Peter Polley - Polycorp

From: Peter Polley - Polycorp
Sent: Wednesday, October 19, 2016 3:04 PM
To: brendan@brendanmaguire.ca
Subject: Halifax Regional Water Commission - Board Meeting not open to public, press or stakeholders
Attachments: Meetings.pdf

Brendan [and hopefully indirectly to Minister Churchill]

Below was created hastily just now to try to get in front of the 2nd reading of the proposed changes to the Halifax Water Commission Act – Bill # 2. I have asked the Legislative Office to confirm when it will go to law amendments, but the below could be made before it even gets there...

General Commentary :
As discussed, I have probably been the most active critic of Halifax Water in the private sector in Halifax. I honestly believe that they are making spending decisions for hundreds of millions of dollars of infrastructure based on faulty information. As a residential builder and landlord, and having attended the relevant consultations that they conduct as part of their "check the boxes" process, it is obvious that they are operating with incorrect information from misdirected or faulty engineering studies [I have seen both]. Some very senior staff agree with industry's analysis, but there is zero accountability. I have lost faith in the UARB process as a result of the Halifax Water Regional Development Charge hearing process approx 2 years ago as I understood the engineering variables and assumptions and cannot believe what the UARB is letting them get away with getting even the 25% of what they had originally proposed to have as charges for new development. I have personally seen senior Halifax Water staff lie and misrepresent facts to serve their agenda. This is a strong statement and I stand by it.

Requested Change :

Halifax Water Board meetings be open to the public – same as Halifax Council meetings
Halifax Water Board meetings must be public to increase accountability. In September, I asked to attend a board meeting as an observer and was told by James Spurr, In House Counsel at Halifax Water " As I said in my previous email the Halifax Regional Water Commission Act would need to be amended to provide for your request of attendance at Halifax Water Board meetings." Please read through the full exchange below for more detail. They are using a provision in the City of Halifax charter that permit in-camera sessions as a justification for not letting people into their board meetings. This would be an opportune time to deal with that issue. They passed a motion for a $500,000,000 capital levy on the local building industry behind closed doors and refused to let industry attend to hear the discussion.

Anything that can be done on this could possibly save A BILLION DOLLARS. I am not joking on this. The Halifax Water alleged infrastructure deficit is a multi-billion dollar number, and they are spending money building infrastructure that we don't need. I think that you would know me well enough by now to know that I would not make statements like this if there was not a real problem.

Thanks,

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From: Peter Polley - Polycorp
Sent: Wednesday, October 12, 2016 7:14 AM
To: 'udi@udins.ca'; Andrew Giles (andrewgiles@eastlink.ca) (andrewgiles@eastlink.ca)
Cc: Robert Grant <rgrant@stewartmckelvey.com> (rgrant@stewartmckelvey.com)
Subject: FW: Halifax Regional Water Commission - Board Meetings

All

Please see the below exchange. It is obvious to me that the reference in the Halifax charter was written to permit council to have closed door sessions for meetings that are best to be not-public ...the clause says that meetings are to be public EXCEPT the following... he has it twisted around to justify that the meetings are to be closed door... and says "my hands are tied". What a bunch of crap.

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From: James Spurr [mailto:jamess@halifaxwater.ca]
Sent: Monday, September 19, 2016 2:21 PM
To: Peter Polley - Polycorp; ppolley@polycorp.ca
Cc: Cathie O'Toole
Subject: RE: Halifax Regional Water Commission - Board Meetings

My email was intended to convey the message that Halifax Water Board meetings are not open to the public, including what you attempt to describe as "Stakeholders".

As you are no doubt aware, Halifax Water is a corporation created by statute, namely, the Halifax Regional Water Commission Act. The courts have clearly articulated that the rights and obligations between such corporations and the public must be found in the governing statute. In other words, no rights exist except as are expressly given by the governing statute. As I said in my previous email the Halifax Regional Water Commission Act would need to be amended to provide for your request of attendance at Halifax Water Board meetings.

Trusting this sufficiently clarifies your inquiry.

