



TOWNSHIP OF AMARANTH COUNCIL MINUTES
Wednesday, August 19, 2009

The Township of Amaranth Council met in the Council Chambers of the municipal office, Laurel, Ontario on August 19, 2009 at 10:00 a.m.

PRESENT:	Mayor	D. Maclver
	Deputy-Mayor	W. Kolodziechuk
	Councillor	P. Way
	Councillor	B. Cowie
	CAO/Clerk-Treasurer	S. Stone
	Planner	C. Gervais
	Deputy-Clerk	C. Doherty
ABSENT:	Councillor	J. Aultman (with notice)
	Director of Public Works	D. Price (vacation)

1. **OPENING OF MEETING**

Mayor Maclver called meeting to order.

2. **LATE SUBMISSIONS** (to be in the office prior to the meeting)

Resolution # 1

Moved by B. Cowie - Seconded by P. Way

Resolved that the following items be hereby added to the agenda.

Added

Email – Paulette Crawley re: Item # 7 Delegations – Ministry of the Environment Canadian Hydro Developers – Noise Issues

Email – David White re: Item # 7 Delegations – Ministry of the Environment – Canadian Hydro Developers – Noise Issues

Ministry of Energy and Infrastructure – News Release – Green Energy Plan

NVCA re: Provincial Groundwater Monitoring Network (PGMN) Program

Landowners Agreement – PGMN Program

Carried.

3. **APPROVAL OF AGENDA**

Resolution # 2

Moved by P. Way - Seconded by B. Cowie

Resolved that Council do hereby approve the agenda as amended.

Carried.

4. **DISCLOSURE OF PENCUNIARY INTEREST WITH REASONS**

Nothing at this time.

5. **APPROVAL OF MINUTES**

5.1. Regular meeting minutes of July 15, 2009

Resolution # 3

Moved by W. Kolodziechuk - Seconded by P. Way

Resolved that Council do hereby approve the minutes of the regular meeting of Council held July 15, 2009, as circulated. **Carried.**

6. PUBLIC QUESTION PERIOD**6.1. 10:00 A.M. TO 10:15 A.M.**

Mr. Murray Britton – 8th Line, Amaranth Twp. addressed Council with respect to the mess and ruts in the ditches adjacent to his property caused by the installation of lines by Avertex, on behalf of Canadian Hydro Developers, and requested that this be cleaned up as soon as possible.

Also, Mr. Britton questioned the possibility of replacing yield signs with stop signs in the township.

Council informed him that the matter is being reviewed, however the current signs are legal and maintained as required, and that the statistics show the majority of intersection accidents in the Township have occurred at stop signs, rather than yield signs.

7. DELEGATIONS**7.1. 1:30 P.M.**

Ministry of the Environment – Gary Tomlinson, Acting District Supervisor and Jane Glassco, Acting District Manager; Jeff Wilker, Township Solicitor

Re: Canadian Hydro Developers – Noise Issues

Dealt with later in the meeting, after Item # 20 – Closed Meeting.

8. PUBLIC MEETING

11:00 A.M.

Resolution # 4

Moved by B. Cowie – Seconded by P. Way

Resolved that Council do now hold a Public Meeting regarding the following:

1. Consent Application B5-09 - Con. 3, Lot 9 (Greason/Melen)
To sever wetland and add to adjacent residential lot
2. Rezoning Application Z2-09 - 3 St. John Street (Waldemar) – Lots 11 to 14, Plan 14A, Part 2, RP7R-3694 (Aloe.Ristok)
To permit the construction of a detached garage to be located in the front yard, where the zoning by-law does not allow accessory buildings to be located closer to the front lot line than the principal building on the lot
3. Rezoning Application Z3-09 – Con. 2, Part Lot 9 (Lundy)
Retained parcel to be rezoned to prohibit the construction of new residential buildings and severed parcel to be rezoned to reduce rear yard setback from 30 metres to 15.4 metres. **Carried.**

8.1. Consent Application B5-09 – Con. 3, Lot 9 (Greason/Melen)

To sever wetland and add to adjacent residential lot

Mr. Melen was in attendance.

Township Planner Christine Gervais reviewed application and presented report.

Purpose of application is to sever 1.84 ha. (4.5 ac) of land from the existing farm, which will be added to the adjacent residential lot, owned by Larry Melen.

The Official Plan designation is Agricultural, Rural & Environmental Protection, and the proposal is consistent with the general policies of the Official Plan and the agricultural character of the area.

