



REGULAR COUNCIL MEETING AGENDA

May 24, 2022 5:30 PM

MEETING - Council Chambers , Civic Centre

Session No. 093

Microsoft Teams meeting

Join on your computer or mobile app

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Or call in (audio only)

[+1 807-701-5975,,158569043#](#) Canada, Thunder Bay

Phone Conference ID: 158 569 043#

Page

1. COUNCIL MEETING

To immediately follow the Committee of the Whole

- 1.1 Call to Order / Roll Call
- 1.2 Territorial Acknowledgement
- 1.3 Moment of Meditation
- 1.4 Disclosure of pecuniary interest and the general nature thereof.

2. Consent Agenda:

- 2.1 Items Referred from Committee of the Whole

THAT the following Consent items be approved:

- 1) Committee of the Whole Consent Items 5.2, 5.3, 5.4 and 5.5
- 2) Council Consent Items 2.2, 2.3, 2.4, 2.5, 2.6 and 2.7

8

- 2.2 CORR: BIA request to reduce speed limit Scott Street

Recommendation: THAT the Communication from the BIA regarding the request to reduce speed limit on Scott Street be received and that the correspondence be referred to the Operations and Facilities Executive Committee with input from the Traffic Safety Committee for a recommendation.

9

- 2.3 CORR; BIA Request Christmas Tree - Market Square

Recommendation: THAT the Communication from the BIA regarding the request for a Christmas Tree at Market Square be received and that the

correspondence be referred to the Operations and Facilities Executive Committee for a recommendation.

- 10 - 11 2.4 CORR: Royal Canadian Legion " Military Recognition Book"
- Recommendation:** THAT the communication from the Royal Canadian Legion re: Military Recognition Book be received and that the correspondence be referred to the Administration and Finance Executive Committee for a recommendation
- 12 2.5 CORR: Resident 916 Armit Avenue Request re: Fence Height
- Recommendation:** THAT the letter from a resident of 916 Armit Avenue be received and that the correspondence be referred to the Planning and Development Executive Committee for a recommendation.
- 13 2.6 CORR: Resignation Letter from Debbie Ballard re: Museum Advisory Committee
- Recommendation:** THAT Council of the Town of Fort Frances receive the letter of resignation from Debbie Ballard re: Museum Advisory Committee
- 14 2.7 CORR: Rainy River Veterinary Services Committee - Vet Assistance Trust Fund
- Recommendation:** THAT the communication from Rainy River Veterinary Services re: Vet Assistance Trust Fund be received and that the correspondence be referred to the Administration and Finance Executive Committee for a recommendation

3. Approval of Council Minutes: *

- 15 - 21 3.1 Regular Council Meeting Minutes Session No. 092 May 9, 2022
- Recommendation:** THAT the meeting minutes of Council Meeting Session No. 092 dated having been typed and distributed be approved.

4. Approval of Committee of the Whole Minutes: *

- 22 - 26 4.1 Committee of the Whole meeting minutes Session No. 099 May 9, 2022
- Recommendation:** THAT the report of Committee of the Whole being Session No. 099 dated May 9, 2022 having been typed and distributed be approved

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

- 27 - 62 5.1 BDO Canada LLP, Town of Fort Frances 2021 Audited Financial Statements
- Recommendation:** THAT the presentation of the Draft 2021 Audited Financial Statements from BDO Canada LLP be received
- AND THAT the Corporation of the Town of Fort Frances Draft consolidated Financial Statement for the year ending December 31, 2021 as prepared by BDO Canada LLP be hereby approved as attached hereto and forming part of this resolution.
- 63 - 67 5.2 Councillor R. Wiedenhoeft NOMA Honorarium

Recommendation: THAT approval of this report will agree with the recommendation from the Administrative and Finance Executive Committee that Council of the Town of Fort Frances approve Schedule “F” Travel Statement- Mayor/Council Honorarium per diem claim in the amount of \$320.00 as submitted by Councillor Rick Wiedenhoeft for attendance at the NOMA Annual Meeting and Conference held April 27-29, 2022.

68 - 72 5.3 Councillor W. Brunetta NOMA Honorarium

Recommendation: THAT approval of this report will agree with the recommendation from the Administration and Finance Executive Committee that Council approve Schedule “F” Travel Statement- Mayor/Council Honorarium per diem claim in the amount of \$400.00 as submitted by Councillor Wendy Brunetta for attendance at the NOMA Board Meeting, Annual Meeting and Conference held April 27-29, 2022.

73 - 77 5.4 Councillor J McTaggart NOMA Honorarium

Recommendation: THAT approval of this report will agree with the recommendation from the Administration and Finance Executive Committee that Council approve Schedule “F” Travel Statement- Mayor/Council Honorarium per diem claim in the amount of \$320.00 as submitted by Councillor John McTaggart for attendance at the NOMA Annual Meeting and Conference held April 27-29, 2022.

78 - 82 5.5 Councillor M Behan NOMA Honorarium

Recommendation: THAT approval of this report will agree with the recommendation from the Administration and Finance Executive Committee that Council approve Schedule “F” Travel Statement- Mayor/Council Honorarium per diem claim in the amount of \$320.00 as submitted by Councillor Michael Behan for attendance at the NOMA Annual Meeting and Conference held April 27-29, 2022.

83 - 187 5.6 B2-2022: Zoning By-law Amendment – 1229 Cornwall Avenue (Lagoon Property)

Recommendation: THAT Council agree with the recommendation of the Committee of Adjustment and the Planning and Development Executive Committee:

THAT the 150MW Solar Farm including the transmission of electricity, electric substation, and battery

energy storage system site-specific uses be approved;

AND THAT the property be designated as a Site Plan Control Area which will require a site plan agreement prior to any further development taking place on the property; and

AND THAT the following conditions and criteria be applied to the Industrial-Scale computing use and associated components:

THAT a noise mitigation study and noise mitigation plan among other potential studies for the development be required as part of the site plan control agreement; and

THAT the sea-cans, if approved, not be allowed to stack on top each other; and THAT the structures, associated components and operations associated with the industrial-scale computing be located not closer than 300m to any surrounding residential use or residential zoned properties, and further that these be located not closer than 850m to McIrvine Road and Eighth Street West; and

THAT the proponent provide documentation from the MOECP stating whether an Environmental Compliance Approval will be necessary for this project aspect as a requirement of the site plan control agreement; and

THAT the site plan control agreement outline requirements for compliance with all regulatory body guidelines, statutes and regulations including but not limited to those specifying recommended noise mitigation levels as indicated within this report; and

THAT the site plan control agreement contain verbiage and requirements for ongoing noise monitoring as well as enforcement provisions to ensure compliance with regulatory requirements; and

THAT the noise mitigation consultant hired by the applicant consult with the Town of Fort Frances; and

THAT all costs associated with the site plan control agreement, development, studies and other be at the cost of the applicant

188 - 198 5.7 Indemnification By-Law

Recommendation: THAT Council receive the draft Indemnification By-Law AND THAT Council directs Administration to bring forward the Indemnification By-Law for passage and enactment

199 - 211 5.8 Award of the tender for the 2022 Capital Budgeted Road works

THAT Council of the Town of Fort Frances award tender 2022-OF-09 to George Armstrong Company for a total tender price of \$2,846,962 including a \$150,000 contingency allowance, plus applicable taxes and;

FURTHER THAT Prior to construction start an open house public meeting is scheduled to ensure all property owners abutting the construction projects obtain firsthand knowledge of these projects and have the opportunity to ask questions. The exact date of the meeting is unknown at the time of writing this report, and;

FURTHER THAT the Mayor and Clerk be authorized to execute the contracts on behalf of the Corporation of the Town of Fort Frances

5.9 Verbal Update on Capital Projects

6. By-Laws:

- 6.1 By-Law to be enacted:
- 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:
- 212 6.2 By-Law 03-14 AA, Amend Zoning Bylaw 1037 Third Street East
Being a By-Law to amend Zoning By-Law #03/14, as amended – 1037 Third Street East
- 213 - 231 6.3 By-Law 36-22, Bell Canada re: Next Generation 9-1-1 Service Agreement
Being a by law to authorize the execution of an agreement with Bell Canada re: Next Generation 9-1-1 Service Agreement
- 232 - 236 6.4 By-Law 37-22, Disconnecting from work Policy
Being a By-law of the Town of Fort Frances to adopt a Disconnecting from Work Policy
- 237 - 243 6.5 By-Law 38-22, Chief Administrative Office Performance Appraisal Policy
Being a By-Law to adopt a Chief Administrative Office Performance Appraisal Policy for the Town of Fort Frances
- 244 - 247 6.6 By-Law 39-22, Agreement with SkyMark Refuelers re: RFT 2022-OF-03 – Supply and Delivery of a New Aircraft Refueler Truck
Being a by law to authorize the execution of an agreement with SkyMark Refuelers re: RFT 2022-OF-03 – Supply and Delivery of a New Aircraft Refueler Truck
- 248 - 252 6.7 By-Law 40-22, agreement with Tom Jones Corporation re: RFT 2022-OF-05 – Fire Suppression Sprinkler System Installation
Being a by law to authorize the execution of an agreement with Tom Jones Corporation re: RFT 2022-OF-05 – Fire Suppression Sprinkler System Installation in 52 Canadians Arena
- 253 - 259 6.8 By-Law 41-22, agreement with Caliber Sport Systems Inc re: RFT 2022-OF-06 – Supply and Installation of new Sport Flooring at the Fort Frances Memorial Sports Centre
Being a by law to authorize the execution of an agreement with Caliber Sport Systems Inc re: RFT 2022-OF-06 – Supply and Installation of new Sport Flooring at the Fort Frances Memorial Sports Centre

7. Minutes of Local Boards / Committees:

- 260 7.1 Planning & Development Executive Committee Session no 21 - 18 April 2022 (Amended)
- 261 - 262 7.2 Planning & Development Executive Committee Session no 22 - 02 May 2022

263 - 264	7.3	Administration & Finance Executive Committee Session no 22 - 19 April 2022 (Amended)
265 - 266	7.4	Administration & Finance Executive Committee Session no 23 - 03 May 2022
267 - 269	7.5	Operations and Facilities Executive Committee, Minutes from the previous meeting on May 4, 2022.
270 - 272	7.6	CORR: BIA - AGM & Board of Management Meeting Minutes March 8, 2022

8. In-Camera:

8.1 Council proceeds in-Camera at _____ p.m.

THAT Council now meet in-camera in order to address a matter pertaining to:

1. Land Inquiry

(b) personal matters about an identifiable individual, including municipal or local board employees;

(c) a proposed or pending acquisition or disposition of land by the municipality or local board;

2. By-Law enforcement matter

(h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;

3. RTR and Point Park Litigation

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

8.2 Land Inquiry

8.3 By-Law enforcement matter

8.4 RTR and Point Park Litigation

8.5 RTR and Point Park Litigation

8.6 Review closed meeting minutes May 9, 2022

9. Public Session Resumes:

10. Resolutions Required as a result of In-Camera discussions:

11. ADJOURNMENT

11.1 The Council Meeting adjourned at _____ p.m.

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

12. * Previously distributed to Council

13. ** Items can be viewed by contacting the Clerk

DOWNTOWN FORT FRANCES BUSINESS IMPROVEMENT AREA

Building a Better Downtown
Fort Frances, Ontario

16 February, 2022

Mayor and Town Council
320 Portage Avenue
Fort Frances, On
P9A 3P9

Dear Mayor and Council

The BIA are requesting that the speed limit on Scott Street be reduced to 40km/hour in response to the following concerns:

1. Over the past few years the BIA have had many clients and customers voice their concern of vehicles driving down Scott Street at excessive speeds well over the posted speed limit.
2. We have had people reporting close calls between vehicles, transport trucks and themselves when attempting to cross the street or exit their vehicles.
3. Many store owners have observed transport trucks, logging trucks and general traffic speeding to avoid being caught at a light change only to be forced to stop abruptly when they realize they will not make the green light.

If granted we feel that a lower speed limit not only would it make the downtown core a safer place for foot and vehicle traffic but it would also help preserve our roadway from unnecessary erosion caused by the sudden stops the large vehicles make.

We look forward to your input and working with you in regards to this request.

Sincerely

The BIA Board of Management

Pat Gartshore
Stacey Cridland
Scott Krienke-Turvey
Shelley Wepruk
Heather Johnson

Rick Wiedenholz
Ed Gackley
Geoff Gillon
Pam Williams

DOWNTOWN FORT FRANCES BUSINESS IMPROVEMENT AREA
Building a Better Downtown
Fort Frances, Ontario

16 February, 2022

Mayor and Town Council
320 Portage Avenue
Fort Frances, On
P9A 3P9

Dear Mayor and Council

The Board of the BIA are seeking your input regarding the placing of a Christmas tree in Market Square for this upcoming Christmas season.

As the Square is Town of Fort Frances property, we will like your written permission to bring in said tree and have a spot designated for it within the square. We are also requesting the Town's rules or by-laws regarding the erecting and securing of the tree to stay within your set boundaries.

In addition we are asking for assistance from the town by way of preparing the site for the tree so we will be able to carrying through with this project should council grant us permission.

Awaiting your reply, I remain.

Yours

Shelley Wepruk
Secretary, B.I.A.



The Royal Canadian Legion Manitoba/NW Ontario Command

“Military Service Recognition Book”

Dear Sir/Madam:

Thank you for your interest in **The Royal Canadian Legion Manitoba/NW Ontario Command** and the local **Veterans**. Please consider this our written request for your support as per our recent telephone conversation.

Our **Command** is very pleased to be printing our 14th Annual “**Military Service Recognition Book**”, which is designed to recognize and honour many of **Manitoba/NW Ontario’s** brave **Veterans** on an individual basis who have served our Country so well in the past three major world conflicts (WW1, WW2 and the Korean War) and recent conflicts such as Afghanistan. This publication will go a long way to help our Legion in our role as the “**Keepers of Remembrance**”.

It will be distributed to school and university libraries, Legion branches, and many other public facilities in Manitoba and NW Ontario.

We would like to have your organization’s support for this milestone project of our **Manitoba/NW Ontario Command Legion**, by purchasing an advertisement space in our “**Military Service Recognition Book**”. Proceeds raised from this important project will allow us to make this unique publication available throughout the province and will also benefit the many ongoing community activities of our Legion Command including **Scholarships, Youth Sponsored Programs** and, of course, our ongoing tireless support for **Manitoba/NW Ontario’s Veterans** and their dependants.

Please find enclosed a rate sheet for your review. Whatever you are able to contribute to this worthwhile endeavor would be sincerely appreciated. For further information please contact our **Manitoba/NW Ontario Command Military Service Recognition Book Office** toll free at **1-855-559-5056**.

Thank you for your consideration and/or support.

