

## **Minutes Of An Amherstburg Municipal Council Meeting Held On Monday, February 8 At 7:00 p.m.**

### **PRESENT:**

Mayor Wayne Hurst  
Deputy Mayor Robert Bailey  
Councillor Rick Fryer  
Councillor John Sutton  
Councillor William (Bill) Wark  
Councillor Rosa White

### **ALSO PRESENT:**

Pamela Malott, Chief Administrative Officer  
Brenda Percy, Manager of Council & Leg. Services/Clerk  
Carol Bendo, Human Resources Manager  
Stephen Brown, CBO  
David Carpenter, IT Manager  
Ron Dzombak, Manager of Recreational Services  
Ivano Fregonese, Supervisor of Budget Services  
Lou Zarlenga, Public Works Manager

**ABSENT WITH NOTICE:** Councillor Robert (Bob) Pillon (Vacation)  
Paul Beneteau, Treasurer (Bereavement)  
Anne Rota, Tourism Officer (Vacation)

### **CALL TO ORDER**

Mayor Wayne Hurst called the meeting to order at 7:00 p.m.

### **PRAYER**

Manager of Council and Legislative Services/Clerk, Brenda Percy, said prayer.

### **DISCLOSURE OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

## **MINUTES OF PREVIOUS MEETING**

Moved by Councillor Sutton  
Seconded by Councillor Fryer

That the minutes of the following Amherstburg Municipal Council meetings be adopted as circulated:

1. Special Public Meeting regarding the Wastewater Treatment Plant Tender held on January 21, 2010 at 9:00 AM;
2. Special In-Camera Meeting held on January 21, 2010 at 10:30 AM;
3. Regular In-Camera Meeting held on January 25, 2010 at 4:45 PM;
4. Special Public Council Meeting held on January 25, 2010 at 5:40 PM;
5. Court of Revision regarding Shaw Drain held on January 25, 2010 at 5:45 PM;
6. Court of Revision regarding Mans Marsh Outlet Drain held on January 25, 2010 at 6:00 PM;
7. Regular Public Meeting held on January 25, 2010 at 7:00 PM and
8. Special Public Meeting regarding the Amherstburg Housing Project and Town Official Plan held on Thursday, January 28, 2010 at 4:00 PM.

**Motion Carried**

## **DELEGATIONS**

### **Delegation #1**

Ms. Lena Lazanja and Mr. Tony Pietrangelo, on behalf of the Amherstburg Minor Soccer Association, presented Council with a cheque donation for the Inclusive Amherstbrug Recreation Complex.

Moved by Councillor Sutton  
Seconded by Councillor White

That the delegation by Ms. Lazanja and Mr. Pietrangelo be received.

**Motion Carried**

### **Delegation # 2**

Mr. and Mrs. Scott and Liz Cipkar addressed Council regarding the Recommendation by the City Of Windsor to Close the Amherstbrug Early Years Child Care Centre.

Moved by Councillor Fryer  
Seconded by Councillor White

That the delegation by Mr. and Mrs. Cipkar be received;

And further that Council be kept apprised of the progress made at County Council regarding this matter.

**Motion Carried**

Discussion:

The Mayor explained that this service is not provided by the County but by the City of Windsor. The Province has given the City of Windsor that authority. The Mayor further advised that County Council has passed a resolution to request Windsor City Council to defer making any decision on child care closures until there has been an opportunity for further consultation with County Council and the parents of children in those centres. At the last County Council meeting, a motion was brought forward to direct County staff to prepare a report on the implications of the County taking over the operation of the Amherstburg and Tecumseh child care centres. The Notice of Motion will be voted on at the February 17th meeting. The Town of Amherstburg Council will review the decision when made by County Council at its next meeting.

**Delegation # 3**

Mr. Neil Stewart addressed Council regarding the Street Light and Sewer Pump on Alma Street.