Under Zoning By-law 02-2009 the land is zoned Agricultural, Rural & Environmental Protection, and the proposed severance complies with the requirements of the zoning by-law.

There is no development proposed at this time.

The proposed severed parcel includes a provincially significant wetland, which will be added to Mr. Melen's property, for a total area of 6.5 acres.

Proposal is in compliance with the 2005 Provincial Policy Statement.

Proposal is in accordance with the Minimum Distance Separation (MDS).

Comments:

Grand River Conservation Authority – no objection

There were no other written comments.

Member of the public, Mr. James Lundy, addressed Council, indicating he rents the property behind this parcel of land, and he has no objection to the application.

There were no other members of the public who commented.

Council thanked the applicant for attending, and matter to be brought back to next meeting of Council for decision.

8.1.1. **Rezoning Application Z2-09 – 3 St. John Street Waldemar – Lots 11 to 14, Plan 14A, Part 2, RP7R-3694 (Aloe/Tistok)**

To permit the construction of a detached garage to be located in the front yard, whereas the zoning by-law does not allow accessory buildings to be located closer to the front lot line than the principal building on the lot

Karyn Ristok was in attendance.

Township Planner Christine Gervais reviewed application and presented report.

The purpose of the application is to permit the construction of a detached garage to be located in the front yard.

The Official Plan designation is Community Residential.

Under Zoning By-law 2-2009 the land is zoned Hamlet Residential.

The zoning by-law does not allow accessory buildings to be located closer to the front lot line than the principal building. The house is in the back corner of the property, approximately 57 metres (187ft.) from the front lot line; therefore the proposed garage would meet minimum front yard set back requirements of bylaw.

Comments:

Grand River Conservation Authority – no objection

There were no other written comments.

There were no members of the public in attendance to support or oppose the application.

Council thanked the applicant for attending and matter to be brought back to the next meeting of Council for a decision.

8.1.2. **Rezoning Application Z3-09 – Con. 2, Part Lot 9 (Lundy)**

Retained parcel to be rezoned to prohibit the construction of new residential buildings and severed parcel to be rezoned to reduce rear yard setback from 20 metres to 15.4 metres

James Lundy was in attendance.

Township Planner Christine Gervais reviewed application and presented report.

The purpose of the application is to fulfill a condition of an Ontario Municipal Board order issued February 28/09, to allow the approval of Consent Application # B5-08. This application would sever lands surplus to a farm operation, resulting from a farm consolidation, and the retained farmland would be prohibited from any residential use and buildings.

The application also includes an amendment to the zoning by-law to allow a rear yard setback of 15.4 metres, whereas the required minimum rear yard setback is 20 metres.

The Official Plan designates the land as Rural and Environmental Protection.

The proposed reduction of the rear yard setback has no significant impact and the application is consistent with the OMB decision regarding the farmland consolidation and the Township Official Plan policies. Under Zoning By-law 02-2009, the property is zoned Rural and Environmental Protection.

The amendment to the zoning by-law to prohibit residential uses, in order to protect agricultural lands, allows only agricultural uses and farm buildings. Also, the severed parcel requires a rezoning, as there is an existing house on the property, which does not comply with Zoning By-law 02-2009.

The Environmental Protection zoning is not affected by the application.

The Minimum Distance Separation is not affected.

Comments:

Nottawasaga Valley Conservation Authority – no objection

There were no other written comments.

Member of the public, Mr. Turcini, stated his parents own adjacent property and questioned the purpose of the application.

Planner Christine Gervais explained the details.

There were no further questions from the public and Council thanked the applicant for attending.

Matter to be brought back to the next meeting of Council for a decision.

Resolution # 5

Moved by W. Kolodziechuk – Seconded by P. Way

Resolved that Council do now adjourn Public Meeting and resume regular business. **Carried.**

9. **UNFINISHED BUSINESS**

- 9.1.1. **Building Maintenance Report**
- 9.1.2. Update

Committee meeting scheduled for September 18, 2009.

- 9.2. **PSAB/Asset Management**
- 9.2.1. Update

CAO Susan Stone informed Council a meeting with the auditors and GIS technician scheduled for August 20, 2009.

- 9.3. **Ontario Tire Stewardship Program**
- 9.3.1. Update

CAO Susan Stone reported that application is in place; however questions arising from Council regarding scope of the program, limits on the numbers of tires, charges for additional tires, etc. resulted in matter being deferred until next meeting of Council.

- 9.4. **Other**

Nothing at this time.

10. **ROAD BUSINESS**

- 10.1.1. **Director of Public Works**
- 10.1.2. Report

Doug Price, Director of Public Works absent; therefore, no report at this time.