Sincerely,

Jerry Lava
President
The Royal Canadian Legion Manitoba/NW Ontario Command

**The Royal Canadian Legion
Manitoba/NW Ontario Command
“Military Service Recognition Book”
Advertising Prices**

<u>AD SIZE</u>	<u>PRICE</u>		<u>GST</u>		<u>TOTAL</u>
Full Color Outside Back Cover	\$1,647.62	+	\$82.38	=	\$1,730.00
Inside Front/Back Cover (Full Colour)	\$1,428.57	+	\$71.43	=	\$1,500.00
2 Page Full Colour Spread 15.25x9.735	\$2,190.48	+	\$109.52	=	\$2,300.00
Full Page (Full Colour) 7x9.625	\$1,095.24	+	\$54.76	=	\$1,150.00
Full Page (B&W) 7x9.625	\$876.19	+	\$43.81	=	\$920.00
½ Page (Full Colour) 7x4.735	\$657.14	+	\$32.86	=	\$690.00
½ Page (B&W) 7x4.735	\$542.86	+	\$27.14	=	\$570.00
¼ Page (Full Colour) 3.375x4.735	\$433.33	+	\$21.67	=	\$455.00
¼ Page (B&W) 3.375x4.735	\$323.81	+	\$16.19	=	\$340.00
1/10 Page (B/Card Full Colour) 3.375 x 1.735	\$247.62	+	\$12.38	=	\$260.00
1/10 Page (B/Card B&W) 3.375 x 1.735	\$214.29	+	\$10.71	=	\$225.00

G.S.T. Registration # 107933665RT0001

All typesetting and layout charges are included in the above prices.

A complimentary copy of the Military Service Recognition Book will be received by all advertisers purchasing space of 1/10 page and up, along with a Certificate of Appreciation.



PLEASE MAKE CHEQUE PAYABLE TO:

**MB/NW Ontario Command
The Royal Canadian Legion
(MB RCL)
P.O.Box 1967 Stn. Main
Winnipeg, MB R3C 3R2
Tel (Toll Free): 1-855-559-5056**



Town of Fort Frances
Bylaw Enforcement Office
320 Portage Ave
Fort Frances, ON
P9A 2J6

May 10, 2022

Re: Request to Increase Fence Height


Dear Mr. Briere,

Please consider this letter of request for exemption of Section 6.1 of the Fence Bylaw 07-19. I am in the planning stages of redoing my fence at 916 Armit Ave. I would like to request permission to raise the height of the fence from six feet to eight feet in the back and side yard. I moved to this house in 2017, since then I have had numerous issues with my neighbour to the south. I feel that by increasing the fence to eight feet would help to reduce some of the issues and provide more privacy to both of us.

Please let me know if you require any additional information or have any questions.

Thank you in advance for your consideration of my request.

Sincerely,



Property Owner of 916 Armit Ave

May 10, 2022

To: Mayor and Council, Town of Fort Frances
Faisal Anwar, CAO
Gabrielle Lecuyer, Clerk, Town of Fort Frances
Advisory Committee Members

Re: Museum Advisory Committee Resignation

Please accept this as my letter of resignation from the Museum Advisory Committee, effective today. Due to ongoing health issues I can no longer serve on the Museum Advisory Committee.

Debbie Ballard
Chair, Museum Advisory Committee

Rainy River Veterinary Services Committee
c/o Kim Jo Bliss
R.R. # 2
Emo, ON POW 1E0
807-275-9706 (cell)
kimjobliss@gmail.com

May 5th, 2021

Clerk-Treasurer
Town of Fort Frances
P.O. Box 38 320 Portage Avenue
Fort Frances, ON P9A 3P9
town@fortfrances.com

Dear Town of Fort Frances;

Hello! I hope this finds you all well.

This is your bill for the Vet Assistance Trust Fund. The fees are the same as they have been in the past.
Your portion of the fee is a flat fee of \$650.00.

For your information, The Town of Rainy River, Atikokan and Fort Frances are charged a flat fee. Other Municipalities are charged .35cents per capita and farmers in the unincorporated townships are charged \$5.00 per farm. If these fees are not paid, the Veterinary Clinics are notified and can charge the producers the unsubsidized fees.

Thank you for your continued support towards this fund. We are now fortunate that both Nor-West Animal Clinic and Kingsford Veterinary Service have a full contract.

If you have any question, please don't hesitate to reach out to me or our Chair of the Committee Tom Morrish.

Stay safe friends.

Kim Jo

Kim Jo Bliss
Treasurer – Rainy River Veterinary Services Committee
*Cheques can be made payable to the Rainy River Vet. Services Committee



SESSION NO.092

MINUTES

TOWN OF FORT FRANCES

May 9, 2022

The meeting of Council of the Town of Fort Frances was held in the Council Chambers and virtually.

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

ALSO PRESENT: CAO, F. Anwar, Municipal Clerk, G. Lecuyer, IT Manager, J. Hughes, Treasurer, D. Galusha, Manager of Operations & Facilities, T. Rob, HR Manager, A. Hansma, CBO/Municipal Planner, C Vangel, Fire Chief, T. Mofitt, By-law Officer, P. Briere

1. COUNCIL MEETING

to immediately follow the Committee of the Whole

- 1.1 Call to Order / Roll Call
Mayor Caul called the meeting to order at 6:03 p.m.
- 1.2 Territorial Acknowledgement
- 1.3 Moment of Meditation
- 1.4 Disclosure of pecuniary interest and the general nature thereof.
There were no disclosure of pecuniary

2. Consent Agenda:

- 2.1 Items Referred from Committee of the Whole

- 972 THAT the following Consent items be approved:
 - 1) Committee of the Whole Items 5.2, 5.3, ~~5.4~~, ~~5.5~~, 5.6, 5.7 and ~~5.8~~

5.2 B1-2022: Zoning By-law Amendment – 1037 Third Street East
 THAT approval of this report will agree with the recommendation of the Committee of Adjustment and the Planning and Development Executive Committee to approve the proposed zoning by-law amendment for application B1-2022 -1037 Third street East and that the By-Law be brought forward for enactment

5.3 Next Generation 9-1-1 Authority Service Agreement
 THAT approval of this report will agree with the recommendation from the Administrative and Finance Executive Committee that Council of the Town of Fort Frances authorize the entering into agreement between the Town of Fort Frances (Municipalities included in Schedule “C” and Bell Canada for a 10-year term;
 AND THAT the Mayor be authorized to sign the new agreement on behalf of the Rainy River District 9-1-1 Partners;
 AND FURTHER THAT a by-law be brought forward for execution by the mayor and clerk.

5.6 Letter from Ms. Linda Chisick Requesting the Installation of a Bench a the Riverview Cemetery Columbarium.

THAT approval of this report will agree with the recommendation of the Operations & Facilities Executive Committee that:

- 1) That Ms. Linda Chisick would be responsible for all the costs of the following materials;
“Sterling Bench” complete with Composite slats manufactured by Barco Products
Freight costs to transport the bench materials to Fort Frances.
The plaque supplied by General Supply-purchased on her own.
- 2) That the Town will supply the labour & materials to construct the foundation for the bench during the landscaping activities planned for the Riverview Cemetery this summer.
- 3) That the Town will supply the labour to install the new Sterling Bench and plaque.

5.7 Award of Tender 2022-OF-03 - Supply and Delivery of a New Aircraft Refueler Truck

THAT approval of this report will agree with the recommendation of the Operations and Facilities Executive Committee that:

- 1. Tender 2022-OF-03 be awarded to SkyMark Refuelers for a total bid price of \$308,750 USD
- 2. That the funding shortfall and exchange be funded through year end surplus or out of the Vehicle and Equipment Reserve Fund.
- 3. That a By-Law be prepared to authorize Mayor and Clerk to execute the agreement on behalf of the corporation.

2) Council Consent agenda Item 2.2

2.2 CORR: Northwestern Ontario Sports Hall of Fame Annual Membership and Fundraising Campaign

THAT the correspondence received from Northwestern Ontario Sports Hall of Fame be referred to the Administration and Finance Executive Committee for a recommendation

CARRIED

Result:	CARRIED
Mover:	John McTaggart
Second:	Rick Wiedenhoeft

2.2 CORR: Northwestern Ontario Sports Hall of Fame Annual Membership and Fundraising Campaign

THAT the correspondence received from Northwestern Ontario Sports Hall of Fame be referred to the Administration and Finance Executive Committee for a recommendation

3. Approval of Council Minutes: *

3.1 Regular Council meeting Minutes Session No. 091 April 25, 2022

- 973 THAT the minutes of the Council meeting Session No. 091 dated April 25, 2022 having been typed and distributed be approved

CARRIED

Result:	CARRIED
Mover:	Andrew Hallikas
Second:	Michael Behan

4. Approval of Committee of the Whole Minutes: *

4.1 Committee of the Whole meeting Minutes Session No. 098 April 25, 2022

- 974 THAT the report of Committee of the Whole being Session No. 098 dated April 25, 2022 having been typed and distributed be approved

CARRIED

Result:	CARRIED
Mover:	Wendy Brunetta
Second:	Rick Wiedenhoeft

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

5.1 357/358 Application for Tax Adjustment- 427 Mowat Ave

975 Approval of this report will agree with the recommendation of the Administration & Finance Executive Committee that the Council approve the adjustment of taxes for September 24, 2021 to December 31, 2021 under Section 357/358 of the Municipal Act for property located at 427 Mowat Ave.

CARRIED

Result:	CARRIED
Mover:	Michael Behan
Second:	John McTaggart

5.2 Disconnecting Policy

976 THAT approval of this report will agree with the recommendation of Administration that Council implement the Disconnecting from Work policy as drafted AND THAT a By-Law be brought forward for approval.

CARRIED

Result:	CARRIED
Mover:	Andrew Hallikas
Second:	Wendy Brunetta

5.3 Letter from Farmboy Real Estate in support of a splash pad development

977 THAT approval of this report will agree with the recommendation of the Operations and Facilities Executive Committee that:

1. The Town accept the sizeable donation from Farmboy Real Estate with thanks,
2. A committee of 5 not more then 10 members ~~of the public~~, 1 member of Farmboy Real Estate, 1 member of Town administration, 1 member of the MAT Committee and members of the public be struck to finalize the location, design works and spearhead fundraising activities.
3. A trust account be setup by the Town to accept and control donations received for this project.
4. Design works for the reconstruction of Lillie Avenue including the installation of signals at Lillie Avenue and Kings Highway be undertaken in summer 2022.
5. Administration looks for, and apply to, any grant opportunities arising to support this type of project through summer 2022. as amended

CARRIED

Result:	CARRIED
Mover:	Rick Wiedenhoeft
Second:	Andrew Hallikas

5.4 Award of Tender 2022-OF-05 - Fire Suppression Sprinkler System Installation in 52 Canadians Arena

978 THAT approval of this report will agree with the recommendation of the Operations and Facilities Executive Committee that:

Tender 2022-OF-05 be awarded to Tom Jones Corporation for a total tender price of \$558,800 including \$35,000 in allowances.

That a by-law be prepared authorizing Mayor and Clerk to execute the agreement on behalf of the corporation.

CARRIED

Result:	CARRIED
Mover:	Wendy Brunetta
Seconder:	Michael Behan

5.5 Chief Administrative Officer Performance Appraisal

- 979 THAT approval of this report will agree with the agree with the recommendation of Administration to implement the Chief Administrative Officer Performance Appraisal Policy as amended
AND THAT a By-Law be brought forward for approval.

CARRIED

Result:	CARRIED
Mover:	Andrew Hallikas
Seconder:	Wendy Brunetta

5.6 By-Law Enforcement Officer

- 980 THAT Council direct the necessary by-law to be drafted, appointing successful applicant, Mark Bridge, as By-Law Enforcement Officer.
FURTHER THAT Council direct the necessary by-law be drafted, appointing successful applicant, Mark Bridge, as Municipal Weed Inspector.

CARRIED

Result:	CARRIED
Mover:	Rick Wiedenhoeft
Seconder:	John McTaggart

5.7 Award of Tender 2022-OF-06

- 981 THAT approval of this report will agree with the recommendation of Administration, THAT Tender 2022-OF-06 for the Supply and Installation of new Sport Flooring at the Fort Frances Memorial Sports Centre and Emo-Lavallee Arena be awarded to Caliber Sport Systems Inc.
FURTHER THAT a by-law be prepared authorizing Mayor and Clerk to sign the agreement on behalf of the corporation.

CARRIED

Result:	CARRIED
Mover:	Michael Behan
Seconder:	Andrew Hallikas

6. By-Laws:

6.1 By-Laws to be enacted:

- 982 THAT the following by-laws be introduced, read, and finally passed, signed by the Mayor and the Clerk, sealed with the Corporate Seal and become law forthwith:

CARRIED

Result:	CARRIED
Mover:	John McTaggart
Seconder:	Wendy Brunetta

6.2 By-Law 32-22

Page 5 of 7

By-Law 32-22 being a By-Law to authorize execution of a site plan control agreement as a condition of development with Friesen Five Inc. (o/a Newfort Developments) - The Planning Act, Section 41

CARRIED

6.3 By-Law 46-20C

46-20C being a By-Law to amend By-Law 46-20 to Govern the Proceedings of the Council of the Corporation of the Town of Fort Frances

CARRIED

6.4 By-Law 33-22

By-Law 33-22 being a By-Law to Approve an Emergency Management Program

CARRIED

6.5 By-Law 34-22

By-Law 34-22, being a By-law to appoint a Municipal Law Enforcement Officer

CARRIED

6.6 By-Law35-22

By-Law35-22, being a By-law to appoint Municipal Weed Inspector

CARRIED

7. New Items: None

8. Information Correspondence:

The following items were received. Council was provided an opportunity for clarification and questions relating to all information items.

8.1 CORR: The Municipality of Mississippi Mills Re: Resolution Ontario Must Build it Right the First Time

8.2 CORR: City of Thorold Resolution: Russian Sanctions

8.3 CORR: Northwestern Ontario Municipal Association Strategic Plan 2022-2027

8.4 CORR: Rainy River District Social Services Administration Board - AGM May 19, 2022

8.5 CORR: NOMA News Release: Gwayakocchigewin Limited Partnership and Hydro One enter into an agreement to advance the Waasigan Transmission Line project

8.6 CORR: Town of Arnprior Support for Humanitarian Efforts in Ukraine

9. Minutes of Local Boards / Committees:

The following items were received. Council was provided an opportunity for clarification and questions relating to all information items.

9.1 Planning and Development Executive Committee, Session no 21 - 18 April 2022

9.2 Administration and Finance Executive Committee, Session no 22 - 19 April 2022

9.3 Operations and Facilities Executive Committee, Session 007- 6 April, 2022.

10. In-Camera:

10.1 Council proceeds in-Camera at 6:27 p.m.

983 THAT Council now meet in-camera in order to address a matter pertaining to:

1. Disposition of Municipal Land - Senior Housing Project

(c) a proposed or pending acquisition or disposition of land by the municipality or local board;

(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

2. Review Closed Meeting Minutes of April 25, 2022 (to be approved following the closed session)

CARRIED

Result:	CARRIED
Mover:	Rick Wiedenhoeft
Second:	Andrew Hallikas

10.2 Disposition of Municipal Land – Senior Housing Project

The following staff members were present: F. Anwar CAO, G. Lecuyer, Clerk, D. Galusha, Treasurer, T. Rob, Manager of Operations & Facilities and C. Vangel, Transportation Superintendent, CBO/PlannerThe CAO provided Council a confidential relating to a Senior Housing Project. A proposed motion will follow in open session.

10.3 Review Closed Meeting Minutes of April 25, 2022

Council received the draft minutes without comment to be approved in open session.

11. Public Session Resumes at 7:13 p.m.

12. Resolutions Required as a result of In-Camera discussions:

12.1 Disposition of Municipal Land – Senior Housing Project

975 WHEREAS the Council for the Town of Fort Frances (the “Town”) recognizes the need to support the non-profit organization with the senior living facility project in Fort Frances; and WHEREAS the Columbus Place for Seniors (“Columbus”) a local not-for-profit seniors housing provider intends to develop and operate a new senior living facility in Fort Frances (the “Project”) WHEREAS the Council for the Town agrees to provide the following support and investment of in-kind contributions towards the Project:

1. The donation of up to 3.5-acre lot from Town’s surplus land inventory; and
2. The waiving of any development costs associated to building permit fees, water and sewer connections, and development & planning fees as outlined in the CGV Group of Cochrane’s report presented to Council.

