

Township Letter

To all concerned:

These three new PDF's bring this site up to date.

An email received from the Township of Hornepayne, dated, July 31, 2017 and accompanied by nine (9) other attachments, are the subject of this update. Upon auditing this latest material, I have identified four (4) statements or items; two (2) of which, should be given serious consideration because of their far reaching, implications. However, if anyone wishes to view the material in its entirety, they can go to hpcnomissions.ca, click on **NEED HELP** send an email and I will forward the same.

I address these matters in chronological order, beginning on page two (2), concerning a rumoured Arthur Little Audit. I can accept the results of the search.

In item number two (2), Regular Council Meeting, October 2, 2002, I provide a copy of these minutes in PDF titled **Notes, Maps, Minutes**, on documents numbered 44 to 52 inclusive. The viewer can find reference to this meeting in the Township letter, which follows this (audit of the same) on page two (2) line number five (5).

Contained in these minutes on page forty eight (48), is **Resolution No #7654**. The first paragraph reads, "Whereas the Hydrogeological Study prepared by KGS has concluded that the three municipal wells are under direct influence of **surface water** and the aquifer **does not** provide adequate filtration."

Second paragraph; "to address this and other **identified**, problems".

As a result of this Study, the Township immediately moved to commence a Municipal Class Environmental Assessment.

One has to ask what was in that Study that prompted the council into immediate action? The first suspect that comes to mind; the three million litres of diesel fuel and other contaminates, on and in, CN's property, which is constantly being mixed with surface water (rain) and spreading annually.

II

I have absolutely no doubt that Council was either told that these contaminants were getting into the town wells, or that they would inevitably do so sooner than later.

I requested copies of both the Hydrogeological Study and the Environmental Assessment. Both of which, I was refused and am now applying for, under the Freedom of Information and Privacy Act.

Documents concerning the Township's denial and my subsequent (FOI) request are contained in a PDF titled, Delay, Delay Go Away, numbered five (5) to nine (9) inclusive.

In May of 2000, the Walkerton disaster struck, with seven people, losing their lives, 2500 became ill and 5,000 residents were left to live on bottled water, for six months. It was estimated that there was a 155 million dollar economic impact and as a result, water in 2002 was a political hot potato.

My conjecture is that, by October 2, 2002; the message received by the Council was, that minute amounts of hydrocarbons were already appearing in lab results, based on the results of the Hydrogeological Study.

Had this information been made public, it would've resulted in a very expensive, public relations, disaster (nightmare!?) for all parties concerned. The solution to which was only a new water supply, further afield from the source of CN's very polluted property.

If my conjecture is correct, then, the Council's decision to proceed with the Municipal Class Environmental, Assessment, was a necessary and correct decision **required** to protect the community and provide a safe water supply, into the future. However, the second part of that decision; the question of who should be paying for the **NEW WATER SYSTEM**; the innocent or the guilty, was never addressed. It would seem this very simple determination got lost somewhere in "self-serving motives" and fear of "Big Daddy."

Item of concern, is number three (3); bottom of page one (1); Township letter, there was however, a business meeting on April 20, 2006 between CN Rail, KGS

III

Group, the MOECC and the Township. I quote " You will find a copy of the hand-written notes attached, as well as a copy of engineered drawings that were attached to the notes." End of quote. The viewer can find these notes and drawings via PDF titled, **Minutes, Notes, Maps** and are numbered #23 to #33 inclusive.

There are some troubling and disappointing aspects of this, "Business Meeting". I have listed and dealt with the most obvious. I will also include a copy of by-law No. 443 which was in effect at the time of this meeting and governs the proceedings of council, the conduct of its members and the calling of meetings; a copy of this by-law No. 443, can be found via PDF, titled, **Notes, Maps, Minutes**, documents are numbered thirty four (34) to (37) inclusive.

CN MEETING APRIL 20, 2006

The most disappointing aspect of this meeting, is the revelation that NO minutes can be found in the Township's Official Records, as indicated on page one (1) of the Township's letter. Please see last paragraph of the same.

What is found are these, "hand written notes attached, as well as a copy of engineered drawings that were attached to the notes", are minimal in comparison to recorded minutes, by design in my opinion.

Considering the entities that were present and the fact that eight (8) engineered drawings by KGS titled, "2005 Remedial Operations Hornepayne Yard On", are found attached to the notes, we can conclude that this was an important meeting. In addition to the subject matter, described in the notes, it was also addressing the biggest problem the Township has ever had; **re. three million litres of pollutants floating around in the middle of town**. Add to this, the social, monetary, environmental and political ramifications past, present and future

Calling it an important meeting, is an understatement.

I would have expected and do not hesitate to state, that this so called "Business Meeting", should have been classified as a "Special Meeting" with the public

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invited and encouraged to participate. All of which, by-law No. 443, in effect at that time, provides for.

Concerning a Special Meeting, I provide a copy of the same via PDF titled "**Notes, Maps, Minutes**" and numbered #41 to 43 inclusive, whose subject matter pales in comparison to the CN business meeting. I have included the example to demonstrate, beyond any doubt, that the practise was known, in use and a viable option, at the disposal of the convenor. I also point out that, had this business meeting occurred a little earlier, at the Council meeting of April 12th, it would have been included in the minutes of the same and as such, transparent, avoiding speculations, as it could and should have been. Meetings scheduled in advance as this one must have been and conducted in this manner, raise concerns and rightfully so.