10.2. Landfill Site

10.2.1. Update

10.2.2. Nothing at this time.

10.3. Township Salt/Sand Dome Project

Quote for the salt/sand dome project was received by Cover-All Building System.

As no other quotes were received, the following resolution was set forth.

Resolution # 6

Moved by P. Way – Seconded by B. Cowie

Resolved that Council do hereby accept quotation for a cover-all titan building (sand dome) from Cover-All Building Systems (quote # 09-0403PW), in the amount of \$200,837.49, plus GST, to be funded under the Infrastructure Stimulus Program and the budget to be amended accordingly.
Carried.

10.4. Other

10.4.1 7th Line & 20 Sideroad – tree limbs blocking view at intersection, also intersection needs to be swept. Also, complaint concerning pot holes on the Mono-Amaranth Townline, between 20 and 25 Sideroad to be investigated.

11. PLANNING

The following matters were received / and or dealt with.

11.1. Canadian Hydro Developers Inc. – Wind Turbines

11.1.1. Paulette Crawley – Daily Reports re: Noise (June 5/09 to July 9/09)

11.1.2. Email fro HGC Engineering (Aug.5/09) to Theresa Kidd, Paul Thompson, Ted Whitworth – Schedule for Summer TS Acoustic Audit – August 17/09

11.1.3. Letter from HGC Engineering (Aug.5/09) to Canadian Hydro Developers – Acoustical Investigation, Mendonca Residence @ 483305 30 Sideroad

Under Item # 7 – Delegations - meeting with the Ministry of Environment scheduled later in the meeting with respect to wind turbine noise issues.

11.2. Bill 150 – Green Energy Act

Nothing at this time.

11.3. Ontario Municipal Board

11.3.1. Notice of Decision – File # 22-DP-4050-08010 (July 20/09) – Official Plan Amendment No. 3 to the Official Plan and adopted by B/L 01-2009

11.3.2. Notice of Decision - #PL030326 – Hamount Investment Ltd. / Valleygrove Investments Inc.

Township Planner spoke on the adoption of OPA # 3.

Also, Township Solicitor Jeff Wilker will report on the Hamount Invesetment/Valleygrove Investment matter later in meeting.

11.4. Township of East Luther Grand Valley

11.4.1. Dufferin Eco-Energy Park Draft Master Plan

11.4.2. OMB Pre-Hearing Update re: Business Park

Township Planner has reviewed the Eco-Energy Park draft master plan and finds it to be acceptable. Comments will be forwarded to the Township of East Luther Grand Valley.

With respect to the Ontario Municipal Board re Business Park, there has been one pre-hearing conducted, with another scheduled for week of November 16th, 2009.

- 11.5. **Proposed Housekeeping Amendments to Zoning By-law 2-2009**
- 11.5.1. Notice of Intention to pass Zoning By-law to amend Zoning By-law 2-2009

Mrs. Laveille was in attendance.

Township Planner reported no comments have been received, written or verbal.

Documentation and discussion of barn size, ratio and analysis were discussed.

It was suggested that flexibility should be built into the Official Plan during the Official Plan review to address new standards of MDS.

Further discussion and recommendation led to the following resolution.

Resolution # 7

Moved by B. Cowie – Seconded by P. Way

Resolved that leave be given to introduce a by-law to amend By-law 2-2009; and that it be given the necessary readings and be passed and Numbered 39-2009. **Carried.**

- 11.6. **Development Charges By-law**
- 11.6.1. Notice of Intention to pass Development Charges By-law

Discussion resulted in the following resolution be set forth.

Resolution # 8

Moved by P. Way – Seconded by B. Cowie

Resolved that leave be given to introduce a by-law with respect to Development Charges for the Township of Amaranth; and that it be given the necessary readings and be passed and Numbered 40-2009. **Carried.**

- 11.7. **Development Updates**

Centurian Homes

Council are satisfied with the location of park on the draft plan, which is to be a developed park to the satisfaction of the Township.

Councillor Percy Way declared **pecuniary interest** on the following item and left the Council chambers.

Foreign Express

Township Planner reported that site plan comments have been provided and landscaping plans are being prepared.

Soil testing is completed and re-submitted.

Staff instructed to follow up with R.J. Burnside concerning issues as timing and delays.

Matter deferred until September meeting.

Councillor Percy Way returned to the meeting and resumed his seat.

- 11.8. **Other**

Nothing at this time.

12. **BY-LAW ENFORCEMENT**

12.1. **Other**

Nothing at this time.

