

Special Council meeting 2017-07-31, Verbatim transcription:

Begin at recording mark 7:54

Mayor Rowe: Okay, it's 7:00, so we'll call to order this special meeting of council, July 31. Are you able?...Janice, you able to hear at the back?...okay, thank you. Before proceeding, just make a statement; Councillor Lumley informed me earlier today that he will not be participating in tonight's council meeting and asked me to read the following statement on his behalf: "As you are aware, some members of the community filed a complaint with the Ombudsman's/person's office suggesting that I might be in a conflict of interest due to the fact that I own a business in Lower Gibsons and advocated for economic opportunities such as the George Hotel before being elected to council. I don't believe that I have a conflict of interest in this matter and I continue to believe that. However, in order to preserve the integrity of the application review process I will not be participating in discussions on this matter until I seek a legal opinion."

Alright, motion to approve the agenda please? Councillor Valeriote, Councillor San Jenko - all in favour? That's carried. And, one motion to adopt the minutes of the July 26 meeting - Councillor San Jenko, Councillor Valeriote? All in favour? And that's carried. Alright, let's move straight to 4.1, the George Hotel environmental development permit, and we'll hear from the Director of Planning:

Andre Boel, Director of Planning: Thank you Mr Mayor. Let's see here...let's get it close enough to be clear and understandable...Um, the first report is about the Environmental Development Permit, and just to give you some background why this is brought forward to council, it is...environmental, geotechnical and aquifer DP's are normally delegated to staff through a bylaw that we have for that - Delegation Authority Bylaw - in the case of environmental development permits there is a catch and the bylaw says that if there is significant environmental enhancement proposed then council is considering those development permits. And, in this case, because we're dealing with a known contaminated site, staff felt it was prudent to, um, consider that significant to environmental enhancement therefore this permit is in front of you today. Um, in the report I, we're, uh, explaining how this works in the environmental development permit in this situation and this site has been investigated a couple of times; first time there was an environmental assessment done, this was in 2003 and another one in 2004. In 2012 one was submitted for the Town at the time of the application - actually, in 2013 it was submitted but it was done in 2012. It was submitted as part of the George Hotel applications. But, more recently we have had a detailed site investigation and it is called completed by Keystone Environmental. Um, under the guidelines of the development permit, that's where we look at..from the town's perspective...key requirement is to have the involvement of qualified environmental professionals and in this case we do have the documentation of two of them. One, specifically, all on habitat protection, so a biologist, and the other one specifically to deal with the site contamination. First of all the foreshore habitat so, the assessment that was done a couple of years ago identified an estimated 300 square meters of loss of habitat on the

shorelines and proposed to mitigate it by creating 500 square meters new habitat - and that's outlined in the Staff Report in figure 1 and figure 2 gives details that are also added to the report..er..sorry, to the permit, and they specify what kind of plantings would need to be planted there. Then, the second part is the remediation. Our guidelines require a detailed assessment to be done by a qualified professional. That has been done last year and over the course of the last couple of months a remediation plan has also been put together. There are contaminants on site and on the foreshore area, they are... result from fuel source from past, marine repairs, but also creosote pilings and the types of contaminants on site are summarized more extensively in the report but they are metals, tributyltin and hydrocarbons, and that is summarized in figure 3 as to where exactly they are and the extent. As part of the detailed site investigation it was also investigated whether the ground water, the aquifer, was affected by this contamination and that's, fortunately, not the case at all; this contamination is only in the shallow depth of the surface and is nowhere near the aquifer itself. In terms of remediation of such a contaminated site we play a very limited role, especially because we also opted out of the Contaminated Site Regulation. The Ministry of Environment is the one that oversees remediation and has a whole remediation regulation around that and the remediation plan that was submitted to the Ministry in June was approved by the Ministry in July. Turning back to our Development Permit; what is the key content that is arranged for in that permit is how the remediation takes place and how works in the foreshore take place and that's why the key document behind the development permit is a Construction Environmental Management Plan and that outlines how different contractors that are involved in the project need to deal with the habitat from the ocean and the removal of the contaminants. Um, yeah, that summarizes my report on the Environmental Development Permits so, as staff we are satisfied that the applicant has satisfied the guidelines from the OCP and they're eligible for approval of this permit. Thank you.

Mayor Rowe: 'kay, thank you for that. So, just to be clear, attached to your report is the Keystone Environmental...basically the remediation plan which is quite extensive. That has been supplied to the Ministry of the Environment and that was reviewed by the Ministry and the Ministry approved that plan. Is that correct? Okay. Thank you. Alright, members of council have any points of clarification or any queries on this one? Councillor San Jenko?