WHEREAS the Council for the Town of Fort Frances recognizes in principle that there is a further need to support a tax break to the non-profit organization once the development is final. At this time, the Council is exploring funding models to support this need as proposed in the information provided to Council; and NOW THEREFORE BE IT RESOLVED THAT the Council for the Town of Fort Frances supports the

Page 7 of 7
application to the CMHC and will support the efforts of Columbus as stated in this resolution.

CARRIED

Result:	CARRIED
Mover:	Michael Behan
Second:	Andrew Hallikas

12.2 Approval of Closed Meeting Minutes of April 25, 2022

976 THAT the Closed Meeting Minutes of Session 091 dated April 25, 2022 having been typed and distributed be approved

CARRIED

Result:	CARRIED
Mover:	Wendy Brunetta
Second:	Douglas Judson

13. ADJOURNMENT

13.1 The meeting adjourned at 7:15 p.m.

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

CARRIED

Result:	CARRIED
Mover:	John McTaggart
Second:	Wendy Brunetta

14. * Previously distributed to Council

15. ** Items can be viewed by contacting the Clerk

TOWN OF FORT FRANCES

COMMITTEE OF THE

WHOLE

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CARRIED

Result:	CARRIED
Mover:	John McTaggart
Seconder:	Andrew Hallikas

5.2 B1-2022: Zoning By-law Amendment – 1037 Third Street East

Recommendation: THAT approval of this report will agree with the recommendation of the Committee of Adjustment and the Planning and Development Executive Committee to approve the proposed zoning by-law amendment for application B1-2022 -1037 Third street East and that the By-Law be brought forward for enactment

5.3 Next Generation 9-1-1 Authority Service Agreement

Recommendation: THAT approval of this report will agree with the recommendation from the Administrative and Finance Executive Committee that Council of the Town of Fort Frances authorize the entering into agreement between the Town of Fort Frances (Municipalities included in Schedule “C” and Bell Canada for a 10-year term; AND THAT the Mayor be authorized to sign the new agreement on behalf of the Rainy River District 9-1-1 Partners; AND FURTHER THAT a by-law be brought forward for execution by the mayor and clerk.

5.4 Disconnecting from Work Policy

This item was pulled from the consent agenda. The motion will be presented for Council's consideration at the Regular Council Meeting following this session.

Recommendation: THAT approval of this report will agree with the recommendation of Administration that Council implement the Disconnecting from Work policy as drafted AND THAT a By-Law be brought forward for approval.

5.5 Letter from Farmboy Real Estate in support of a splash pad development

This item was pulled from the consent agenda. The motion will be presented for Council's consideration at the Regular Council Meeting following this session.

Recommendation: THAT approval of this report will agree with the recommendation of the Operations and Facilities Executive Committee that:

1. The Town accept the sizeable donation from Farmboy Real Estate with thanks,
2. A committee of 5 members of the public, 1 member of Farmboy Real Estate, 1 member of Town administration be struck to finalize the location, design works and spearhead fundraising activities.
3. A trust account be setup by the Town to accept and control donations received for this project.
4. Design works for the reconstruction of Lillie Avenue including the installation of signals at Lillie Avenue and Kings Highway be undertaken in summer 2022.
5. Administration looks for, and apply to, any grant opportunities arising to support this type of project through summer 2022.

5.6 Letter from Ms. Linda Chisick Requesting the Installation of a Bench a the Riverview Cemetery Columbarium.

Recommendation: THAT approval of this report will agree with the recommendation of the Operations & Facilities Executive Committee that:

- 1) That Ms. Linda Chisick would be responsible for all the costs of the following materials;
 “Sterling Bench” complete with Composite slats manufactured by Barco Products
 Freight costs to transport the bench materials to Fort Frances.
 The plaque supplied by General Supply-purchased on her own.
- 2) That the Town will supply the labour & materials to construct the foundation for the bench during the landscaping activities planned for the Riverview Cemetery this summer.
- 3) That the Town will supply the labour to install the new Sterling Bench and plaque.

5.7 Award of Tender 2022-OF-03 - Supply and Delivery of a New Aircraft Refueler Truck

Recommendation: THAT approval of this report will agree with the recommendation of the Operations and Facilities Executive Committee that:

1. Tender 2022-OF-03 be awarded to SkyMark Refuelers for a total bid price of \$308,750 USD
2. That the funding shortfall and exchange be funded through year end surplus or out of the Vehicle and Equipment Reserve Fund.
3. That a By-Law be prepared to authorize Mayor and Clerk to execute the agreement on behalf of the corporation.

5.8 Award of Tender 2022-OF-05 - Fire Suppression Sprinkler System Installation in 52 Canadians Arena

This item was pulled from the consent agenda. The motion will be presented for Council's consideration at the Regular Council Meeting following this session.

Recommendation: THAT approval of this report will agree with the recommendation of the Operations and Facilities Executive Committee that:

Tender 2022-OF-05 be awarded to Tom Jones Corporation for a total tender price of \$558,800 including \$35,000 in allowances.

That a by-law be prepared authorizing Mayor and Clerk to execute the agreement on behalf of the corporation.

6. Administration and Finance Division:

6.1 Chief Administrative Officer Performance Appraisal

The motion will be presented for Council's consideration at the Regular Council Meeting following this session.

Recommendation: THAT approval of this report will agree with the recommendation of Administration to implement the Chief Administrative Officer Performance Appraisal Policy as drafted

AND THAT a By-Law be brought forward for approval.

6.2 By-Law Enforcement Officer

The motion will be presented for Council's consideration at the Regular Council Meeting following this session.

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Recommendation: THAT Council direct the necessary by-law to be drafted, appointing successful applicant, Mark Bridge, as By-Law Enforcement Officer.
FURTHER THAT Council direct the necessary by-law be drafted, appointing successful applicant, Mark Bridge, as Municipal Weed Inspector.

7. Operations and Facilities Division:

7.1 Award of Tender 2022-OF-06

The motion will be presented for Council's consideration at the Regular Council Meeting following this session.

Recommendation: THAT approval of this report will agree with the recommendation of Administration, THAT Tender 2022-OF-06 for the Supply and Installation of new Sport Flooring at the Fort Frances Memorial Sports Centre and Emo-Lavallee Arena be awarded to Caliber Sport Systems Inc.
FURTHER THAT a by-law be prepared authorizing Mayor and Clerk to sign the agreement on behalf of the corporation.

8. General: NONE

9. Information:

The following items were received. Council was provided an opportunity for clarification and questions relating to all information items.

9.1 February and March reports

9.2 Fort Frances Fire Rescue 2021 Annual Report

9.3 Fort Frances Wastewater Treatment Facility March 2022 Monthly Report

9.4 Airport Statistics 2022

9.5 Sewer and Water Data for 2022

9.6 Tonnage at the Landfill - updated April 13, 2022

9.7 Operations and Facilities Division - Environmental Area - Operations Statistics - January 2022

9.8 Operations and Facilities Division - Environmental Area - Operations Statistics - February 2022

9.9 Operations and Facilities Division - Environmental Area - Operations Statistics - March 2022

9.10 Water and Sewer Stats 2022

10. ADJOURNMENT

10.1 The meeting adjourned at 6:00 p.m.

225 THAT this meeting of the Committee of Whole of Council of the Town of Fort Frances be now closed.

CARRIED

Result:	CARRIED
Mover:	Wendy Brunetta
Second:	June Caul

**The Corporation of the
Town of Fort Frances
Consolidated Financial Statements
For the year ended December 31, 2021**

DRAFT

**The Corporation of the
Town of Fort Frances
Consolidated Financial Statements
For the year ended December 31, 2021**

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The Corporation of the Town of Fort Frances Management's Responsibility for the Consolidated Financial Statements

The accompanying consolidated financial statements of the Corporation of the Town of Fort Frances and all the information in this annual report are the responsibility of management and have been approved by the Mayor and Treasurer on behalf of Council.

The consolidated financial statements have been prepared by management in accordance with Public Sector Accounting Principles. The consolidated financial statements are not precise since they include certain amounts based on estimates and judgments. When alternative accounting methods exist, management has chosen those it deems most appropriate in the circumstances, in order to ensure that the consolidated financial statements are presented fairly, in all material respects.

The Town maintains systems of internal accounting and administrative controls of high quality consistent with reasonable cost. Such systems are designed to provide reasonable assurance that the financial information is relevant, reliable and accurate and the Town's assets are appropriately accounted for and adequately safeguarded.

The Town Council is responsible for ensuring that management fulfills its responsibilities for financial reporting and is ultimately responsible for reviewing and approving the consolidated financial statements.

The Council reviews the Town's consolidated financial statements and meets periodically with management, as well as the external auditors, to discuss internal controls over the financial reporting process, auditing matters and financial reporting issues, to satisfy themselves that each party is properly discharging their responsibilities, and to review the annual report, the consolidated financial statements and the external auditor's report.

The consolidated financial statements have been audited by BDO Canada LLP in accordance with Canadian generally accepted auditing standards on behalf of the members. BDO Canada LLP have full and free access to Council.

Mayor

Treasurer

Independent Auditor's Report

To the Mayor and Councilors of
The Corporation of the Town of Fort Frances

Opinion

We have audited the consolidated financial statements of the Corporation of the Town of Fort Frances (the Municipality), which comprise the consolidated statement of financial position as at December 31, 2021, and the consolidated statement of operations, the consolidated statement of change in net financial assets and the consolidated statement of cash flows for the year then ended, and notes to consolidated financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the financial position of the Municipality as at December 31, 2021, and its results of operations, its change in net financial assets, and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Consolidated Financial Statements* section of our report. We are independent of the Municipality in accordance with the ethical requirements that are relevant to our audit of the consolidated financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Consolidated Financial Statements

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is responsible for assessing the Municipality's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Municipality or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Municipality's financial reporting process.

Auditor's Responsibilities for the Audit of the Consolidated Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these consolidated financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Municipality's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Municipality's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the consolidated financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Municipality to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the consolidated financial statements, including the disclosures, and whether the consolidated financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Chartered Professional Accountants, Licensed Public Accountants

Fort Frances, Ontario

May 24, 2022

The Corporation of the Town of Fort Frances Consolidated Statement of Financial Position

December 31	2021	2020
Financial assets		
Cash and cash equivalents (Note 1)	\$ 3,047,077	\$ 3,775,621
Taxes receivable	110,807	241,340
Accounts receivable	5,496,893	3,818,960
Investments (Note 2)	17,078,042	15,067,063
Investment in government business enterprises (Note 3)	6,494,603	6,355,014
Loans receivable (Note 4)	-	105,555
	<u>32,227,422</u>	<u>29,363,553</u>
Liabilities		
Accounts payable and accrued liabilities	3,048,786	4,174,500
Deferred revenue (Note 6)	1,084,993	433,919
Net long-term debt (Note 7)	315,410	630,820
Solid waste closure and post-closure liabilities (Note 8)	967,937	944,577
Post-employment benefits liabilities (Note 9)	156,435	175,373
	<u>5,573,561</u>	<u>6,359,189</u>
Net financial assets	<u>26,653,861</u>	<u>23,004,364</u>
Non-financial assets		
Tangible capital assets (Note 10)	105,766,828	103,824,693
Tangible capital assets under construction	32,668	1,122,788
Land held for sale	1,453,664	-
Inventory of supplies	428,820	423,269
Prepaid expenses	352,457	348,868
	<u>108,034,437</u>	<u>105,719,618</u>
Accumulated surplus (Note 11)	<u>\$ 134,688,298</u>	<u>\$ 128,723,982</u>
Contingent liabilities (Note 16)		
_____ Mayor		
_____ Treasurer		

The Corporation of the Town of Fort Frances Consolidated Statement of Operations

For the year ended December 31	Budget 2021	2021	2020
Revenue			
Taxation	\$ 12,267,293	\$ 12,352,860	\$ 11,330,312
Government transfers - Federal (Note 12)	918,791	1,362,860	1,065,608
Government transfers - Provincial (Note 13)	10,817,102	7,165,829	8,016,916
User fees and service charges	7,436,000	8,014,359	7,244,515
Permits, licenses and fines	52,938	47,199	45,579
Investment income	75,500	129,812	277,291
Income from government business enterprises (Note 3)	-	139,589	146,525
Municipal accommodation taxation	180,000	189,485	184,035
Other income (Note 14)	495,789	1,479,590	353,077
	<u>32,243,413</u>	<u>30,881,583</u>	<u>28,663,858</u>
Expenses			
General government	2,272,475	2,876,467	2,537,828
Protection services	4,302,015	4,562,694	4,369,215
Transportation services	4,994,621	5,279,519	5,092,733
Environmental services	5,850,757	5,258,309	5,196,293
Health services	2,805,539	1,752,688	1,717,651
Social and family services	155,931	260,454	261,405
Social housing	-	682,780	699,732
Recreation and cultural services	4,060,505	3,844,832	3,572,455
Planning and development	437,720	399,524	532,280
	<u>24,879,563</u>	<u>24,917,267</u>	<u>23,979,592</u>
Annual surplus	<u>7,363,850</u>	<u>5,964,316</u>	<u>4,684,266</u>
Accumulated surplus, beginning of year	<u>128,723,982</u>	<u>128,723,982</u>	<u>124,039,716</u>
Accumulated surplus, end of year	<u>\$136,087,832</u>	<u>\$134,688,298</u>	<u>\$128,723,982</u>

The Corporation of the Town of Fort Frances Consolidated Statement of Change in Net Financial Assets

For the year ended December 31	Budget 2021	2021	2020
Annual surplus	\$ 7,363,850	\$ 5,964,316	\$ 4,684,266
Acquisition of tangible capital assets	(13,299,819)	(6,677,144)	(8,867,446)
Amortization of tangible capital assets	4,900,000	4,729,809	4,663,034
Loss (gain) on disposal of tangible capital assets	-	(32,800)	696,388
Proceeds on disposal of tangible capital assets	-	42,123	324,640
Loss (gain) on disposal of land held for sale	-	(1,457,787)	(271,708)
Acquisition of tangible capital assets under construction	-	1,090,120	(949,618)
	(1,035,969)	3,658,637	279,556
Acquisition of prepaid expenses and inventory of supplies	-	(9,140)	(73,516)
Net change in net financial assets	(1,035,969)	3,649,497	206,040
Net financial assets, beginning of year	23,004,364	23,004,364	22,798,324
Net financial assets, end of year	\$ 21,968,395	\$ 26,653,861	\$ 23,004,364

The Corporation of the Town of Fort Frances Consolidated Statement of Cash Flows

For the year ended December 31	2021	2020
Operating transactions		
Annual surplus	\$ 5,964,316	\$ 4,684,266
Items not involving cash		
Loss (income) from government business enterprises	(139,589)	(146,525)
Amortization of tangible capital assets	4,729,809	4,663,034
Loss (gain) on disposal of tangible capital assets	(32,800)	696,388
Loss (gain) on disposal of land held for sale	(4,123)	(271,708)
Changes in non-cash operating balances		
Taxes receivable	130,533	90,580
Accounts receivable	(1,677,933)	(514,989)
Loans receivable	105,555	72,222
Inventory of supplies	(5,551)	1,532
Prepaid expenses	(3,589)	(75,048)
Accounts payable and accrued liabilities	(1,125,714)	839,121
Deferred revenue	651,074	34,262
Solid waste closure and post-closure liabilities	23,360	23,360
Post-employment benefits	(18,938)	(18,056)
	<u>8,596,410</u>	<u>10,078,439</u>
Capital transactions		
Acquisition of tangible capital assets	(6,677,144)	(8,867,446)
Proceeds on disposal of tangible capital assets	42,123	324,640
Acquisition of tangible capital assets under construction	1,090,120	(949,618)
	<u>(5,544,901)</u>	<u>(9,492,424)</u>
Investing transactions		
Decrease (increase) in investments	(2,010,979)	(4,086,551)
Acquisition of land assets held for sale	(1,453,664)	-
	<u>(3,464,643)</u>	<u>(4,086,551)</u>
Financing transactions		
Repayment of long-term debt	(315,410)	(315,410)
Net change in cash and cash equivalents	(728,544)	(3,815,946)
Cash and cash equivalents, beginning of year	<u>3,775,621</u>	<u>7,591,567</u>
Cash and cash equivalents, end of year	<u>\$ 3,047,077</u>	<u>\$ 3,775,621</u>

The Corporation of the Town of Fort Frances Summary of Significant Accounting Policies

December 31, 2021

**Management's
Responsibility for the
Consolidated Financial
Statements**

The consolidated financial statements of the Corporation of the Town of Fort Frances are the representations of management. They have been prepared in accordance with Canadian accounting principles established by the Public Sector Accounting Board of CPA Canada.

