

Bala Falls Working Committee

Minutes of Meeting

March 26, 2015

The fourth meeting of the Bala Falls Working Committee was held on Thursday March 26, 2015 at 2:00 p.m. in the Board Room, Municipal Offices, Port Carling, Ontario.

Present:

Mike Fitton – Chair
Jean- Ann Baranik – Member of Council
Sandy Currie – Member of Council
Linda Barrick-Spearn – Member of Council
Karen McGhee – SREL
Frank Belerique – SREL
Clayton Harris – Interim CAO

Invited Guest : David Pink, Director of Planning
Karl Stevens Architect
Cheryl Hollows (recording secretary)

1. Call to Order

Mike Fitton called the meeting to order at 2:10 p.m.

Prior to consideration of the Agenda, the Chair asked if Township Council gave any direction to change the manner of operation of the Committee. Mr. Harris indicated that there was no such direction given.

Mr. Fitton initiated a discussion of the placement of items on the agenda. Agenda items will be agreed upon at the previous meeting. If an item surfaces between meetings, Mr. Fitton proposed that if the majority of the Committee were in agreement, then the item would be added. Mr. Harris asked for all Committee members to be circulated when a request is made and should a member object, they do so quickly. Decisions will be made based on the wishes of a majority of Committee members. This process was approved by consensus.

Mr. Fitton initiated a discussion about inviting people to attend the Working Committee meetings as a resource. Every attempt is to be made to decide on the suitability of such attendees at a prior meeting and to minimize the use of email for such decisions. If between meetings it is deemed that the attendance of a resource person would be of use, then all members are to be emailed with the request and any objections are to be made quickly. Decisions will be made based on the wishes of a majority of Committee members. This process was approved by consensus.

2. Adoption of the Agenda

The Working Committee adopted the Agenda by consensus.

Councillor Currie read the mandate of the Committee: "Identify and recommend ways to mitigate concerns raised by Council and the community." He is concerned that community input to the Committee is not being adequately received. Councillor Baranik stated that Council has heard many delegations from the public over a number of years. It was also noted that community members could provide their input to Councillors on the Committee. Council members hear delegations to COW and Council as well. This matter will be discussed further under Item 6 on the agenda.

3. Business Arising from the Minutes of March 3 and 4 2015. – Working Committee minutes – items ruled out of order.

Ms. McGhee was concerned that a Committee member could make a comment or raise an issue that the Chair could rule out of order. The item would show as such in the minutes. There would not be an opportunity to respond or comment. Readers of the minutes would be left with an incomplete impression and may deem the comment to be fact. The Chair proposed that the phrase “No further rebuttle or discussion allowed.” be added after such occurrences. The meeting group concurred with this approach.

4. Implication of Heritage District designation on Lease of Township Lands

Mr. Pink was invited to speak about the Hydro-electric project and the potential use of Township lands from a Heritage perspective. He reported that in 2011, the Township formed a Heritage Committee after several years without one. Based on their input, Council designated four properties in Bala under the Ontario Heritage Act. These properties are the Township Dock on Lake Muskoka, Portage Landing on the Moon River, the municipally owned portion of the Shield Parking Lot, and Bala’s Museum with Memories of Lucy Maud Montgomery. Two properties were added to the designation list to be considered in the future, The Bala Cenotaph and the Town Dock on the Moon River.

These designations were appealed to the Conservation Review Board(CRB), whose decisions are non-binding to Council. The CRB found that the designations had merit. Following the ruling, by-laws were passed putting the designations in place.

In the fall of 2014, Council designated a portion of Bala as a Heritage District and a Heritage District Plan for the area was approved. This designation and plan are under appeal to the OMB and therefore are not in effect at this time.

Two properties that SREL has approached the TML to lease have been designated by by-law; Portage Landing and the Shield Parking Lot. Should the TML lease these properties to SREL, they would not be able to alter the attributes noted in their respective designation by-law without approval by Township Council. SREL would be required to apply to Township Council with a detailed plan. Council within 90 days, after consulting with its municipal Heritage Committee, must decide to either consent, consent with conditions or refuse the application. Township decisions can be appealed to the Conservation Review Board by the applicant/owner when the Township refuses the application or consents with the conditions. The subsequent hearing would be open to the public. In this instance the Township is both the applicant and the owner.