Councillor San Jenko: Thank you for a very thorough report Andre. Um, I just have one point that I'd like clarified if I could...uh, one point that I'd like clarified if I could and it's regarding the certificate of compliance? Um, in the staff report - and I think it's just towards the very end of the report - you talk about that our Development Permit requires confirmation of the completion of remediation and that the Certificate of Compliance will serve as that confirmation that this remediation has successfully been completed. Um, and then when I was reading the letter from the Ministry at the very end of the environmental DP report it says that it will not be a requirement of the site owner to obtain a Ministry legal instrument, i.e. a certificate of compliance once remediation has

been completed so it doesn't sound like they would be issuing one? So, I'm just wondering if, um, if you could clarify those two points and how they relate to each other.

Andre Boel: Okay, through you, Mr Mayor, yeah, a Certificate of Compliance is the most common tool used to sign off on the clean-up of a site and one was issued, for example for the Shell site next to Molly's Reach. Um, um, I noticed that, too, in the letter from the Ministry that they apparently have other ways to sign off on the completion of the remediation. So, in the permit itself we simply ask the applicant to provide confirmation from the Ministry once they are done with their completion but the Ministry has a couple of other tools as well that they could use to sign off on the remediation so that's why..where there's a bit of ,yeah, a gap between the two.

Mayor Rowe: Councillor Valeriotte?

Councillor Jeremy Valeriotte: Yeah, I just want to say I have full confidence in the very robust process around the Contaminated Sites Regulation and the Ministry staff - I've experienced it first hand, so, I mean, I think this remediation plan is sound. We, as a town, this council and staff, we need to make sure we're aware of how it interacts with the geotech and the aquifer because I think that...that the aquifer is really what we're most trying to protect here and we can talk about that a little bit more in 4.2 but as far as the contaminated sites I'm comfortable and confident that...with the Ministry approval it's been well executed.

Mayor Rowe: Yeah, and also, just to clarify in your report you've indicated that there will be two qualified environmental professionals that will be monitoring the process? So, one dealing with the habitat and one with contamination is that correct? Yeah? Okay. any other further queries or points? Councillor Valeriotte.

Councillor Valeriotte: Move the recommendations, Mr Mayor.

Mayor Rowe: Okay, second then? By Councillor Valeriotte, second by Councillor San Jenko? All in favour then? Okay, that's carried. Alright, let's move to 4.2 [with] the staff report on the geotech and aquifer review results.

Andre Boel: Thank you, Mr Mayor. I'll summarize the report again, er, we also have Dave Newman here, Director of Engineering for any questions that may arise. Um, yeah, this report summarizes an extensive review process that we've gone through with the applicants starting in 2014 and '15 when we did the review for the rezoning. And, you may recall we already did some peer review at that time with Waterline and, back then it was called the firm Levelton and that resulted in some design changes to make sure that the underside of the building would stay clear from the aquifer and the layers above it. Um, at the time, uh, we accepted those design changes from the summer of '15 but we also agreed with the applicant that we would do further review, including peer review and peer review is review by second opinion, basically, experts...independent

experts from the applicant..we agreed to do that as part of the development agreement before we would get to the building permit. And that's where the process is now, substantially complete and we're wrapping up the reports for that. After the rezoning which was approved in 2015, in 2016 and '17 uh, um, the applicant did further investigations on several occasions, different types of investigations to collect more information about the geology of the site and particularly in relation to the aquifer. We also continued the peer review process with the two parties that we also used in **2014-15** and that resulted in a lot of issues being addressed, um, and **a key thing that we focussed at was on the foundation itself, how does the foundation get constructed and how is that done in a way that protects our aquifer?** When we got closer to the end of the process the key question that remained was about the proposed technique because technique of the foundation...the foundation is fairly shallow...it's basically perched over the layers that protect the aquifer..but to do that you need to do something called 'ground improvement' or, also called 'deep mixing'...it involves uh, mixing soil materials with a grout. **And our peer reviewers that we used to that date felt uncomfortable about that mainly because they're not, um, comfortable...not familiar with that technique so we sought out further expertise and first of all we selected a peer reviewer for the town that is a specialist in ground improvement and deep mixing but we also insisted and required that the applicant added expertise to their design team and they retained a firm called Isherwood, which is also an engineering firm that specialized in ground improvement to look specifically at how that foundation would be constructed.** Um, through that process, over the last...this is the last half year basically, the process to construct that foundation has been...uh...uh...what's it called?...um...more detailed and explored further in more detail and changes to the initial idea have been made and what are key features of the current proposed approach, um, that both our peer reviewer and the new expert on their...on the George's team can report, is an approach where the improvements take place in small increments; there's a field trial that is done before, there's extensive monitoring during the trial but also during the actual ground improvement and there is a robust contingency plan in place. And a contingency plan is something else that we as a town required and found really important because even though the geotechnical engineer is confident that this can be done and will be done in an effective way there's always this chance, 'what if?' and we wanted to make sure that whoever's going to do the work on the site is completely prepared for any 'what ifs?' So, the contingency plan makes sure, for example, that there is extensive ongoing monitoring during the process but also if there are problems that occur that there is equipment already on site, readily available to intervene and that way there's also effective risk management taking place. **As I said, the...those reports are now being finalized and we're looking at issuing those two development permits, one for geotechnical hazards and one for aquifer protection.** Those two permits are reviewed by staff, there's no role for council under the delegation bylaw and this staff report summarizes, um, what is the process that was followed over the last two and a half years there. Practically, what would happen on the ground is, first, site remediation then ground improvement and deep mixing would take