James G. Spurr
Corporate Legal Counsel &
Secretary to the Board
Halifax Regional Water Commission
450 Cowie Hill Rd, Halifax, NS B3P 2V3

902-490-6101 or (c) 902-478-9957 | 902-490-4808
jamess@halifaxwater.ca

Halifax Water
Halifax Regional Water Commission

From: Peter Polley - Polycorp [mailto:peter@polycorp.co]
Sent: Monday, September 19, 2016 10:32 AM
To: James Spurr; ppolley@polycorp.ca
Cc: Cathie O'Toole
Subject: RE: Halifax Regional Water Commission - Board Meetings

Mr. Spurr

Thank you for the below.

While there may not be any provision for the meetings to be open to the public, does the below constitute a formal refusal for the public to attend the Halifax Water board meetings ?

Members of the building industry and large landlords would not normally be considered to be the pubiic in such a context, but I believe would more normally be properly considered to be "stakeholders". Does the below also constitute a refusal for stakeholders to attend the Halifax Water board meetings as well ?

Is it a requirement in the Halifax Regional Water Commission Act that in order for board meetings to be open to the public or stakeholders that it be formally noted as being allowed ?In the absence of such an provision, we do not understand the default position that the meetings are not open to the public or stakeholders.

While board minutes and packages may be available to the public, industry would like to be able to attend such meetings to be able to hear the full flow, tone and unedited nature of discussions at the board meetings.

Thank you,

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From: James Spurr [mailto:jamess@halifaxwater.ca]
Sent: Monday, September 19, 2016 10:20 AM
To: ppolley@polycorp.ca

Cc: Cathie O'Toole
Subject: Halifax Regional Water Commission - Board Meetings

Mr. Polley:

Your inquiry of Cathie O'Toole respecting the above noted has been referred to me for consideration and reply.

This will confirm that the Halifax Regional Water Commission Act does not contain any provision for Halifax Water Board meetings to be open to the public. By way of example I refer to Section 19 of the Halifax Regional Municipality Charter (attached) which makes provision for open meetings of HRM Council, subject to the exceptions set out in subsection (2). I note that, in any event, most of the agenda items for a typical Halifax Water Board meeting are made up of matters described in subsection 19(2) of the HRM Charter.

I can also advise that Halifax Water Board packages, including minutes of meetings (except in camera discussions), are available to the public on the Halifax Water website.

Trusting this is helpful.

James G. Spurr
Corporate Legal Counsel &
Secretary to the Board
Halifax Regional Water Commission
450 Cowie Hill Rd, Halifax, NS B3P 2V3
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jamess@halifaxwater.ca

Halifax Water
Halifax Regional Water Commission

From: Peter Polley - Polycorp
Sent: Friday, September 16, 2016 2:51 PM
To: 'Cathie O'Toole'
Subject: RE: Halifax Water - board meeting schedule for Fall 2016

Cathie

I just wanted to follow up on this.

Thanks,

Peter

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From: Cathie O'Toole [mailto:cathieo@halifaxwater.ca]
Sent: Thursday, September 15, 2016 9:24 AM
To: Peter Polley - Polycorp
Cc: James Spurr
Subject: RE: Halifax Water - board meeting schedule for Fall 2016

I am not sure Peter, that is why I am deferring the question to Jim. This question has not come up for me before.

Cathie

From: Peter Polley - Polycorp [mailto:peter@polycorp.co]
Sent: Thursday, September 15, 2016 9:05 AM
To: Cathie O'Toole
Cc: James Spurr
Subject: RE: Halifax Water - board meeting schedule for Fall 2016

Thanks. I had assumed that they were public meetings and that anybody could go to them – is there any indication that they are not ?

Peter

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From: Cathie O'Toole [mailto:cathieo@halifaxwater.ca]
Sent: Thursday, September 15, 2016 9:00 AM
To: Peter Polley - Polycorp
Cc: James Spurr
Subject: RE: Halifax Water - board meeting schedule for Fall 2016

Hi Peter – all is well. The next Halifax Water Board meeting is September 29th. Historically Board meetings have been once a month, but this year we are transitioning to a quarterly meeting schedule. The schedule of meetings for the next year will be set very shortly. All of the Board Agendas and Reports are on our website.

With respect to attending a meeting, I will refer that question to the Corporate Secretary Jim Spurr.

Cathie

From: Peter Polley - Polycorp [mailto:peter@polycorp.co]
Sent: Wednesday, September 14, 2016 3:42 PM
To: Cathie O'Toole
Subject: Halifax Water - board meeting schedule for Fall 2016

Cathie

I hope all is well with you. The summer went by fast.