It does not appear that the attributes of the Shield Parking lot would be affected if used for a construction staging area. However that is not the case for Portage Landing. It was commented that based on the Heritage District Plan under appeal, certain alterations may in fact be compatible with that guiding document

Mr. Pink left the meeting at 2:55 p.m.

Architect Karl Stevens addressed the committee. He displayed a number of sketches depicting options of what the plant could look like. As the power plant will be next to the proposed Heritage District, he utilized the Heritage District Study and as well, looked to find a way to tie Bala together with a stronger pedestrian route. In his opinion, the inclusion of the heritage attributes better can be achieved if the Portage Landing Property is utilized. Mr. Stevens indicated that the peak of the roof would be 6.2 m above the road surface. The building will not have a box like appearance as originally designed. By removing an internal crane, the roof height has been lowered as far as possible. If servicing is required the roof will be removed and a mobile crane brought in. Councillor Currie noted that originally the building would be no higher than the road. SREL indicated that without access to Township land they were forced to have a vertical design. Mr. Currie stated that the front yard setback would be 3.7 m. Ms. McGhee commented that water and turbine flows determined this setback. Mr. Belerique confirmed that there would no encroachment of the building onto Township lands.

Mr. Fitton noted that the top of the terraces were green roofed lookouts. Mr. Harris asked if any parts of the building will be open to the public? Ms. McGhee commented that the middle terrace will be accessible to the public, but the lower terrace would be needed for maintenance. Mr. Stevens is hopeful that the public could access a portion of the lower terrace. Mr. Currie asked if the building could be round as it may look smaller however, Mr. Stevens noted that round is not a heritage or Muskoka form.

Councillor Baranik asked if there was no access to TML land, how would that impact the design? Mr. Stevens said you would not be able to walk off of the building and have a smooth transition to Portage Landing.

Mr. Belerique said the building can still be built however it would impact the look of the south wall. Mr. Belerique was asked if the temporary bridge would be needed if SREL had access to the TML Lands. He responded that neither the bridge nor the park would be needed at all, and would confirm that in writing. The "Heritage Marker Tree" would be sacrificed. It apparently, may not live much longer. The purported portage route will not be available.

Mr. Harris informed the meeting that Mayor Furniss has communicated with Chief Franks of the Wahta Nation and has suggested that he may want to attend a Working Committee meeting.

Councillor Currie requested that the MNR and SREL have a final design committee public meeting to meet MOE requirements. Ms. McGhee responded that the MOE is satisfied with the Design Committee input as it exists at this time. Mr. Fitton commented that if the MOE is satisfied with the SREL process, then this Committee can do nothing to force SREL to have a final design public meeting.

Mr. Stevens left the meeting at approximately 3:55 p.m. He did indicate that Working Group comments would be helpful to him.

Ms. McGhee showed a visual presentation that will be distributed to Working Group Members. She said that top three concerns from the Community and the SREL responses are:

1. Impact of blasting on near-by structures - approved blasting specs will be used at all times
2. Traffic delays and Lane closures – the shoulder widening will mitigate much of this
3. Use of Margaret Burgess Park, loss of public use and loss of pine trees – lease of TML lands

Ms. McGhee relayed comments about Margaret Burgess Park to the Committee. Of note was the threat the use of the park would have on the area's tourist draw.

If only MNR lands are used, the construction site can be accessed in two ways. Firstly, over the falls and secondly, at the plant intake off the river bed. Water leakage is guaranteed to enter the excavation and dewatered areas. . The leaked water will be pumped to settling tanks in Margaret Burgess Park and the water will re-enter the system once sediment settles out. Rock will be trucked out. Should TML lands be available, trucking would be reduced as some stone can be used in the re-construction/design of Portage Landing and the sediment tanks will be housed on the Shield Parking lot.

Ms. McGhee clarified that the trees in Margaret Burgess Park are not protected by the MNR. Permission to remove them will come in the LRIA. Should they need to be removed prior to receiving the LRIA, SREL can apply for a tree cutting permit.

Mr. Fitton asked if the purported portage can be moved to another location. Ms. McGhee responded that the courts deemed the historical portage to be unsafe. The former portage off Portage and River Streets to the municipal dock has been accepted by Transport Canada. Councillor Currie pointed out that a strip of private land impedes a direct route to the Municipal dock. The landowner could restrict it's usage at any time, but this may also restrict access to the Township's public dock. It was suggested that it could be moved to the Portage Landing site.