place and that would be followed by actual construction. To make sure that people will know what is going on we've also thought about how to communicate the results of this whole process and also thought about how we could make information available so, of course, once the geotechnical report is finalized and the review has been accepted by us it will be made available to council but also through the website to the public. We also prepared another whiteboard video that will summarize the highlights of this whole review process. And that way...oh, and the other part of it is on site and that's more also part of the upcoming construction management, we're going to make sure that we keep people also posted on site - through signage, probably - what is going on on the site at the moment; demolition, remediation or the ground improvements. Once we get to the construction it will be pretty obvious where we are in this process but those first stages, people want to know what's going on there. Yeah, that summarizes our report there and it's more of an update this report but we're here to answer any questions you may have and, um, yeah, our recommendation is to simply receive the report. Thank you.

Mayor Rowe: Alright, so, um, so those permits then would be issued by staff once you're satisfied that all of the conditions have been met as set out by our peer reviewers and the other engineering firms that have been added to this project? Okay, alright, questions, points of clarification? Councillor Valeriotte.

Councillor Valeriotte: ...just want to clarify that there's a mention of final geotechnical report in here...I'm just...clarify...even... I recognize we're not being asked for a decision here but **I'm guessing that report is going to be heavily scrutinized** so just want to make sure it'll be posted to the same George website as all the other documents? Can staff confirm that?

Andre Boel: Yes, we'll do that for sure.

Councillor San Jenko: This is maybe a question for the CAO. I'm just wondering if you could speak just a tiny bit more about the flow of communication to the public from here on forward - Andre did cover a couple of really key points but I know that we are working on a video right now, just what that video covers and when it'll be done and also just what the public can kind of expect in terms of the flow of communication going forward? Thanks.

Mani Machado, CAO: Through you, Mr Mayor if I may. So, from a communication perspective we'll continue to do the public dissemination of having all the records in one spot; all the staff reports and background documents as well so...three aspects to that... sort of... the public information mostly on a website base but on site itself through either the construction permit or the service agreement. There are requirements to publicly display and update the community where the project is at and from a site (? c27:30) perspective we've also asked for appropriate measures to be taken so that there's viewing points that people can access and have a sense of what's actually happening

on the site as well as information lines at point of contact and so on on the developer's side of things. So I think either on site or on the town's website will probably be the two main points of access for information and inquiries and then on the proponent's own website, I... we don't necessarily rely on that per se but would expect them to have information as well on where they stand.

Mayor Rowe: Okay. Councillor Valeriote?