13. **COMMITTEE REPORTS**

The following matters were received and / or dealt with.

13.1. **County of Dufferin**

13.1.1. Council In Brief – July 9/09

13.1.2. Resolution – Draft County Forest Conservation By-law

13.1.3. Resolution – Growth Management Alternative Density Targets

13.2. **Town of Caledon**

13.2.1. POA – Cheque for June 2009

13.3. **Source Water Protection**

13.3.1. Lake Erie Region Source Protection Committee Meeting Minutes – July 9/09

13.3.2. Nottawasaga Valley Conservation Authority – Ontario Drinking Water Stewardship Program 2009 Landowner Outreach

13.4. **Police Services Boards**

Update (if any)

Nothing at this time.

13.5. **Economic Development Committee**

13.5.1. Update (if any)

Copy of "Welcome to Amaranth" newsletter provided to Council.

13.6. **Building Maintenance Committee**

13.6.1. Report

Councillor Cowie reported, indicating a further meeting is required in September.

Feedback from staff indicated that repairs of existing problems preferred to undertaking major renovations at this time.

Flooring quotes have been submitted, and are to be dealt with by the Committee.

Other items discussed were gravel pits and the Township works yard; along with the joint administration agreement with Township of East Garafraxa.

13.7. **Centre Dufferin Recreation Complex**

13.7.1. Town of Shelburne letter & invoice – Apportionment of the share of cost for the CDRC Renovation/Expansion Project

Councillor Cowie spoke on the cost of the project.

Municipal contributions have been requested by the Town of Shelburne based on full estimated costs, and no information on fundraising has been received.

It was suggested that further review is necessary and staff directed to contact municipal treasurers accordingly.

13.8. **Grand Valley Public Library**

13.8.1. Invitation to attend retirement party – September 18/09 @ 7:00 p.m. – at the Grand Valley Library

Councillor Percy Way and Deputy-Mayor Kolodziechuk (if available) to attend retirement party on behalf of the Township.

13.9. **Grand River Conservation Authority**

13.9.1. Minutes – July 7 2009

- 13.9.2. News Release – Aug. 5/09 – New hydroelectricity plant up and running at Shand Dam
- 13.10. **Nottawasaga Valley Conservation Authority**
 13.10.1. Conservation Corner – July 2009 Issue
 13.10.2. NVCA WRT – Draft minutes of June 29/09, MNR letter endorsing pilot project, Draft Term of Reference, Introduction and Conditions 2009 Presentation, Changes to the 2009 OLWR Presentation
- 13.11. **Grand Valley & District Community Centre**
 13.11.1. Resolution – Change capital expenditure for roofing & insulation repairs
- Discussion resulted in the following resolution.
- Resolution # 9**
- Moved by W. Kolodziechuk – Seconded by P. Way
- Resolved** that Council concurs with the resolution of the Grand Valley & District Community Centre Board, dated July 28, 2009, with respect to a capital expenditure change; and re-delegate the capital budget funding, in the amount of \$8,500.00 GLYCOL, towards roofing and insulation repairs.
Carried.
- 13.12. **Other**
- Nothing at this time.

14. **GENERAL BUSINESS AND CORRESPONDENCE**

The following matters were received and / or dealt with.

- 14.1. **Child Find Ontario**
 14.1.1. Thank you letter for our participation
- 14.2. **Communities In Bloom**
 14.2.1. 2009-2010 WinterLights Celebration
- 14.3. **Headwaters Arts**
 14.3.1. Headwaters Arts Festival – September 25 to October 12, 2009
 Gala Opening – September 25/09 @ 5:30 p.m. at the SGI Caledon Cultural Centre
- 14.4. **North Dufferin Agricultural and Community Taskforce (NDACT)**
 14.4.1. Support by way of resolution re: threat to Grand River water system posed by the open pit mine by the Highland Companies
- 14.5. **Workforce Planning Board**
 14.5.1. Workforce Focus – May & June 2009 Issue
- 14.6. **Epilepsy Dufferin**
 14.6.1. Request for donations to help towards the Shelburne Baseball tournament for Epilepsy on August 22,2009
- 14.7. **A.M.O.**
 14.7.1. Annual General Meeting – August 17/09 – Westin Hotel, Ottawa
 14.7.2. City of Greater Sudbury-Employment Insurance Reform – July 6/09 & Workplace Fatalities Family Bill of Rights – July 6/09
 14.7.3. City of Greater Sudbury-Canadian Forest Communities Conference 2009 – Vancouver Island Conference Centre – November 4 to 7, 2009
 14.7.4. Ontario Transportation Demand Management (TDM) Municipal Grant Program – Alter No. 09/055
 14.7.5. Draft Built Environmental Standard under the OADA for Public Review – Alert No. 09/056
 14.7.6. Drinking Water Stewardship – Alter No. 09/057

