



City of
Peterborough

To: **Members of the Waste Management Steering Committee**

From: **W.H. Jackson, Director of Utility Services**

Meeting Date: **September 12, 2016**

Subject: **Report WMC16-013
Dispute Regarding S.H.A.M.E. Payment**

Purpose

A report to update the Committee on a dispute that has arisen with a particular Stewart Hall Against Mismanaged Environment (S.H.A.M.E.) payment.

Recommendation

That the Waste Management Committee endorse the recommendation as outlined in Report WMC16-012 dated September 12, 2016, of the Director of Utility Services as follows:

That Mr. Richard Alan Reid be entitled to the full S.H.A.M.E. payment for the duration of his occupancy at 1284 Cloverdale Line.

Budget and Financial Implications

The difference in payment is \$1,680.4 every 6 months or \$3,360.80 per year.

Background

An Agreement between the County of Peterborough, the City of Peterborough and certain Members of Stewart Hall Against Mismanaged Environment (S.H.A.M.E.) was signed on March 25, 2001. This Agreement adopted and implemented a compensation policy incidental to the operation of the Landfill. In essence, every signee to the Agreement is entitled to compensation based on the category of property occupied. Payments are made to the members of the S.H.A.M.E. Agreement in July and February of each year following a legal search of each property to ensure that the property has not been sold or a portion of the lands been subject to a severance. Under certain conditions of the Agreement, if a property has been severed or sold, the next payment is calculated on a pro rata basis of the retained property compared to the total acreage of the property described in the Agreement.

During the July search, it came to staff's attention that Mr. Richard Alan Reid had sold 99 of his 100 acres to his neighbour who was also a S.H.A.M.E. member. Mr. Reid has retained one acre and his house. Given this, the conditions of the Agreement were applied and Mr. Reid's July payment was reduced from the usual \$1,928.43 to \$248.03.

An objection has now been received. The basic argument is that nothing has changed in terms of impact to the life of Mr. Reid and that regardless of the size of his holdings, he is still living at the same address, suffering the same impacts from the Landfill.

Discussion

Although the calculation of the S.H.A.M.E. payment was undertaken in accordance with the Agreement, there is truth to the assertion that the impact on the residence has not diminished with the sale of the 99 vacant acres. Inasmuch as the S.H.A.M.E. agreement is about compensation for the impact of the Landfill, it is felt that a reduction in S.H.A.M.E. payment is not appropriate when Mr. Reid is still residing at the same address in the same house as he has for the last 50 years.

Based on this reasoning, Staff is of the opinion Mr. Reid's S.H.A.M.E. payments should be maintained at their original levels for the duration of the member's occupancy and that all other terms and conditions of the S.H.A.M.E. agreement should remain in full force and effect.

The same reasoning also holds that the member who purchased the additional acreage is not entitled to a larger S.H.A.M.E. payment.

Submitted by,

W. H. Jackson
Director, Utility Services
Phone: 705-742-7777 Ext 1894
Fax: 705-876-4621
E-Mail: wjackson@peterborough.ca