Councillor Valeriote: Thanks, Mr Mayor. So I just think this deserves a minute or two because the aquifer is under discussion even though we're just receiving this. I found myself reflecting back to our very colourful meeting of May, 2015 when we got - I certainly did - and **I think a lot of people that got a lot of comfort out of the review of a hydrogeologist named Jean Cho who explained the interaction between the aquifer and the contaminants and I think that was really valuable.** At the time I was really concerned that there be...that the project team have some proven experience with this kind of, um, these kinds of techniques and these kinds of ground conditions and I think it really is due to the hard work of staff over two years plus that we're actually...we seem to be there. So, that's all positive. I think...**I mean I... from a due diligence oversight point of view I just wanted to mention that..that when I look at the final geotech even though it's delegated stuff...and I think that's correct in terms of it's highly technical and there's been a lot of technical moving pieces here, but I will be looking for a similar type of hydrogeologist sign-off on the contingency plan because I think, you know, unlikely to ever have to use this contingency plan but I'd like to hear that a hydrogeologist has endorsed it and I, I assume that will be part of the final geotech report and also the interaction, I think, you know, staff have got it this far - I just want to make sure that we're not letting up here - the interaction between the contaminated sites piece where you're basically, constantly excavating until you find no more contamination and the..the limitations of how far we can dig with this aquifer and aquitard being protected so I'm just mentioning that that's what I'll be looking for in the final report and I'd like to just emphasize that all these teams have to...we have to...staff will continue, unfortunately... to have to work very hard to make sure all these teams are talking to one another because there's quite a few different areas of expertise here and the key is going to be coordinating them. I, you know, to a certain degree we have to believe that the project team..the construction project team..and I've got..a construction management plan will do that but I just recognize that town staff and maybe to some degree council have to make sure that we are, um, we are making sure everybody's talking to one another 'cause we all know what's at stake.**

Mayor Rowe: Thank you, those are very good points and I'm sure that we'll see that as part of the geotech report eventually...staff gets finalized. 'kay. Alright, if there's nothing else then I'll just ask for a motion to receive that report then. Councillor Valeriote, Councillor San Jenko, all in favour? That's carried. Okay, we'll move now to

inquiries. And again, just remind you if you have an inquiry please state your name and address and make...uh...and...restrict it to an inquiry as opposed to a submission. So, just raise your hand if you have an inquiry.

Citizen Suzanne Senger, Gibsons Alliance of Business and Community Society:

Council, um, Suzanne Senger, I live at 889 Chamberlin Road. I also represent the Gibsons Alliance of Business and Community Society that has filed an appeal to the Environmental Appeals Board with the BC Ministry of the Environment around this inadequate remedial plan provided to the Ministry of the Environment and apparently seen by all of you and yet here you are issuing approvals to issue a permit for an inadequate remedial plan. And, you know, we've...you've been challenged - I'm not sure how much the elected people really are aware, how much the community is aware that you've been challenged a number of times on the legality of the issuance of these permits while there's a zoning freeze on this site and I heard you say earlier that the Ministry of the Environment has approved the remedial plan therefore you feel...it seems to me you're saying you feel confident that you can approve this permit. Is that correct? Are you suggesting that the Ministry of Environment has signed off on this therefore you have justification to issue this permit?

Mayor Rowe: Uh, we're not going to comment very much on that because, as you just indicated, the Town was served with a notice late on Friday that was started by *your* organization, the Gibsons Alliance, making an appeal to the Environmental Appeal Board with respect to the Ministry's approval of the remedial plan so we won't comment on that because those proceedings are ongoing.

Citizen Senger: It's not a proceeding, Mayor Rowe, it's not a proceeding with the Town of Gibsons. GABC filed with the Environmental Appeals Board so it's a Ministry of the Environment Board, it's not the Town of Gibsons. So, there is no (Mayor attempts to interject) rationale for the Town of Gibsons not to answer the question, unless you're trying to hide behind something. So, I would really appreciate (again, Mayor attempts to interject).. appreciate...(Mayor interjects: So we've heard your inquiry..) An answer to the question, please.

Mayor Rowe: Okay, we've heard your inquiry, I've given you an answer so we'll move on to the next inquiry.... Citizen Senger interjects: My next question is...

Mayor interrupts: your two minutes is up,

Senger continues: How much of the taxpayer's money...?

Mayor speaks over top of Senger: Okay, Councillor Valeriotte...

Senger continues: ...do you intend to waste on legal action against the Town because you keep making these poor decisions?

Mayor Rowe continues: You're the ones that are causing the expense to the Town...

Senger: You, Mister, are dragging this community through....

Gallery erupts into loud clapping in support of Mayor Rowe, drowning out further inquiry from Senger.

Mayor Rowe: That's it, you've had your two minutes. Okay, who's next with an inquiry?

Citizen Suzanne Senger: No. Answer the question.

Member of the Gallery can be heard shouting "answer the question!"