Moved by Councillor Fryer  
Seconded by Councillor Sutton

That the delegation by Mr. Stewart be received and that a light be installed at the most westerly end of Alma Street.

**Motion Carried**

**Delegation # 4**

Mr. Mick MacCorquodale addressed Council regarding Wind Turbines.

**Report #1 moved forward after Delegation #4**

Moved by Deputy Mayor Bailey  
Seconded by Councillor White

That the Town of Amherstburg Council request a meeting with representatives of the Ministry of the Environment to discuss concerns that Council has with respect to the implementation of Bill 150;

And further that Council obtain information on potential health issues arising from noise levels generated by wind turbines.

**Motion Carried**

Moved by Councillor Sutton  
Seconded by Councillor White

That the delegation by Mr. MacCorquodale be received;

That the memo by Jackie Hubbs, Manager of Development Services dated February 4, 2010 regarding the GenGrowth, South Side Wind Farms, be received.

That the report by Jackie Hubbs, Manager of Development Services dated January 19, 2010 regarding the status of the GenGrowth wind mill project under South Side Wind Farms be received.

**Motion Carried**

Moved by Councillor White  
Seconded by Councillor Sutton

That Paul Merkur be permitted to speak as a delegation.

**Motion Carried**

Moved by Councillor Sutton  
Seconded by Councillor White

That the delegation by Mr. Merkur be received.

**Motion Carried**

Discussion:

Jackie Hubbs reviewed the report, addendum to the report and also letter dated February 8, 2010 from Armando DeLuca, a copy of which is attached and forms an Addendum to these minutes. Jackie Hubbs advised Council that Paul Merkur, representative of GenGrowth is present to speak to the matter.

There was discussion regarding the approval by the Ministry, issuance of Certificate of Approval by MOE, set back provisions, the Town's authority to make or enforce setbacks through the zoning by-laws, process followed by provincial government, and the need for a health impact study.

Councillor White asked that Administration bring back information on when the Town's By-law was passed (By-law 2006-41) and Jean Monteith's comments regarding the need to put set backs in place before Bill 150 was implemented. She asked for confirmation as to when this was done.

## **REPORTS OF MUNICIPAL OFFICERS**

### **Report #2**

A report by Stephen Brown regarding waiving of permit fees.

Moved by Deputy Mayor Bailey  
Seconded by Councillor Sutton

That the report by Stephen Brown, Chief Building Official dated January 22, 2010 regarding waiving of fees be received;

And further, that Council approve the waiving of building permit fees and indemnity fees for the construction involved in enhancing washrooms to better accommodate persons with disabilities, at the North American Black Historical Museum.

### **Motion Carried**

### **Report # 3**

A report by Jackie Hubbs regarding the passing of a Heritage Designation By-law.

Moved by Councillor Sutton  
Seconded by Councillor Wark

That Council receive the report by Jackie Hubbs, regarding the passing of a Heritage Designation By-law;

And further, that **By-law 2010-09** being a by-law to designate the property at 4441 Concession 4, S., and known as the Henry A.L. & Amelia Honor House as being of architectural and cultural heritage value or interest be given 1st, 2nd and 3rd reading and subsequently passed.

### **Motion Carried**

**Report #4**

A report by Jackie Hubbs, Manager of Development Services regarding the Ontario Municipal Board appeal of 31 Sandwich Street North, Minor Variance file A-9-09.

Moved by Councillor White  
Seconded by Councillor Fryer

That the report by Jackie Hubbs, Manager of Development Services dated February 3, 2010 regarding the Ontario Municipal Board appeal of 31 Sandwich Street North, Minor Variance file A-9-09, be received;

And further that Council direct administration to proceed to participate at the Ontario Municipal Board hearing regarding the Town of Amherstburg Committee of Adjustment decision wherein a minor variance was granted under file A-9-09 and appealed to the OMB by Albert D'Alimonte.

**Motion Carried**

**Report #5**

A report by Carol Bendo regarding the Council Compensation Advisory Committee.

