

MINUTES

TOWN OF FORT FRANCES

March 28, 2022

The meeting of Council of the Town of Fort Frances was held virtually and in the Committee Room at the Civic Centre

PRESENT: Mayor J. Caul, Chairperson; Councillors M. Behan, W. Brunetta, A. Hallikas, D. Judson, J. McTaggart and R. Wiedenhoft.

ALSO PRESENT: F. Anwar, CAO, G. Lecuyer, Clerk, K. Haney, Deputy Clerk, D. Galusha, Treasurer, T. Rob, Manager of Operations & Facilities, J. Hughes, IT Manager, A. Hansma, HR Manager, C. Vangel, Transportation Superintendent

**1. COUNCIL MEETING**

(Session No. 089) to immediately follow the Committee of the Whole

1.1 Call to Order / Roll Call

Mayor Caul calls the meeting to order at 6:42 p.m.

1.2 Territorial Acknowledgement

1.3 Moment of Meditation

1.4 Disclosure of pecuniary interest and the general nature thereof.

Councillor Judson declared a conflict of interest with respect to agenda item 5.7. The general nature it is his per diem.

Councillor Brunetta declared a conflict of interest with respect to agenda item 5.8. The general nature it is her per diem.

**2. Consent Agenda:**

2.1 Items Referred from Committee of the Whole

926 THAT the following Consent items # 5.2, 5.3, 5.4 and 5.5 be approved:

**5.2 THAT** the report dated March 21, 2022 from By-Law Enforcement Officer re Taxi Tariff Rate Increase will agree with the recommendation of the Planning & Development Executive Committee that the Mayor & Council approve the proposed rate increases as presented and direct that By-Law #42/14 be amended to reflect the new rate schedule for all taxis.

**5.3. THAT** the report dated March 23, 2022 from Manager of Operations and Facilities re 2022 Sorting Gap Dock Purchase will agree with the recommendation of the Operations and Facilities Executive Committee that:

1. Administration applies to FedNOR for additional funds to cover cost overages related to the Phase 2 Sorting Gap Dock replacement project.
2. Failing Funding, budget shortfalls related to this project be funded through year end surplus or the Corporate Projects Reserve Funds.

**5.4 THAT** the report dated March 23, 2022 from Manager of Operations and Facilities re Request to operate the Point Park Canteen will agree with the recommendation of the Operations and Facilities Executive Committee that:

1. Administration prepares an RFP for an operator of a canteen at the Point Park Office Building fall of 2022, starting summer 2023.

2. That administration prepare capital budget cost estimates for repairs to the Pint Park office in fall 2022 for operation as a canteen summer 2023.

**5.4 THAT** the report dated March 23, 2022 from Manager of Operations and Facilities re Honeywell Energy Performance Contract Annual Energy Report will agree with the recommendation of the Operations and Facilities Executive Committee that the Annual Energy and Operational Savings Report be received by Council as information.1

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	John McTaggart
<b>Seconder:</b>	Rick Wiedenhoeft

**3. Approval of Council Minutes: \***

3.1 Session No. 088 March 14 2022

927 THAT the minutes of the Council meeting being Session No. 088 dated March 14, 2022 having been typed and distributed be approved

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Michael Behan
<b>Seconder:</b>	Andrew Hallikas

**4. Approval of Committee of the Whole Minutes: \***

4.1 Session No. 095 March 14, 2022

928 THAT the report of Committee of the Whole of Council being Session No. 095 dated March 14, 2022 having been typed and distributed be approved

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Wendy Brunetta
<b>Seconder:</b>	John McTaggart

**5. Resolutions from tonight's Committee of the Whole meeting**

5.1 COVID-19 Vaccination Policy

929 THAT approval of this report will agree with the recommendation of the Human Resources Manager that Council of the Town of Fort Frances approve the rescindment of the Town’s COVID-19 Vaccination Policy (#5.43).

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Andrew Hallikas
<b>Seconder:</b>	Rick Wiedenhoeft

5.2 2022 Capital Budget - Purchase of Network Switches

930 THAT approval of this report dated will agree with the recommendation from Information Technology Manager that Council of the Town of Fort Frances authorize the purchase of network switches from Compugen Inc. at a cost of \$160,599.64, including the Town's portion of HST.

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Michael Behan
<b>Seconder:</b>	Wendy Brunetta

- 931 THAT approval of this report will agree with the recommendation of the Treasurer that Council approves the additional Reserve Fund allocations to fund the remaining Capital expenditures in the amount of \$174,818.03 from Reserve Funds as indicated in the report;  
AND FURTHER THAT it is noted that the total reserve fund allocation is \$1,760,887.87 lower than the budgeted amount.