Councillor Valeriote: (over noise from the gallery) I'd like to answer the question from my point of view. **Absolutely the...Vince Hanemayer and the subject experts at the Ministry of Environment should be the ones...have indicated their support for this remedial plan and I find it...think it would be very odd if any town staff without that depth of expertise were to suddenly say 'well, we think that all the experts at the Ministry of the Environment are incorrect and we have a different opinion.'** If there was something outstanding here but there isn't, this is a fairly straight forward letter from Vince Hanemayer saying...endorsing the remedial plan. I think that speaks for itself and I..the town of Gibsons has been following that. I don't see us inserting contaminated sites expertise, certainly from any of our staff. We're not trained with that level...**that's why we rely on a senior level of Government to provide that. So, I think that's your answer.** (man in gallery can be heard saying "hear, hear", clapping from the gallery erupts.

Suzanne Senger continues over continued loud clapping: You believe you have...you're aware there's risk to Gibsons aquifer from excavations to remediate the contamination on the site? You're aware....(loud clapping continues). You are aware there is a risk to Gibsons aquifer? clapping, shouting from gallery

Mayor Rowe interjects: Okay, you've had more than your two minutes so please take a seat and we'll move on to the next...

Senger interjects: You're aware there's a risk to Gibsons aquifer...

Mayor Rowe: shouts: That's enough Ms Senger!, you don't even live in the town, you don't pay taxes here, please move on and let our residents have a say! Let our residents have a say. (More commenting from gallery, Senger can be heard asking "do you want your aquifer...? someone responds "do your homework". Commenting continues.

Citizen Roger Swickis: Good evening your worship (shouting from gallery continues), Mr Mayor and the council members that we're left with at the meeting. I have a....

Mayor Rowe: Sorry, could you just state your name and residence?

Roger Swickis: Yes, my name is Roger Swickis, I live on the bluff in Gibsons, I've been a taxpayer here...quite valid, I hope I'm allowed to speak...for the last sixteen years. I have a couple of questions about process I guess, and I related to some recent comments of the Mayor's where he's been recently quoted in the press and also at the last meeting that I attended which was a couple of meetings ago. The Mayor makes these references to public process and public hearings. Being curious about this after the last meeting I wrote a letter to your Corporate Officer, Selina Williams and asked if she could tell me at what meetings during the George Hotel and Condominium Complex process there was an opportunity for the citizens to ask questions of the Mayor and Council? Corporate Officer Williams sent me a letter and gave me two dates. One of these was September 24th, 2015 and one was the following October 1st. At the September 24th meeting there were no councillors present and nor was the mayor. It was merely a presentation by the developer where they had a number of booths and they were telling us what it is they propose to do. Some of you may recall there was someone so indignant about it that they wrote the paper about how they went home and burnt their t-shirt, I think, in protest, if that helps you recall. So, if those are the two instances cited as the opportunity to ask questions....oh yes, the other one was the October 1st public hearing, referred to throughout the process as I recall...the Mayor would not accept any questions from the public with regard to the George and that we should all await the public hearing where we'll have this opportunity. Well, in October 1st we all went to the public hearing, everyone was afforded five minutes to make a presentation. There was no opportunity to ask any questions, no questions were even answered at that meeting so I'm wondering what it is that the Mayor is referring to by this 'public consultation process' and if he can give me a date of a meeting at which members of the public were afforded the opportunity to ask questions of the Mayor and Council on the George Hotel Condominium project? Thank you.

Mayor Rowe: um, I think really all I can say, Mr..uh..Swickis?.. is that over...actually over the last three or four years that this process has been working it's way through, much as we're doing right now we've had inquiries at numerous meetings that have been responded to so there's been lots...lots and lots of inquiries at meetings and answers given, so that would be my answer. Okay, is there anybody else that has any inquiry this evening?

Citizen Andre Sobolewski: Hi, thank you...trying to stand out of the way here...(loud talking from gallery. A woman wearing a 'We Support the George' button says "here's the other idiot)...

Sobolewski:....say what? (woman in gallery says “she just called you an idiot, so you know.)...

Sobolewski continues: Andre Sobolewski, (more gallery interruption)...I’m an environmental consultant. I...where do I start?... the decisions are made fairly quickly and easily about approving to permit and the scrutiny is...**for scrutiny council is relying on experts that have passed a judgement on the safety or lack thereof of the proposed remedial plan or for the aquifer. These very same experts, of actually different experts in 2015 told us we can’t excavate below a certain depth, 1.5 meter in one part of the property and .5 meter in another part of the property because excavating below this would put our aquifer at risk. Those were the conclusions of the experts hired by the developer and the peer reviewers hired by town in 2015. And that was enshrined in the DPA, correct? Now we hear from two of the experts who say it’ll be fine to excavate below those limits, will be fine to remove the fill and the peat overlying the next layer that is deeper than those excavation limits as part of the deep mixing process and if there’s anything that happens then we’ve got a contingency plan in place.** Staff reported on this and staff did not say the results of this risk assessment was that the risk was negligible in digging below that limit that town has set. But, rather what staff reported was should anything happen we have contingency measures in place. No-one of us here in the room has heard any reason why one group of experts in 2015 said we can’t dig below that layer, below that certain depth and then in 2017 another group of experts concerned with deep mixing said it’s okay to dig below that. That is a cause for concern for me.

