



The Corporation of

THE TOWNSHIP OF MELANCTHON

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*Denise B. Holmes, AMCT
CAO/Clerk-Treasurer*

August 13, 2013

The Honourable Kathleen Wynne
Premier of Ontario and
Minister of Agriculture and Food
Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A1

Dear Premier,

On July 23, 2013, there was another blow to democracy, and local municipal governance as a result of your Government's draconian and repressive Green Energy and Economy Act. Dufferin Wind Power Inc. (Longyuan Canada Renewables Ltd.) was successful in its' Court Application regarding the storage of turbines on a property that was not zoned for that activity within the Township of Melancthon. Our position based on solid planning advice was that the exception did not allow for the off-site storage of turbine components on a property that was not zoned for that type of use. However, Mister Justice Morawetz ruled in favour of Dufferin Wind Power Inc. concluding that the storage property does form part of the Applicant's "renewable energy undertaking." While disappointed, we accept the ruling of Mister Justice Morawetz.

Through your legislation, the Developers of wind farms may have been granted an open license to engage in any activity without being subject to the planning approval process. Surely that could not have been the intended consequence of the amendments to the Planning Act. The lack of clarity in the Green Energy Act produced this unexpected result.

On July 5, 2013, our Community and in fact the entire County, received another blow as a result of the Leave to Construct Approval that was granted. In spite of countless concerns raised by the Citizens of Melancthon and Dufferin County, the Municipalities of Melancthon, Amaranth, the

Town of Shelburne and the County of Dufferin, the Ontario Energy Board approved the Leave to Construct Application.

Individuals and various Municipalities spent many hours and thousands of dollars preparing material to be reviewed in the Leave to Construct process. The legitimate concerns of affected individuals and Municipalities were arbitrarily dismissed. Unbelievable.

While there are many concerns about the potential health risks as a result of turbines and in the case of Dufferin Wind the 230 KV above ground power line to be located on an old railway corridor, there are in the opinion of many, more concerns about the way Dufferin Wind conducts their business.

People are incensed by the bullying tactics employed by Dufferin Wind Power Inc. They have shown themselves to be overly aggressive, uncaring and frankly deceptive. The reason they can act that way, is because of the flawed Green Energy Act that allows them to steam roll over Municipalities and Individuals.

They have threatened our Council with expropriation, as well as the Town of Shelburne and the County of Dufferin. They have applied to expropriate land from the County, three land owners along the rail line and three Farmers in our Township.

The farmers had Agreements with Dufferin Wind Power Inc. It is my belief that Dufferin Wind Power Inc. found that wherever it may be cheaper to change where turbines would be placed, they simply approached the farmers telling them to sign amendments to Agreements or they would expropriate their land. By allowing changes to the original Agreement, the Farmers would have prime tiled drained fields ruined as the drainage equipment would be cut and dug up rendering it useless. In addition, new turbine placements would prohibit the Farmers from using existing irrigation equipment. They have now indicated that they may start digging up fields within two weeks to build roads prior to the harvest which will have a negative impact on the Farmers. I fail to understand why Landowners must adhere to Contracts, while wind farm developers are free to arbitrarily change the terms of Agreements, after the fact and to their own benefit. Once again, this could not have been the legitimate intention of your Government in passing this seriously flawed legislation.

Section 2.3.1 of the Provincial Policy Statement says that "Prime agriculture areas shall be protected for long term use for agriculture". This Policy Statement is a prime consideration in the planning approval process. It was a concern raised in the Court Application referenced above. I ask you, as Minister of Agriculture and Food, to help me understand and reconcile how destroying prime agriculture tiled drained land and not allowing crops to be irrigated helps protect

agriculture. It does appear that your Government has chosen to favour foreign owned wind farm developers, over the interest and livelihood of Ontario farmers.

Dufferin Wind Power Inc. continues to “push” everyone for Building Permits and Road Use Permits even before any Agreements have been put in place. They have done whatever they can to avoid dealing with our Council. To that end, they have acquired private land leases to avoid using the road right of ways. This compounds the overhead line concern as there will now be parallel lines in many areas.

In the other wind farm developments in our Township, the transmission and collection lines have been buried, without a hassle from the Proponents. That was our request of Dufferin Wind Power Inc., and they refused to deal with us regarding our legitimate concerns with the transmission line. The transmission line is 13 km long in our Township. We advised Dufferin Wind Power Inc. that there were areas that could be above ground BUT around residences, the line should be buried. This is the same approach we have taken with other Developers. The distance is approximately 4.3 km of the 13km. Dufferin Wind Power Inc. insisted it was too expensive to bury the line. Melancthon provided them with a map outlining where they could use overhead lines in the Collection Area to offset the cost. They refused to discuss or negotiate any issues with respect to the transmission lines.

Melancthon Council are Pioneers in wind power development in Ontario when the first 45 turbines were erected by Canadian Hydro Developers, Inc. in 2005. With the approval of the Dufferin Wind Power Project there will be one turbine for every 14.82 Residents.

We have more than “done our share” and at our last Council meeting passed an “Unwilling Host” motion. While it has been sent to you, I enclose a copy with this letter.

We have sent other motions regarding Moratoriums until Health Studies have been completed. Council provided a motion outlining a “capping formula” that would allow Municipalities to calculate and determine an “acceptable” number of turbines for their communities if they want them. All of these have been ignored by your Government.