Moved by Deputy Mayor Bailey  
Seconded by Councillor White

That the report by Carol Bendo dated January 25, 2010 regarding the Council Compensation Advisory Committee be received;

And further that the Town of Amherstburg appoint Pat Catton, Joe Leveck, Sherry Ducedre, and Robert Bezaire to the Council Compensation Advisory Committee.

**Motion Carried**

**Report #6**

A report by Carol Bendo regarding the Smoke Free Workplace Policy.

Moved by Councillor Sutton  
Seconded by Councillor White

That Council receive the report by Carol Bendo dated January 26, 2010 regarding the Smoke Free Workplace Policy;

And further that Council approve the Smoke Free Workplace policy.

**Motion Carried**

**Report # 7**

A report by Carol Bendo regarding the Student Lottery Policy.

Moved by Councillor White  
Seconded by Deputy Mayor Bailey

That Council receive the report by Carol Bendo dated January 26, 2010 regarding the Student Lottery policy;

And further that Council approve the Student Lottery policy.

**Motion Carried**

**Report # 8**

A report from Paul Beneteau, Treasurer, and accompanying bylaw 2010-17, with respect to Temporary Borrowing associated with several capital projects.

Moved by Councillor Fryer  
Seconded by Councillor Wark

That the report by Paul Beneteau, Treasurer, dated January 30, 2010 regarding temporary Capital Borrowing to meet capital borrowing requirements during the construction phase of various capital projects be received;

And further that **By-law 2010-17**, being a by-law to provide for temporary capital borrowing during capital construction until grant funds are received, and the various capital projects are permanently financed, be read a first, second, and third time, and finally passed, and that the Mayor and Clerk be authorized to sign the same and affix the corporate seal thereto.

**Motion Carried**

**Report # 9**

A report by Lou Zarlenga regarding the tender results for the Amherstburg Water Treatment Plant Roof Replacement.

Moved by Councillor White  
Seconded by Councillor Sutton

That Council receive the report from Lou Zarlenga dated February 3rd, 2010 regarding the Amherstburg Water Treatment Plant Roof Replacement Tender Results;  
That Council accept the Roof Consultant's recommendation to award a contract to the low tender, being Rauth Roofing Limited;

And further that Council pre-approves a budgeted item in the 2010 Water Capital Budget to cover the cost of the roof replacement.

**Motion Carried**

**Report # 10**

A report by Lou Zarlenga regarding a resident request for a new residential access culvert over the Dufour Municipal Drain.

Moved by Deputy Mayor Bailey  
Seconded by Councillor White

That Council accept the request from Michell Poberezny for the construction of a new access culvert;

And further that Dillon Consulting be authorized to prepare a drainage report pursuant to Section 78 of the Drainage Act providing for the requested new residential access culvert.

**Motion Carried**

**Report # 11**

A report by Lou Zarlenga regarding the tender results for the C.A.F. & War of 1812 Tourism Information Kiosks.

Moved by Councillor Fryer  
Seconded by Councillor Sutton

That Council receive the report from Lou Zarlenga regarding the tender results for Tourism Information Kiosks for the C.A.F. & War of 1812 Kiosk Projects;

And further that Council accept the Consulting Engineer's recommendation to award the contract to the lowest valid tenderer, being Vince Ferro Construction Ltd.

**Motion Carried**



**Report # 12**

A report by Brenda Percy regarding the disposition of the former Sainte Jean de Baptiste School.

Moved by Councillor White  
Seconded by Councillor Sutton

That Council receive the report prepared by Brenda Percy dated January 28, 2010 with respect to the disposition of the former Sainte Jean de Baptiste School;

And further that the former Sainte Jean de Baptiste School property located at 219 Brock Street, in the Town of Amherstburg be declared surplus and advertised for sale in accordance with the Town's Disposition of Real Estate policies.