Mr. Harris asked the question, if Margaret Burgess Park was saved today, would it be saved for tomorrow as SREL will have a long term lease? SREL replied that part of their agreement with the province included an obligation to

maintain the dam. Margaret Burgess Park would be the access for that maintenance. SREL will only operate the dam. It would be a matter for the MNR if the dam needed to be replaced. If the Hydro Plant requires maintenance the access would be Margaret Burgess Park and Portage Landing as long as SREL has an agreement to use it. It was then asked if the roads on either lands built for construction would need to be retained to enable maintenance of the plant or dam. The answer was no. The agreement with the Township would need a provision that the roads could be reinstated in the event of a catastrophic failure.

Councillor Currie asked what would occur during such a failure if the road widening was not approved. Ms. McGhee answered that lane closures would be needed.

Mr. Harris noted that if the TML leases the lands requested, SREL would still have a long term lease on Margaret Burgess Park. It would be important to ensure long term public access to the park should the Township lease their lands to SREL to save the park. Councillor Currie asked SREL if they could guarantee that a fence would never be installed along the north shore. Ms. McGhee could not make that guarantee in part because other parties would be involved in those types of decisions. Further, she commented that SREL would be required to follow safety regulations, best practices and maintain industry standards.

Mr. Harris asked if SREL would require a long term lease on Portage Landing? Mr. Belerique said yes, but only if SREL is to guarantee it will not be able to use the Park in the future.

Mr. Harris asked if the decision to use the Park versus Portage Landing for major repairs in the future could be addressed through an agreement and the decisions be answered at that point-in time. SREL agreed.

Mr. Belerique commented that SREL is required to restore lands they disturb. This Committee could assist by providing input on what the final appearance should be. SREL is offering \$100K which could be paid in cash or applied to enhancing the leased lands beyond basic restoration. It would be more economical for SREL to do the upgrades than for the TML to undertake them. Also, it is hard to put a price on preserving Margaret Burgess Park. That is a value to the community that is challenging to define. SREL has spent approximately 1 million dollars in legal fees defending themselves and their project. He indicated that this money could have been used for the community. Since the construction budget was tight, Mr. Harris asked if SREL would consider allocating to the Township an annual royalty from their revenues. Mr. Belerique was not willing to compromise the return on their investment to do so. He indicated that the Township will receive funds from the province, the GRC in lieu of property tax. He did not rule the request out, but indicated that it would be difficult. The GRC is a percentage of gross revenues of the hydro-electric plant. SREL was asked to provide estimates of these revenues so that TML receipts could be approximated.

Councillor Barrick Spearn asked how the municipality could recover damage to its infrastructure resulting from additional usage during the construction phase. Mr. Belerique responded that building permit fees were intended to cover off these costs. Also, SREL agreed to repair damages as well as paid substantial fees to acquire entrance permits from the District. The Hydro plant will be the largest business in the Bala community and will generate economic benefits to the town.

Councillor Currie noted that the economic impact study indicated that the impact on Bala will be negative and that the impacts were unquantifiable. Ms. McGhee disagreed with this interpretation. The Councillor agreed to circulate the C4SE report and the Watson report to the committee.

Mr. Belerique indicated that there was room to negotiate and asked for a counter-offer from the Township.

Permits are in place for the sediment tanks to be located in Margaret Burgess Park. A variance will be needed to place them in the Shield Parking lot. An agreement with the District will be needed to run the hoses under the bridge to the tank sediment tanks. The water will be tested as it exits the tanks and will be further treated if it does not meet the requirements.

The Portage Landing Parking Lot will be needed only from after the Cranberry Festival to approximately May and would be available to the public during the summer. Ms. McGhee indicated that SREL may not need to be in Diver's

Point if they have the use of the Shield and Portage parking lots. Parking for the Kee to Bala was discussed. SREL agreed to have discussions with the owners and the OPP.

Councillor Currie asked if SREL has Portage Landing and a lengthened road widening but not the parking lots, will they need to use Margaret Burgess Park. Ms. McGhee responded that they have considered all sorts of scenarios including working off the water on barges. They agreed to contemplate this further.

It was agreed that the TML delegates would meet separately to discuss what they had heard. They have no mandate to negotiate a deal with SREL, but could make recommendations to the Committee of the Whole.

The next meeting is scheduled for April 8th from 9 a.m.-2 p.m. Lunch will be provided by SREL.