- 14.8. **Ontario Good Roads Association**
- 14.8.1. Public Review of the Initial Proposed Accessible Built Environment Standard as part of the Accessibility for Ontarians with Disabilities Act, 2005
- 14.9. **Government of Canada/Ontario**
- 14.9.1. Eligible costs incurred as of June 26/09 are eligible for reimbursement through the Recreational Infrastructure Canada Program and Ontario Recreation Program
- 14.9.2. Confirmation of governments of Canada & Ontario will invest towards the eligible costs for the replacement of municipal park playground equipment
- 14.9.3. Project approved for funding under the Infrastructure Stimulus Fund – Sand Storage Building

15. **BY-LAWS**

- 15.1. **Road Widening By-law (Con. 3, Pt. Lot 6) Speers**

Resolution # 10

Moved by W. Kolodziechuk – Seconded by P. Way

Resolved that leave be given to introduce a by-law to authorize the acquisition of land for road widening purposes, being Part Lot 6, Concession 3, more particularly described as Parts 3 & 4, Registered Plan 7R-5856 (Speers); and that it be given the necessary readings and be passed and Numbered 41-2009. **Carried.**

16. **LATE SUBMISSIONS**

The following matters were received and / or dealt with.

- 16.1. **Email from Paulette Crawley re: Item # 7 – Delegations – Ministry of the Environment Canadian Hydro Developers** re: Noise Issues

Dealt with under Item # 7 - Delegations
- 16.2. **Email from David White re: Item # 7 – Delegations – Ministry of the Environment Canadian Hydro Developers** re: Noise Issues

Dealt with under Item # 7 - Delegations
- 16.3. **Ministry of Energy and Infrastructure – News Release** re: Green Energy Plan

Received as information.
- 16.4. **NVCA** re: Provincial Groundwater Monitoring Network (PGMN) Program
- 16.5. **Landowners Agreement** re: PGMN Program

Matter deferred.

17. **ACCOUNTS**

17.1. **General Accounts**

Resolution # 11

Moved by B. Cowie - Seconded by W. Kolodziechuk

Resolved that General bills and accounts in the amount of \$ 281,644.85 for the period of July 15, 2009 to August 18, 2009, be approved for payment. **Carried.**

17.2. **Road Accounts**

Resolution # 12

Moved by W. .Kolodziechuk - Seconded by P. Way

Resolved that Road Department bills and accounts in the amount of \$ 277,767.12 for the period of July 15, 2009 to August 18, 2009, be approved for payment. **Carried.**

17.3. **Recreation Accounts**

Resolution # 13

Moved by P. Way - Seconded by B. Cowie

Resolved that Recreation accounts in the amount of \$2,995.18 for the period of July 15, 2009 to August 18, 2009 be approved for payment. **Carried.**

18. **BUDGET REPORTS**

Nothing at this time.

19. **NEW BUSINESS**

19.1. **Trailer Agreement – Con. 7, Part Lot 8 (Wilford/Abbott)**

Request to locate and reside a mobile home on property during construction of a new home on property

The following resolution was set forth.

Resolution # 14

Moved by B. Cowie – Seconded by P. Way

Resolved that Council do hereby agree to enter into an agreement with Bruce Wilford & Wendy Abbot (Con. 7, Part Lot 8, RP7R-863, Pt. 2), to permit the owners to reside in a mobile home (45 ft. x 12 ft.) on the property while a new residence is constructed; and Mayor and Clerk instructed to sign said agreement. **Carried.**

19.2. **Sponsorship Request**

19.2.1. Township resident Coltan Armitage re: Junior Field Team Ontario

The following resolution was set forth.

Resolution # 15

Moved by W. Kolodziechuk – Seconded by B. Cowie

Resolved that Council do hereby sponsor Township resident Coltan Armitage to play on the Junior Field Lacrosse Team Ontario, as a player

sponsor/sweater sponsor, in the amount of \$100.00 , payable to Junior Field Team Ontario, for recognition in Team Ontario Program. **Carried.**

19.3. **Other**

Nothing at this time.

Adjourned for lunch at 12:00 noon – Resumed meeting at 1:10 p.m.