**Motion Carried**

**Report # 13**

A report by Brenda Percy regarding a Vacancy on the Amherstburg Accessibility Advisory Committee.

Moved by Councillor Wark  
Seconded by Councillor Fryer

That the report by Brenda Percy on behalf of Kathleen Hay, Chair, Amherstburg Accessibility Advisory Committee dated February 1, 2010 regarding a Committee vacancy be received;

That Council direct the Accessibility Committee to fill the member vacancy by advertising for applications in the local media;

And further that the Committee identify two suitable candidates from the applications for Council consideration and appointment.

**Motion Carried**

**Report # 14**

A report by Pamela Malott and Nustadia Recreation Inc. regarding the monthly update by the development manager for the Amherstburg Recreation Complex.

Moved by Councillor Sutton  
Seconded by Councillor White

That the report by Pamela Malott and Nustadia Recreation Inc. dated January 24, 2010 regarding the monthly update by the development manager for the Amherstburg Recreation Complex be received.

**Motion Carried**

**Report # 15**

A report by Pamela Malott regarding an Update on King's Navy Yard Parkette Fountain Costs

Moved by Councillor White  
Seconded by Councillor Sutton

That the report by Pamela Malott dated February 3, 2010 regarding an Update on King's Navy Yard Parkette Fountain Costs be received

**Motion Carried**

**CONSENT CORRESPONDENCE**

Moved by Councillor White  
Seconded by Councillor Sutton

That correspondence items 1, 2 and 4 to 8 be received:

1. 12th Annual Chocolate Lovers Brunch - February 14, 2010 - VON - January 26, 2010;
2. Town of Niagara-On-the-Lake Benefit Sharing Agreement between Upper and Lower tier Municipalities Resolution Support - Town of Tecumseh - January 29, 2010;
3. Essex County Federation of Agriculture Banquet - Saturday, February 27, 2010 - ECFA - January 28, 2010;
4. Gas Tax Agreement - Accumulated Interest Payout - AMO - January 29, 2010;
5. Hungry for Change - March 5, 2010 Luncheon - Food for Change - February 3, 2010;
6. Town of Essex Public Meeting Notice - March 22, 2010 - Comprehensive Zoning By-Law - Town of Essex - February 2, 2010;
7. Haiti Earthquake Relief Fundraiser - February 26, 2010 - Windsor West Indian Association - February 3, 2010 and
8. The Restoration of Bellevue - Friends of Bellevue - February 3, 2010.

**Motion Carried**

Moved by Councillor Fryer  
Seconded by Councillor Wark

That correspondence item 3 be received and that Council be authorized to attend the banquet, should they wish to attend.

**Motion Carried**

**CONSENT BUSINESS LICENSES**

Moved by Councillor Sutton  
Seconded by Councillor Wark

That the following business license applications be received and approved subject to compliance with By-Law 2009-44, all agencies and regulations;

1. Taxi Cab Driver Renewal by Barbara Holden

And further that the license be issued by our licensing officer once the applicant has met all of the special conditions as listed in By-Law 2009-44.

**Motion Carried**

**CONSENT OTHER MINUTES**

Moved by Deputy Mayor Bailey  
Seconded by Councillor White

That the following minutes be received:

1. Meeting of the ARC Steering Committee held on October 6, 2009 at 10:00 AM;
2. Meeting of the ARC Steering Committee held on October 20, 2009 11:00 AM
3. Meeting of the ARC Steering Committee held on November 3, 2009 11:00 AM
4. Meeting of the ARC Steering Committee held on November 17, 2009 9:00 AM
5. Meeting of the ARC Steering Committee held on December 1, 2009 9:00 AM
6. Meeting of the ARC Steering Committee held on December 15, 2009 11:00 AM
7. Meeting of the ARC Steering Committee held on January 12, 2010 9:00 AM
8. Meeting of the APSB held on December 8, 2009 4:00 PM
9. Meeting of the Amherstburg Committee on the Environment held on December 17, 2009 at 6:30 PM