Basis of Accounting

The consolidated financial statements of the Corporation of the Town of Fort Frances are the representations of management. They have been prepared in accordance with Canadian public sector accounting standards established by the Public Sector Accounting Board of CPA Canada.

Revenues and expenditures are reported on the accrual basis of accounting. The accrual basis of accounting recognizes revenues as they become available and measurable; expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.

The consolidated statement of financial position reflects all of the financial assets and liabilities of the Municipality. Financial assets are those assets which could provide resources to discharge existing liabilities or finance future operations. Non-financial assets are not available to discharge existing liabilities and are held for use in the provision of services. They have useful lives extending beyond the current year and are not intended for sale in the ordinary course of operations. The change in non-financial assets during the year, together with the excess of revenues over expenses, provides the change in net financial assets for the year. Accumulated surplus represents the financial position of the Municipality, and is the difference between its' assets and liabilities. This provides information about the Municipality's overall future revenue requirements and its' ability to finance activities and to meet its' obligations.

Basis of Consolidation

The consolidated financial statements reflect the assets, liabilities, revenue and expenses of all municipal Organizations, committees and boards which are owned or controlled by the Municipality. All interfund assets and liabilities and revenues and expenditures have been eliminated on consolidation.

The following boards and municipal enterprises owned or controlled by Council have been consolidated:

Library Board
Waterworks
Business Improvement Area

The Corporation of the Town of Fort Frances Summary of Significant Accounting Policies

December 31, 2021

Basis of Consolidation (continued)

A government partnership exists where the Municipality has shared control over the board or entity. The Municipality's pro-rata share of the assets, liabilities, revenues and expenditures are reflected in the consolidated financial statements using the proportionate consolidation method. No proportionate interest or government partnerships are reflected in the consolidated financial statements.

The following boards are not consolidated:

Northwestern Health Unit
Rainy River District Social Services Administration Board

Government business enterprises are separate legal entities which do not rely on the Municipality for funding. The Municipality's government business enterprises consist of investments in Fort Frances Power Corporation and Fort Frances Network Services Corporation. These investments are accounted for using the modified equity basis of accounting. Under this method, the government business enterprise's accounting policies, which follow Canadian generally accepted accounting principles for publicly accountable enterprises, are not adjusted to conform with Public Sector Accounting Standards and inter-entity transactions and balances are not eliminated.

Cash and Cash Equivalents

Management considers all highly liquid investments with maturity of three months or less at acquisition to be cash equivalents.

Inventory

Inventory of supplies is recorded at the lower of cost or net replacement value.

Investments

The Municipality accounts for its' investments at cost. The carrying value of an investment is written down to its net recoverable amount if a decline in value is judged to be other than temporary.

Loans Receivable

Loans receivable are reported on the Municipality's consolidated statement of financial position at the lower of cost and net recoverable value.

The Corporation of the Town of Fort Frances Summary of Significant Accounting Policies

December 31, 2021

Tangible Capital Assets

Tangible capital assets are recorded at cost less accumulated amortization. Cost includes all costs directly attributable to acquisition or construction of the tangible capital asset including transportation costs, installation costs, design and engineering fees, legal fees and site preparation costs. Contributed tangible capital assets are recorded at fair value at the time of the donation, with a corresponding amount recorded as revenue. Amortization is recorded on a straight-line basis over the estimated life of the tangible capital asset commencing once the asset is available for productive use as follows:

Land improvements	40 years
Buildings	40 years
Machinery and equipment	10 to 15 years
Roads and bridges	15 to 80 years
Water infrastructure	40 to 80 years
Sewer infrastructure	40 to 80 years
Vehicles	7 to 12 years
Computer hardware and software	5 years

Revenue Recognition

Taxes are recorded at estimated amounts when they meet the definition of an asset, have been authorized and the taxable event occurs. For property taxes, the taxable event is the period for which the tax is levied. As taxes recorded are initially based on management's best estimate of the taxes that will be received, it is possible that changes in future conditions, such as reassessments due to audits, appeals and court decisions, could result in a change in the amount of tax revenue recognized. Taxes receivable are recognized net of an allowance for anticipated uncollectable amounts. Taxation revenue is initially recognized based on management's best estimate of the taxes that will be received. However, the total amount of tax revenue recognized may change due to future reassessments such as audits, appeals and court decisions.

User fees and other revenues are recognized when the services are performed or goods are delivered and there is reasonable assurance of collection.

Government Transfers

Government transfers, which include legislative grants, are recognized as revenue on the consolidated financial statements when the transfer is authorized and any eligibility criteria are met, except to the extent that transfer stipulations give rise to an obligation that meets the definition of a liability. When transfer stipulations give rise to a liability, government transfers are recognized as deferred revenue and recognized as revenue when the stipulations are settled.

The Corporation of the Town of Fort Frances Summary of Significant Accounting Policies

December 31, 2021

Solid Waste Landfills

The estimated costs to close and maintain solid waste landfill sites are based on estimated future expenses in current dollars, discounted, adjusted for estimated inflation, and are charged to expense as the landfill site's capacity is used.

Retirement Benefits and Other Employee Benefit Plans

The Municipality is an employer member of the Ontario Municipal Employees Retirement System (OMERS), which is a multi-employer, defined benefit pension plan. The Board of Trustees, representing plan members and employers, is responsible for overseeing the management of the pension plan, including investment of the assets and administration of the benefits. The Municipality has adopted defined contribution plan accounting principles for this Plan because insufficient information is available to apply defined benefit plan accounting principles. The Municipality records as pension expense the current service cost, amortization of past service costs and interest costs related to the future employer contributions to the Plan for past employee service.

School Boards

The Municipality collects taxation revenue on behalf of the school boards. The taxation, other revenues, expenditures, assets and liabilities with respect to the operations of the school boards are not reflected in these consolidated financial statements.

Use of Estimates

The preparation of consolidated financial statements in accordance with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the consolidated financial statements, and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from management's best estimates as additional information becomes available in the future.

The estimates used in preparation of these consolidated financial statements are the useful lives of property, plant and equipment, the capacity of the landfill site, the useful life of the landfill site, the closure and post-closure costs of the landfill, the present value of the Municipality's employee post-retirement benefits and taxation revenue.

Trust Funds

Trust Funds held in trust by the Municipality, and their related operations, are not included in these consolidated financial statements. The financial activity and position of the Trust Funds are reported separately on the Trust Funds statement of continuity and balance sheet.

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

1. Cash and Cash Equivalents

The balance of cash and cash equivalents reported on the consolidated statement of financial position is made up of the following:

	2021	2020
Unrestricted	\$ 598,103	\$ 2,393,749
Restricted by Council resolution	2,448,974	1,381,872
	<u>\$ 3,047,077</u>	<u>\$ 3,775,621</u>

Certain surplus funds are set aside by by-laws or Council resolution for specific purposes and referred to as reserve funds. Cash and cash equivalents restricted by Council resolution represent assets that are maintained in respect of those reserve funds (Note 11).

2. Investments

	2021	2020
Investments restricted by Council resolution		
GIC's, 2.25% annual interest rate	\$ 340,305	\$ 334,110
GIC's, 1.35% annual interest rate	-	6,060,750
Interest bearing savings account, prime -1.54%	16,727,736	8,662,202
Non-interest bearing savings account	10,001	10,001
	<u>\$ 17,078,042</u>	<u>\$ 15,067,063</u>

The income from investments for the year was \$106,318 (2020 - \$214,396).

Certain surplus funds are set aside by by-laws or Council resolution for specific purposes and referred to as reserve funds. Investments restricted by Council resolution represent assets that are maintained in respect of those reserve funds (Note 11).

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

3. Investment in Government Business Enterprises

	2021	2020
Fort Frances Power Corporation	\$ 6,447,245	\$ 6,304,911
Fort Frances Network Services Corporation	47,358	50,103
	<u>\$ 6,494,603</u>	<u>\$ 6,355,014</u>

Income from government business enterprises for the year was \$139,589 (2020 - \$146,525).

Fort Frances Power Corporation

Fort Frances Power Corporation is a Corporation that was created for the purpose of distributing electrical power to the Town of Fort Frances. The Municipality holds 100% of the common shares of Fort Frances Power Corporation. The condensed supplementary financial information is as follows:

	2021	2020
Financial position		
Current assets	\$ 4,930,215	\$ 5,512,837
Property, plant and equipment	4,440,190	4,344,934
Regulatory assets	735,951	868,904
Future income tax assets	141,828	180,109
Total assets	<u>10,248,184</u>	<u>10,906,784</u>
Current liabilities	3,045,687	4,135,550
Regulatory liabilities	755,252	466,323
Total liabilities	<u>3,800,939</u>	<u>4,601,873</u>
Net assets		
Equity	<u>\$ 6,447,245</u>	<u>\$ 6,304,911</u>
Results of operations		
Revenue	\$ 10,741,768	\$ 12,296,498
Expenses	<u>(10,599,434)</u>	<u>(12,146,845)</u>
Net income for the year	<u>\$ 142,334</u>	<u>\$ 149,653</u>

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

3. Investment in Government Business Enterprises (continued)

Fort Frances Network Services Corporation

Fort Frances Network Services Corporation is a Corporation that was created for the purpose of providing utility maintenance services to the Town of Fort Frances. The Municipality holds 100% of the common shares of Fort Frances Network Services Corporation. The condensed supplementary financial information is as follows:

	2021	2020
Financial position		
Cash and bank	\$ 49,187	\$ 55,751
Accounts receivable	155	156
Total assets	49,342	55,907
Total liabilities	1,984	5,804
Net assets		
Equity	\$ 47,358	\$ 50,103
Results of operations		
Revenue	\$ 277	\$ 461
Expenses	(3,022)	(3,589)
Net loss for the year	\$ (2,745)	\$ (3,128)

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

4. Loans Receivable

Loans receivable reported on the consolidated statement of financial position are comprised of the following:

	2021	2020
Fort Frances Community Clinic loan, repayable at \$5,556 monthly, non-interest bearing. Secured by a general security agreement in first priority position on and over any and all assets of the borrower. Fully repaid at December 31, 2021.	\$ -	\$ 105,555

Loans receivable are restricted by Council resolution and represent assets that are maintained in respect of reserve funds (Note 11).

5. Bank Indebtedness

Bank indebtedness is secured by general security agreements covering certain assets of the Municipality. The maximum authorized amount is \$4,000,000 and bears interest at the prime rate. As at December 31, 2021, \$NIL (2020 - \$NIL) was drawn under this facility.

6. Deferred Revenue

	Opening balance	Contributions received	Externally restricted investment income	Revenue recognized	Ending balance
Federal and provincial gas tax	\$ 378,986	\$ 1,047,336	\$ 5,503	\$ (417,950)	\$ 1,013,875
Other	54,933	44,543	-	(28,358)	71,118
	\$ 433,919	\$ 1,091,879	\$ 5,503	\$ (446,308)	\$ 1,084,993

Federal and Provincial Gas Tax

The Federal and Provincial Governments advance the Municipality funding related to gasoline tax. This funding must be spent on approved infrastructure projects. The funding can be deferred for a maximum of 5 years.

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

7. Net Long-term Debt

Net long-term debt reported on the consolidated statement of financial position is comprised of the following:

	2021	2020
Demand bank loan, payable at \$26,284 monthly, plus interest at 4.397%. Unsecured, matures December 31, 2022.	<u>\$ 315,410</u>	<u>\$ 630,820</u>

Principal and interest repayments relating to net long-term debt of \$315,410 outstanding are due as follows:

	Principal Repayments	Interest	Total
2022	<u>\$ 315,410</u>	<u>\$ 7,501</u>	<u>\$ 322,911</u>

The gross interest paid relating to the above long-term debt was \$21,335 (2020 - \$35,308).

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

8. Solid Waste Closure and Post-Closure Liabilities

Solid waste closure and post-closure care requirements have been defined in accordance with industry standards and include final covering and landscaping of the landfill, removal of ground water and leachates, and ongoing environmental monitoring, site inspection and maintenance. The present value of the Municipality's estimated future liability for this expense is recognized as the landfill site's capacity is used. The liability and annual expense is calculated based on the ratio of utilization to total capacity of the landfill site and the discounted estimated cash flows associated with closure and post-closure activities.

The liability for the landfill site is recorded at \$967,937 (2020 - \$944,577) and represents the present value of closure and post-closure costs for 79% of the current site's opened cells, using the average long-term borrowing rate of 3.0%. The liability is recorded based on the capacity of the landfill used to date. The estimated remaining capacity of the site's opened cells are approximately 60,000 cubic meters, which is estimated to be filled in 6 years based on a study. Post-closure care is estimated to continue for a period of 25 years.

The liability is expected to be funded through budget allocations to a landfill reserve over the remaining life of the landfill. The Municipality has \$924,912 (2020 - \$921,755) in an investment which relates to the solid waste closure and post-closure liability. The landfill liability is therefore underfunded by \$43,025 (2020 - \$22,822) at year end.

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

9. Post-Employment Benefits Liabilities

Post-employment benefits liabilities reported on the consolidated statement of financial position are comprised of the following:

	2021	2020
Post-retirement benefits liabilities	\$ 143,935	\$ 162,873
Life insurance coverage	12,500	12,500
	<u>\$ 156,435</u>	<u>\$ 175,373</u>

On February 4, 2011, the Municipality became responsible for providing the following post-retirement benefits on behalf of its eligible full-time employees who are members of the Fort Frances Professional Fire Fighters Association:

- Extended health care
- Dental benefits

The latest actuarial valuation was performed on December 31, 2021.

