



TOWN OF MILTON

TOWN ADMINISTRATION'S DEPARTMENT

REPORT: TA-105-86

DATE: October 30, 1986

REPORT TO:

Mayor G. Krantz and Members of Council

SUBJECT:

Required Consultants - Halton Landfill

RECOMMENDATION:

THAT Council hereby authorize the work program as outlined in Report TA-105-86 at an estimated cost of \$500,000.00;

AND THAT funding for the Town's Work Program be allocated from the Town's remaining 1986 account with the balance referred to the 1987 Operating Budget.

REPORT:

This report is to apprise Council of the Solid Waste Committee Meeting of Wednesday, October 29th. Attending that meeting was Councillors B. Penman, R. Day, lawyers F. Leitch, D. Estrin and H. Dahme and Staff members R. Zsadyani and R. Main. Unfortunately, a quorum was not present at the Committee, however this report provides the consensus of the members present and the support of Mayor Krantz and Councillors R. Harrison who were unable to attend.

The primary purpose of the meeting was to review the required consultants deemed necessary in order for the Town's position to be appropriately and adequately presented at the Environmental Assessment Hearings slated for 1987. Report TA-94-86, which was adopted by Council, directed the Committee to review the required consultants and the funding issue to present the Town's position. Council will recall that the initial proposal including both consultants and legal fees carried a cost estimate of approximately \$800,000.00 which would have provided a full and complete case on behalf of the Town. The Committee itself was not satisfied to the need of presenting a comprehensive case and the lawyers were subsequently directed to provide an acceptable Work Program that would provide adequate representation and the appropriate presentation of the Town's interests. The Committee also directed the lawyers to present a case that could remain flexible and would build in its intensity up to the funding allocation.

The lawyers have presented a Work Program to the Committee which will require the involvement of four principal consultants dealing with specific areas. Those areas include:

- 1) planning and economic assessment
- 2) hydrogeological investigation
- 3) agricultural rehabilitation investigation
- 4) airport hazard assessment

The consultants that have been recommended for each of the four areas respectively are:

- 1) IBI (Planning)
- 2) Geocon (Hydrogeology)
- 3) Smith Hoffman (Agricultural Rehab)
- 4) Dr. J. Richardson (Airport Hazard)

The cost for each of the above four consultants including contingencies carries an upset limit of \$200,000.00.

The Committee extensively reviewed the strategy of engaging both Estrin and Leitch for the preparation and attendance at the Hearings and are convinced of the need and satisfied in maintaining the involvement of both law firms. The cost of providing both firms has been deemed comparable to what would be necessary for only one firm's involvement and the Committee is proposing to control the cost by recommending block funding for the lawyers. Block funding is best described as establishing an upset limit with the Town being billed on



either an hourly or daily rate up to the maximum amount. It has been determined that an appropriate means of considering the lawyers is to separate the preparation time from actual attendance at the Hearing. Consequently, the Committee is proposing an upset limit of \$100,000.00 to be shared between the lawyers for the preparation stage effective November 1st through to the commencement of the Hearing which is estimated at February or March, 1987. A further block sum with an upset limit of \$200,000.00 to be shared between the lawyers is being allocated for their attendance and involvement at the Hearing.

There is the possibility of special projects involving the lawyers which may arise during the preparation, the Hearing or post-Hearing stage which would require such matters as Court appearances. Costs attributed to any such initiatives would be separate from the above allocation and would be cost controlled as they might arise.

Council will also recall an allocation of up to \$20,000.00 for the Boyne-Britannia Citizens Group and their involvement of a lawyer and consultant to present their case. At this time, the lawyer, Mr. S. Garrod on behalf of the BB Group, is preparing Budget estimates for the citizens involvement in the Hearing. In an effort again to control the cost, the Committee is holding fast this \$20,000.00 upset limit with the possibility of recovering such funding from any cost awards at the end of the Hearing itself.

The 1986 Operating Budget contained two budget allocations for the Halton Landfill and the OWMC issues. An amount of \$100,000.00 was set aside for the landfill issue of which only \$50,000.00 has been spent to date. The OWMC account amounted to \$120,000.00 which involved a \$110,000.00 reserve and to date, less than \$2,000.00 has been expended. Consequently, there is adequate funding for the balance of 1986 with the issue having to be addressed in the 1987 Operating Budget.

It is imperative for the Town's strategy that the Work Program outlined in this report be adopted, and the consultants engaged immediately to start their investigatory work. The lead time required for the preparation of studies and reports as well as the appropriate briefing of the lawyers and the Committee, necessitates that the approval be sought at this time.

Respectfully submitted

R. Main
Town Administrator

RM/lw