I wanted to know how I could get information on Halifax Water board meetings... how often they are held, upcoming schedule of date, time, location, etc. as I thought that it would be interesting to attend a few of them as an observer.

Thanks,

Peter

(2) Subject to the *Municipal Conflict of Interest Act*, all Council members present, including the person presiding, shall vote on a question.

(3) Unless otherwise specified in a policy, a member of the Council who fails or refuses to vote on a question before the Council is deemed to have voted in the negative.

(4) In the event of a tie in a vote on a question, the question is determined in the negative.

(5) The person presiding at a meeting of the Council may cause to be expelled and excluded any person, including a Council member, who is disrupting the proceedings of the Council. 2008, c. 39, s. 18.

Open meetings and exceptions

19 (1) Except as otherwise provided in this Section, Council meetings and meetings of committees appointed by the Council are open to the public.

(2) The Council or any committee appointed by the Council may meet in closed session to discuss matters relating to

(a) acquisition, sale, lease and security of municipal property;

(b) setting a minimum price to be accepted by the Municipality at a tax sale;

(c) personnel matters;

(d) labour relations;

(e) contract negotiations;

(f) litigation or potential litigation;

(g) legal advice eligible for solicitor-client privilege;

(h) public security.

(3) No decision may be made at a private Council meeting except a decision concerning procedural matters or to give direction to staff of, or solicitors for, the Municipality.

(4) A record that is open to the public shall be made, noting the fact that the Council met in private, the type of matter that was discussed, as set out in subsection (2) and the date, but no other information.

(5) Subsections (3) and (4) apply to committee meetings or parts of them that are not public.

(6) Any councillor or employee of the Municipality who discloses any report submitted to, or details of matters discussed at, a private meeting of the

HRM council Meetings public except for specific exceptions !!!

…Municipality … STANDARD… Building Application

…-3A5

…ate	31/03/2015 11:34 AM	**Submitted By**	Page 1

144408

…plication Information

…tages

	Date / Time	By		Date / Time	By
Processed			Temp COO		
Issued			COO		
Final			Expires		

…ssociated Information

Type of Work			# Plans	4
STATS Canada	NEWMUD CONSTRUCT MULTI-UNIT DWELLING		# Pages	0
Priority		Auto Reviews	Bill Group	
Square Meters	1.000	Name		

Valuation

Declared Valuation	12000000.00
Calculated Valuation	0.00
Actual Valuation	0.00

…escription of Work

to construct a 192 residential building with 2 towers with shared podium

…arent A/P#
…roject # Project/Phase Name Phase #
…ize/Area Size Description

…pplicants/Contacts

…rimary	Y	Capacity	APPL	Contact ID	AC566861	Foreign
…ffective		Expire				
…ame	POLYCORP GROUP OF COMPANIES					
…ay Phone	(902)431-9917 x	Eve Phone		Organization	PETER POLLEY	
…ager		PIN #		Position		
…ax	(902)431-9915	Mobile	(902)830-6165	Profession		
…-Mail						
…ddress	PO BOX 31369 HALIFAX, NS B3K 5Z1					
…easonal Addr						
…alid From		To				
…omments	No Comments					

…ontractors

…rimary	N	Capacity Type			
…ffective		Expire			
…ontact ID	SACTRE	Name	SACKVILLE TRENCHING		
…hone	(902)865-8335 x	Fax	(902)864-5556	Address	P.O. BOX 447 SACKVILLE, NS B4C-3G4

…omments
No Comments

License #	Type	Contact ID	Name
COM23204162LAT	SANLAT	AC484303	SACKVILLE TRENCHING LTD

…ees

	Status	Paid Date	Amount
…LUMBING FEE	U	1 - Plumbing Permit	① 4800.00 $25/unit
…EVELOPMENT PERMIT FEE	U	2 - Water Comm Fees	④ 250.00
…RWC INSPECTION FEE	U		② 165.00
…RBAN CORE - WATER NEWMUD	U	3 - ~~Sewer Dev fees~~ water comm	② 11792.64 $61.42/unit
…OLID WASTE CCC, RESIDENTIAL UNITS	U $248.29/unit	4 - ~~Dev Permit~~ solid waste	⑤ 47671.68
…RBAN CORE - WASTEWATER (MUD)	U $1812.42/unit	5 - Bldg Permit water comm	③ 347984.64
…PPLICATION FEE (VALUE OF CONSTRUCTION)	U	Bldg Permit	⑤ 66000.00 — Note ④