The Agenda item will be:

Continuation of discussions of the use of Township Lands.

The Chair adjourned the meeting at 5:55 p.m.

The visual presentation of March 26, 2015 will be linked on the Township of Muskoka Lakes web-site.

Bala Falls Working Committee

Minutes of Meeting

April 8, 2015

The fifth meeting of the Bala Falls Working Committee was held on Wednesday April 8, 2015 at 10:00 a.m. in the Board Room, Municipal Offices, Port Carling, Ontario.

Present:

Mike Fitton – Chair
Jean- Ann Baranik – Member of Council
Sandy Currie – Member of Council
Linda Barrick-Spearn – Member of Council
Karen McGhee – SREL
Frank Belerique – SREL
Clayton Harris – Interim CAO

Cheryl Hollows (recording secretary)

1. Call to Order

Mike Fitton called the meeting to order at 10:10 a.m.

2. Adoption of the Agenda

The Working Committee adopted the Agenda by consensus.

3. Minutes of March 26, 2015

Upon motion duly made by Councillor Baranik, seconded by Councillor Barrick –Spearn and carried, it was resolved that the minutes of the March 26, 2015 Bala Falls Working Group Meeting, as amended, be approved.

4. Business Arising from the Minutes of March 26, 2015

Chair Fitton stated that this Working Group is tasked to make recommendations to the Township Committee of the Whole. The Working Group is not encumbered with the requirements of the Heritage Act or with the negotiating of a lease. Those are the responsibility of the Township Council.

Councillor Currie asked about the retention tanks. He wondered how the determination is made that the water is fully filtered if the tanks are closed in. Ms. McGhee stated that the water is put through a pre-engineered cycle, sized for the job at hand and gauges record the quality of the water through that cycle. The tanks are closed.

5. Continuation of discussions of the use of Township Lands

Mr. Harris reported that the TML representatives on the Working Committee met twice to review information received to date. The following are questions directed to SREL and their responses:

1. Would you put in place sufficient infrastructure to redirect the current to allow the safe use of the Township dock given the increased flows from the project?
Studies have proven that there is no negative impact on the ability to use the Township dock.

Mr. Fitton noted that at the Bracebridge Hydro Plant, a deflector has been installed in the water to direct the water. Ms. McGhee indicated that the water will exit straight out to the river to an area where the water is deep. This depth

will slow the water down. The flows have been modeled thoroughly, including in three dimensions. Transport Canada has confirmed to the MOE that they do not have any outstanding concerns with regard to impacts on navigation or on the municipal docks from the modified Hydro Project. Councillor Currie disagreed with the SREL evaluation. He indicated that he took SREL data and drawings, data from the top 5 swimmers at the most recent Olympic Games and then consulted with a contact at the Royal Lifesaving Society. He has concluded that even the Olympic Champion would be pulled downstream if trying to swim against the current. Ms. McGhee indicated that this is the situation currently and requested that Committee Members refer to the Swift River website for more information on their studies, specifically the addendum to the EA, September 24, 2014 Ministry of the Environment Page 3 at the bottom. Mr. Belerique noted the concern as well.

2. Would you agree to limit the use of the Portage Landing Parking Lot to between November 1st to April 30th ; Agreeable, but would you consider extending it to starting the week after the Cranberry Festival?
3. Would you agree to a voluntary site plan control agreement with respect to the exterior and roof of the generating station;
No. TML has an opportunity to provide input now that SREL will consider in its decision making. The site plan was included as the last page in Karen's presentation material she sent Monday.

After further consideration, SREL did agree that an agreement of some nature could be made that would guarantee substantial conformity with an agreed upon design.

4. If Council was willing, would SREL be supportive of the MNRF having a long term lease of the Park from the Township rather than with SREL;
Agreeable, provided SREL is not impacted in anyway in its ability to maintain and operate the dam and facility. To be clear, SREL would support the initiative but only if SREL maintains its unfettered access and use of the lands for purposes of maintaining, operating and reconstructing the dam or the facility if necessary. Of course, the TML lands could play a part in any future re-construction thus once again protecting the park. This would require the Township to indemnify and insure the Park lands with MNRF instead of SREL i.e. TML would take over SREL's liability associated with these lands.
5. Would SREL be responsible for maintaining the Portage Landing lands abutting the site;
Agreeable but limited to garbage and litter handling.

