

Minister Directs Eastern Regional Services Board to Change Waste Collection Services Structure

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Upon the request of the Board, on February 8, 2019, Minister Letto provided direction that the Board cease the collection of waste on un-serviced roads where there are issues providing service; limit all outstanding fees and interest charged on their first invoice to a two-year period; and improve the board’s transparency, accountability, and engagement.

The Board made a further request for direction regarding which un-serviced roads should be included. As such, in addition to providing parameters for which roads should be charged for services, the Minister is now instructing the Board to devise a plan to allow the owners of secondary residences on un-serviced roads to opt out of the service, provided they can demonstrate that they pay for waste management services at their primary residence. The Board is directed to ensure the implementation of this plan does not result in an increase in fees for its remaining clients.

Under the Regional Services Board Act, the Provincial Government will also proceed with a special audit of the Board’s waste collection services and associated fee setting practices. This matter will also be examined on a provincial scale through the ongoing comprehensive review of the Provincial Solid Waste Management Strategy. Once the review has concluded, government may provide direction to the Board on other issues.

Learn More
Review of Provincial Waste Management Strategy

Minister Letto Issues Direction to Eastern Regional Service Board

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"These changes to the Eastern Regional Service Board’s services and fee structure mean people who own a secondary seasonal property located outside of a community on an un-serviced road will no longer be forced to pay for a service they don’t use. The regional service boards plays an integral role in implementing the Provincial Waste Management Strategy, and we look forward to continuing to work with Board as it executes the directed changes."
Honourable Graham Letto
Minister of Municipal Affairs and Environment

- 30 -
Media contact
Lynn Robinson
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709-729-5449, 691-9466
lynnrobinson@gov.nl.ca

Erin Shea | Director of Communications
Department of Municipal Affairs and Environment
Government of Newfoundland and Labrador
P.O. Box 8700 St. John's NL A1B 4J6
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<NR - Government Issues Further Direction to ERSB.docx>
<QP Issue Note_PG Directs ERSB to Change Cabin Fees.docx>
Municipal Affairs and Environment [last reviewed by Dan]  
March ??, 2019

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QP Issue Note – ERSB Direction on Unserviced Roads and Audit

Department of Municipal Affairs and Environment
March 8, 2019

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