

The Corporation of the City of Kawartha Lakes
Council Report

Report Number WM2017-005

Date: June 27, 2017
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: Ward 6

Subject: Waste Collection- Rosedale Parkette

Author: David Kerr, P. Geo., Manager of Environmental Services

Recommendation(s):

RESOLVED THAT Report WM2017-005, Waste Collection-Rosedale Parkette, be received.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of June 6, 2017 Council adopted the following resolution:

CR2017-483

RESOLVED THAT the memo from Councillor Miller regarding Waste Collection – Rosedale Parkette, be received;

THAT the matter of waste collection from the Rosedale Parkette be referred to staff for a report back for the June 27th meeting.

CARRIED

This report addresses that direction.

As further background, the Rosedale Parkette (hereinafter referred to as “the parkette”) is a non-municipal park located on the southwest corner of Bridge Street and Coldstream Road in Rosedale and borders the north side of the Trent Severn Waterway. According to MPAC records the parkette is 0.25 acres in size and is owned by the Federal Government (Fisheries and Oceans). There are no buildings on the site and the site is classified on MPAC as “Vacant Commercial Land”.

Based on the background information provided in the May 16, 2017 memo from Councilor Gord Miller to Mayor and Council (attached as Appendix A) the parkette has been improved (and maintained) by local volunteer residents, who have also equipped the parkette with garbage receptacles.

The parkette is not currently included in the City’s contract with Miller Waste systems as a stop for municipal waste collection as private parks are not part of the contract. In addition the City’s By-Law 2016-144 entitled “A By-Law for Collection and Management of Waste and Recyclables Within the City of Kawartha Lakes” states in section 3.01(iv) “that ...curbside collection services shall not be provided , except by agreement , to any land or building owned or leased by the Crown of Canada, the Crown in right of Ontario, a university, a community college, a hospital, or to any property for which no taxes are paid and for which no grants in lieu are received or any vacant or for any unoccupied structure or property that does not contain a structure”. Excerpts from this By-Law are attached as Appendix B

Since the parkette falls into the above definition as it is owned by the “Crown of Canada” or does not contain a structure it is deemed as not being entitled to curbside collection under the City’s existing contract with Miller Waste Systems.

Rationale:

Staff appreciates and recognizes the good service the local community provides to the upkeep of private parks throughout the City, and in this case the Rosedale

Parkette; however it is important to note that most private parks have their own waste collection service contracts outside of the main Miller curbside collection contract. This, being a parkette on federal property, maintenance should be the responsibility of the federal government. The curbside collection contract does not include public or private parks.

The main issues that staff sees with municipal waste collection at the parkette are as follows:

- Municipal waste collection through the curbside contract is once a week. If the parkette had this municipal service and it becomes an increasingly popular location for public use the waste container(s) would likely be filled more quickly than the once a week service can sustain and there would be garbage and recyclables overflow and litter. The municipality (through on-call staff or Miller Waste) would likely be called in through public complaints to resolve the issue and to provide increased waste services to the parkette. As a result additional staff time and expenses would be incurred.
- There is a question as to who currently monitors what is deposited in the waste containers and who would be responsible i.e. the volunteers or the site owner (federal government). If there is no compliance with the clear bag program or the by-law who would be held accountable. As well who would remove the bags if they are left at the curb in the event they do not meet the required standard of less than 20% recyclables?
- As a result of potential non compliance issues with the garbage placement and content there may also be additional staff time required by municipal law enforcement officers.
- Increased liability for the municipality if there are issues with litter on federal lands. The liability becomes greater if the municipality has taken responsibility for waste collection on those lands as it would be deemed to be a responsible party looking after waste management.
- If there are hazardous wastes deposited in containers on federal lands the Crown may order the municipality to provide cleanup and remediation as required if they were in charge of waste management for the parkette.
- If waste containers are vandalized, who would be held responsible to providing alternative waste containers and remove and dispose of the broken or vandalized ones?
- Having municipal waste collection in private parks and non municipal government properties will set a precedent that could ultimately be more expensive for the city to maintain and monitor. This is one of the reasons the current by-law is written to prohibit waste collection from vacant lands and federal properties unless there is a specific agreement between the municipality and the federal government outlining limits of municipal liability and who pays for basic costs and additional costs.