Dufferin Wind Power Inc. had been procrastinating for over a year about the Road Use Agreement and to detail those issues would take far more effort than it is worth. However, they continually claimed and stated that we were being hard to get along with by making unreasonable demands.

The Council authorized the CAO and I to sign an Agreement about two weeks ago with a different Wind Developer. The items that Council felt were important were incorporated without problems. That means that other than the Agreement with Dufferin Wind Power Inc., Melancthon Council

has negotiated four Agreements without issues. We have NEVER asked Dufferin Wind Power Inc. to do more than the other four Developers have done willingly.

Dufferin Wind Power Inc. has applied under Section 41.9 of the Electricity Act to have the Ontario Energy Board decide where in the road allowances the distribution lines will be located as it has been unable to come to an agreement with Council, despite Council's continued and reasonable efforts. We believe we know where the problem is, and it is not Melancthon Council.

The reason they can do this, is again because of the flawed Legislation passed by your Government.

Reluctantly, Council directed the CAO and I to sign a Road Agreement July 31, 2013 with Dufferin Wind Power Inc. This would be the only way to retain even a modicum of control and to obtain any true financial benefit, even if it meant signing an Agreement with a Developer who does not appear to have any real interest in the interests of the Community affected by the Project. Even then, the bullying continued. Their Solicitor said they would not send the letter to the Ontario Energy Board cancelling the 41(9) process until all permits were issued. Only after our Solicitor discussed this issue with their Solicitor, did they agree to withdraw the 41(9) application. The deadline for submission was August 2, 2013 and I called an Emergency Meeting for July 31, 2013 to deal with the Agreement. Some permits were not in the control of the Township. The ones we did control were being worked on expeditiously and could not be completed in eight hours as our Office was closed Friday. The Solicitor also demanded a Preconstruction Meeting with our Engineer and Roads Superintendent within 24 hours. Although it was his day off, Staff agreed to come in, only to be told late the day before, Dufferin Wind Power Inc. did not have the reports and drawings they were to provide for the meeting.

If this is the type of business your Government is trying to attract to Ontario, it is a sad day for democracy in our Province.

As Premier, I ask you to intervene. It is imperative that further changes are made to the Green Energy and Economy Act. The tweaks that were introduced this Spring will do nothing to stop this type of aggressive behavior. County wide it has been acrimonious. There is no place in the appeal process to deal with the lack of common sense or respect. Please exercise your power and make this right.

You were not able to attend our 160th Anniversary Celebration so I would like to extend another invitation to you to visit our Township at your convenience and to learn more about the impact your Government programs have on our Township and meet some of the affected farmers.

On Behalf of the Council of the Corporation of the Township of Melancthon,
Respectfully,

A handwritten signature in black ink, appearing to read "Bill Hill". The signature is written in a cursive, slightly slanted style.

Bill Hill

Mayor

- c. Honourable Bob Chiarelli, Minister of Energy
- Honourable Jim Bradley, Minister of Environment
- Honourable Tim Hudak, Leader PC Party
- Honourable Andrea Horwath, Leader NDP Party
- David Tilson, MP
- Sylvia Jones, MPP
- Sonya Pritchard, Dufferin County CAO
- All Municipalities in Dufferin County



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COPY

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July 22, 2013

Premier Kathleen Wynne
Minister Bob Chiarelli, Ministry of Energy
Sylvia Jones, MPP
Association of Municipalities of Ontario
Multi-Municipal Wind Turbine Working Group
Municipalities in the County of Dufferin

Dear Sirs/Madames:

At the meeting of the Council of the Corporation of the Township of Melancthon held on July 18, 2013, the following resolution was introduced and passed:

Be it resolved that:

“Whereas the Corporation of the Township of Melancthon are the Pioneers of Wind Power Development in the Province of Ontario with the establishment of the Melancthon Wind Farm Phase I in 2005 and the development of 45 turbines;

And Whereas there were another 66 turbines in the Melancthon Wind Farm Phase II and seven turbines in the Plateau Wind Project, plus the recently approved Dufferin Wind Project of 49 turbines allowed in our Township. Therefore, the ratio of turbines is one turbine for every 14.82 residents;

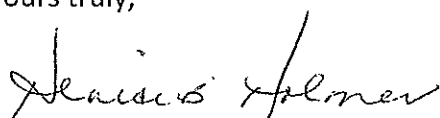
And Whereas the Council of the Corporation of the Township of Melancthon has passed motions requesting moratoriums until health studies have been completed as well as a motion providing for a “capping” formula to assist municipalities to determine an allowable number of turbines in their Communities if they wish, all of which have been ignored by the Provincial Government;

And Whereas the Province’s current wind power development plans are counter to the ideals set out in the precautionary principle;

Now therefore be it resolved that in view of the approval on July 5, 2013 of the Dufferin Wind Leave to Construct, despite numerous concerns raised by residents of Melancthon Township and Dufferin County, concerns from the Councils of the Townships of Melancthon and Amaranth, the Town of Shelburne and the County of Dufferin, the Corporation of the Township of Melancthon hereby declares that they are an unwilling host for future industrial wind turbine development. And that this resolution be sent to Premier Kathleen Wynne; Minister of Energy Bob Chiarelli; Sylvia Jones, MPP; AMO; Multi-Municipal Wind Turbine Working Group, Municipalities in the County of Dufferin."

Carried.

Yours truly,

A handwritten signature in cursive script that reads "Denise B. Holmes". The signature is written in black ink and is positioned below the text "Yours truly,".

Denise B. Holmes, AMCT
CAO/Clerk-Treasurer