Mayor Rowe interrupts: Okay, so...

Sobolewski: Hold on...

Rowe: What’s your inquiry?

Sobolewski: I am coming to it, please. Um, in addition, Keystone Environmental did not review this risk assessment. They write in the remedial plan ‘we’ve been told by Horizon that they intend to dig below this excavation limit therefore it’ll be okay to dig below this excavation limit’ even though in an earlier report they wrote ‘we can’t dig that far down because it’ll jeopardize the integrity of the aquifer’ - Keystone wrote that and then subsequently they reversed themselves on the word of Horizon. **And then, lastly, Vince Hanemayer with the Ministry of the Environment did not refer to their own experts on this particular matter. They said the Keystone report said it would be fine therefore it should be fine. So, I’m finding myself in a situation where one set of experts hired by town and the developer earlier this year said it’d be okay to dig at depth that reverses a previous decision saying it’s not okay to dig at depth and they’re not saying that there’s no risk in doing so, they’re saying ‘we have measures in place in case there’s a problem’.** To my way of understanding this - I’m coming to my question - to my way of understanding this there is a measure

of risk in undertaking this excavation and as a council...you, Mr Rowe and councillors, ought to consider what are the consequences for the town of accepting this risk. And I think it is prudent to require some measures from the developer or anybody undertaking these activities to protect the town. So, for instance, the town could - and I ask you - would you consider demanding of either the consultant doing the remediation work or the owner of the property to post a bond in case there was something untoward that happen, in case there was a problem with the aquifer and then, suddenly, the measures that they propose are inadequate for dealing with it and then the costs go up because it didn't work as intended? That was my question.

Mayor Rowe: 'kay. So I'll have to turn to staff to respond to that please.

Andre Sobolewski: Sir, it's a decision for you to make, not staff.

Mayor Rowe: I know that staff has been working with the engineers and the experts on this for the last two years. They're the ones to respond.

Andre Boel, Director of Planning: So, Andre, could you restate your question there at the end for one more time?

Citizen Andre Sobolewski: Yes, the preamble...in the preamble **I wanted to emphasize that there's a measure of risk (gallery member interrupts with an ongoing comment) in excavation (more interruptions) given this risk and given the responsibility of town is the town prepared to require a bond should there be an outcome that is beyond, you know, if the mitigation measures don't work out, if it ends up being more costly?** How will the town deal with that?

Andre Boel: Thank you. I'd like to make....probably have some response to this because **there's one thing that Mr Sobolewski marked there...there's an assumption there..I also saw an article on line today that this minimum excavation depth is in our Development Permit guidelines for the aquifer. It's not. We have a description of in what situations we require assessments and, generally, that is for any excavation and for single family, it's only if it's deeper than 1.5 meters. So, there's no set limit but in certain areas we do the site conditions before we allow excavation to happen.** Now, secondly, I'm going to hand it over to Dave to talk about this discrepancy that Mr Sobolewski sees between the remediation method of removing versus geotechnical limits.

Dave Newman, Director of Engineering: Through you Mr Mayor; just some..some...although we kind of ended up with one question there I think that there's several comments there that are worth responding to. Number one, yes, there is coordination between the professionals on site. In fact, Horizon, the geotechnical engineer will be overseeing the excavation and be taking care of the excavation whereas Keystone will be doing the testing and monitoring and so on. So, the

excavation falls under one contractor. **Additional field investigation will, uh, provide some, um, more information and fill in some gaps as to..to tighten up or to refine those areas and depths that can be excavated. Uh, the...there are...there's more than one option as far as the contaminants go. One...uh...there's a certain amount of excavation that is going to be uh, uh, is envisioned to be about 2 meters deep, um, localized to the, um, petroleum contaminants and those can be excavated or left in place and if they're left in place there's a way to, um, through the deep soil mixing that isolates them, um, and contains them. If it is determined that the removal is to take place there is a way of doing that as well without actually, physically...without digging a hole and that's called, um....it's...I'm trying to remember the exact word...the slurry?...it's basically a - sorry? (someone offers suggestion, inaudible)...no, no, the um, yeah, there's a ...there's a way to kind of basically replace the soils as they're (more commenting, suggesting off mic) excavated. Um, so I think that's...that kind of covers that.**