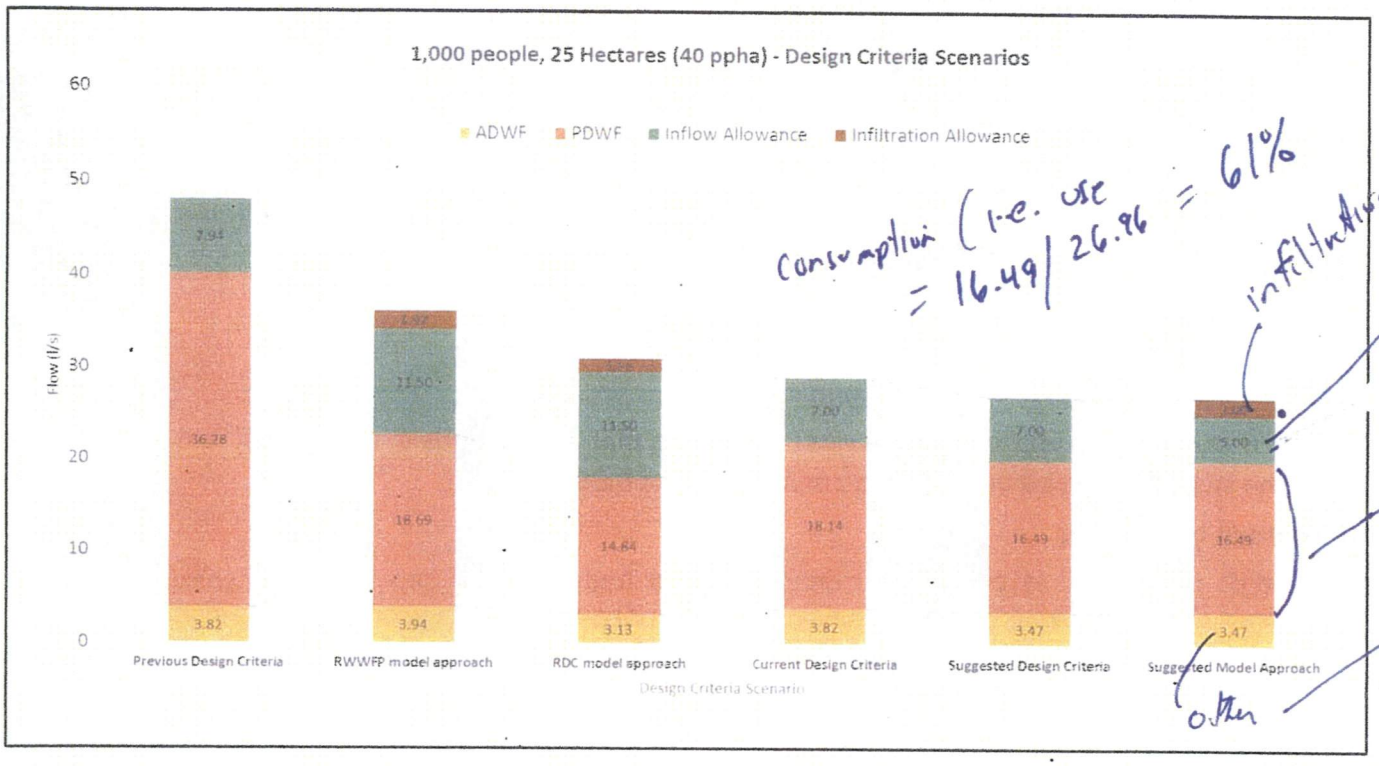
Note ⑥ (11792.64, 47671.68, 347984.64)

$5.5 / 1000 declared value

Total Unpaid 478663.96 Total Paid 0.00

$478, 663.96

The graph below shows the application of design criteria as it has changed over time and projects. It shows the resulting theoretical peak flows that are generated, based on the combination of the dry weather and wet weather flow components. It shows how the design criteria has reduced from before the RWWFP project to the current design criteria and lastly, the suggested approach. By using better available information over time and additional investigations into best practices, there is opportunity to decrease the design criteria.



