

September 24, 2021

The Corporation of the Town of LaSalle
Department of Council Services
5950 Malden Road
LaSalle ON N9H 1S4

VIA EMAIL ONLY

Attention: Jennifer Astrologo, Director of Council Services/Clerk

Dear Ms. Astrologo:

RE: SEPTEMBER 28, 2021 COUNCIL MEETING – MALDEN ROAD ENVIRONMENTAL ASSESSMENT ADDENDUM REPORT – WRITTEN SUBMISSION BY DELEGATION

I continue to represent Tony Puzzuoli of [REDACTED] regarding the above matter and I have registered to speak jointly with Mr. Puzzuoli as a delegation at the subject meeting. We would again put forward the facts of this matter, which have been largely communicated to Town Council and individual Council members on several prior occasions as follows:

- Tony had a clear and unconditional commitment in 2009, in writing, from both the Town of LaSalle and the Ministry of the Environment, and supported by the County of Essex, that the Malden/Bouffard intersection would not be realigned and that this would be reflected in the design and construction of the improved Malden Road.
- Tony relied on this commitment, which was further confirmed by the Town in issuing a building permit to Tony in 2012 for the construction of a three-car garage. The garage is a substantial structure, measuring approximately 30 feet by 60 feet, fully bricked, and complete with a heated floor design. It stands directly on the property on which the Bouffard realignment had been originally proposed and is now currently being proposed by administration.
- In discussions leading to the issuance of the building permit in 2012, Town administration suggested to Tony that he should also look to develop his adjacent property. Clearly, in issuing the garage permit and in making this suggestion, the Town was aware of the commitment it had made to Tony in 2009 that the Town would not be realigning Bouffard Road at that point or at any time in the future.
- In discussions with Tony commencing earlier this year on January 7, 2021, Town administration first indicated that it had no knowledge of the prior commitment. Subsequently, when Tony presented evidence to the contrary, Town administration advised him that, notwithstanding this prior commitment, the Town would be proceeding to realign the intersection under the current Class EA addendum.
- This is unconscionable given the documented evidence that legally prohibits this action, as formally issued to Tony and the area residents in

2009 by the Town and Dillon Consulting, acting as the Town's agent. The County of Essex, having jurisdiction over Malden Road, was also a party to this commitment, and we understand that the County was aware in 2009 that the commitment was, in fact, unconditional.

- Tony then requested the Ministry of Environment, Conservation and Parks to intervene. The Ministry advised that the current Class EA addendum process must start with the 2009 commitment that the Town made to Tony to not realign the intersection. This is also a clear contravention of the 2009 commitment as previously validated by the Ministry. The commitment is eminently clear that Bouffard would not be realigned at Malden. If Town Council chooses to approve the realignment in principle or otherwise, we will be aggressively pursuing the matter through the various Provincial authorities having appropriate jurisdiction.
- As indicated in the previous report on the July 13, 2021 Council meeting agenda, Town administration reaffirmed its position that “the recommended design is to realign the east leg of Bouffard Rd at Malden Rd to create one intersection and remove the current offset intersection”. Instead of dealing with the issue and confirming its commitment to Tony, Council chose to defer the matter at the July 13, 2021 meeting.
- Subsequent to the meeting, information was provided to us in the form of draft documents pertaining to the EA, some portions of which were redacted. The redacted portions appear to be of communications between the Town, its current consultant, Stantec, and the Ministry. If the Town is purporting to deal with Tony in an open and transparent manner, this would suggest otherwise. Obviously, there is information pertinent to this matter that the Town wants to cover up. While we will await copies of the final documents before commenting more fully on the contents, we certainly have lost trust in what we are being told by the Town.
- In its report on the September 28, 2021 Council meeting agenda, Town administration has again put forward its intention to realign the intersection and continues to choose not to honour its clear and unconditional commitment to Tony not to realign the intersection. Tony has indicated that he will be filing a formal complaint to Professional Engineers Ontario regarding the actions of the Professional Engineers, both past and present representing the Town, Dillon, the County and Stantec, who were previously and are currently involved in misrepresenting the fact that a clear and unconditional commitment had been made to him in 2009.
- Given the ongoing intractable position by Town administration, Tony continues to look to Town Council and insists that it do what administration has refused to do and that is to honour the previous clear and unconditional commitment made to him.

It continues to be our understanding that the 2009 decision by the Town not to realign Bouffard at Malden was made on the basis of Laurier and its extension to Howard being the primary route moving forward into the future. It is our further understanding that it was

determined by the Town, at the time, that it would not be necessary to realign Bouffard then or into the future. That was the basis for the Town's commitment to Tony.

The data that has been recently provided to us in draft form appears to confirm that there is no need to do anything now or in the time horizon of the review at the subject intersection. This is true even when considering that the traffic projections we were provided are very much inflated from what would be reasonable in the circumstances and that can realistically be anticipated in the future.

Furthermore, detailed information on each accident in the general area of the intersection has yet to be provided. We believe that many of the accidents are not attributable to the intersection itself but are distant from the location. We would be in a position to provide comments on the entirety of the documentation once we are provided with unredacted copies with appropriate accident details and any other information being withheld by the Town.

We thank you for considering this written submission. We look to each individual member of Council to do the right thing and honour the clear and unconditional commitment to Tony that was freely given by the Town to him in 2009. To do otherwise would confirm that the Town and its consultant knowingly misrepresented the Town's intentions in 2009 with respect to the legal commitment it made to Tony.

Yours truly,



Mario Iatonna, P.Eng., MBA
President

cc: Tony Puzzuoli, [REDACTED]