Post-Retirement Benefits Liabilities	2021	2020
Accrued post-retirement benefits obligation	\$ 118,692	\$ 136,828
Unamortized actuarial gains	25,243	26,045
Post-retirement benefits liabilities	<u>\$ 143,935</u>	<u>\$ 162,873</u>

Post-Retirement Benefits Expenditures	2021	2020
Current year service costs	\$ 4,387	\$ 3,661
Interest on accrued benefit obligation	1,721	3,179
Amortization of net estimation adjustments	(7,426)	(8,219)
Post-retirement benefits expenditures	<u>\$ (1,318)</u>	<u>\$ (1,379)</u>
Benefit payments during the year	<u>\$ 17,620</u>	<u>\$ 16,677</u>

The significant actuarial assumptions adopted and estimated for the calculation of the accrued benefit obligations are as follows:

	2021	2020
Discount on accrued benefit obligations	2.10%	1.30%
Dental cost trend rates	3.00%	3.00%
Extended health care trend rates	5.50%	5.75%

For December 31, 2021, extended health care trend rates are assumed to be 5.50%, decreasing by 0.25% per annum to an ultimate rate of 4.5% thereafter.

As at December 31, 2021, the Municipality's post-retirement benefits were 100% unfunded.

**The Corporation of the Town of Fort Frances
Notes to Consolidated Financial Statements**

December 31, 2021

10. Tangible Capital Assets

									2021
	Land and land improvements	Buildings	Machinery and equipment	Roads and bridges	Water infrastructure	Sewer infrastructure	Vehicles	Computer hardware and software	Total
Cost, beginning of year	\$ 5,984,080	\$ 53,610,279	\$ 12,197,154	\$ 67,694,056	\$ 24,171,351	\$ 28,619,389	\$ 4,046,243	\$ 836,566	\$ 197,159,118
Additions	53,663	1,324,488	863,960	2,510,306	517,861	989,844	335,460	81,562	6,677,144
Disposals	-	-	(86,275)	-	-	-	(232,263)	-	(318,538)
Cost, end of year	6,037,743	54,934,767	12,974,839	70,204,362	24,689,212	29,609,233	4,149,440	918,128	203,517,724
Accumulated amortization, beginning of year	1,040,512	27,042,886	6,314,768	37,343,981	8,118,481	10,646,517	2,261,747	565,533	93,334,425
Amortization	167,119	1,087,451	765,346	1,587,822	362,490	423,248	217,807	118,526	4,729,809
Disposals	-	-	(81,075)	-	-	-	(232,263)	-	(313,338)
Accumulated amortization, end of year	1,207,631	28,130,337	6,999,039	38,931,803	8,480,971	11,069,765	2,247,291	684,059	97,750,896
Net carrying amount, end of year	\$ 4,830,112	\$ 26,804,430	\$ 5,975,800	\$ 31,272,559	\$ 16,208,241	\$ 18,539,468	\$ 1,902,149	\$ 234,069	\$ 105,766,828

**The Corporation of the Town of Fort Frances
Notes to Consolidated Financial Statements**

December 31, 2021

10. Tangible Capital Assets (continued)

									2020
	Land and land improvements	Buildings	Machinery and equipment	Roads and bridges	Water infrastructure	Sewer infrastructure	Vehicles	Computer hardware and software	Total
Cost, beginning of year	\$ 6,075,867	\$ 54,624,660	\$ 11,848,927	\$ 64,494,119	\$ 22,857,711	\$ 26,281,996	\$ 3,238,875	\$ 703,666	\$190,125,821
Additions	38,214	125,389	555,621	3,199,937	1,313,640	2,337,393	1,149,204	148,048	8,867,446
Disposals	(130,001)	(1,139,770)	(207,394)	-	-	-	(341,836)	(15,148)	(1,834,149)
Cost, end of year	5,984,080	53,610,279	12,197,154	67,694,056	24,171,351	28,619,389	4,046,243	836,566	197,159,118
Accumulated amortization, beginning of year	956,721	26,655,058	5,752,436	35,674,798	7,772,044	10,255,915	2,225,471	463,774	89,756,217
Amortization	168,605	1,058,165	722,658	1,669,183	346,437	390,602	190,477	116,907	4,663,034
Disposals	(84,814)	(670,337)	(160,326)	-	-	-	(154,201)	(15,148)	(1,084,826)
Accumulated amortization, end of year	1,040,512	27,042,886	6,314,768	37,343,981	8,118,481	10,646,517	2,261,747	565,533	93,334,425
Net carrying amount, end of year	\$ 4,943,568	\$ 26,567,393	\$ 5,882,386	\$ 30,350,075	\$ 16,052,870	\$ 17,972,872	\$ 1,784,496	\$ 271,033	\$103,824,693

The net book value of tangible capital assets not being amortized because they are under construction is \$32,668 (2020 - \$1,122,788). These items are recognized separately as tangible capital assets under construction on the consolidated statement of financial position.

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

11. Accumulated Surplus

The Municipality segregates its accumulated surplus in the following categories:

	2021	2020
Investment in tangible capital assets		
Tangible capital assets	\$ 105,799,496	\$ 104,947,481
Long-term debt	(315,410)	(630,820)
Land held for sale	1,453,664	-
Total investment in tangible capital assets	106,937,750	104,316,661
General operating	268,634	239,237
Business improvement area	95,227	80,868
Total operating surplus	363,861	320,105
Other allocated deficits		
Landfill closure	(967,937)	(944,577)
Employee future benefits	(156,435)	(175,373)
Total other allocated deficits	(1,124,372)	(1,119,950)
Reserve funds		
Waterworks projects	8,198,606	6,455,846
Replacement of vehicles and equipment	975,205	662,527
Library building	1,183,087	645,065
Landfill closure	924,912	921,755
Parks and cemeteries	56,541	56,214
Social and family assistance	22,255	22,127
Corporate projects and contingencies	8,991,917	8,925,632
Cultural projects	36,271	36,061
Townsend theatre	127,662	126,925
Total reserve funds	20,516,456	17,852,152
Working capital reserve	1,500,000	1,000,000
Investment in government business enterprises	6,494,603	6,355,014
	\$ 134,688,298	\$ 128,723,982

The investment in tangible capital assets represents amounts already spent and invested in infrastructure and other non-financial assets.

Reserve funds represent funds set aside by by-law or Council resolution for specific purposes.

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

12. Government Transfers - Federal

	2021	2020
Operating		
Other	\$ 13,594	\$ 10,358
Tangible Capital Assets		
Association of Municipalities of Ontario		
Federal Gas Tax Fund	416,163	512,248
FedNor	237,569	49,421
Investing in Canada Infrastructure Program	671,587	452,461
Other	23,947	41,120
Total tangible capital asset transfers	1,349,266	1,055,250
Total federal transfers	\$ 1,362,860	\$ 1,065,608

13. Government Transfers - Provincial

	2021	2020
Operating		
Province of Ontario		
Ontario Municipal Partnership Fund	\$ 3,328,600	\$ 3,294,600
Ministry of Transportation	1,977	12,539
Ontario Seniors' Secretariat	56,033	74,717
Ontario Provincial Police	122,096	195,549
Safe Restart Fund	116,152	556,100
Other	196,141	273,450
Total operating transfers	3,820,999	4,406,955
Tangible Capital Assets		
Province of Ontario		
Ministry of Transportation	1,992,293	2,537,248
Northern Ontario Heritage Fund	163,951	78,878
Ministry of Agriculture, Food and Rural Affairs	1,179,450	984,356
Other	9,136	9,479
Total tangible capital asset transfers	3,344,830	3,609,961
Total provincial transfers	\$ 7,165,829	\$ 8,016,916

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

14. Other Income

	2021	2020
Penalties and interest on taxes	\$ 94,493	\$ 148,650
Rents, concessions and franchises	119,411	86,779
Donations	893,742	315,198
Gain (loss) on disposal of tangible capital assets	32,800	(696,388)
Gain on disposal of land held for sale	4,123	271,708
Provincial offences	297,203	169,733
Insurance proceeds and other recoveries	37,818	57,397
	\$ 1,479,590	\$ 353,077

15. Expenses by Object

	2021	2020
Salaries, wages and employee benefits	\$ 8,351,471	\$ 7,724,413
Long-term debt charges - interest	21,335	35,308
Materials	3,495,065	3,169,248
Contracted services	4,840,848	5,009,712
Rents and financial expenses	932,272	764,766
Contributions to other Organizations	2,546,467	2,613,111
Amortization	4,729,809	4,663,034
	\$ 24,917,267	\$ 23,979,592

16. Contingent Liabilities

Various lawsuits and appeals have been filed against the Municipality for incidents which arose in the ordinary course of business as well as land claims. These lawsuits and appeals include the following specific claims:

A claim in the amount of \$2,000,000 has been filed against the Municipality that is in relation to disputed costs between the Municipality and a contractor involved in the rehabilitation of Municipal infrastructure. In the opinion of management and legal counsel, the outcome of the lawsuit, now pending, is not determinable. Should any loss result from the resolution of these claims, such loss will be charged to operations in the year of resolution.

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

17. Related Party Transactions

The Municipality owns 100% of the common shares of Fort Frances Power Corporation. Fort Frances Power Corporation provides electricity and services to the Municipality. The following is a summary of the significant related party transactions for the year:

	2021	2020
Revenue from services provided to Fort Frances Power Corporation	\$ 55,539	\$ 19,434
Expenses for electricity purchased from Fort Frances Power Corporation	\$ 718,451	\$ 805,111
Other purchased services provided by Fort Frances Power Corporation	129,732	102,558
	<u>\$ 848,183</u>	<u>\$ 907,669</u>

18. Operations of School Boards

	2021	2020
During the year, the following taxation revenue was raised and remitted to the school boards	<u>\$ 1,372,800</u>	<u>\$ 1,361,258</u>

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

19. Pension Agreements

The employees of the Municipality participate in the Ontario Municipal Employees Retirement System (OMERS). The Municipality also makes contributions to the OMERS plan on behalf of its employees. The plan has a defined benefit option at retirement available to some employees, which specifies the amount of the retirement benefit plan to be received by the employees based on length of service and rates of pay. However, the plan is accounted for as a defined contributions plan as insufficient information is available to account for the plan as a defined benefit plan. The contribution payable in exchange for services rendered during a period is recognized as an expense during that period.

OMERS provides pension services to more than 482,000 active and retired members and approximately 985 employers. Each year an independent actuary determines the funding status of OMERS Primary Pension Plan (the Plan) by comparing the actuarial value of invested assets to the estimated present value of all pension benefits that members have earned to date. The most recent actuarial valuation of the Plan was conducted at December 31, 2021. The results of this valuation disclosed total actuarial liabilities of \$100,081 million in respect of benefits accrued for service with actuarial assets at that date of \$95,890 million indicating an actuarial deficit of \$4,191 million. Because OMERS is a multi-employer plan, any pension plan surpluses or deficits are a joint responsibility of Ontario municipal Organizations and their employees. As a result, the Municipality does not recognize any share of the OMERS pension surplus or deficit. Contributions made by the Municipality to OMERS for 2021 were \$568,093 (2020 - \$539,573) for current services.

20. Trust Funds

The Trust Funds administered by the Municipality amounting to \$1,032,608 (2020 - \$1,144,477) have not been included on the consolidated statement of financial position nor have their operations been included on the consolidated statement of operations.

21. Contributions to Unconsolidated Boards

The following contributions were made by the Municipality to these boards:

	2021	2020
Northwestern Health Unit	\$ 359,587	\$ 377,954
Rainy River District Social Services Administration Board		
Ambulance service	989,099	1,084,846
General assistance	72,744	51,465
Child care	91,533	87,477
Social housing	682,780	699,732
	<u>\$ 2,195,743</u>	<u>\$ 2,301,474</u>

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

22. Uncertainty Due to COVID-19

As the impact of COVID-19 continues, there could be future impact on the Municipality, its citizens, employees, suppliers and other third party business associates that could impact the timing and amounts realized on the Municipality's assets and future ability to deliver services and projects. At this time, the full potential impact of COVID-19 on the Municipality is not known. Although the disruption from the virus is expected to be temporary, given the dynamic nature of these circumstances, the duration of the disruption and the related financial impact cannot be reasonably estimated at this time. The Municipality's ability to continue delivering non-essential services and employ related staff will depend on the legislative mandates from the various levels of government. The Municipality will continue to focus on collecting receivables, managing expenditures and leveraging existing reserves and available credit facilities to ensure it is able to continue providing essential services to its citizens.

23. Segmented Information

The Corporation of the Town of Fort Frances is a diversified municipal government institution that provides a wide range of services to its citizens. The management of the Municipality considers decisions based on separate service areas. These service areas are: general government, protection services, transportation services, environmental services, health services, social and family services, social housing, recreation and cultural services and planning and development.

Descriptions of the services and funds that management bases their decisions on, are as follows:

General Government

General government consists of governance, Corporate management and program support. These categories relate to operations of all of the various programs and services that the Municipality offers to its citizens.

Protection Services

Protection is comprised of police service and fire protection. Police service is contracted out to the Ontario Provincial Police. The fire department is responsible to provide fire suppression service, fire prevention programs, training and education related to prevention, detection or extinguishment of fires.

Transportation Services

The transportation services area provides construction and maintenance of the roadways throughout the Municipality as well as the municipal airport.

Environmental Services

Environmental services consist of the management and maintenance of the sanitary sewer system, waterworks system and waste disposal facility located within the municipal borders.

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

23. Segmented Information (continued)

Health Services

Health services are comprised of public health services and ambulance service. The Municipality contributes to local boards which provide these services to the citizens of the Municipality.

Social and Family Services

Social and family services are comprised of general assistance, child care and assistance to the aged. The Municipality contributes to local boards which provide these services to the citizens of the Municipality.

Social Housing

The Municipality contributes to a local board, which provides social housing if the citizens of the Corporation of the Town of Fort Frances require the service.

Recreation and Cultural Services

This service area consists of the operation and maintenance of local parks, recreation facilities, cultural facilities and the town library.

Planning and Development

These services relate to zoning issues as well as planning of various municipal maintenance projects.

