

Wendy Atkinson

From: Kenedi, Walter (MTO) [Walter.Kenedi@ontario.ca]
Sent: Friday, July 09, 2010 4:28 PM
To: wendy@melancthontownship.ca
Subject: RE: Bridge Inspection

Allen Braiden

Regulation 104/97 of the *Public Transportation and Highway Improvement Act (PTHIA)* states that “*The structural integrity, safety and condition of every bridge shall be determined through the performance of at least one inspection in every second calendar year under the direction of a professional engineer and in accordance with the Ontario Structure Inspection Manual, published by the Ministry, as it may be amended from time to time*”. It also states that the inspection may vary from this Manual provided that the variation does not adversely affect the safety and mobility of people and goods.

You and/or your engineering consultant can use alternate forms from those in OSIM provided that you are assured that the variation in the forms does not adversely affect the safety and mobility of people and goods. This is a self regulating Act which puts the onus on the municipalities to comply. The Ministry of Transportation/Provincial government does not monitor or enforce this regulation. The adequacy of using alternative standards to the Ministry standards (i.e. OSIM) would come into question if any matter were taken to litigation.

Walter Kenedi

Senior Evaluation and Inspection Engineer

Bridge Office, MTO

905-704-2399

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AUG 11 2010



K. SMART ASSOCIATES LIMITED
CONSULTING ENGINEERS AND PLANNERS

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July 19, 2010

File No. 10-133

Mr. Allen Braiden
Road Superintendent
Township of Melancthon
R.R. 6
Shelburne ON
L0N 1S9

**RE: TOWNSHIP OF MELANCTHON
BRIDGE AND LARGE CULVERT INSPECTIONS 2010
CONSULTING ENGINEERING SERVICES**

Dear Allen:

As per your request, the following is in response to your question this morning;

We understand that there are 47 structures to be inspected instead of 45 structures that we indicated in our letter dated June 24, 2010. Our engineering cost would remain as per the original letter (ie: no change in cost for the additional two structures).

If we can be of further assistance, or if you have any questions, please contact the undersigned.

Yours truly,

Trevor Hoard, C.E.T.

AUG 11 2010

Scott Caughill

31 Wilson Crt.
Dundalk, ON N0C 1B0

T 519 923-9717

M 519 939-2683

scott@holmesagro.com

19 July 2010

Township of Melancthon
Special Attention: Allen Braiden
157101 Highway 10
Shelburne, ON L0N 1S9

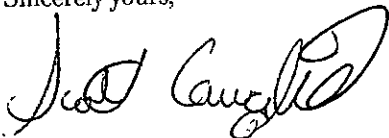
Dear Mr. Braiden,

I recently purchased Lots 251 and 252, Concession 3, SWTS, Melancthon, and am writing you to request council's permission to install a road crossing on 250 Sideroad, for the purpose of reaching a drainage outlet during a farm tiling project.

The proposed crossing, to be installed by AWF Contractors, would be 10 feet deep to facilitate the required grade of tiling, and consist of a 15" bell end concrete sewer tile. Installation of this tile would require that the road be closed for the period of one day.

AWF is scheduled to begin tiling the farm at the end of August, and your consideration of this request is appreciated. If you have further questions, please don't hesitate to call me.

Sincerely yours,



Scott Caughill

AUG 17 2010

H. J. Lyon
RP#4
Dandalk Ont.
NOC IBO

The Township of Melancthon
RP#6 Selburne Ont.
LON 139

July 17/2010

Dear Sirs: MacLennan,

re: Road Agreement for IPC 'Shingley' Wind Project
1. Request to defer execution of Agreement
2. location of power collector line.

1. location of access road to turbine #14

- Construction related to implementing this project has commenced.
- From the construction stakes that went up the week of July 12th and later confirmed by their on-site rep, IPC plan to access turbine #14 by building a road from the 4th line NE to the turbine along the lot 22/23 lot line. Although the road access at the 4th line NE is in a location that can experience severe flooding, this is not my concern. The key issue is a road so located would completely isolate the drainage basin located on lot 23 Con 5 NE (which LON#) from the municipal drain that runs through lot 22 Con 5 NE. Throughout the existence of this drain lot 23 Con 5 NE has always been assessed its proportionate share of drain expenses.

AUG 1-1-2010

My concern with such a road was discussed with AIM Power Gen (now IPC) reps at the public meeting on Sept 25, 2008 and further set out in writing to AIM Power Gen in my comments on that meeting. This is very early in the EA process. Throughout the remainder of the EA process culminating in the final ESR report the road access to turbine # 14 was from the back lot line. — Not from the 4th line NE. See Attachment 1 which is taken from the ESR.

