

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**KRP ENTERPRISES INC. and
1643078 ONTARIO INC.**

Plaintiffs

- and -

**THE CORPORATION OF HALDIMAND COUNTY,
ONTARIO PROVINCIAL POLICE COMMISSIONER
GWEN M. BONIFACE, ONTARIO PROVINCIAL
POLICE INSPECTOR BRIAN HAGGITH and
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Defendants

SUPPLEMENTARY MOTION RECORD

June 19, 2007

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Defendants

**NOTICE OF MOTION
(Returnable June 20, 2007)**

I N D E X

The Corporation of Haldimand County
 Council in Committee Closed Session Minutes 1
 Answers to Undertaking of William Pearce from cross-examination of
 Wednesday, June 13, 2007



THE CORPORATION OF
HALDIMAND COUNTY

**COUNCIL IN COMMITTEE
CLOSED SESSION MINUTES**

DATE: May 23, 2006

TIME: 9:34 a.m.

PLACE: Cayuga Municipal Administration Building, Council Chambers

PRESENT:

| | | |
|----------------|--|--|
| Council | M. Trainer C. Ashbaugh L. Boyko J. Cole T. Dalimonte T. Patterson B. Sloat | Mayor Councillor Councillor Councillor Councillor Councillor Councillor |
| SMT | B. Pearce K. General B. Matthews-Malone H. Hanly S. Miazga | Chief Administrative Officer General Manager, Corporate Services General Manager, Physical Services General Manager, Community Services General Manager, Planning and Economic Development |
| Staff | T. Haedrich E. Vanderwindt J. Lankester | Acting General Manager, Physical Services Acting General Manager, Planning and Economic Development Clerk |
| Other | S. Beatty Insp. J. Periversoff D. Peterson | Senior Emergency Management Officer Emergency Measures Ontario Acting Detachment Commander, OPP Haldimand Special Envoy for Premier |

DECLARATION OF PECUNIARY INTEREST

N/A

LITIGATION / POTENTIAL LITIGATION

Native Occupation of Douglas Creek Estates

Due to the unsuccessful removal of the Argyle Street barricades, the ensuing damage to the hydro transformer and resulting blackout, Council expressed their growing concern with the ability of the Provincial and Federal Governments to reach a peaceful resolution to this occupation.

Discussion took place regarding the action required to ensure the safety of the community in view of the escalating violence and tension.

It was noted that both the Caledonia Alliance Community Group and the Hagersville Chamber of Commerce supported a request for military intervention as it was felt that the actions of the protesters were a threat to the residents.

With respect to the damage to the transformers, it was clarified that on May 22, 2006 Hydro One workers did go to the site for a quick assessment. These workers have since asked for a police escort to initiate the repairs on site.

Council discussed the need for military intervention or the assurance that the OPP had both the equipment and manpower to handle the situation.

Mr. Steve Beatty, Senior Emergency Management Officer, Emergency Measures Ontario joined the meeting at this time at the request of Council.

Mr. Beatty advised that if Council was considering asking the Province for military intervention, they must clarify exactly what they wanted the army to do and on what basis this request was being made.

With respect to the process and timing of such a request, Mr. Beatty advised that the Province would ask the Federal Government, who in turn would respond within hours. It was noted that the Province would pay the costs.

Council sited the need to restore law and security and remove the barricades. In view of the moratorium, it was felt that the protesters should be removed from the land.

It was noted that as a result of the escalating violence and hydro outage, some residents were moving their families out of the area for their safety, while others were afraid to leave their homes.

Mr. Beatty was advised of the impact of the continuing blockade on the Highway 6 By-pass and the rail line. It was noted that the line is used for shipping and receiving raw materials at the Nanticoke Industrial Park. In particular as chlorine is normally received by rail to treat the water, there were now both environmental and safety issues arising. The five accidents on McKenzie Road were noted.

Concern was expressed with the OPP's role and actions to date and position that they would not go onto the site again to remove the protesters.

Mr. Beatty left the meeting at this time.

At the request of Council, Inspector Periversoff joined the meeting to discuss Council's growing concern with the need for military intervention.

He clarified that the military will only be called in if the capabilities of the OPP cannot deal with situation. He felt that the OPP were not there yet. He noted the dynamics and tension and their mandate to contain the situation.

Council expressed frustration with the double standard of law enforcement. It was felt that the OPP actions were not working and making matters worse. Council questioned if the OPP were prepared to do what is required.

Inspector Perseroiff maintained that this is a land claim issue and that progress was still being made and negotiations still ongoing to get blockades opened. With respect to law enforcement investigations were ongoing in all areas, as well as the transformer fire.

The Inspector was advised that Clyde Powless had given a pre-warning of the hydro action.

Although Council felt the OPP seemed to be in a reactive mode, the Inspector stressed the OPP were doing their job, however not as fast as everyone wanted. He noted accountability lies with the Federal Government.

This meeting convened in open session at 12:15 p.m.

The meeting reconvened in closed session at 2:00 p.m. at which time David Peterson was in attendance at his request.

Councillor Patterson was absent for the balance of the meeting due to other Municipal business.

Mr. Peterson advised that a tentative agreement had been reached to have the barricades down today around 6:00 or 7:00 p.m. He noted that removing the barricades on Argyle Street is a symbol of peace by Six Nations. He stressed the need for moderation and felt there was no advantage to calling in the military. At 2:15 p.m., Mr. Peterson announced that the barricades were removed from Argyle Street. Council was further advised by staff that hydro had been restored to the north side of the river in Caledonia. Mr. Peterson left the meeting at this time.

Council concluded that they would take no further action at this time with respect to a request for military intervention.

ADJOURNMENT

MAYOR

CLERK