

DEPUTATION TO COUNCIL
Nelson Aggregates Agreement
February 12, 2018

As you have stated in this agreement, "as this matter is currently before the Ontario Municipal Board, it would be prudent to finalize this agreement pending any changes to the proposal that may be made during the hearing."

There are numerous changes and suggestions from the OMB and more would be forthcoming. No doubt, all council has read the 43 page report from the OMB, also a prudent action.

As well, a requested review by the OMB, judicial appeal to the Superior Court and the final order from the OMB has not been issued.

There are issues/concerns which will impact our community financially and environmentally, not to mention legal motions, many of which should have been considered in October, 2017 when this agreement was presented.

A) The newly created site plan (development proposal), November 22, 2017, has not been reviewed nor approved by "municipal governments, public agencies and commenting authorities". OMB – page 7

B) The municipal drain was not shown on the Nelson Site Plans. It is protected under the jurisdiction of the provincial Drainage Act (1990). Neither owners nor municipal council have been consulted regarding proposed changes or demise which is a requirement of the Act.

C) To accommodate the pit, changes and upgrades to Sideroad 5 will be very costly. Deputy Mayor Doug Little stated at the November 17th Council Meeting, this road would be "no cost to the taxpayers". However, in this agreement there is no mention that these immediate costs and ongoing repairs would be the responsibility of Nelson Aggregates.

The agreement stated that the Municipal Levy (6 cents/tonne), the dollar amount the Municipality receives from Nelson Aggregates, as INCOME under TOARC, would be in a trust account to pay for repairs and maintain the haul route. This will be an insignificant amount in comparison to the real costs.

- D) Where is the reference that “no materials are brought to the site”?
- E) Where is the sign off of approval from Hydro?
- F) Where is the Burnside Engineering Report which was promised after the July, 2016 site plan? It apparently and shockingly does not exist.
- G) OMB page 20 – Where is the protection or indeed survey requested for the “Provincial Endangered Species Act”?
- H) OMB pages 6, 11 and 12 - Where is the “performance guarantee...to ensure the operation and subsequent operators’ compliance? Estimates are approximately twenty million dollars (\$20,000,000.00) to be placed in a trust account.
- I) OMB page 41 - “There will be no external queuing allowed prior to pit opening” on Sideroad 5
- J) See conclusion of OMB Hearing Report.