20. **CLOSED MEETING**

- 20.1. **Property Matters**
- 20.2. **Solicitor / Client Privilege Matters**
- 20.3. **By-law Enforcement Matters Update**
- 20.4. **Litigation / Potential Litigation**

1:10 P.M. (approximately)

Resolution # 16

Moved by B. Cowie - Seconded by P. Way

Resolved that Council move into a closed meeting pursuant to Section 239 of the Municipal Act, 2001, as amended for the following reason(s):
Personal Matters about identifiable Individuals(s), including employees
Litigation or potential litigation
Advice that is subject to Solicitor-Client privilege
Carried.

1:25 P.M. (approximately)

Resolution # 17

Moved by B. Cowie - Seconded by P. Way

Resolved that Council do now rise and report from closed meeting, and resume regular business. **Carried.**

The following resulted from the closed meeting.

Resolution # 18

Moved by P. Way – Seconded by B. Cowie

Resolved that leave be given to introduce a by-law to authorize the execution of an extension agreement for tax arrears; and that it be given the necessary readings and be passed and Numbered 43-2009. **Carried.**

1:30 P.M.

Item # 7 – Delegation

Ministry of the Environment – Gary Tomlinson, Acting District Supervisor and Jane Glassco, Acting District Manager ; Jeff Wilker – Township Solicitor

Re: Canadian Hydro Developers – Noise Issues

Gary Tomlinson – Acting District Supervisor and Jane Glassco – Acting District Manager, along with Cameron Hall, Environmental Assessment Branch, and Township Solicitor Jeff Wilker were in attendance to speak on this matter.

Several members of the public were also in the audience

Mayor MacIver explained that the MOE were here to address Council concerning the noise issues from the Canadian Hydro Developers project,

after which the public would have the opportunity to express their concerns and ask questions.

Mr. Tomlinson indicated he had received a list of Council concerns and addressed each one.

Noise Levels and What Constitutes Compliance:

Mr. Tomlinson stated that NPC 232 is the required Ministry compliance document, and non compliance are emissions over 40 dba, also noted that there is extremely low background noise in this area, and there is a penalty of 5 dba related to the transformer. Although the approach taken by HGC when conducting the monitoring is not exactly as required by standard, the MOE field office relies on the Environmental Assessment branch of the Ministry to analyse reports and determine compliance, and in all cases, with respect to adequacy and accuracy of the noise reports provided, they determined that CHD is compliant.

Dirty Electricity:

This is not regulated by the Ministry of the Environment. Hydro One has the mandate to provide clean power; however there have been complaints that the transformer has an identifiable hum and the turbines issue noise and vibrations.

Transformers:

The MOE does acknowledge that audible tones are evident and agree there is vibration in one home in particular; however, Mr. Tomlinson indicated that the MOE has no legislative authority and cannot enforce the matter as there have been no exceedances identified with respect to the transformers, noting that MOE has conducted their own tests and analysis. It was also noted that the situation has improved since the installation of new transformers and mitigation measures. Although they recognize that there is vibration and have tried to push CHD to do more, there is no legislative ability for enforce.

Turbines:

Vibration affecting one of the homes is not evident from outside; but in certain locations inside the home, it is audible.

Council advised there have been many complaints from Amaranth and Melancthon residents about these issues, and questioned where we go from here/ what is the solution, noting that having the developer simply "buy out" the problems is not an acceptable answer. Mr. Tomlinson indicated that there have been approximately 300 complaints in total in Amaranth and Melancthon, generally a small number of complainants with ongoing complaints. He agreed that the MOE does not see "buy outs" as the solution, and that his office is frustrated with matters beyond their legislative authority, and that they are trying to resolve issues as they become aware to the best of their ability, given their constraints legislatively.

Grounds for Certificate of Approval Issuance:

The Director of the Environmental Assessment branch of the Ministry stated that if all the requirements are met, a Certificate of Approval will be issued.

Construction of Phase I:

With the construction of this phase, the reviewing agencies initially missed the transformer station when issuing Certificate of Approval and there was noise registering over the limit of 40 dba prior to December, 2006, whereby residents were subjected to much higher noise levels than were acceptable which has sensitized them and resulted in them still being bothered by the noise levels even though they are lower than 40 dba which has been the case since December, 2006.

Human and Animal Health:

Until recently, there were no legislative requirements for human and animal health studies; however groups are now being put together involving Queen's University etc., to look into these issues.

Council reminded the Ministry that during the environmental assessment process, they were requested to consider this, and conduct a human and animal baseline study, as well as real estate, but the request was not endorsed by OMB.

