Memorandum of Understanding (MOU)

to

Explore the Feasibility of a Regional Wastewater Service

THIS AGREEMENT entered this ____ day of _____, 2022 between the Municipality of the District of Barrington, ("Municipality") and the Town of Clark's Harbour, ("Town"), hereinafter collectively called "Partners":

WITNESSETH:

WHEREAS, the Town anticipates making substantial investments in wastewater infrastructure; and

WHEREAS, the Town sent a letter to the Municipality on July 15, 2022, inquiring whether the Municipality would consider utilizing the facility; and

WHEREAS, The Municipality has explored the possibility of providing wastewater services on Cape Sable Island in the past and the renewal and possible expansion of sewer systems is an action item under the key strategy of infrastructure renewal in its strategic plan; and

WHEREAS, the Partners recognize that regional cooperation could result in overall operational efficiencies and potential capital financing cost reductions, particularly in the areas of treatment, and regulatory compliance, and identified the cost effectiveness of constructing regional sewer capacity on an as-needed or capacity-ready basis; and

WHEREAS, the Partners recognize that regional cooperation will assist both units in meeting wastewater needs; and

WHEREAS, the preparation of such a Feasibility Study will require the coordination and cooperation of the Partners; and

WHEREAS, the Partners have a desire to further explore the feasibility of the Municipality and the Town jointly owning and/or operating wastewater infrastructure; now, therefore:

THE PARTIES AGREE AS FOLLOWS:

1. The Partners shall coordinate, complete and submit a feasibility study (study) and perform other activities, which shall be consistent with the scope of work described in Appendix A.
2. The division of responsibilities for the feasibility shall be as follows:
    a. The Town will be responsible for the coordination, assembly and preparation of the study.
    b. The Municipality will be responsible for providing the Town municipality-specific information and improvements required to be included within the study. The Town shall have the right to rely upon the accuracy and completeness of the information provided by the Municipality. Should the Municipality fail to provide the Town with its information by a date set in advance, then the Municipality may continue with the study without such information or with the best available information.
3. The Partners agree that the Municipality and the Town will equally pay for the feasibility study.

4. Any costs potentially exceeding available funds must be approved in advance by the Partners and will be documented by an amendment to this MOU.
5. For the purpose of the study, the Partners agree that the basis of allocation for future operation and maintenance costs will be based on a combination of population, uniform assessment and percentage of peak flow.
6. The Partners agree to enter into an Inter-Municipal Agreement at a future time to provide for the allocation and payment of operating and maintenance costs, insurance, labor, equipment, repair, upkeep, and all other aspects of operating the wastewater service.
7. This MOU may not be amended except by writing executed by each of the Partners
8. It is understood and agreed that, except as otherwise expressly provided in this MOU, nothing in this MOU shall be construed so as to in any way alter or affect existing responsibilities and/or maintenance responsibilities of the parties for any wastewater facilities.
9. The Partners acknowledge that by signing this MOU, they are committing to a feasibility study and other activities described in this MOU, and are not committing to the conclusions, recommendations or proposals of the feasibility study. No Partner, by participating in the actions contemplated by this memorandum, is required to execute any future agreements or take further action.
10. The duration of this MOU shall not exceed March 30, 2023, without Amendment by the Partners.

MUNICIPALITY OF THE DISTRICT OF BARRINGTON

By: _____
Eddie Nickerson, Warden

Attest: _____
Chris Frotten, CAO

TOWN OF CLARK'S HARBOUR

By: _____
Rex Stoddart, Mayor

Attest: _____
Jennifer Jones, Clerk

APPENDIX A

SCOPE OF WORK

Exploring the Feasibility of a Regional Wastewater Service

Applicants to this proposal are encouraged to include innovative options and approaches in their proposals that optimize infrastructure and environmental benefits. The following provides a list of priorities that the feasibility study should address.

1. Evaluate wastewater treatment plant options that include, but are not limited to, upgrades and expansion of existing facilities, building a new stand-alone facility, or building a larger regional facility.
2. Review and evaluate the current and future wastewater treatment needs of the Partners with consideration for the utility demands of commercial space expansions. Evaluation of utility capacity should include most recent projections of workforce and infrastructure growth from relevant parties, as well as estimate of the amount of inflow and infiltration that contributes to the flows.
3. Review and evaluate alternate strategies and infrastructure requirements to deliver innovative wastewater solutions to the Partners to attain the standards.
4. Include a collaborative approach with the objectives to support the growth of the Partners.
5. Incorporate planning practices, accounting for priorities including regional approach, coastal resiliency, and innovation, all which align with grant funding sources that may support future implementation phases.
6. Provide a business case for the holistic, regional approach for sustainable wastewater management by comparing costs with the associated economic, social, and environmental benefits.
7. Provide preliminary cost estimates for facility capital construction and associated operations and management (O&M) costs options. Identify an implementation strategy for moving forward to next phases of design-build and funding.