**Motion Carried**

**CORRESPONDENCE**

**Correspondence # 1 - Windsor and District Chapter of the Kidney Foundation**

Moved by Councillor Sutton  
Seconded Councillor Fryer

That the correspondence regarding a Request to Proclaim March Kidney Health Month in the Town of Amherstburg and to Canvas Door-to-Door in Amherstburg from the Windsor and District Chapter of the Kidney Foundation of Canada dated January 21, 2010 be received;

That the Mayor proclaim March 2010 Kidney Health Month in the Town of Amherstburg;

That Council authorize the Windsor and District Chapter of the Kidney Foundation of Canada to Canvas Door-to-Door in Amherstburg during the month of March 2010;

And further that a copy of this motion be forwarded to the Windsor and District Chapter of the Kidney Foundation of Canada.

**Motion Carried**

**Mayor's Proclamation**

I, Wayne Hurst, the Mayor of the Town of Amherstburg do hereby proclaim that the Month of March 2010 be observed as Kidney Health Month in the Town of Amherstburg.

**Correspondence # 2 - Amherstburg Firefighters Volleyball Tournament**

Moved by Councillor Fryer  
Seconded by Councillor Wark

That the correspondence from Jim Ouellette, Project Committee Member, regarding the Amherstburg Firefighters Volleyball Tournament be received;

That Council approve the volleyball tournament to take place on June 12, 2010;

And further that being that the Amherstburg Firefighters Volleyball Tournament was previously approved by Council as a community event on April 10, 2007 that Council approve the advancement of funds requested in the amount of \$5,000.00.

**Motion Carried**

**Correspondence # 3 - St. Anthony Catholic School**

Moved by Councillor Sutton  
Seconded by Deputy Mayor Bailey

That the correspondence from St. Anthony Catholic School, on behalf of the Windsor-Essex Catholic District School Board Principal and Vice-Principal's Association hospitality committee, be received;

That Council donate 100 Town pins for the upcoming Catholic Principal Council of Ontario's Conference (CPCO) and Annual General Meeting to be held at Caesar's Windsor on April 22-24, 2010;

And further that correspondence be sent to the Windsor-Essex Catholic District School Board Principal and Vice-Principal's Association hospitality committee advising them of Council's decision.

**Motion Carried**

**Correspondence # 4 - Windsor-Essex Catholic District School Board**

Moved by Deputy Mayor Bailey  
Seconded by Councillor White

That the correspondence from the Windsor-Essex Catholic District School Board regarding Council's September 24, 2009 Resolution requesting re-examination of Terminated Bus Service for the children of Sandra Jones be received;

And further that a copy of the correspondence be provided to Sandra Jones.

**Motion Carried**

**UNFINISHED BUSINESS**

Council reviewed the attached Unfinished Business Items List as of February 8, 2010.

Councillor Sutton asked that the Alma Street pumps and the lighting be added to the Unfinished items list for monitoring.

Councillor Fryer asked that Unfinished Business item #7 Gore Street three way stop be removed.

**NEW BUSINESS**

There was no new business.

**BY-LAWS**

***Confirmatory By-Law***

Moved by Councillor Sutton  
Seconded by Councillor White

That **By-Law 2010- 18** being a By-Law to confirm all resolutions of the Municipal Council Meeting held on February 8, 2010 be taken as having been read a first, second and third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

**Motion Carried**

**NOTICE OF MOTION**

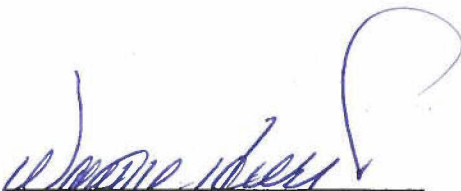
There were no notices of motion.

**ADJOURNMENT**

Moved by Councillor White  
Seconded by Councillor Wark

That we rise and adjourn at 8:41 p.m.