Item of concern number four (4) and the last sentence of this Township letter, "**It would be of no benefit to the Township to withhold information and the Township would not knowingly do so**", this statement is clearly contradicted by the same information the author provides in the PDF's. One of which, contained the letter. The weight of evidence; does indicate the contrary and I find that disappointing.

In summary I remind the viewer, that this information contained in the PDF's and audited as items of concern, were exactly what my initial (FOI) request of June 25, 2016, was in search of. However, the Township letter dated August ~~4th~~, 2016 which stated, "**The Corporation has searched its records and does not have records in its care and control related to this (FOI) request.**" now proves to be a contradiction of fact.

I also point out, that the Township CAO/Clerk representative of the administration, (with the exception of one newspaper article), see page two (2), line nine (9) of the town letter; the article can be found via PDF **Notes, Maps Minutes** and numbered document #53, continues to find, provide or refute only the material I request. (Requests I make, based on the material I received, as a result of a separate FOI request form M.O.E) and to emphasize this lack of congruence to professional, ethical, standards. **I ask, how the hell does one miss**

V

an entire Hydrogeological Study and an Environmental Assessment? Or fail to recognize the relativity of such, with regard to my requests?

One thing is becoming clear to me, as I obtain material forced out of the Township and the M.O.E. through (FOI) requests, is that the waters are becoming dirtier.

NOTE:

As I reflect on my conjecture, concerning this matter and in particular, the possibility that minute quantities of Hydro Carbons (oil), had already been finding their way into the town wells, at the time the HYDROGEOLOGICAL STUDY was presented to Council October. 2, 2002.

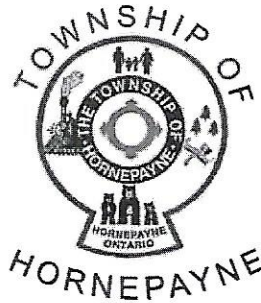
I recall the reiteration of statistics, by long time resident and Doctor John Skinner, that the cancer rates in Hornepayne were higher than the National average. The seriousness with which he took the study of medicine and the welfare of his patients, was second to none, and as such gave credence to his opinions, in such matters.

I sincerely hope, as we move forward one step at a time, that this possibility does not prove to be the case in fact.

I respectfully submit the above, for your consideration.

George Collins.
September 18th 2017.

/
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July 31, 2017

Mr. George Collins
Box 883
Nipigon, ON
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RE: Appeal Number: MA17-253

Dear Mr. Collins,

The Corporation of the Township of Hornepayne ("Corporation") received your original Freedom of Information request ("FOI Request"), dated June 25, 2016, and sent to the Freedom of Information and Privacy Officer ("Officer") of the Corporation, on July 6, 2016.

Your original FOI request sought records within the Corporation's care and control pertaining to the "extent and degree [of] pollution and associated health risks for persons living in proximity to CN property."

As part of the mediation process related to your appeal and pursuant to the telephone conference held on June 22, 2017 between myself, yourself and Flora Hoffman, Mediator for the Tribunal Services Department of the Information and Privacy Commissioner and your email dated June 23, 2017, the Corporation has conducted a secondary search of its records.

In response to your email, the Corporation has found the following:

1) Zoning:

You requested an explanation and supporting documentation in order to clarify the statement made with regard to zoning in the email dated March 2, 2015 from KGS Group to the MOECC.

The Corporation does not have, nor has ever had, a Zoning By-Law. As requested, you will find attached correspondence dated February 27, 2015 from the Township to KGS Group stating same.

2) Council meeting minutes from on or around April 20, 2006:

There is no record of a formal Council meeting held on April 20, 2006. There were Council meetings held on April 12, 2006 and May 17, 2006 (copies of minutes attached). There was however, a business meeting on April 20, 2006 between CN Rail, KGS Group, the MOECC and the Township. You will find a copy of the hand written notes attached, as well as a copy of engineered drawings that were attached to the notes.

#2

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MFIPPA Appeal
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- 3) Council meeting minutes from on or about September 18, 2002 with a copy of the Arthur D. Little Audit:

There is no record of a Council meeting held on September 18, 2002; however, there was a regular Council meeting on September 17, 2002, a special Council meeting on September 24, 2002 and a regular Council meeting on October 1, 2002. There is no reference to an Arthur D Little Audit in these minutes, nor could the Township find such an audit in their possession. A copy of minutes from all three meetings has been provided for your perusal.

In addition, you will find attached a copy of a newspaper article with a handwritten date of April 29, 2006 that was found in the files that may or may not be of interest to you.

To date, the Corporation has conducted an extensive search of its records. As mentioned to you on the teleconference and as repeated back by you in your email of June 23, 2017, minutes of formal Council meetings are permanent records.

Council meeting minutes dating from January 2000 right through to 2017 and all retained documents, including those stored in boxes and filing cabinets, have been reviewed for any information on, or pertaining to, your FOI request and recent email request.

A total of 32 hours of investigation have been logged by staff in this quest; I can assure you that the municipal records have been thoroughly searched. It would be of no benefit to the Township to withhold information and the Township would not knowingly do so.

Trusting this addresses your concerns.

Yours truly,



Gail Jaremy
CAO/Clerk
Township of Hornepayne
GEJ/

c.c.: Flora Hoffman, Mediator, Information & Privacy Commissioner

Attach: (9)