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

23. Segmented Information (continued)

For the year ended December 31	General Government	Protection Services	Transportation Services	Environmental Services	Health Services	Social and Family Services	Social Housing	Recreation and Cultural Services	Planning and Development	2021 Total
Revenue										
Taxation	\$ 2,266,151	\$ 2,193,910	\$ 900,632	\$ 2,490,032	\$ 1,709,033	\$ 97,153	\$ 1,178,621	\$ 1,320,026	\$ 197,302	\$ 12,352,860
Fees and user charges	76,293	60,503	805,934	6,399,709	148,208	11,049	-	428,607	84,056	8,014,359
Conditional grants	-	137,303	3,462,832	235,602	-	64,484	-	1,182,174	1,542	5,083,937
Unconditional grants	631,945	611,800	251,153	694,377	476,586	27,092	328,673	368,106	55,020	3,444,752
Other	364,275	352,663	144,773	400,263	274,721	15,617	189,459	212,189	31,715	1,985,675
	<u>3,338,664</u>	<u>3,356,179</u>	<u>5,565,324</u>	<u>10,219,983</u>	<u>2,608,548</u>	<u>215,395</u>	<u>1,696,753</u>	<u>3,511,102</u>	<u>369,635</u>	<u>30,881,583</u>
Expenses										
Wages and benefits	1,576,445	1,412,887	1,942,146	1,138,787	254,243	26,898	-	1,910,180	89,885	8,351,471
Long-term debt charges (interest)	21,335	-	-	-	-	-	-	-	-	21,335
Materials	597,969	247,200	857,107	765,651	52,018	36,453	-	808,769	129,898	3,495,065
Contracted services	110,762	2,756,900	347,281	1,361,890	7,500	1,207	-	203,348	51,960	4,840,848
Rents and financial	301,005	20,948	194,069	239,113	-	3,573	-	140,865	32,699	932,272
External transfers	104,750	52,003	-	31,228	1,416,686	164,277	682,780	-	94,743	2,546,467
Amortization	164,201	72,756	1,938,916	1,721,640	22,241	28,046	-	781,670	339	4,729,809
	<u>2,876,467</u>	<u>4,562,694</u>	<u>5,279,519</u>	<u>5,258,309</u>	<u>1,752,688</u>	<u>260,454</u>	<u>682,780</u>	<u>3,844,832</u>	<u>399,524</u>	<u>24,917,267</u>
Net surplus (deficit)	<u>\$ 462,197</u>	<u>\$ (1,206,515)</u>	<u>\$ 285,805</u>	<u>\$ 4,961,674</u>	<u>\$ 855,860</u>	<u>\$ (45,059)</u>	<u>\$ 1,013,973</u>	<u>\$ (333,730)</u>	<u>\$ (29,889)</u>	<u>\$ 5,964,316</u>

The Corporation of the Town of Fort Frances Notes to Consolidated Financial Statements

December 31, 2021

23. Segmented Information (continued)

For the year ended December 31	General Government	Protection Services	Transportation Services	Environmental Services	Health Services	Social and Family Services	Social Housing	Recreation and Cultural Services	Planning and Development	2020 Total
Revenue										
Taxation	\$ 1,188,020	\$ 1,967,866	\$ 260,945	\$ 2,371,603	\$ 2,044,883	\$ 83,965	\$ 1,563,918	\$ 1,647,132	\$ 201,980	\$ 11,330,312
Fees and user charges	77,080	59,212	384,608	6,126,619	30,147	10,931	-	466,734	89,184	7,244,515
Conditional grants	23,490	204,402	4,540,467	177,007	-	83,701	-	86,448	104,809	5,220,324
Unconditional grants	404,964	670,794	88,949	808,416	697,046	28,621	533,098	561,463	68,849	3,862,200
Other	105,536	174,811	23,180	210,677	181,654	7,459	138,928	146,320	17,942	1,006,507
	<u>1,799,090</u>	<u>3,077,085</u>	<u>5,298,149</u>	<u>9,694,322</u>	<u>2,953,730</u>	<u>214,677</u>	<u>2,235,944</u>	<u>2,908,097</u>	<u>482,764</u>	<u>28,663,858</u>
Expenses										
Wages and benefits	1,448,263	1,352,934	1,900,296	1,033,522	128,387	15,072	-	1,782,234	63,705	7,724,413
Long-term debt charges (interest)	35,308	-	-	-	-	-	-	-	-	35,308
Materials	426,163	210,360	676,408	741,377	35,564	69,908	-	714,983	294,485	3,169,248
Contracted services	180,429	2,706,044	427,328	1,452,558	4,417	3,144	-	190,501	45,291	5,009,712
Rents and financial	181,769	26,556	87,347	300,818	-	6,700	-	125,133	36,443	764,766
External transfers	110,890	10,174	-	30,556	1,530,800	138,942	699,732	-	92,017	2,613,111
Amortization	155,006	63,147	2,001,354	1,637,462	18,483	27,639	-	759,604	339	4,663,034
	<u>2,537,828</u>	<u>4,369,215</u>	<u>5,092,733</u>	<u>5,196,293</u>	<u>1,717,651</u>	<u>261,405</u>	<u>699,732</u>	<u>3,572,455</u>	<u>532,280</u>	<u>23,979,592</u>
Net surplus (deficit)	<u>\$ (738,738)</u>	<u>\$ (1,292,130)</u>	<u>\$ 205,416</u>	<u>\$ 4,498,029</u>	<u>\$ 1,236,079</u>	<u>\$ (46,728)</u>	<u>\$ 1,536,212</u>	<u>\$ (664,358)</u>	<u>\$ (49,516)</u>	<u>\$ 4,684,266</u>

For each reported segment, revenues and expenditures represent both amounts that are directly attributable to the segment and amounts that are allocated on a reasonable basis. Therefore, certain allocation methodologies are employed in the preparation of segmented financial information. Taxation, payments-in-lieu of taxes, certain government grants and other revenue have been apportioned based on a percentage of budgeted expenditures.

Independent Auditor's Report

**To the Mayor and Councilors of
The Corporation of the Town of Fort Frances**

Opinion

We have audited the financial statements of the Corporation of the Town of Fort Frances Trust Funds (the Entity), which comprise the balance sheet as at December 31, 2021, and the statement of continuity for the year then ended, and notes to financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Entity as at December 31, 2021, and the continuity thereof, in accordance with the basis of accounting as described in Note 1.

Basis of Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the Entity in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Basis of Accounting and Restrictions on Use

Without modifying our opinion, we draw attention to Note 1 to the financial statements which describes the basis of accounting. The financial statements are prepared to assist the Corporation of the Town of Fort Frances to comply with the reporting requirements of the Bereavement Authority of Ontario. As a result, the financial statements may not be suitable for another purpose. Our report is intended solely for the management of the Corporation of the Town of Fort Frances and the Bereavement Authority of Ontario and should not be used by parties other than the management of the Corporation of the Town of Fort Frances and the Bereavement Authority of Ontario.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the basis of accounting as described in Note 1, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Entity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Entity's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Chartered Professional Accountants, Licensed Public Accountants

Fort Frances, Ontario
May 24, 2022

The Corporation of the Town of Fort Frances Trust Funds Balance Sheet

December 31, 2021	Multi Use Tennis Court	Cemetery Care and Maintenance	Cemetery Special Care	Community Chest	2021 Total	2020 Total
Assets						
Cash	\$ -	\$ -	\$ 12,038	\$ 70,254	\$ 82,292	\$ 82,235
Accounts receivable						
Own Municipality	-	-	-	-	-	41
Investments	-	436,987	513,329	-	950,316	1,062,201
	\$ -	\$ 436,987	\$ 525,367	\$ 70,254	\$ 1,032,608	\$ 1,144,477
Liabilities						
Own Municipality	\$ -	\$ 97,406	\$ -	\$ 1,313	\$ 98,719	\$ 116,735
Balance capital	-	339,581	525,367	68,941	933,889	1,027,742
	\$ -	\$ 436,987	\$ 525,367	\$ 70,254	\$ 1,032,608	\$ 1,144,477

Statement of Continuity

December 31, 2021	Multi Use Tennis Court	Cemetery Care and Maintenance	Cemetery Special Care	Community Chest	2021 Total	2020 Total
Balance, beginning of year	\$ 153	\$ 317,903	\$ 639,442	\$ 70,244	\$ 1,027,742	\$ 1,138,973
Revenue and receipts						
Grants	-	-	-	10,762	10,762	7,173
Care receipts and contributions	-	21,678	17,181	-	38,859	8,640
Investment income	1	-	-	359	360	792
Donations	-	-	-	9,858	9,858	9,978
	1	21,678	17,181	20,979	59,839	26,583
Expenditures						
Operations	154	-	-	-	154	-
Transfers to Municipality	-	-	131,256	-	131,256	106,050
Grants	-	-	-	22,282	22,282	31,764
	154	-	131,256	22,282	153,692	137,814
Balance, end of year	\$ -	\$ 339,581	\$ 525,367	\$ 68,941	\$ 933,889	\$ 1,027,742

The Corporation of the Town of Fort Frances Trust Funds Notes to Financial Statements

December 31, 2021

1. Summary of Significant Accounting Policies

Management's Responsibility The financial information of the Corporation of the Town of Fort Frances Trust Funds is the representation of management and has been prepared in accordance with accrual based accounting principles. Precise determination of some assets and liabilities may be dependent upon future events and estimates and approximations. These estimates and approximations have been based upon the available information, using careful judgment and review.

Accrual Basis of Accounting Sources of financing and expenditures are reported on the accrual basis of accounting.

The accrual basis of accounting recognizes revenues as they become available and measurable; expenditures are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.

2. Multi Use Tennis Court Trust

The Multi Use Tennis Court Trust Fund was established to support fundraising efforts towards the construction of tennis courts.

3. Cemetery Care and Maintenance Trust

The Cemetery Care and Maintenance Trust Fund was established in accordance with the Cemeteries Act for the care and maintenance of certain cemetery grounds.

4. Community Chest Trust

The Community Chest Trust Fund was established to provide grants to individuals to support them with the costs of travel for medical purposes.

**The Corporation of the Town of Fort Frances
Trust Funds
Notes to Financial Statements**

December 31, 2021

5. Statement of Changes in Cash Flows

A statement of changes in cash flows has not been provided since the sources and uses of cash are readily apparent from the financial information included in the financial statements.

DRAFT

ADMINISTRATIVE REPORT

Subject: Councillor R. Wiedenhoeft NOMA Honorarium
Date: 2022-05-24
To: Committee of the Whole of Council
From: Dawn Galusha, Treasurer
File Number: TRE2022-21



ISSUE

Attached is a copy of Schedule "F" Travel Statement – Mayor/Council Honorarium per diem in the amount of \$320.00 to attend the NOMA Annual Meeting and Conference held in Fort Frances April 27-29, 2022 as submitted by Councillor Rick Wiedenhoeft.

ADMINISTRATIVE RECOMMENDATION

It is the recommendation of the Administration and Finance Executive Committee:

THAT Council approve Schedule "F" Travel Statement- Mayor/Council Honorarium per diem claim in the amount of \$320.00 as submitted by Councillor Rick Wiedenhoeft for attendance at the NOMA Annual Meeting and Conference held April 27-29, 2022.

OPTIONS & ALTERNATIVES

- (1) Authorize payment to Councillor Rick Wiedenhoeft in the amount of \$320.00
- (2) Deny the request.

ANALYSIS

The per diem claim is in compliance with Town of Fort Frances By-Law 02/10-E Schedule 'A'.

SUPPORTING DOCUMENTS

- (1) Schedule "F" Travel Statement-Mayor/Council Honorarium
- (2) 2022 NOMA Annual Meeting & Conference Agenda

**Town of Fort Frances
Travel Statement - Mayor/Council Honorarium**

Attendee RICK WIEDENHOEFT.

Conference/Seminar Attended NOMA.

Location Curling Club. F.F.

Dates Wednesday April 27 - Friday April 29, 2022.

Details of Per Diem

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Date			April 27	April 28	April 29			2 days
Amount			80.00	160.00	80.00			320.00

Submitted by: R. Wiedenhoef

Date: Wed. May 4, 2022.

Approved by: _____

Date: _____

To be submitted to Payroll for processing when approved by Council

or Payroll
Pay period _____

2022 NOMA Annual Meeting & Conference Agenda

AGENDA ITEM #5.2

Wednesday, April 27, 2022 Location: Fort Frances Curling Club

1:30 pm **Registration Opens**

2:00 pm (CST) **Conference Welcome & Opening Remarks**

Agency One Drumming Group

Call to Order

O'Canada Performance by Callahan and Cassandra Armstrong

Greetings from Mayor Wendy Landry, NOMA President

Roll Call

Greeting from the Town of Fort Frances - Mayor June Caul

Greeting from Couchiching First Nation - Chief Brian Perrault

Greeting from ROMA - Councillor Janet Hager, Zone 10 Rep

Greeting from FONOM - Councillor Danny Whalen, President

2:30 pm **Leader Addresses**

Steven Del Duca, Leader of Ontario Liberal Party

Andrea Horwath, Leader of NDP

Mike Schreiner, Leader of Green Party

3:00 pm **AMO Update**

Presented by: Jamie McGarvey, AMO President & Brian Rosborough, Executive Director

3:30 pm **Keynote: Truth and Reconciliation**

Presented by: Stan Wesley

4:15 pm

Health Break

NOMA Annual General Meeting (76th)

4:30 - 5:30
pm (CST)

1. Call to Order
2. Approval of minutes of 74/75th Annual General meeting
3. Approval to receive the Presidents Report
4. Approval of Auditors Report & 2021 Financial Statements
5. Appointment of Auditors for 2022
6. Approval of 2022 Operating Estimates
7. Business Transacted
8. New Business
 - 8.1 Strategic Plan
 - 8.2 Northern Transportation Task Force
9. Resolutions Committee
10. Adjournment

6-8 pm (CST) **Opening Reception and Trade Show**

Join your colleagues for networking, appetizers, and a cash bar. Be sure to visit the exhibitors who have registered for the 2022 conference.

Thursday, April 28, 2022: Fort Frances Curling Club**7:30 am to 4:00 pm Registration & Expo**

7:45 am (CST)

Buffet Breakfast

8:30am

NOSM U: First Stand-Alone University in Canada*Presented by: Dr Sarita Verma, President, Vice-Chancellor, and Dean*

9:00 am

NWMO Transportation Planning*Presented by: Caitlin Burley, Transportation Planning Manager & Norm Sandberg, Relationship Manager, Nuclear Waste Management Organization*

9:30 am

Growing Prosperity through Ontario's Forestry Sector*Presented by: Ian Dunn, President and CEO, Ontario Forestry Industry Association*

10:00 am

TBT Engineering Update*Presented by: Scott Peterson, President, TBT Engineering Limited*

10:10 pm

Minister David Piccini Address

10:15 am

Exhibitor Booth Break

10:45 am

Climate Change and Risk Management*Presented by: Jessica Jaremchuk, Director, Risk Management Services, Intact Public Entities*

11:30 pm

The Power of Partnerships*Presented by: Daniel Levitan, Vice President, Stakeholder Relations, Hydro One*

12:00 pm

Lunch & Visit Exhibitor Booths

1:00pm

MPAC Update*Presented by: Carmelo Lipsi, Vice President & Chief Operating Officer & Mary Dawson-Cole, Regional Manager, Northern Ontario, Municipal Property Assessment Corporation (MPAC)*

1:30 pm

More Than a Number: Addressing Homelessness, Addictions, and Mental Health in the North*Presented by: Holly Parsons, Policy Analyst, Northern Policy Institute*

2:30 pm

Final Exhibitor Booth Break

3:00 pm

Tourism & Municipalities - Working together in the North*Presented By: David MacLachlan, Executive Director, Destination Northern Ontario, Laurie Marcil, Executive Director, NOTO, and Dr. Jessica Ng, Director, Policy & Government Relations, Tourism Industry Association of Ontario*

3:45 pm

Prize Wheel

4:15 pm

Keynote: Playing Nice in the Sandbox*Presented by: Kari Chiappetta*

5:00-6:00 pm

Optional Trade Show

6-7pm

Gala Dinner

7-10pm

Entertainment – Entyrelly Mac - Shuttle Service available 8:00pm-10:30pm

Friday, April 29, 2022 Location: Fort Frances Curling Club

7:45 am (CST)	Buffet Breakfast
8:30 am	Lakehead University and Northern Ontario’s Health System Landscape <i>Presented by: Dr. Mirella Stroink, Dean, Faculty of Health and Behavioural Sciences, Lakehead University</i>
9:00 am	Preparing Northern Municipalities for Ontario’s Energy Future <i>Presented by: Ahmed Maria, Director of Transmission Planning, IESO</i>
9:30 am	Opportunities for Rural Ontario in a Post-COVID World <i>Presented by: Robin Jones, Rural Ontario Municipal Association, Chair</i>
10:00 am	Health Break
10:25 am	Federal Minister Gudie Hutchings, Rural Economic Development
10:30 am	MP Eric Melillo, Kenora
10:40am	Hon. Steve Clark, Minister of Municipal Affairs & Housing
10:50 am	Hon. Greg Rickford, Minister of Energy, Northern Development & Mines & Indigenous Affairs
11:00 am	Minister Forum <i>Hon. Steve Clark, Minister of Municipal Affairs & Housing</i> <i>Hon. Greg Rickford, Minister of Energy, Northern Development & Mines & Indigenous Affairs</i> <i>Hon. Sylvia Jones, Solicitor General</i> <i>Parliamentary Assistant Deepak Anand of the Minister of Labour, Training and Skills Development</i>
12:00pm (CST)	End of conference – take home lunch

ADMINISTRATIVE REPORT

Subject: Councillor W. Brunetta NOMA Honorarium
Date: 2022-05-24
To: Committee of the Whole of Council
From: Dawn Galusha, Treasurer
File Number: TRE2022-22



ISSUE

Attached is a copy of Schedule “F” Travel Statement – Mayor/Council Honorarium per diem in the amount of \$400.00 to attend the NOMA Annual Meeting and Conference held in Fort Frances April 27-29, 2022 as submitted by Councillor Wendy Brunetta.