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Andrew Hallikas
<b>Second:</b>	Rick Wiedenhoeft

5.4 2022 BIA Budget

- 932 THAT approval of this report will agree with the Treasurer that Council approves the 2022 budget estimates in the amount of \$62,000, as submitted by the Fort Frances Business Improvement Association, and approves the tax rate and BIA special charge levy in the amount of \$0, as the BIA is supporting use of prior year surpluses.

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Douglas Judson
<b>Second:</b>	John McTaggart

5.5 2021 Contribution to Reserve Funds

- 933 THAT approval of this report will agree with the recommendation from the Treasurer that Council approves the year-end contributions to the reserve funds as follows:

Waterworks & Sanitary Sewer	\$300,425.52 100% of Water & Sewer Surplus to Water & Sewer Reserves
Safe Restart Funding	\$14,345.34 Safe Restart Reserve Fund
Surplus estimate 2020 and 2021	\$500,000.00 Working Capital Reserve Fund

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Andrew Hallikas
<b>Second:</b>	Wendy Brunetta

5.6 2022 Ontario Regulation 284-09 Budget Matters

- 934 THAT approval of this report will agree with the recommendation that Council receives the Ontario Regulation 284/09- Budget Matters disclosure report as presented for the 2022 Operating Budget.

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Douglas Judson
<b>Second:</b>	Rick Wiedenhoeft

5.7 Councillor Judson declared a conflict on this item being his per diem  
Councillor D. Judson RRDMA Per Diem

- 935 THAT approval of this report will agree with the recommendation that Schedule “F” Travel Statement- Mayor/Council Honorarium per diem in the total amount of \$80.00 as submitted by Councillor Douglas Judson for attendance at the RRDMA Annual General Meeting held virtually on January 15, 2022 be approved

CARRIED

<b>Result:</b>	<b>CARRIED</b>
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<b>Mover:</b>	Michael Behan
<b>Seconder:</b>	Andrew Hallikas

- 5.8 Councillor Brunetta declared conflict on this item.  
Councillor W Brunetta NOMA Per Diem

- 936 THAT approval of this report will agree with o agree with the recommendation from the Treasurer that Schedule “F” Travel Statement- Mayor/Council Honorarium per diem in the total amount of \$160.00 as submitted by Councillor Wendy Brunetta for attendance at the NOMA Strategic Planning Session and Board Meeting held virtually on February 22 and 23, 2022 be approved

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	John McTaggart
<b>Seconder:</b>	Michael Behan

- 5.9 Use of Corporate Resources for Election Purposes Policy

- 937 THAT approval of this report will agree with the recommendation from the Municipal Clerk / Returning Officer that Council rescind the Use of Corporate Resources for Election Purposes Policy adopted by resolution Consent Item 310 (04/18) on 2018-04-23 and that a By-Law be prepared to adopt the new proposed Use of Corporate Resources for Election Purposes Policy

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Wendy Brunetta
<b>Seconder:</b>	Rick Wiedenhoeft

- 5.10 Procedural By-Law - Electronic Participation

- 938 THAT approval of this report will agree with the recommendation from the Municipal Clerk that Council consider and discuss how to proceed with electronic participation within its procedural by-law while addressing the needs of Council, Staff and the Public and that based on the discussion the Clerk will compile the information and bring back proposals at a later meeting

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	John McTaggart
<b>Seconder:</b>	Andrew Hallikas

- 5.11 Indemnification By-Law

- 939 THAT approval of this report will agree with the recommendation from the CAO and the Municipal Clerk that Council receive the report re: Indemnification By-Law and that Council directs Staff to bring forward an Indemnification By-Law for review and consideration

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Michael Behan
<b>Seconder:</b>	Wendy Brunetta

**6. By-Laws:**

- 6.1 By-laws enacted:

- 940 THAT the following by-laws be introduced and read, and finally passed, signed by the Mayor and the Clerk, sealed with the Corporate Seal and become law forthwith:
- *By-Law 23-22 being a by law to authorize the execution of an agreement between Integra Data Systems Corporation and the Corporation of the Town of Fort Frances*