**Motion Carried**

  
\_\_\_\_\_  
MAYOR - WAYNE HURST

  
\_\_\_\_\_  
CLERK - BRENDA M. PERCY

Mayor Hurst, Members of Council, thank you for hearing my concerns.

As you are well aware, the decision by the city of Windsor has serious consequences for early years education in our community. Many of the issues that were brought up to Windsor Council have not, I feel, been adequately addressed. These are that the statements about child care choices are misleading, that provincial stabilization funding has still not been determined one way or another, Also, the financial impact on privately run centres with regard to the implementaion of full-day kindergarten has yet to be adequately determined. Many of these centres may not be able to cope with loss of these profitable spots, and may close their doors in coming years.

Moreover, I must voice my concerns to the fact that while the Town of Tecumseh has been vocal both about the decision to close the centres and about that it intends to study possible solutions, little has been from the Town of Amherstburg.

It is to this end that I mostly wish to speak tonight.

I urge this council to work fully with the County of Essex and the Town of Tecumseh to see if there are any feasible arrangements to maintain the operation of these centres. There are so many factors at work at the current time, I feel it simply deserves full study before abandoning the municipally-delivered model.

We should study the feasibility of offering services at a municipally-run centre that offers services such as infant and extended hours that are not offered by private centres. One need only look at Windsor's Jefferson Child Care Centre to see the evidence for need.

Are there any cost-sharing arrangements that could be possible with other county-delivered services? A while ago, much was made about the shortage of room at the Amherstburg library – is there a possibility that Children's library services could co-exist at a child care centre?

Again, it is worrisome that little study was done to establish the impact that this decision will have on the privately operated daycares. They will suffer financially,

possibly leading to significant instability in the child care provider industry. Without a municipal center to provide stability, the county and the town of Amherstburg will have little control over these effects. The Town should ensure that the County of Essex retains ownership of the building at 236 Cherrylawn, even if it elects to lease it to a non-profit operator.

In closing, a final point. Mayor Hurst spoke at the last County Council meeting with concerns about the aging local population and the need to keep these people in their own homes longer. I make no argument with this position. However, with an aging population the Town of Amherstburg should also be striving to provide services that make the town desirable to young families. I agree that seniors are an important part of our community and deserve our concern and support, but historically it is young families that provide the growth in tax base that municipalities need to provide expanded services.

Thank you.



DELEGATION # 3  
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Delegation February 8, 2010

Neil Stewart

I would like to request a streetlight be placed at the river end of Alma Street between the two park benches. This would serve two purposes to illuminate the cul-de-sac and also the Parkette that has been created at the river. With it being so poorly lit over the years it has been a source of illegal activity. If this is done it will help make it safer for all residents of the area by helping to keep the undesirable element away. This matter was discussed with Mr. Zarlenga and Mr. Rick Spencer shortly after reconstruction of Alma Street began.

I last appeared before Council on November 23, 2009 regarding the sewage backup pumps. Under questioning by Mayor Hurst, Mr. Zarlenga stated that the pumps should be delivered and installed by the middle of December a job that would take one day. They were finally installed on February 4, 2010 and ran for one day before shutting down due to electrical problems. I have heard from three different sources (first December 23<sup>rd</sup>, second February 3 and the third time on the 5<sup>th</sup> February) that the pumps are the wrong kind and only temporary. I would like Council to ask Mr. Zarlenga the following questions:

1. Why did it take more than seven weeks to complete a one day job?
2. Why did the pumps only work for one day before they malfunctioned?
3. Are these pumps the correct pumps or not?
4. After all the much publicized sewage problems in this area, why did it take from February 6 to February 8 to respond to the emergency flashing light on top of the control panel?
5. Is there not supposed to be a direct emergency signal from the control panel to the Ontario Clean Water Agency who are contracted to service and maintain these pumps?