ADMINISTRATIVE RECOMMENDATION

It is the recommendation of the Administration and Finance Executive Committee:

THAT Council approve Schedule “F” Travel Statement- Mayor/Council Honorarium per diem claim in the amount of \$400.00 as submitted by Councillor Wendy Brunetta for attendance at the NOMA Board Meeting, Annual Meeting and Conference held April 27-29, 2022.

OPTIONS & ALTERNATIVES

- (1) Authorize payment to Councillor Wendy Brunetta in the amount of \$400.00
- (2) Deny the request.

ANALYSIS

The per diem claim is in compliance with Town of Fort Frances By-Law 02/10-E Schedule ‘A’.

SUPPORTING DOCUMENTS

- (1) Schedule “F” Travel Statement-Mayor/Council Honorarium
- (2) 2022 NOMA Annual Meeting & Conference Agenda

TOWN OF FORT FRANCES - SCHEDULE "F"
TRAVEL STATEMENT - MAYOR / COUNCIL HONORARIUM

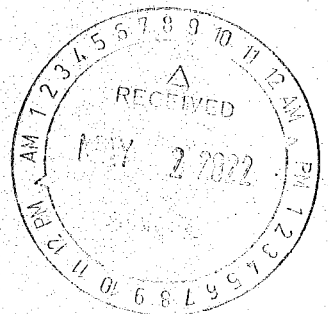
Attendee	Wendy Brunetta
Conference / Seminar Attended	NOMA BOARD Mtg* + CONFERENCE
Location	FORT FRANCES CURLING CLUB
Dates	APRIL 27-29, 2022

Details of Per Diem

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Date			Apr 27*	Apr 28	Apr 29			
Amount			160.00	160.00	80.00			400.00

Name (Please Print) Wendy Brunetta	Signature <i>Wendy Brunetta</i>
Approved	Date

To be submitted to Payroll for processing when approved by Council



2022 NOMA Annual Meeting & Conference Agenda

AGENDA ITEM #5.3

Wednesday, April 27, 2022 Location: Fort Frances Curling Club

- 1:30 pm **Registration Opens**
- 2:00 pm (CST) **Conference Welcome & Opening Remarks**
Agency One Drumming Group
Call to Order
O'Canada Performance by Callahan and Cassandra Armstrong
Greetings from Mayor Wendy Landry, NOMA President
Roll Call
Greeting from the Town of Fort Frances - Mayor June Caul
Greeting from Couchiching First Nation - Chief Brian Perrault
Greeting from ROMA - Councillor Janet Hager, Zone 10 Rep
Greeting from FONOM - Councillor Danny Whalen, President
- 2:30 pm **Leader Addresses**
Steven Del Duca, Leader of Ontario Liberal Party
Andrea Horwath, Leader of NDP
Mike Schreiner, Leader of Green Party
- 3:00 pm **AMO Update**
Presented by: Jamie McGarvey, AMO President & Brian Rosborough, Executive Director
- 3:30 pm **Keynote: Truth and Reconciliation**
Presented by: Stan Wesley
- 4:15 pm **Health Break**
- 4:30 - 5:30 pm (CST) **NOMA Annual General Meeting (76th)**
 1. Call to Order
 2. Approval of minutes of 74/75th Annual General meeting
 3. Approval to receive the Presidents Report
 4. Approval of Auditors Report & 2021 Financial Statements
 5. Appointment of Auditors for 2022
 6. Approval of 2022 Operating Estimates
 7. Business Transacted
 8. New Business
 - 8.1 Strategic Plan
 - 8.2 Northern Transportation Task Force
 9. Resolutions Committee
 10. Adjournment
- 6-8 pm (CST) **Opening Reception and Trade Show**
Join your colleagues for networking, appetizers, and a cash bar. Be sure to visit the exhibitors who have registered for the 2022 conference.

7:30 am to 4:00 pm Registration & Expo

- 7:45 am (CST) **Buffet Breakfast**
- 8:30am **NOSM U: First Stand-Alone University in Canada**
Presented by: Dr Sarita Verma, President, Vice-Chancellor, and Dean
- 9:00 am **NWMO Transportation Planning**
Presented by: Caitlin Burley, Transportation Planning Manager & Norm Sandberg, Relationship Manager, Nuclear Waste Management Organization
- 9:30 am **Growing Prosperity through Ontario's Forestry Sector**
Presented by: Ian Dunn, President and CEO, Ontario Forestry Industry Association
- 10:00 am **TBT Engineering Update**
Presented by: Scott Peterson, President, TBT Engineering Limited
- 10:10 pm **Minister David Piccini Address**
- 10:15 am **Exhibitor Booth Break**
- 10:45 am **Climate Change and Risk Management**
Presented by: Jessica Jaremchuk, Director, Risk Management Services, Intact Public Entities
- 11:30 pm **The Power of Partnerships**
Presented by: Daniel Levitan, Vice President, Stakeholder Relations, Hydro One
- 12:00 pm **Lunch & Visit Exhibitor Booths**
- 1:00pm **MPAC Update**
Presented by: Carmelo Lipsi, Vice President & Chief Operating Officer & Mary Dawson-Cole, Regional Manager, Northern Ontario, Municipal Property Assessment Corporation (MPAC)
- 1:30 pm **More Than a Number: Addressing Homelessness, Addictions, and Mental Health in the North**
Presented by: Holly Parsons, Policy Analyst, Northern Policy Institute
- 2:30 pm **Final Exhibitor Booth Break**
- 3:00 pm **Tourism & Municipalities - Working together in the North**
Presented By: David MacLachlan, Executive Director, Destination Northern Ontario, Laurie Marcil, Executive Director, NOTO, and Dr. Jessica Ng, Director, Policy & Government Relations, Tourism Industry Association of Ontario
- 3:45 pm **Prize Wheel**
- 4:15 pm **Keynote: Playing Nice in the Sandbox**
Presented by: Kari Chiappetta
- 5:00-6:00 pm **Optional Trade Show**
- 6-7pm **Gala Dinner**
- 7-10pm **Entertainment – Entyrely Mac - Shuttle Service available 8:00pm-10:30pm**

Friday, April 29, 2022 Location: Fort Frances Curling Club

7:45 am (CST)

Buffet Breakfast

8:30 am

Lakehead University and Northern Ontario's Health System Landscape*Presented by: Dr. Mirella Stroink, Dean, Faculty of Health and Behavioural Sciences, Lakehead University*

9:00 am

Preparing Northern Municipalities for Ontario's Energy Future*Presented by: Ahmed Maria, Director of Transmission Planning, IESO*

9:30 am

Opportunities for Rural Ontario in a Post-COVID World*Presented by: Robin Jones, Rural Ontario Municipal Association, Chair*

10:00 am

Health Break

10:25 am

Federal Minister Gudie Hutchings, Rural Economic Development

10:30 am

MP Eric Melillo, Kenora

10:40am

Hon. Steve Clark, Minister of Municipal Affairs & Housing

10:50 am

Hon. Greg Rickford, Minister of Energy, Northern Development & Mines & Indigenous Affairs

11:00 am

Minister Forum*Hon. Steve Clark, Minister of Municipal Affairs & Housing**Hon. Greg Rickford, Minister of Energy, Northern Development & Mines & Indigenous Affairs**Hon. Sylvia Jones, Solicitor General**Parliamentary Assistant Deepak Anand of the Minister of Labour, Training and Skills Development*

12:00pm (CST)

End of conference – take home lunch

ADMINISTRATIVE REPORT

Subject: Councillor J McTaggart NOMA Honorarium
Date: 2022-05-24
To: Committee of the Whole of Council
From: Dawn Galusha, Treasurer
File Number: TRE2022-23



ISSUE

Attached is a copy of Schedule "F" Travel Statement – Mayor/Council Honorarium per diem in the amount of \$320.00 to attend the NOMA Annual Meeting and Conference held in Fort Frances April 27-29, 2022 as submitted by Councillor John McTaggart.

ADMINISTRATIVE RECOMMENDATION

It is the recommendation of the Administration and Finance Executive Committee:

THAT Council approve Schedule "F" Travel Statement- Mayor/Council Honorarium per diem claim in the amount of \$320.00 as submitted by Councillor John McTaggart for attendance at the NOMA Annual Meeting and Conference held April 27-29, 2022.

OPTIONS & ALTERNATIVES

- (1) Authorize payment to Councillor John McTaggart in the amount of \$320.00
- (2) Deny the request.

ANALYSIS

The per diem claim is in compliance with Town of Fort Frances By-Law 02/10-E Schedule 'A'.

SUPPORTING DOCUMENTS

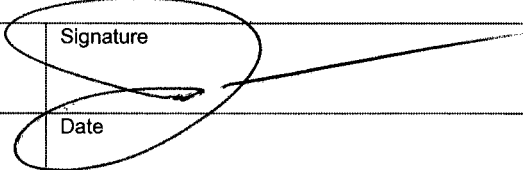
- (1) Schedule "F" Travel Statement-Mayor/Council Honorarium
- (2) 2022 NOMA Annual Meeting & Conference Agenda

TOWN OF FORT FRANCES - SCHEDULE "F"
TRAVEL STATEMENT – MAYOR / COUNCIL HONORARIUM

Attendee	JOHN McTAGGART
Conference / Seminar Attended	NOMA
Location	FORT FRANCES
Dates	APRIL 27-29 2022

Details of Per Diem

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Date			PM APRIL 27	ALL DAY APRIL 28	AM APRIL 29			
Amount			80	160	80			

Name (Please Print)	Signature
JOHN D. McTAGGART	
Approved	Date

To be submitted to Payroll for processing when approved by Council

2022 NOMA Annual Meeting & Conference Agenda

AGENDA ITEM #5.4

Wednesday, April 27, 2022 Location: Fort Frances Curling Club

1:30 pm **Registration Opens**

2:00 pm (CST) **Conference Welcome & Opening Remarks**

Agency One Drumming Group

Call to Order

O'Canada Performance by Callahan and Cassandra Armstrong

Greetings from Mayor Wendy Landry, NOMA President

Roll Call

Greeting from the Town of Fort Frances - Mayor June Caul

Greeting from Couchiching First Nation - Chief Brian Perrault

Greeting from ROMA - Councillor Janet Hager, Zone 10 Rep

Greeting from FONOM - Councillor Danny Whalen, President

2:30 pm **Leader Addresses**

Steven Del Duca, Leader of Ontario Liberal Party

Andrea Horwath, Leader of NDP

Mike Schreiner, Leader of Green Party

3:00 pm **AMO Update**

Presented by: Jamie McGarvey, AMO President & Brian Rosborough, Executive Director

3:30 pm **Keynote: Truth and Reconciliation**

Presented by: Stan Wesley

4:15 pm **Health Break**

NOMA Annual General Meeting (76th)

4:30 - 5:30
pm (CST)

1. Call to Order
2. Approval of minutes of 74/75th Annual General meeting
3. Approval to receive the Presidents Report
4. Approval of Auditors Report & 2021 Financial Statements
5. Appointment of Auditors for 2022
6. Approval of 2022 Operating Estimates
7. Business Transacted
8. New Business
 - 8.1 Strategic Plan
 - 8.2 Northern Transportation Task Force
9. Resolutions Committee
10. Adjournment

6-8 pm (CST) **Opening Reception and Trade Show**

Join your colleagues for networking, appetizers, and a cash bar. Be sure to visit the exhibitors who have registered for the 2022 conference.

Thursday, April 28, 2022: Fort Frances Curling Club**7:30 am to 4:00 pm Registration & Expo**

7:45 am (CST)

Buffet Breakfast

8:30am

NOSM U: First Stand-Alone University in Canada*Presented by: Dr Sarita Verma, President, Vice-Chancellor, and Dean*

9:00 am

NWMO Transportation Planning*Presented by: Caitlin Burley, Transportation Planning Manager & Norm Sandberg, Relationship Manager, Nuclear Waste Management Organization*

9:30 am

Growing Prosperity through Ontario's Forestry Sector*Presented by: Ian Dunn, President and CEO, Ontario Forestry Industry Association*

10:00 am

TBT Engineering Update*Presented by: Scott Peterson, President, TBT Engineering Limited*

10:10 pm

Minister David Piccini Address

10:15 am

Exhibitor Booth Break

10:45 am

Climate Change and Risk Management*Presented by: Jessica Jaremchuk, Director, Risk Management Services, Intact Public Entities*

11:30 pm

The Power of Partnerships*Presented by: Daniel Levitan, Vice President, Stakeholder Relations, Hydro One*

12:00 pm

Lunch & Visit Exhibitor Booths

1:00pm

MPAC Update*Presented by: Carmelo Lipsi, Vice President & Chief Operating Officer & Mary Dawson-Cole, Regional Manager, Northern Ontario, Municipal Property Assessment Corporation (MPAC)*

1:30 pm

More Than a Number: Addressing Homelessness, Addictions, and Mental Health in the North*Presented by: Holly Parsons, Policy Analyst, Northern Policy Institute*

2:30 pm

Final Exhibitor Booth Break

3:00 pm

Tourism & Municipalities - Working together in the North*Presented By: David MacLachlan, Executive Director, Destination Northern Ontario, Laurie Marcil, Executive Director, NOTO, and Dr. Jessica Ng, Director, Policy & Government Relations, Tourism Industry Association of Ontario*

3:45 pm

Prize Wheel

4:15 pm

Keynote: Playing Nice in the Sandbox*Presented by: Kari Chiappetta*

5:00-6:00 pm

Optional Trade Show

6-7pm

Gala Dinner

7-10pm

Entertainment – Entyrelly Mac - Shuttle Service available 8:00pm-10:30pm

Friday, April 29, 2022 Location: Fort Frances Curling Club

7:45 am (CST)

Buffet Breakfast

8:30 am

Lakehead University and Northern Ontario's Health System Landscape*Presented by: Dr. Mirella Stroink, Dean, Faculty of Health and Behavioural Sciences, Lakehead University*

9:00 am

Preparing Northern Municipalities for Ontario's Energy Future*Presented by: Ahmed Maria, Director of Transmission Planning, IESO*

9:30 am

Opportunities for Rural Ontario in a Post-COVID World*Presented by: Robin Jones, Rural Ontario Municipal Association, Chair*

10:00 am

Health Break

10:25 am

Federal Minister Gudie Hutchings, Rural Economic Development

10:30 am

MP Eric Melillo, Kenora

10:40am

Hon. Steve Clark, Minister of Municipal Affairs & Housing

10:50 am

Hon. Greg Rickford, Minister of Energy, Northern Development & Mines & Indigenous Affairs

11:00 am

Minister Forum*Hon. Steve Clark, Minister of Municipal Affairs & Housing**Hon. Greg Rickford, Minister of Energy, Northern Development & Mines & Indigenous Affairs**Hon. Sylvia Jones, Solicitor General**Parliamentary Assistant Deepak Anand of the Minister of Labour, Training and Skills Development*

12:00pm (CST)

End of conference – take home lunch

ADMINISTRATIVE REPORT

Subject: Councillor M Behan NOMA Honorarium
Date: 2022-05-24
To: Committee of the Whole of Council
From: Dawn Galusha, Treasurer
File Number: TRE2022-24



ISSUE

Attached is a copy of Schedule "F" Travel Statement – Mayor/Council Honorarium per diem in the amount of \$320.00 to attend the NOMA Annual Meeting and Conference held in Fort Frances April 27-29, 2022 as submitted by Councillor Michael Behan.