- *By-Law 24-22 being a by-law to approve a License Agreement between 1930709 Ontario Inc and the Corporation of the Town of Fort Frances for a food truck and temporary patio at the Sorting Gap Marina*
- *By-Law 42-14-B being a by-law to amend by-law 42/14, being a by-law to provide for the licensing, regulating and governing of owners and drivers of automobiles and taxicabs used for hire within the Corporation of the Town of Fort Frances*
- *By-Law 03-14-Z being a By-law to amend Zoning By-law #03/14 – 820 Fifth Street East*
- *By-Law 25-22 being a by-law to authorize entering into an agreement with Darryl and Angela Godin with respect to the purchase of certain lands*

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Andrew Hallikas
<b>Seconder:</b>	Wendy Brunetta

7. New Items:

7.1 Procurement Policy - Councillor Judson

- 941 THAT Council refer the new business item submitted by Councillor Judson relating to the Procurement Policy to the Operations and Facilities Executive Committee and to Administration and Finance Executive Committee

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Douglas Judson
<b>Seconder:</b>	Rick Wiedenhoeft

7.2 Tree Canopy Policy - Councillor Judson

- 942 **Recommendation:** THAT Council refer the new business item submitted by Councillor Judson relating to the Tree Canopy Policy to the Operations and Facilities Executive Committee and to Planning and Development Executive Committee

DEFEATED

<b>Result:</b>	<b>DEFEATED</b>
<b>Mover:</b>	Douglas Judson
<b>Seconder:</b>	Andrew Hallikas

8. Information Correspondence:

- 8.1 All correspondence was received as information.

CORR: South Frontenac Resolution Re: Dissolution of the Ontario Land Tribunal

- 8.2 CORR: NOMA re: NOSM Expansion Announcement

- 8.3 CORR: The City of Waterloo re: Resolution Ontario Must Build it Right the First Time

- 8.4 CORR: Port Colborne re: Year of the Garden 2022 Proclamation

- 8.5 CORR: Letter to Minister Rickford - Forest Access Roads Funding Program

- 8.6 CORR: Municipality of Mississippi Mills re: Resolution Abandoned Cemeteries

- 8.7 CORR: Municipality of Mississippi Mills re: Resolution Joint and Several Liability Reform

9. Minutes of Local Boards / Committees:

9.1 The following items were received.

Planning and Executive Development Committee, Minutes March 7, 2022

9.2 Operations and Facilities Executive Committee, Minutes March 9, 2022

9.3 Business Improvement Association, Minutes February 16, 2022

9.4 Community Services Executive Committee, Minutes, March 7, 2022

10. In-Camera

10.1 Council moved in camera at 7:14 p.m.

- 943 THAT Council now meet in-camera in order to address a matter pertaining to:
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; **Grievance matter.**
  - advice that is subject to solicitor/client privilege, including communications necessary for that purpose; **RTR & Point Park Litigation.**

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Douglas Judson
<b>Seconder:</b>	John McTaggart

10.2 *The following staff members were present: F. Anwar CAO, G. Lecuyer, Clerk, K. Haney, Deputy Clerk, A. Hansma, HR Manager*

- Grievance Matter

Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

The Human Resources Manager provided Council a confidential Report relating to a grievance matter. Council was provided an opportunity for questions and clarification. A motion for Council consideration will follow the closed session for further direction.

10.3 *The following staff members were present for this item: F. Anwar CAO, G. Lecuyer, Clerk, K. Haney, Deputy Clerk*

- RTR / Point Park Litigation Update

Mayor Caul provided an update from the Committee relating to this file. Council was provided an opportunity for questions and clarification.

10.4 • RTR and Point Park Litigation

litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

The CAO provided Council a confidential Report relating to the RTR and Point Park Litigation. Council was provided an opportunity for questions and clarification. A motion for Council consideration will follow the closed session for further direction.

11. Public Session Resumes: 8:16 p.m.

11.1 Resolutions following the closed session

- 944 THAT Council receive the confidential report dated March 28, 2022 from the HR Manager re: Legal Matters  
AND THAT Council directs Staff to proceed per the recommendation in the report.

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Rick Wiedenhoeft
<b>Second:</b>	Michael Behan

- 945 THAT Council authorizes the Town Solicitor to negotiate a retainer agreement with a Consultant with respect to RTR and Point Park litigation based on input from the closed session.  
as amended

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	Rick Wiedenhoeft
<b>Second:</b>	Michael Behan

12. ADJOURNMENT

- 12.1 The meeting adjourned at 8:20 p.m.

- 946 THAT this meeting of the Council of the Town of Fort Frances be now closed.

CARRIED

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	John McTaggart
<b>Second:</b>	Douglas Judson