The results from the criteria review and analysis are summarized below:

Analysis		Flow Type	Per Capita Sanitary Flow (L/cap/d)	Range	I/I (L/s/ha)	Range
WWTF Flow Trend (May- October)	2013	Dry Weather Flow	274	250 - 292	-	-
	2014		261	237 - 281		
	2015		283	247 - 339		
Billing Data (Residential)		Consumption	206	107 - 319	-	-
Catchment Flow		Sanitary Flow	208	84 - 533	0.52	0.19 - 1.18
Industry Best Practice		Sanitary Flow Criteria	286	240 - 345	0.22	0.10 - 0.40
Recommendation			**300**		**0.28**	

Halifax Water - Regional Development Charges Analysis
Cost to build new capacity, versus cost of conserving capacity

20-Feb-2013

201,178	population growth	
30	years	
6,706	per year	

Year	Progressive Annual decrease	litres/person per day H2O use 320.0	Population Beginning	New Year Growth	Incremental Population	New Capacity litres	M3/day
1	-1.50%	315.2	-	6,706	6,706	2,113,710	2,114
2	-1.50%	310.5	6,706	6,706	13,412	4,164,009	4,164
3	-1.50%	305.8	13,412	6,706	20,118	6,152,323	6,152
4	-1.50%	301.2	20,118	6,706	26,824	8,080,051	8,080
5	-1.50%	296.7	26,824	6,706	33,530	9,948,563	9,949
6	-1.50%	292.3	33,530	6,706	40,236	11,759,202	11,759
7	-1.50%	287.9	40,236	6,706	46,942	13,513,283	13,513
8	-1.50%	283.6	46,942	6,706	53,647	15,212,095	15,212
9	-1.50%	279.3	53,647	6,706	60,353	16,856,903	16,857
10	-1.50%	275.1	60,353	6,706	67,059	18,448,944	18,449
11	0.00%	275.1	67,059	6,706	73,765	20,293,839	20,294
12	0.00%	275.1	73,765	6,706	80,471	22,138,733	22,139
13	0.00%	275.1	80,471	6,706	87,177	23,983,627	23,984
14	0.00%	275.1	87,177	6,706	93,883	25,828,522	25,829
15	0.00%	275.1	93,883	6,706	100,589	27,673,416	27,673
16	0.00%	275.1	100,589	6,706	107,295	29,518,311	29,518
17	0.00%	275.1	107,295	6,706	114,001	31,363,205	31,363
18	0.00%	275.1	114,001	6,706	120,707	33,208,099	33,208
19	0.00%	275.1	120,707	6,706	127,413	35,052,994	35,053
20	0.00%	275.1	127,413	6,706	134,119	36,897,888	36,898
21	0.00%	275.1	134,119	6,706	140,825	38,742,783	38,743
22	0.00%	275.1	140,825	6,706	147,531	40,587,677	40,588
23	0.00%	275.1	147,531	6,706	154,236	42,432,571	42,433
24	0.00%	275.1	154,236	6,706	160,942	44,277,466	44,277
25	0.00%	275.1	160,942	6,706	167,648	46,122,360	46,122
26	0.00%	275.1	167,648	6,706	174,354	47,967,255	47,967
27	0.00%	275.1	174,354	6,706	181,060	49,812,149	49,812
28	0.00%	275.1	181,060	6,706	187,766	51,657,043	51,657
29	0.00%	275.1	187,766	6,706	194,472	53,501,938	53,502
30	0.00%	275.1	194,472	6,706	201,178	55,346,832	55,347
Max/ending New capacity				201,178			55,347

Development Caused Costs :

Cost per M3 - Upgrades Required for new development

Program/Item			Per M3 new capacity
	Sewer	$ 607,317,707	$ 10,972.94
	Water	$ 26,844,934	$ 485.03
	Total	$ 634,162,641	$ 11,457.98
	Population Growth	201,178	
	Per Person	$ 3,152.25	
	People per house	2.40	
	Cost per house	$ 7,565.39	

Conservation program : "Typical House"

320	litres/person/day
3.35	people / house
1,072	litres/day consumption per Halifax Water
30%	reduction possible via conservation programs
322	litres/day
0.32	M/day

	Scenario 1	Scenario 2
Cost of Conservation program		
per house	$ 500	$ 1,000
Cakiculated cost per M3 Capacity saved	$ 1,555	$ 3,109

Household Savings				
	Litres/day	322	0.32	M3
	Cost/M3	$ 2.80000		
	Daily Savings	$ 0.90		
	# Days	365		
	Annual Savings	$ 328.68	annual savings	