DELEGATION #3  
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6. Why wasn't all the electrical and preparation work done prior to the delivery of the pumps instead of after?
7. Why were we led to believe that these pumps were just an auxiliary backup prevention just in case the Sewage Treatment Plant shut down due to a hydro blackout when in fact they are just an industrial sump pump that runs intermittently 24/7, 365 days per year depending on how much sewage and water is discharged from the home?
8. Why are 42 and 46 Alma Street the only homes in Amherstburg to have this system in front of their homes? Why are they both different? One has a small basin and pipe to deflect the raw sewage down to the bottom of the catch basin the other does not.
9. If as Mr. Zarlenga suggested the problem with the sewers at the corner of Alma and Laird has been corrected; Why do we need this system at all? We have lived at this location since 1977 (32 years) and never had a problem before the separation of sanitary and storm sewers.

On February 5 the day after the pumps were finally installed I paid the bill for the Port-a-John. It was supposed to be picked up this morning but after what has transpired over the weekend I called and cancelled the pickup. We are getting quite attached to it after three months. The Port-a-John will stay until we get some satisfactory answers to our questions and concerns.

## Around the world:

Maine Medical Association calls for regulatory changes for the wind energy industry in order to protect human health by avoiding among other things "unreasonable noise and shadow flicker effects": Sept 2009 [www.windvigilance.com](http://www.windvigilance.com)

Preliminary findings of a controlled study (Mars Hill, Maine) being conducted by Dr. Nissenbaum to investigate potential negative health effects concludes that adults living within 1100 meters of industrial wind turbines suffer high incidences of chronic sleep disturbances and headaches, among other somatic complaints, and high incidences of dysphoric psychiatric symptomatology, compared to a control group living 5000-8000 meters away. Preliminary findings are available at [http://windvigilance.com/mars\\_hill.aspx](http://windvigilance.com/mars_hill.aspx)

The Japanese government has announced a 4-year health study with attention being given to low frequency sound.  
[www.asahi.com](http://www.asahi.com) <http://www.asahi.com/english/Herald-asahi/TKY201001180410.html> 19 January 2010

France, Court of Appeal of Rennes, Dec 2009 ordered wind turbines be stopped from 10:00 p.m. to 7:00 a.m. due to the disturbance caused by the wind turbines. *Châteaulin, La justice demande l'arrêt nocturne des huit éoliennes de Cast Environnement lundi 07 décembre 2009 "Silence la nuit"* [http://www.ouest-france.fr/actu/actu\\_locale\\_-La-justice-demande-l-arret-nocturne-des-huit-eoliennes-de-Cast\\_-1183050\\_-29103\\_abd\\_actu.htm](http://www.ouest-france.fr/actu/actu_locale_-La-justice-demande-l-arret-nocturne-des-huit-eoliennes-de-Cast_-1183050_-29103_abd_actu.htm)

U.K. : "civil servants... suppressed warnings that wind turbines can generate noise damaging people's health for several square miles around." Warnings were that noise levels of 43dBA were too high and "the best way to protect locals was to cut the maximum permitted noise to 38 decibels, or 33 decibels if the machines created discernible "beating" noises as they spun" (beating refers to aerodynamic modulation). As a result of this information being suppressed, some became ill" UK, Sunday Times, Dec 2009  
<http://www.timesonline.co.uk/tol/news/environment/article6954565.ecg>

USA: The New York Times, Dec 2009:

Re investigations regarding allegations of fraud and corruption in the wind industry. The article states "The authorities say it is impossible to quantify the level of fraud in public spending on wind energy because investigations are scattered across different countries among the regional and fiscal police. But critics say the available riches and patchy controls are luring a rogue's gallery of corrupt politicians and entrepreneurs trying to literally create money out of thin air. By DOREEN CARVAL New York Times

Canada: The Parliamentary Information and Research Service of the Library of Canada:

"Visual and noise pollution are the two most significant problems with wind power and have drawn criticism even within the environmental community." ...