Andre Boel: And then, in response to the question from Mr Sobolewski there... bonding, our approach to this risk is different. We have the permit in place, once they're finalized we have the experts that are going to work on the site. It's their responsibility and their professional reputations are at stake to do this right and to deal with it appropriately. There are regular insurance requirements for contractors that do these kind of projects but we don't collect a specific bond for what Mr Sobolewski was referring to.

Mayor Rowe: Thank you. Okay, any other inquiries? (heckler from gallery says "Are you going to answer the question? That's my inquiry.") Okay, there's another one there.

Citizen Judith Bonkoff: My name is Judith Bonkoff, I live at 628 Glen Road, I've been a resident of Gibsons for 14 years. I'm going to make it quick, I'd rather be on my deck drinking wine, okay, I'm sure all of us would. **Alright, so, number one, am I to understand that if the aquifer is breached we don't have proper insurance that'll cover it?** There's a breach in Vancouver that's been going on for a year. What kind of coverage do we have? Who can answer that question? I have coverage for my house, I hope you guys have good coverage for our aquifer. Water is so important. Look at the drought we're having. We cannot risk our aquifer.

Mayor Rowe: Yep, and we're well aware of that.

Judith Bonkoff: Well, I know, but building on top of it? What kind of insurance do we have?

David Newman: Mr Mayor? May I? There's been a lot of publicity and I think, in a way, very good publicity in regards to the Vancouver aquifer issue. It certainly brings to light the importance of careful construction practices when you're working in the vicinity

of an aquifer and to compare this process to Vancouver is somewhat misleading. The Vancouver incident, there was no risk assessment done, there was...the contractor appeared unaware of the impacts of drilling into the aquifer. They had a somewhat panicked response to hitting the aquifer and, obviously no contingency plans in place. We've been working for literally years on all of that to ensure that the risk is minimized on this site. **And, there is, with any construction project regardless of where you are there is no project that is without risk.** We've got lots of buildings in this area and everything we do from the moment we get up in the morning involves some sort of risk and **staff are satisfied that we've got the lowest risk, or that the developer has come up with the lowest risk method of constructing on this site.**

Mayor Rowe: Okay, thank you.

Judith Bonkoff: Um, I'm not sure that's an answer.

Mayor Rowe: Okay, well, that's your answer.

Judith Bonkoff: I need to know if there's insurance for this. Could there be insurance? I mean, I get flood insurance for my house. Right? Is there insurance that'll pay out all the damage? 'cause you're worried about the Town of Gibsons paying out for some law case...legal case...this is, like, huge compared to that. Huge. The hidden costs on this development are horrible. I don't even want to think about it.

Mayor Rowe: Thank you. Any further inquiries?

Good evening Mayor and Council: I would just like to....

Mayor Rowe: Sorry, we just need you to state your name and address.

Citizen Diana Robertson, Marketing Consultant for Klaus Fuerniss Enterprises: I'm sorry, my name is Diana Robertson and I live in Hopkins Landing on Point Road. Um, I think it's been great that staff has clarified a lot of the very key questions tonight. Thank you very much and I'd really like to applaud you for the eighteen months to two years of work that you've put in to create very extensive reports and cover a lot of due diligence so on behalf of a lot of people that are here I'd just like to say thank you very much, it's very impressive. And, also, just to question on behalf, even though I live in Hopkins Landing I've basically been a Gibsonite for years and paid taxes, a lot of the people here are taxpayers as well, and I'd just like to query the latest dismissal of the Human Rights Tribunal with Dorothy Riddle and I noticed that it was in the CBC online news and it's quite obvious, and it was obvious from the discussion earlier, that this is really an unnecessary claim, especially for this project that shows very clearly that it is ADA accessible in many respects. So I'd just like to know if anybody else is going to be on the hook for a lot of these, um, taxpayer dollars and possible to the tune of eighty thousand to two hundred thousand dollars in claims?

Mayor Rowe: Yeah, thank you. Well, there will be a report from our staff in the Fall as to what expenses the Town has incurred in responding to these various applications that have been made to a number of Provincial bodies and we'll make it clear what that cost has been to the Town.

Diana Robertson: Right, thank you.