SREL would need to know what the final look of the site would be before making any other kind of commitment.

Ms. McGhee said that the Council of two terms ago wanted to maintain Crown Lands to municipal standards of other parks. During the last term of Council Crown Lands were not maintained by the municipality and it showed. Councillor Currie asked if SREL would sub-contract the municipality to maintain Margaret Burgess Park and Portage Landing. Mr. Belerique indicated he would be interested if the costs were agreeable.

6. Would SREL be agreeable to utilize only the MNRF portion of the Shield Parking Lot;
Yes
7. Provide the Township with your estimate of the cost differentials between construction staging using the MNRF lands and the cost of construction staging utilizing the Township lands that have been requested. We would appreciate the cost savings being provided by major category such as the construction of the temporary bridge, construction of the temporary road on the Park, etc.

Savings from not requiring the rental of the temporary bridge (the bridge is a pre-engineered stock component, readily available and used extensively by the construction industry and the military) have been allocated as follows;

Access road is required in either scenario. However, we anticipate the construction cost of the access road on the TML lands is higher because of the steeper grades.

SREL's offer of \$100,000 to TML

A nicer looking/architecturally pleasing power house

Mr. Belerique indicated that the savings from not using the spring bridge would be in the neighbourhood of \$400K. \$250K will be spent on upgrading the appearance of the powerhouse including \$100K for the services of Mr. Stevens. The final \$100K is the cash offer for the use of the lands.

Mr. Harris indicated that there was no appetite from the Township to use any of the \$100K cash to upgrade the Portage Landing Site. Ms. McGhee clarified that the Portage Landing lands would be rehabilitated. It will be regraded, topsoil placed down, seeded and nursery grade saplings would be planted. It would be brought back to its existing state except the trees would not be as large. Should the road widening be a permanent addition then a wall to support it would remain. The District would play a role in the requirements for this. Mr. Belerique stated that they will restore the lands any way the TML wished, but landscaping that goes beyond restoring to the existing state would have to be paid for from the \$100K

Councillor Baranik stated that the Portage Lands must retain their Heritage attributes unless Council amends the by-law. This will have to be reflected in any restoration contemplated. The Heritage Committee would most likely be involved.

Mr. Harris then stated that the TML representatives reviewed whether \$100K was the right number for the lease. The group realizes that the construction budget is tight and is proposing that SREL pay the TML an annual royalty from their revenues. This would provide an ongoing benefit to the Township for the use of their lands and not impact the construction budget.

The TML representative proposed that a lump sum payment of \$325K be paid at the signing of the lease and also an annual royalty be paid. A royalty of 1% was offered for the Port Sydney project for a municipal resolution of support only. The royalty offered was 8% if municipal lands were to be used to build the project. The Township realizes that SREL already has approved and does not require municipal support.

Ms. McGhee noted that only half of the Shield parking lot will be used now and also that the Port Sydney 8% royalty was for the use of municipal lands to build on, not to use on a short term basis.

Mr. Belerique asked how the \$325K was obtained. Mr. Harris responded that property values were investigated. Councillor Currie said he surveyed several Bala properties with similar frontages and lot sizes and found their current values. By extrapolation he estimated that The Portage Parking Lot is valued at \$160K, the Shield Parking lot at \$435K and Portage Landing at \$300K. At a return of 8% the amount would be \$122K. \$200K was added to further compensate the community and its businesses. Mr. Belerique indicated that he could not philosophically support a fund to reimburse business that they do not feel will be impacted. He can agree to the \$125K. He rejected a royalty payment. Finding more money is an issue. Mr. Belerique also pledged to contribute \$5K per Cranberry Festival that SREL is using the Shield Parking Lot to be directed to those organizations that would have used it for fundraising purposes.

Mr. Harris pointed out that the 1% royalty offered in the Port Sydney plant was for Council support. Ms. McGhee said it is a much smaller project. The royalty was to recognize a tight construction budget and spreads out the costs to ease cash flow concerns.

Mr. Belerique said that any moneys that could have been used to benefit the community were used to fight legal challenges from this Township. Mr. Currie commented that these were from the previous Council. Mr. Fitton said that these challenges may have emerged from a previous Council but it is still the Township of Muskoka Lakes that was involved. Councils may change but the Township does not.

Mr. Fitton added that the province gives a 10 year holiday on transfers to the Province from SREL. He wondered if the Township would consider offering a similar holiday. Mr. Harris indicated that the Township would be open to discuss the timing of payments.