Have the MOE reconsidered and what changes are being proposed?

It was also noted that although there are studies being conducted, approvals in the meantime will proceed on existing rules. It was noted that there is information world wide for the MOE to draw from.

Assistance from Ministry of Environment to Residents:

The MOE agreed that they are not satisfied with the situation to-date; and a panel and committee will be reviewing the standards to determine what's appropriate, and is the highest priority for their Ministry. It was suggested that there be a sub-committee to include residents. Mayor MacIver noted that the HGC reports are confusing, and that the fact is that people have left their homes due to the cause and effect of the wind project, and is a real issue. Mr. Tomlinson agreed and indicated that the EA reviewers have been asked to go back and re-analyse the grey areas and ambiguity, and to not accept reports as presented.

Jeff Wilker, Township Solicitor, indicated that the approvals branch are analyzing noise reports and concluding that CHD complies; therefore, there is nothing for the MOE or for the Township to act on, noting that the vibration is the cause and effect for which there is no jurisdiction currently, and further mitigation by CHD would have financial implications. There was also discussion regarding the type of turbines and transformers, which may be contributing to the noise issues, and Mr. Tomlinson indicated that they are aware of those and following up.

Members of the public voiced their opinions, questions and concerns.

Those who spoke were as follows:

Yonna Halberg – Questioned the “experts” who make the reports and if new standards are introduced, are the existing projects “grandfathered”. MOE and Township Solicitor explained the EA approvals branch process and the OMB process. With respect to “grandfathering”, there is a good chance that the existing Certificates of Approval will not be amended, though it was noted that under the drinking water requirements, municipal C of A's are required to be amended when standards change, and cost of implementing changes not a factor.

Philip Crawley – Who can enforce the changes required if the Township and the Ministry of Environment cannot? Mr. Tomlinson indicated that the existing legislation is being enforced, and that the MOE and Township cannot enforce something beyond their jurisdiction.

Theresa Kidd – Thanked both Council and Gary Tomlinson for their information, also questioned who is responsible for capturing and dealing with the tones if not the MOE. Mr. Tomlinson indicated that currently there is no regulatory authority for the MOE regarding audible tones; however, should there be changes ie. the use of different scale for tonal noise, then they have the equipment and expertise.

Ted Whitworth – Questioned compliance issue and understood this would be fixed if limits were exceeded. Also who has authority to ensure the reports are done correctly and are understandable. Mr. Tomlinson agreed that clarity is needed and that average person should be able to confirm compliance without detailed analysis, noting that there seems to be an issue not only with what's being submitted, but with what's being accepted by the EA branch. Mr. Wilker noted that the Township did write the MOE regarding the noise reports and they confirmed compliance; therefore no recourse under Township agreements. He agreed that the approvals branch of the MOE in Toronto doing a disservice to the Township, residents, and Guelph MOE office by accepting reports in current format. The Township can request that

the reports be done accurately in accordance with the MOE standards, but CHD may still be in compliance.

Laurie Hills – The suggestion of a meeting between Canadian Hydro Developers and residents is a good idea, but has doubts if Canadian Hydro Developers will be accommodating.

The Ministry of the Environment agreed to take the information and concerns from the meeting back to their offices and to Canadian Hydro Developers for discussion. Township Solicitor to also follow up with the MOE regarding proper reporting requirements and “grandfathering”.

3:15 P.M.

Mayor MacIver announced he had to leave meeting, and Deputy-Mayor Kolodziechuk assumed the Chair.

Jeff Wilker, Township Solicitor updated council with respect to the Hamount/Valleygrove OMB decision and approvals.

3:40 P.M. (approximately)

CLOSED MEETING

Resolution # 19

Moved by P. Way - Seconded by B. Cowie

Resolved that Council move into a closed meeting pursuant to Section 239 of the Municipal Act, 2001, as amended for the following reason(s):

Advice that is subject to Solicitor-Client privilege

Carried.

3:55 P.M. (approximately)

Resolution # 20

Moved by P.Way - Seconded by B. Cowie

Resolved that Council do now rise and report from closed meeting, and resume regular business. **Carried.**

Staff received instructions under closed meeting.

Sand/Salt Dome license agreement was reviewed and revised agreement to be forwarded to County of Dufferin.