Mayor Rowe: Any further inquiries? Come forward, state your name and address please.

Citizen Barry Haynes: Yeah, my name is Barry Haynes. I am a resident of Gibsons, I've lived here for twelve years, pay taxes in the Town of Gibsons, in fact I moved to Gibsons specifically because of the drinking water and the aquifer. And, as far as the George project, you know, I feel like I've got friends on both sides. You know, I really don't give a shit if the George is built the way it is or whatever but I am concerned about government and bureaucrats who risk the taxpayer's money, okay? If there's a breach of this aquifer I don't want to have to spend thousands of dollars to fix it, okay, the proponent should be responsible for that, okay. And, by the way, you know, the people against the George, a lot of them I disagreed with, too. There were people that tried to tell Klaus how to build his hotel (chuckles). It's his hotel, if he wants it to be six stories high I don't care but I just feel like if the aquifer is ed and it costs millions, hundreds of millions, whatever, the developer should have to pay for that and you guys need to make that happen, okay. And I feel like we have a new Government in BC, I've talked to the Greens and the NDP about changing the ballot initiative process and they're pretty interested and I want that process changed retroactively, okay. So, how many of you that are for the George - raise your hands, thank you...raise your hands (gallery member can be heard saying "sit down! sit down!", other remarks). How many of you are willing to pay for (loud laughter from gallery) a ? I don't want to pay for it so what I'm saying is; the council needs to require the developer to pay for any damage that's done to the aquifer and you need to be aware that the ballot initiative process is probably going to change in this Province because there's a new Government and it will change in a way so that citizens can vote on issues like this, okay, and I just want to make sure that you are all doing this responsibly and honestly because if you're not doing it responsibly and honestly a new ballot initiative process may allow the citizens to even put you in jail, okay, so take this seriously, do it properly. And I don't care if the George is built, I'm fine with it but I don't want my aquifer damaged so that's my question is, please make sure the developer insures this so that the citizens don't have to pay if it screws up. Thank you.

Mayor Rowe: Thank you Mr Haynes. Yes Mani?

Mani Machado: Mr Mayor, if I may, through you. Judging from some of the questions it might appear the Town hasn't thought about insurance per se but I do want to just

clarify that the **permits that are issued by the Town require liability insurance and the developer are the ones that assume all of the risk with their proposed works and all the professionals that are involved with that...their stamp, in essence, implies their own insurance risk as well.** There's a back-up plan that has been put in place, there's 4 or 5 peer reviews that have been done, there's the involvement of DFO, MOE in terms of...in relation to that process and the peer reviewers, as I mentioned, as well. So, from our end of things we have done what we are required to do and what we felt was necessary to make sure the risk is as low as possible. **And, the option that was being proposed is the lowest risk option based on the advice of all the peer reviewers that we've had.** Thank you.

Citizen Michael Storr: Good evening everybody, my name is Michael Storr, I live at 400 Stewart Road, I'm an owner and a taxpayer in Gibsons. A very short question, it requires an answer because I need to know it. The monitor of the site I heard tonight is going to be Keystone, is that true? Is someone going to monitoring the remedial environmental on the site?

Mayor Rowe: Okay, so, I'll just refer to staff.

Michael Storr: Is this the same Keystone that wrote on the certificate for the Environmental Ministry, is this the same one that put down that there was no boat repairing being done at the Marina, where the site is? Is that the same Keystone?

Andre Boel: I'm not sure which report you are referring to? (inaudible) but Keystone Environmental is the firm that has been involved on this site....

Michael Storr:...environmental certificate (Selina Williams, Corporate Office offers input from across room, inaudible)...yes, to the Ministry...

Andre Boel: That's a very detailed questions, I don't have an answer for it.

Michael Storr: Okay, okay, then is this the same Keystone that also failed to recognize that there was tributyltin on the site when he filed his certificate?

Mayor Rowe: Andre?

Andre Boel: Absolutely not. Keystone Environmental did identify TBT, did identify the decommissioning of the works (inaudible)...They're very knowledgeable with what they're doing. Thank you.

Michael Storr: I'm referring to the previous certificate, not the latter one, the first one that was sent in that the GWDA lawyer referred to. Anyway, that's answered my question. It's the same man or firm that missed a couple of items on the environmental. Thank you.

Mayor Rowe: Okay, thank you Mr Storr. Any further inquiries? Alright, seeing none, then I'll ask for a motion to adjourn. Councillor Valeriotte, Councillor San Jenko? All in favour? That's carried. Thank you.