"Two types of noise are generated by the turbines: ultra-low-frequency or infrasound; and audible, though typically low-frequency, sound. Because the noise is low and in some cases pulsing it may in fact be more noticeable indoors, because buildings can act as resonators for the sound and people may feel the low-frequency sound as much as they hear it."

### What are the potential safety issues?

- Snow and Ice Throw - blade tips traveling at up to 200mph can pitch chunks of ice and snow
- Fire
- Tower Collapse
- Lightning

### What are we asking for:

- Independent third party health studies - completed before the approval of any more industrial wind turbine projects.
- Consultation and approval restored to the municipal level

Where can you get more information?

[www.windvigilance.com](http://www.windvigilance.com)  
[www.windconcernsontario.org](http://www.windconcernsontario.org)  
[www.windfacts.ca](http://www.windfacts.ca)  
[www.wind-watch.org](http://www.wind-watch.org)  
[www.windaction.org](http://www.windaction.org)  
[www.epaw.org](http://www.epaw.org)  
[www.windturbinesyndrome.com](http://www.windturbinesyndrome.com)

# HEALTH STUDIES

# BEFORE

# WIND TURBINES

## What are the risks to health?

Children may be affected:

"Impairments of early childhood development and education caused by environmental pollutants such as noise may have lifelong effects on academic achievement and health." World Health Organization, 2005

The general population may be affected:

"The family unit for each family has deteriorated and has been torn apart. We begged for sleep, and four families were billeted by the wind company from their homes for 90 to 180 days in motels, hotels and a rooming house. The consistent stress has broken apart the family unit-no gatherings, few or no celebrations at home." Hansard, Victim Testimony Green Energy Act Standing Committee Hearings, April 15, 2009

Currently there is no authoritative international guideline for wind turbine noise designed to protect the health of children or the general population. 1 of 21

The American and Canadian Wind Energy Associations do not support such research.

Independent Third Party Health Studies are required before going ahead with any more wind projects. Learn more and visit [www.windvigilance.com](http://www.windvigilance.com)



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Delegation #4  
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**MOUSSEAU DELUCA**  
**McPHERSON PRINCE LLP**  
BARRISTERS & SOLICITORS

LEON Z. MCPHERSON, Q.C. (1934-1989)  
WALTER H. PRINCE, LL.D., Q.C. (1955-2005)  
RICHARD A. DINHAM, B.COMM., LL.B.  
EDWARD J. POSLIFF, B.A.(HON.), LL.B., LL.M.\*  
ELIAS KINTSES, LL.B., J.D.  
RUTH P. ORTON-PECK, LL.B.  
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February 8, 2010

BY FAX - 519-736-9859

Our file ref. 24755

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Corporation of the Town of Amherstburg  
271 Sandwich Street South  
Amherstburg, Ontario, N9V 2A5

Attention: Jackie Hubbs, Manager, Development Services

Dear Jackie:

re: **GenGrowth Wind Farm**

This will acknowledge your email of today.

I have reviewed your report to Council dated February 4, 2010-as well as the email you received from Narren Santos of the Ministry of the Environment dated February 2, 2010.

Given the contents of this correspondence, in particular, the clarity of her conclusion which reads as follows:

**"With the changes to the *Planning Act* through Bill 150 (an Act to enact the *Green Energy and Green Economy Act*), the Town of Amherstburg, no longer has the authority to make or enforce setbacks through zoning by-laws with respect to renewable energy facilities after September 24, 2009."**

therefore, I concur with your professional planning opinion that the municipality no longer has the authority to become involved in planning issues relative to setbacks proposed by GenGrowth, or any other developer of renewable energy facilities, after **September 24, 2009**.

If you have any other questions in this regard, please do not hesitate to contact the writer.

Yours truly

MOUSSEAU DeLUCA McPHERSON PRINCE LLP

Per:   
ARMANDO F. DeLUCA, Q.C.

AFD\*wlm