The general project objective is to provide a technical assessment of the requirements to collect and treat wastewater that will be generated in the Town of Clark's Harbour and neighbouring communities within the Municipality of the District of Barrington, and develop a scoping analysis of the options for providing this wastewater service and the feasibility of each of these options.

Task 1 – Project Management

- Develop a project timeline
- Facilitate meetings
- Track budgets and billing

Assumptions: Meetings will be virtual unless in-person necessary to evaluate site conditions.

Deliverables: Regular timeline and budget updates and progress billing at mutually agreeable intervals.

Task 2 – Project Kickoff

- Request for Information submitted to the Partners

- Review of information
- Conduct project kickoff meeting

Assumptions: The Partners will provide information related to the project service area to support the Feasibility Study, including mapping, topographical data, planning and land use data, current and projected population, and current and projected non-residential connections to the community wastewater system. Site investigations including surveys and geotechnical investigations will not be provided as part of this initial feasibility study. The Consultant will conduct one virtual project kickoff meeting with the Partners to review project goals and objectives.

Deliverables: Requests for Information (RFIs) and project kickoff agenda and minutes.

Task 3 – Alternatives Screening

- Development of project design criteria, including an estimate of wastewater flow and pollutant loads.
- Development of potential collection system and treatment concepts including, but not limited to, Lagoon, STEG, and STEP treatment options. Include a description of options for providing wastewater collection and treatment services to handle the estimated flow and pollutant loads. The description for each option shall address the collection, conveyance, treatment, and distribution elements of wastewater services, and include a basic process diagram for each option.
- Identify potential regulatory requirements. Summarize provincial/federal regulatory requirements relevant to providing wastewater collection and treatment services via each of the options described above. Summary should include the fundamental parameters necessary for design of the wastewater collection, conveyance, treatment, and distribution systems to serve the area.
- Screen collection and treatment concepts
- Conduct meetings to review collection system and treatment alternatives.

Assumptions: Regulatory requirements will be based on review of concepts with the NS Department of Environment (NSDE). Screening of collection system and treatment concepts will include analysis based on the screening criteria developed in the project kickoff meeting and regulatory discussions with the NSDE. Two alternative concepts for the collection system and treatment will be retained for further evaluation. The Consultant will conduct one virtual review meeting with the Partners to review regulatory requirements and screening of alternatives.

Deliverables: Review meeting agenda, materials and minutes.

Task 4 – Alternatives Evaluation

- Develop two collection system and treatment alternatives to demonstrate feasibility.
- Conduct meetings to review collection system and treatment alternatives.
- Analyze policy and governance considerations. Prepare an outline and analysis of the policy (land use, zoning, public/stakeholder input), regulatory processes (permitting), and tentative timeline necessary to implement each of the options for providing wastewater services.
- Develop alternative concepts to a level of detail sufficient for the economic and non-economic comparison of alternatives. Life-cycle costs for alternatives will include Class 4 Opinion of

Probable Construction Cost estimates and 20-year net present value of operation and maintenance (O&M) costs.

- Identify needs for physical studies. Provide details for groundwater and soil studies if necessary for further evaluation of proposed treatment options.

Assumptions: Consultant will conduct one virtual review meeting with the Partners to review evaluation of collection system and treatment alternatives.

Deliverables: Summary of estimated costs (public and private, as appropriate) to implement each of the options for providing wastewater services, and projection of the 20-year operating and maintenance costs for each option. Evaluation of potential funding sources and user fee structures needed for construction and maintenance of the proposed options. Provide an overview of the administrative and governance frameworks necessary for long-term management of each of the wastewater service options. Provide a flowchart and timeline for each option for their associated policy and regulatory pathways.

Task 5 – Feasibility Study Report

- Prepare final report, consisting of narrative and graphic interpretation of the findings, with analytical focus on at least the following areas for each option assessed:
    - Project Study Area
    - Design Data including projected future wastewater flows
    - Regulatory Requirements
        - Collection
        - Treatment
        - Operator requirements
        - Discharge requirements
    - Alternative Concept Screening
    - Alternatives Evaluation
        - Life-cycle capital and operational cost analysis
        - Non-economic factors
        - Implementation strategies
    - Project Schedule
    - Next Steps/Issues to Resolve

Assumptions: The Consultant will submit a Draft Feasibility Study for review and comment by the Partners. The Consultant will incorporate the Partners' review comments and submit a Final Feasibility Study.

Deliverables: Draft and Final Feasibility Studies (electronic, Microsoft Word and pdf format). The selected Consultant should be prepared for a possible public presentation to interested stakeholders and to the Partners' Councils.