After a brief recess, Mr. Belerique indicated that payments from provincial royalties to the Township would be a financial hardship to SREL so he will not entertain such payments. He increased the one time offer from \$100K to \$125K and will do increased improvements to the Portage Landing site beyond those previously discussed, such as paths, larger trees, landscaping, a lookout, interpretive signage etc. without using any of the \$125K payment.

This is SREL's final offer. Mr. Harris asked for the offer in writing.

The holding of a public meeting in Bala, prior to Council's decision was discussed. Ms. McGhee and Mr. Belerique were reticent to participate given the reception they have received in the past. Councillor Currie believes it is absolutely necessary for Council to learn the thoughts of the community on the matter prior to making any decisions.

Councillor Baranik feels the Community has expressed its views on several occasions and can express its views at the TML Committee of the Whole meetings.

Mr. Harris recommended that a report on these discussions and offers would be appropriate and he will also prepare a draft resolution for the Working Committee to review and discuss.

Mr. Currie moved that the Bala Falls Working Committee recommends that a public meeting be held in Bala prior to presenting its next series of recommendation to the COW. The motion was not seconded.

Mr. Fitton does not believe that this Committee should make the holding of a public meeting a condition in the recommendation. That would be beyond the mandate of this committee.

Mr. Currie stated that Mr. Fitton was now offering advice and as such was no longer an impartial chair. He requested that Mr. Fitton resign or discontinue offering this advice.

Mr. Fitton stated that his comments were only related to the procedural responsibility of the committee on the mandate and terms of reference. He indicated he would resign at any time if the majority should vote that he do so.

Mr. Currie moved that Mr. Fitton resign as chair of the Bala Falls Working Committee. The motion was not seconded.

Councillor Baranik concurred with Mr. Fitton. Council will evaluate and may or may not consider a public meeting in Bala appropriate. It is not the business of this Committee to do this.

Mr. Harris asked Committee Members to forward to him anything they may feel is appropriate for this resolution. It is important to be thorough and not miss anything. He will draft a report from the Working Committee based on the information and discussions that lead to the resolution. He will need the offer in writing from SREL in order to proceed.

The next meeting is scheduled for April 13th from 4 p.m.-6 p.m.

The Agenda item will be:

Resolution and Report Re: SREL offer

The Chair adjourned the meeting at 2:13 p.m.

Bala Falls Working Committee

Minutes of Meeting

April 13, 2015

The sixth meeting of the Bala Falls Working Committee was held on Monday April 13, 2015 at 4:00 p.m. in the Board Room, Municipal Offices, Port Carling, Ontario.

Present:

Mike Fitton – Chair
Jean- Ann Baranik – Member of Council
Sandy Currie – Member of Council
Linda Barrick-Spearn – Member of Council
Karen McGhee – SREL
Frank Belerique – SREL
Clayton Harris – Interim CAO

Cheryl Hollows (recording secretary)

1. Call to Order

Mike Fitton called the meeting to order at 4:05 p.m.

2. Adoption of the Agenda

The Working Committee adopted the Agenda by consensus.

3. Minutes of April 8, 2015

Upon motion duly made by Ms. McGhee, seconded by Councillor Barrick –Spearn and carried, it was resolved that the minutes of the April 8, 2015 Bala Falls Working Group Meeting, as amended, be approved.

4. Business Arising from the Minutes of April 8, 2015

There was no business arising for the April 8, 2015 minutes.

5. Discussion of the following:

a. Draft Resolution

Mr. Harris presented a draft of a resolution to the Committee. He indicated that legal counsel for the Township had reviewed it. The committee reviewed the resolution clause by clause and amendments were made.

Councillor Currie raised his concern about the Chair giving advice to the committee and thereby not maintaining impartiality.

Mr. Fitton did not agree, he offered clarity to the committee to improve the wording of the final document.

Councillor Currie made a motion requiring that Mr. Fitton resign as Chair of the Bala Falls Working Committee. The motion failed for want of a seconder.

During the review of the resolution, Ms. McGhee asked if a clause indicating that there were no discussions held after SREL made their original offer was appropriate. It was decided to note that in the report rather than in the resolution.