The Green Energy Act was passed prior to project approval. As a consequence IPC was required to bring the project into compliance with that Act and submitted the layout included as Attachment II. Again access to # 14 is from the back lot line — not from the 4th line NE.

In approving the project the Director of the EAAB states in his decision letter of Dec 22, 2009; "AIM must implement the Project in the manner in which it was developed and designed as set out in the ESR."

The approval of the project was appealed to the Minister of the Environment. In his letter of April 1, 2010, confirming the Director's decision he states, "IPC must implement the Project in the manner in which it was developed and designed, as set out in the ESR and minor modifications report."

So how is it possible for IPC to build the road as stated. I am trying to clarify the situation with the ministry. In the meantime I request Council defer approving the road agreement, or at least the 4th line NE access for the turbine # 14 road.

[It should be noted that I doubt this situation would have arisen were municipal sit plan approval still ~~be~~ required]

2. Location of turbine collector line along 250 side road

I request that the line be underground from the 4th line NE to #10 Hwy. This is a single lane road and the passing lane is the ditch. From a safety point there is simply no room for poles. As the most frequent user of this road (farms at both ends) I am often forced to fully take the ditch. (At least with Morris Oldfield we each share half.).

Further, between the 2 line NE and #10 Hwy the collector line should be located on the north side of the road. All the Township's water collected by the 250 side road ditches was just dumped onto my property approximately 200 m from #10 Hwy. I solved the Township's problem by building a 6" line with the inlet in the road allowance ditch and tying this line into my underground tile system. (I suspect a rather stupid decision.)

Should the collector line be located on the south side I have no option but to close the inlet to protect my tile system. In this case, in this case Township should move immediately to handle its own water. With re-ditching the water can be directed to the ditch at #10 Hwy. Nobody should have been done years and years ago.

Respectfully
~~Have you~~

Shepherd, Osyany & King LLP
Barristers and Solicitors

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George H. Shepherd (retired 2002)
Andrew Osyany Professional Corporation - *osyany@sok-law.com*
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File No. 19111

August 6, 2010

Donald B. Roger
Torys LLP
Suite 3000
79 Wellington St. W.
Box 270, TD Centre
Toronto, Ont. M5K 1N2

Dear Sir:

Re: Township of Melancthon - IPC; Plateau III Wind Farm

An important matter has surfaced this morning. Gord Feniak has been collecting information in order to deal with the Harvey Lyon issues, and had a conversation with Deyong Cha and Maurice Hickey, about the power line on 250 Sideroad, east of Highway 10. Your client's engineers appeared to be of the opinion that this was going to be an aboveground line, and that this is a "Hydro One" line, constructed by Hydro One and not by the developer.

It is our understanding and position that this is to be an underground line. We refer to the specific wording of s. 19 of the Agreement and Schedules "A" and "B" which identify the locations of the works. The developer has no right to put an aboveground line on 250 Sideroad, east of Highway 10. If Hydro One wants to construct a line there, it must come to the Township to strike an agreement, and the Township will insist on an underground line at that location.

Yours very truly,
SHEPHERD, OSYANY & KING, LLP
per:

Andrew Osyany

(ext. 233)

AO/ofa
cc. Township of Melancthon
Gord Feniak
Jerry Jordan

AUG 11 2010

Denise Holmes, AMCT

From: Denise Holmes, AMCT [dholmes@melancthontownship.ca]
Sent: Monday, August 09, 2010 9:22 AM
To: dholmes@melancthontownship.ca
Subject: FW: IPC Letter from Harvey Lyon

From: Gord Feniak [mailto:Gord.Feniak@rjburnside.com]
Sent: Friday, August 06, 2010 11:54 AM
To: Denise Holmes, AMCT
Cc: Jerry Jorden; Andrew Osyany
Subject: Re: IPC Letter from Harvey Lyon

Hi Denise - I understand that the Harvey Lyons letter will be discussed with Council next week so I am providing my comments. For reasons I will explain my reply has been delayed. There are two separate sections in the letter.

1) Location of Access Road to Turbine # 14 - Comments on this matter were provided in previous email (copied below). In short, Mr. Lyons will be dealing with the province on the question of whether or not the access location can change from what was originally submitted. Our position is that the Township should await that decision, and then process the municipal Road Access Permit in whatever location is directed by the Province.

