

February 11, 2015

Ontario Energy Board
Box 2319, 27th Floor
2300 Yonge St.
Toronto, Ontario
M4P 1E4

Windlectric Inc., c/o Torys LLB
Box 270, 79 Wellington St. W.,
30th Floor, TD South Tower
Toronto, Ontario
M5K 1N2

Association to Protect
Amherst Island (APAI)
Box 6, 5695 Front Road
Stella, Ontario
K0H 2S0

Att: Ms. K. Walli

Att: Mr. Jonathan Myers

Att: Mr. Peter Large

To Whom This May Concern,

Re: Windlectric Inc. - Application for Leave to Construct (EB-2014-0300)
Applicant Interrogatories on Intervenor Evidence

Please be advised that Loyalist Township Council is very concerned with comments concerning activity allegedly undertaken by Council in the past regarding the proposed renewable energy project on Amherst Island, are now being outlined in writing by Windlectric Inc. These comments are concerning alleged negotiations between these two parties, apparently held in the past. In particular, the following submission by Windlectric's legal counsel is viewed as being most disturbing to Loyalist Township Council:

"Windlectric Inc. has records documenting its active negotiation of the Road Use Agreement ("RUA") with Loyalist Township staff on an ongoing basis since the January 29, 2013 town hall meeting. This includes the exchange, first of numerous draft RUA terms of reference, and later of numerous draft RUAs, between Windlectric or its legal counsel and various predecessors of Mr. Maddocks or the Township's legal counsel. In addition, Windlectric and its representatives have had a number of meetings and conference calls, and exchanged numerous emails with the Township, including its legal counsel, staff and certain of Mr. Maddocks' predecessors. These efforts culminated in Windlectric and Township staff reaching agreement on a final form of RUA on March 27, 2014, which was presented to the Township Council along with a Staff Report to Council during a closed meeting on April 14, 2014. The RUA was again considered during a May 12, 2014 closed meeting of the Township Council, but has not yet been finalized. No substantive issues have been raised by the Township on the form of RUA agreed to with staff as of March 27, 2014."

Under the Municipal Act, Loyalist Township Council is limited to only two means of speaking, i.e. open session and closed session. In open session, Council may speak and the Clerk of the municipality shall record their deliberations, without note or comment and produce minutes which, when approved by Council, are available to the

public for viewing and review. The other means that Loyalist Township Council may speak in closed session, under the Municipal Act, whereby all discussions, directions to staff, receipt of legal advice and all related deliberations are carried out and recorded by the Clerk in a private, confidential setting and only brought to open Council for review by the public, when directed for action and confirmation by Loyalist Council.

Loyalist Council notes that the events alleged in the above highlighted section from Windlectric, were alleged to be conducted by Council in closed session(s). As such, Council is not required to disclose or confirm any of the allegations made in the paragraph noted above, related to consideration by Council in closed session. Accordingly, any comment on the status of any negotiations, should only be considered the opinion of Windlectric, as to their perspective of any negotiations, since in no way are they permitted to speak or should be considered formulating a position endorsed by Loyalist Township Council in closed session.

As stated previously, any alleged activity undertaken by Loyalist Township Council, in closed session, should in no way be considered an accurate statement of fact. Loyalist Township Council will decide, on their own, to rise and report in open session as to the outcome of any activity that has taken place in closed session.

In conclusion, Loyalist Township Council, at the present time, offers no comment as to the legitimacy of the comments made by Windlectric in the highlighted paragraph shown above.

Yours truly,

Original signed and sent via courier

Bill Lowry

Mayor

c.c. Members of Loyalist Township Council

Robert J. Maddocks, Chief Administrative Officer