In summary and for the above reasons staff recommend against offering municipal waste collection at the Rosedale Parkette. Other alternatives are reviewed within the section below.

Other Alternatives Considered:

The following alternatives to the existing recommendation in this report could be considered by council.

Alternative Resolution 1

An alternative to municipal curbside collection would be to have the volunteers empty the garbage bins at the parkette themselves or have the bins emptied through an agreement with a contractor of their own choice. The benefit of a private waste service such as this is that it can involve a local contractor that is close to the parkette, readily available and adaptable to a variety of needs the park may have. For instance the private service company may be able to empty cans and monitor waste on a more frequent or different schedule than the standard curbside collection service that Miller offers for the whole of the City.

Alternative Resolution 2

Volunteers could remove the garbage from the parkette at their discretion and bring it to their own homes to be put out at their own curbside. If there are additional bags then bag tags could be purchased. This may be the simplest way for the volunteers to manage waste and it reduces the contractual requirements for the volunteers with government agencies. If the park is not heavily used this may be the most cost effective solution.

Alternative Resolution 3

Volunteers could negotiate with the owner of the property, Fisheries and Oceans, to provide waste services for the Parkette directly with their own Waste Management Services contractor retained by the federal government. The Balsam Lake /Rosedale area would have a local presence of Parks Canada and other federal facilities which likely already have retained a waste management services contractor. As this contractor would be compliant with federal requirements they could possibly add the Rosedale Parkette to their facilities needing servicing.

Alternative Resolution 4

Council may choose to pursue providing municipal curbside collection to the parkette. Staff recommend against this option as it is against the By-Law and sets precedent for other private parks and property. In the event Council chooses this alternative the following resolution could be considered:

THAT Council direct staff to negotiate an agreement with the Crown of Canada to provide curbside collection services to the Rosedale Parkette as per By-Law 2016-144, "A By Law for collection and Management Of Waste and Recyclables within The City of Kawartha Lakes" and;

THAT the additional costs for curbside collection for the Rosedale Parkette as negotiated with Miller Waste (as per the existing contract for Waste and

Recyclables collection between the City and Miller) be re-imbursed to the City through the owner of the property or agents of the owner and;

THAT any additional municipal staff time and expenses and/or contractor costs related to waste management services outside of weekly curbside collection required for the Rosedale parkette be re-imbursed to the City through the owner of the property or agents of the owner.

Financial/Operation Impacts:

The current recommendation has no impact to the City's existing budget. However if council was to choose that the parkette be serviced through Miller Waste Systems under the current weekly curbside collection contract with Miller the base cost to the City would be under \$200/year. Although unknown at this time the base costs are likely to be exceeded as a result of potential hidden costs. Examples of these hidden costs and liabilities are identified under the rationale section of this report and include such items as additional staff or Miller's time to empty bins and pickup litter and potential additional time for municipal law enforcement. These costs would impact the overall collection contract operational costs.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

The recommendations in this report will build on council's initiative to ensure Goal 3; a Healthy Environment is met, by ensuring that litter and waste is collected from the Parkette in a mindful and conscientious manner.

Consultations:

Director of Public Works
Supervisor of Waste Management Operations
CAO-Legal Services-Solicitor
Miller Waste Systems

Attachments:

Appendix A – Memo to Council dated May 16, 2017



Appendix A
(WM2017-005).pdf

Appendix B – Excerpts from By-Law 2016-144



Appendix B
(WM2017-005).pdf

Department Head E-Mail: brobinson@city.kawarthalakes.on.ca

Department Head: Bryan Robinson