Councillor Currie indicated that he thought there was a risk to the community for the use of Portage Landing and requested that a "liquid" fund to guarantee complete restoration of the lands be included. He also was concerned about the possibility of hazardous waste contamination. It was noted that there is a clause in the resolution with respect to municipal protection. A clause was included in the resolution to address security to guarantee completion. The details will be left to those creating the formal written agreement.

Mr. Belerique asked if the Committee mandate to mitigate community and Council concerns to save Margaret Burgess Park was adequately reflected in the resolution. The meeting group was satisfied with the wording as presented.

Councillor Currie asked if his resolution had been circulated to the Committee members. Mr. Harris advised the Councillor that it had only been sent to him. His resolution was sent to the Township representatives on the Committee and the Township's legal counsel as part of their review of the Resolution drafted for the Committee. Mr. Fitton noted that the minutes indicate that Mr. Harris was to draft the resolution.

The Chair asked if Councillor Currie had anything in his resolution he would like added to the Resolution before the Committee. Councillor Currie declined.

Upon motion duly made by Councillor Baranik, seconded by Councillor Barrick-Spearn, it was resolved that the Resolution as discussed and amended be approved.

Councillor Currie asked for a recorded vote.

Those in favour of the motion: Councillor Baranik, Councillor Barrick-Spearn, Mr. Belerique, Ms. McGhee, Mr. Harris
Those opposing the motion: Councillor Currie
Those not voting; Mr. Fitton

The motion carried.

Councillor Currie requested that his resolution be included with the minutes. Mr. Fitton indicated that as previously discussed, items would not be attached to the minutes. Councillor Currie stated that he would read his motion to the meeting. Mr. Fitton stated that it would not appear in the minutes. Councillor Currie stated that the chair would regret this. Councillor Currie restated his assertion that the chair is not acting in a neutral fashion. Mr. Fitton asked Councillor Currie if there was anything in his resolution that he would like included in the one endorsed by the Committee.

Ms. McGhee noted that the discussions at this meeting around the lease would be minuted. She asked if that was prudent as it may be a closed session matter at the Committee of the Whole meeting. Mr. Fitton responded that it is at the discretion of the Council as to what items are discussed in closed session and Council is accountable for those decisions. Mr. Harris stated that a portion of the item may be in closed session to hear legal advice.

b. SREL Final Offer

Ms. McGhee stated that the SREL final offer, a letter from Mr. Belerique, was sent to the Committee on April 10, 2015. Ms. McGhee followed with an email elaborating on the letter. A discussion of both documents ensued. The Township representatives conveyed to SREL that their offer would be better received if the payment was received at the commencement of occupation rather than as a monthly rental amount. Mr. Belerique stated that typically, rent is paid monthly. Councillor Currie stated that the fee was not rent, but compensation for the inconvenience the Town will experience. Earlier SREL agreed that should construction take longer than 24 months a penalty will be paid. The offer will include a clause stating that the penalty will be \$5208.33 per month. Mr. Belerique stated that this penalty is subject to force majeure, a common element of such clauses. Councillor Currie disagreed. Mr. Harris indicated that

Council could ask for a legal opinion on that question. Ms. McGhee told the meeting that construction will be considered ended when the COD is issued, the IESO (formally the OPA) gives consent to commence commercial operation.

Ms. McGhee read the portion of the agreement detailing improvements to lands. Council will make the final determination of how the property is to look after construction subject to the provisions in Section 33 of the Ontario Heritage Act.

Ms. McGhee requested that they have access to the lands prior to construction should they need to conduct tests necessary to prepare of the drawings. No tree cutting would be involved. The Committee did not have an issue with this. SREL confirmed again that Margaret Burgess Park would only be used to maintain or operate the dam and power plant (after construction).

The Township will need to be indemnified and appropriate securities determined and received.

If the Township wished to lease Margaret Burgess Park from the MNRF, SREL would not object provided they would have access to the dam and power plant as previously discussed.

Ms. McGhee will finalize the offer so that it can be attached to the report to be presented to COW.

c. Report Structure

Mr. Harris sent a draft report structure to the Committee. The Committee agreed with the draft structure. The report will capture what has transpired and options for Council to consider.

SREL will provide 2-3 paragraphs to describe their offer as well as a final version. Further, they will provide a table showing the differences between the original and the revised offer.

6. Future Meetings

A conference call is scheduled for Thursday April 16 at 2 p.m. for the purposes of approving minutes.

The Chair adjourned the meeting at 5:48 p.m.