2) Location of Turbine Collector Line along 250 Sideroad - Mr. Lyons is concerned that if the underground power line is constructed on the south side of the 250 Sideroad right of way, it will interfere with a drainage tile that he has connected to his farm tile system. Hoping that a commitment could be made to construction on the north side, thereby alleviating Mr. Lyons' concern, I have delayed my reply until now. However I am still not able to pass along that commitment. I can say that there is a greater than 50% chance of it being on the north side, because IPC will accommodate the request if there are no other factors that would push it south. Even if it does end up on the south side, I believe that drainage would be unaffected. I have visited the site to review this matter and I did not see any specific cause for concern. The power lines can easily be bored underneath any farm tile, ditch or culvert and our agreement with IPC ensures that they will not disturb existing drainage facilities. I suggest that if possible, IPC should locate their facilities on the north side, but in the event that they do not, there is no drainage implication in my opinion.

I hope that you will find this be helpful. Please call me and invite any of the councillors to call me if they would like to discuss this..... gf

From: Gord Feniak/RJB
To: Jerry Jorden <jjorden@rogers.com>
Cc: "Denise Holmes, AMCT" <dholmes@melancthontownship.ca>, Andrew Osyany <osyany@sok-law.com>
Date: 07/22/2010 09:43 AM
Subject: Re: IPC Letter from Harvey Lyon

Thank you Jerry - Your more detailed response is a better explanation than mine and I agree with you. I believe that the road access permit is immaterial relative to the Ministry's approval. If the Ministry agrees with Mr. Lyons then we will issue an access permit in the original location. Conversely if they approve the revision then we issue the permit for the new location.

I don't believe that Council has a decision to make on this really, For sure we can't use the access permit as a lever to control the location of the access permit and I suspect that is what Mr. Lyons is hoping for us to do..... gf

8/9/2010

AUG 11 2010

From: Jerry Jordan <jjorden@rogers.com>
To: Gord Feniak <Gord.Feniak@rjburnside.com>, "Denise Holmes, AMCT" <dholmes@melancthontownship.ca>
Cc: Andrew Osyany <osyany@sok-law.com>
Date: 07/22/2010 09:31 AM
Subject: Re: IPC Letter from Harvey Lyon

Gord:

Although it pains me to say it, I disagree slightly with your point on T14 access. I do agree that we have no jurisdiction over off-road wind power related matters but I do feel that we retain jurisdiction over the granting of related access to Township roads. That is the basis for my statement that I believe we are required to comply with the Ministry's approval. In other words, our approval for a road access permit should comply with the details of the Ministry approved wind power project. If the Ministry didn't approve an access road in this location then it seems to me that a Township road access permit should not be granted. I also think that is at least part of Mr. Lyons' request to Council.

Jerry Jordan
G. W. JORDEN PLANNING CONSULTANTS LIMITED
80 Worsley Street
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From: Gord Feniak <Gord.Feniak@rjburnside.com>
To: "Denise Holmes, AMCT" <dholmes@melancthontownship.ca>
Cc: Jerry Jordan <jjorden@rogers.com>; Andrew Osyany <osyany@sok-law.com>
Sent: Thu, July 22, 2010 9:20:42 AM
Subject: Re: IPC Letter from Harvey Lyon

Hi Denise - My take on the T14 access is that it is not an area that the municipality has control of, as a result of the Green Energy Act. Mr. Lyons seems to know and acknowledge this.

The road drainage part is something that I felt I needed to look at. I will visit the site and communicate with Allan on the result. It is likely an issue that can be dealt with but I can't visualize it without a site visit.

Have a great holiday!.... gf

From: Jerry Jordan <jjorden@rogers.com>
To: "Denise Holmes, AMCT" <dholmes@melancthontownship.ca>, Andrew Osyany <osyany@sok-law.com>, Gord Feniak <Gord.Feniak@rjburnside.com>
Date: 07/22/2010 09:03 AM
Subject: Re: IPC Letter from Harvey Lyon

8/9/2010

Denise:

On Mr. Lyons' letter, I would note that this appears to be primarily an engineering and road access issue, with a bit of potential legal complications thrown in for good measure. Therefore, my comments are brief.

I agree completely with Mr. Lyons in his references to all previous IPC drawings. I don't recall seeing any drawing that showed access to Turbine 14 from the 4th Line but, of course, I have not seen the drawings as approved by the Ministry. Nor have I seen any of the drawings to be included as Schedule B to the agreement with IPC.

If the Ministry approved drawings do not show a road accessing Turbine 14 from the 4th Line it would appear the Township should not issue a road access permit for it since I believe we are required to comply with the Ministry approval. The details on this I will leave to Gord and/or Allen.

On the points about the power line proposed along 250 Sideroad, I believe the matter of underground lines is now off the table while the location of the line on the north or south side of the road allowance is a technical matter that Gord and/or Allen can address.

Jerry Jorden
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