21. **CONFIRMING BY-LAW**

Resolution # 21

Moved by B.Cowie - Seconded by P. Way

Resolved that leave be given to introduce a by-law to confirm the proceedings of the regular meeting of council of the Township of Amaranth for August 19, 2009; and that it be given the necessary readings and be passed and Numbered 43-2009. **Carried.**

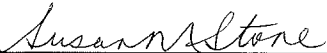
22. **ADJOURNMENT**

4:15 P.M. (approximately)


Resolution # 22

Moved by P. Way - Seconded by B. Cowie

Resolved that Council do now adjourn to meet again on September 9, 2009 at 10:00 a.m. or at the call of the Mayor. **Carried.**



CLERK



HEAD OF COUNCIL



Blake, Cassels & Graydon LLP
Barristers & Solicitors
Patent & Trade-mark Agents
199 Bay Street
Suite 2800, Commerce Court West
Toronto ON M5L 1A9 Canada
Tel: 416-863-2400 Fax: 416-863-2653

September 2, 2009

T. W. Bermingham
Partner
Dir: 416-863-2946
tim.bermingham@blakes.com

VIA E-MAIL

Reference: 82148/104

Jeffrey J. Wilker
Thomson, Rogers
390 Bay Street, Suite 3100
Toronto, Ontario
M5H 1W2

Dear Mr. Wilker:

Re: Canadian Hydro Developers, Inc.
Re: Melancthon II (Amaranth) Transformer Substation

We have received your letter dated August 31, 2009.

I have, of course, forwarded it to HGC Engineering for their comments.

I simply note at this point that all audits and reports have been forwarded to the Township with no previous indication of any concerns as to methodology having been received, and have all been accepted by the Ministry.

You refer to s. 4(4)(d) of NPC-103 as an "instance". If this indicates that there are any other issues not specified in your letter, please identify them so they can be addressed comprehensively.

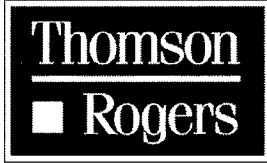
Yours very truly,

T. W. Bermingham
TWB/mg

Encl.

c: Ed Ma
Scott Hossie
Bryan Tripp
Brian Howe
Mike Mercer

21916437.1



Jeffrey J. Wilker
416-868-3118
jwilker@thomsonrogers.com

SENT BY EMAIL

August 31, 2009

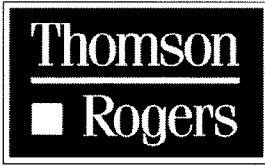
G.W. Tomlinson, Provincial Officer, Acting District Supervisor
Ministry of the Environment
Guelph District Office, West Central Region
1 Stone Road West
4th Floor
Guelph, Ontario
N1G 4Y2

Dear Mr. Tomlinson:

**Township of Amaranth re Canadian Hydro - Transformer Substation
Our File No. 050648**

We are writing to request that the Ministry of the Environment ("MOE") require Canadian Hydro Developers Inc. ("CHD") to comply with its audit and reporting obligations under the Certificate of Approval issued to its transformer substation by the MOE. We note that compliance with the Certificate of Approval is required not only by the MOE and its empowering legislation, but also by various agreements between CHD and the Township of Amaranth ("Township").

CHD's transformer station in the Township operates subject to Certificate of Approval (Air) number 7257-7DHJP3, dated April 15, 2008. This Certificate of Approval, under Operations and Maintenance s. 6 (a) and (b), requires that "Acoustic Audits" be conducted and "Acoustic Audit Reports" be prepared, in accordance with Publication NPC-103, and Publication NPC-233, respectively. While CHD has been undertaking audits and preparing reports, we understand that those audits have not been undertaken in accordance with Publication NPC-103. For instance, we understand that the acoustical consultants engaged by CHD have not complied with s. 4(4)(d) of NPC-103, which requires that "integration shall from time to time be inhibited by the operator immediately when the received sound is dominated by sound from a source other than the source under study".



-2-

We therefore request that the MOE require CHD to conduct all future audits and prepare all future reports in accordance with the aforementioned Publications, as required by the Certificate of Approval. Failure to do so has caused confusion among members of the public in the past and, therefore, it is our view that such a procedure will provide greater clarity which is in both the public interest and CHD's interest.

We ask that we receive confirmation in writing from the MOE that it shall so instruct CHD and that in the future it will only accept audit reports prepared in accordance with the applicable requirements.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Jeffrey J. Wilker".

Jeffrey J. Wilker

JJW/dng

cc: Sue Stone, Township of Amaranth
Doris Dumais, Ministry of the Environment
Victor Low, Ministry of the Environment
John Kowalewski, Ministry of the Environment
Jane Glassco, Ministry of the Environment
Tim Bermingham, Counsel for Canadian Hydro Developers Inc.