ADMINISTRATIVE RECOMMENDATION

It is the recommendation of the Administration and Finance Executive Committee:

THAT Council approve Schedule "F" Travel Statement- Mayor/Council Honorarium per diem claim in the amount of \$320.00 as submitted by Councillor Michael Behan for attendance at the NOMA Annual Meeting and Conference held April 27-29, 2022.

OPTIONS & ALTERNATIVES

- (1) Authorize payment to Councillor Michael Behan in the amount of \$320.00
- (2) Deny the request.

ANALYSIS

The per diem claim is in compliance with Town of Fort Frances By-Law 02/10-E Schedule 'A'.

SUPPORTING DOCUMENTS

- (1) Schedule "F" Travel Statement-Mayor/Council Honorarium
- (2) 2022 NOMA Annual Meeting & Conference Agenda

TOWN OF FORT FRANCES - SCHEDULE "F"
TRAVEL STATEMENT – MAYOR / COUNCIL HONORARIUM

Attendee	MICHAEL BEHAN
Conference / Seminar Attended	NOMA AGM
Location	FORT FRANCES CURLING CLUB
Dates	April 27-29

Details of Per Diem

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Date			April 27	April 28	April 29			2 days
Amount			\$80.00	\$160.00	\$80.00			\$320.00

Name (Please Print)	Signature
MICHAEL BEHAN	Michael Behan
Approved	Date
	May 4/22

To be submitted to Payroll for processing when approved by Council

2022 NOMA Annual Meeting & Conference Agenda

AGENDA ITEM #5.5

Wednesday, April 27, 2022 Location: Fort Frances Curling Club

- 1:30 pm **Registration Opens**
- 2:00 pm (CST) **Conference Welcome & Opening Remarks**
Agency One Drumming Group
Call to Order
O'Canada Performance by Callahan and Cassandra Armstrong
Greetings from Mayor Wendy Landry, NOMA President
Roll Call
Greeting from the Town of Fort Frances - Mayor June Caul
Greeting from Couchiching First Nation - Chief Brian Perrault
Greeting from ROMA - Councillor Janet Hager, Zone 10 Rep
Greeting from FONOM - Councillor Danny Whalen, President
- 2:30 pm **Leader Addresses**
Steven Del Duca, Leader of Ontario Liberal Party
Andrea Horwath, Leader of NDP
Mike Schreiner, Leader of Green Party
- 3:00 pm **AMO Update**
Presented by: Jamie McGarvey, AMO President & Brian Rosborough, Executive Director
- 3:30 pm **Keynote: Truth and Reconciliation**
Presented by: Stan Wesley
- 4:15 pm **Health Break**
- 4:30 - 5:30 pm (CST) **NOMA Annual General Meeting (76th)**
 1. Call to Order
 2. Approval of minutes of 74/75th Annual General meeting
 3. Approval to receive the Presidents Report
 4. Approval of Auditors Report & 2021 Financial Statements
 5. Appointment of Auditors for 2022
 6. Approval of 2022 Operating Estimates
 7. Business Transacted
 8. New Business
 - 8.1 Strategic Plan
 - 8.2 Northern Transportation Task Force
 9. Resolutions Committee
 10. Adjournment
- 6-8 pm (CST) **Opening Reception and Trade Show**
Join your colleagues for networking, appetizers, and a cash bar. Be sure to visit the exhibitors who have registered for the 2022 conference.

Thursday, April 28, 2022: Fort Frances Curling Club**7:30 am to 4:00 pm Registration & Expo**

7:45 am (CST)

Buffet Breakfast

8:30am

NOSM U: First Stand-Alone University in Canada*Presented by: Dr Sarita Verma, President, Vice-Chancellor, and Dean*

9:00 am

NWMO Transportation Planning*Presented by: Caitlin Burley, Transportation Planning Manager & Norm Sandberg, Relationship Manager, Nuclear Waste Management Organization*

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Lunch & Visit Exhibitor Booths

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2:30 pm

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5:00-6:00 pm

Optional Trade Show

6-7pm

Gala Dinner

7-10pm

Entertainment – Entyrely Mac - Shuttle Service available 8:00pm-10:30pm

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Minister Forum*Hon. Steve Clark, Minister of Municipal Affairs & Housing**Hon. Greg Rickford, Minister of Energy, Northern Development & Mines & Indigenous Affairs**Hon. Sylvia Jones, Solicitor General**Parliamentary Assistant Deepak Anand of the Minister of Labour, Training and Skills Development*

12:00pm (CST)

End of conference – take home lunch

**Town of Fort Frances
Administrative Report**

TO: Planning and Development Executive Committee
FROM: Cody Vangel, Chief Building Official & Municipal Planner
SUBJECT: **B2-2022: Zoning By-law Amendment – 1229 Cornwall Avenue (Lagoon Property)**
DATE: May 2, 2022

Issue:

Consideration of zoning by-law amendment B2-2022 submitted by 2670568 Ontario Limited seeking to add the following multiple site-specific permitted uses at 1229 Cornwall Avenue (locally known “Lagoon Property”):

- 1) To add a site-specific permitted use for Industrial Scale Computing;
- 2) To utilize sea-cans or containers converted to Buildings and/or a constructed structure to house the Industrial Scale Computing equipment;
- 3) To add a site-specific permitted use for the establishment of a 150 MW Solar Farm to produce solar energy and/or feed into the electrical grid;
- 4) To add a site-specific permitted use for Transmission of electricity, including infrastructure (towers and lines);
- 5) To add a site-specific permitted use for Electric substations; and
- 6) To add a site-specific permitted use for Battery Energy Storage System (BESS)

The site-specific permitted uses would all be subject to the specific provisions of the Waste Disposal industrial (M3) zone.

Strategic Impact:

1. Attracting new industry and attracting investment for local business development.
16. Mitigate risks of climate change
25. Preserve Power Agreement and support Fort Frances Power Corporation

Options/Alternatives:

1. Recommend approval of application;
2. Recommend amendment to application; or
3. Recommend rejection of application.

Administrative Recommendation:

Recommended to agree with the recommendation of the Committee of Adjustment and the Planning and Development Executive Committee:

THAT the 150MW Solar Farm including the transmission of electricity, electric substation, and battery energy storage system site-specific uses be approved; and

THAT the property be designated as a Site Plan Control Area which will require a site plan agreement prior to any further development taking place on the property; and

AND THAT the following conditions and criteria be applied to the Industrial-Scale computing use and associated components:

- THAT a noise mitigation study and noise mitigation plan among other potential studies for the development be required as part of the site plan control agreement; and
- THAT the sea-cans, if approved, not be allowed to stack on top each other; and
- THAT the structures, associated components and operations associated with the industrial-scale computing be located not closer than 300m to any surrounding residential use or residential zoned properties, and further that these be located not closer than 850m to McIrvine Road and Eighth Street West; and
- THAT the proponent provide documentation from the MOECP stating whether an Environmental Compliance Approval will be necessary for this project aspect as a requirement of the site plan control agreement; and
- THAT the site plan control agreement outline requirements for compliance with all regulatory body guidelines, statutes and regulations including but not limited to those specifying recommended noise mitigation levels as indicated within this report; and
- THAT the site plan control agreement contain verbiage and requirements for ongoing noise monitoring as well as enforcement provisions to ensure compliance with regulatory requirements; and
- THAT the noise mitigation consultant hired by the applicant consult with the Town of Fort Frances; and
- THAT all costs associated with the site plan control agreement, development, studies and other be at the cost of the applicant.

History:

It is understood that the subject property has been historically used as a wastewater lagoon site which received effluent wastewater from the former Kraft and Paper mill as part of the mills treatment facility requirements.

Information contained on file for this property indicates the following respective building permits being issued:

- 92-205: Construct a 16' by 40' motor control centre building (McIrvine Road)
- 92-206: Construct a 20' by 35' pumphouse building (Cornwall Avenue)
- 95-107: Construct a 20' by 20' addition to existing ASB pumphouse
- 2010-058: Construct a 20' by 20' pumphouse addition to existing blower building for effluent control
- 2010-059: Construct a new 42' by 62' nutrient building for pollution/effluent control

Analysis:

- The project component related to the solar farm proposal generally complies with the Town's Official Plan (OP) and the Provincial Policy Statement 2020 (PPS). The development of green energy is critical in a changing climate and is further supported by the Town's and Provincial policy documents
 - o The proposed location is generally ideal for potential locations within the municipality
- Adding the proposed uses would not neglect the ongoing use as a "Lagoon". The property owner's commitment to the MOECP for future remediation has been stated during the public meeting. Though all operations could be on the same property, the applicant has regulatory commitments to the province in regard to the Lagoon.
- There are residential zoned properties and residential uses located near the southeast corner and in close proximity to the subject property. Additionally, there are some, but limited, residential uses located northwest of the subject property.

- Proponents stated during the public meeting that the industrial scale computing and the solar farm are not directly linked nor reliant on each other. One could essentially proceed without the other.
- Industrial scale computing is a relatively new industry that is known for its significant energy consumption and often significant noise outputs. This project aspect generally complies with some provisions of the OP and PPS from an economic development aspect and promotion of new industry. However, this project component does not generally comply with the provisions regarding energy conservation.
 - o The Town would be considered limited in viable locations for noise generating industry to locate due to size and accessible locations, if this such location were not considered. Locating this operation in the northeast corner of the property would situate the use approximately 550m to the nearest residential use.

Noise Research:

Guideline [D-6 Compatibility between Industrial Facilities](#) (D-6) is an Ontario Ministry document that can be used in the land use planning process to assist to prevent or minimize land use issues between industrial uses and sensitive land uses.

The proposed Industrial Scale Computing use for the sake of this report is considered as Class III in [D-6-1 Industrial Categorization Criteria](#) due to the anticipated noise output frequently audible off property.

A Class III Industrial Facility is defined as follows: *A place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions.*

Per [D-6-3 Separation Distances](#), Class III Industrial refers to a potential influence area of 1000m, and a recommended 300m minimum separation distance from incompatible development.

Subsection 4.5.1 of D-6 summarizes to say that when a development occurs within a potential influence area, evidence should be provided to substantiate the absence of problems between the two land uses. This could summarize to mean that studies may be required to show there will not be an issue. Given that this proposal for industrial scale computing (Class III Industrial) is likely to fall within the potential influence area of 1000m to a residential use, studies may be required to substantiate the use.

Subsection 4.6.1 of D-6 states that noise (studies) shall be addressed through [Ministry Publication LU-131](#).

Ministry Publication LU-131 is titled "Noise Assessment Criteria in Land Use Planning". Stated in the Purpose of this document is the following *"This guideline outlines the position of the Ministry of the Environment (MOE) on noise criteria for planning of sensitive land uses, in support of the Provincial Policy Statement under the Planning Act and in accordance with the Ministry of the Environment Guideline D-1 "Land Use Compatibility". It is intended for use in planning of noise sensitive land uses adjacent to facilities such as but not limited to airports, road and rail transportation corridors, industrial facilities, aggregate facilities, major commercial facilities, sewage treatment facilities, and waste sites."*

Section 4 of Ministry Publication LU-131 refers to Noise Impact Assessment, Stationary Sources. This would pertain to the Industrial Scale Computing as a stationary industrial use.

Subsection 4.1 of Ministry Publication LU-131 furthers to state the following *“The sound levels anticipated on the site of a proposed noise sensitive land use shall be established in accordance with References [8], [9], [10] and [11], including all the appropriate adjustments. The assessment of noise impact shall reflect the “predictable worst case” situation, i.e. the largest difference between source sound levels and the applicable criterion”*. This would refer to procedures on modeling and assessing noise.

Per section 2 definitions in Ministry Publication LU-131 the surrounding area would be classified as a Class 2 Area based on the following definition *means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 Areas, and in which a low ambient sound level, normally occurring only between 23:00 and 07:00 hours in Class 1 Areas, will typically be realized as early as 19:00 hours. Other characteristics which may indicate the presence of a Class 2 Area include:*

- *absence of urban hum between 19:00 and 23:00 hours;*
- *evening background sound level defined by natural environment and infrequent human activity;*
- *no clearly audible sound from stationary sources other than from those under impact assessment.*

Section 4.4 of Ministry Publication LU-131 sets out recommendations for outdoor sound level criteria. For a Class 2 Area the following sound level criteria for an outdoor point of reception from a stationary source is recommended:

- 50dBa from 07:00 – 19:00
- 45dBa from 19:00 – 23:00

Section 4.5 of Ministry Publication LU-131 sets out recommendations for sound level criteria in the plane of a window. For a Class 2 Area the following sound level criteria in the place of a window from a stationary source is recommended:

- Day-time
 - 50dBa from 07:00 – 19:00
 - 45dBa from 19:00 – 23:00
- Night-time
 - 45dBa from 23:00 – 07:00

With the above information being presented to PDEC, the Committee may consider assigning the noise limitations and schedules to the by-law. Administration advises caution to the Committee such to not become too prescriptive with assigning noise level targets in the by-law, as these would ultimately be set and followed through the applicant’s noise mitigation study and plan in conjunction with all applicable Ministry guidelines, consultation and regulations.

Official Plan:

The Official plan designation for the subject property is “Employment”. Employment areas promote the development of a wide range of commercial and industrial uses. The proposed application generally complies with multiple provisions of the Official Plan in relation to industrial uses, employment opportunities, as well as green-energy:

2.2.2.ii. Fort Frances will promote social inclusion, improved access to housing, commerce, job opportunities and social services.

2.3.2.vi. Fort Frances will consider the potential impacts of climate change and encourage citizens, businesses and organizations to take measures to adapt to climate change.

3.1.7.(a) Energy Conservation: Fort Frances shall encourage and support energy conservation, district heating and combined heat and power, and alternative and renewable energy sources developed in accordance with Provincial and Federal legislation, policies and regulations. Fort Frances will also encourage the application of energy conservation measures in the design and construction of new buildings and in the rehabilitation and upgrading of existing buildings and structures.

3.1.7.(b) Flexibility in Development Approvals Process: Increased flexibility in zoning and site planning may be considered in order to accommodate variances in building orientation, landscaping designs, lot coverage and other site or building characteristics to provide for increased energy efficiency.

3.4.1. Planning Objectives

- The Town will ensure there is a sufficient amount of land designated to accommodate infrastructure and utilities.
- The Town will ensure issues related to land use compatibility are addressed.
- The Town will work with appropriate providers to ensure the safe and efficient provision of power, cable and telecommunications in an environmentally acceptable manner.
- In the provision of infrastructure and utilities, the Town will encourage the use of innovative techniques and new technology.

3.4.2.(b) Permitted Uses: Uses include public and/or privately owned facilities, including water and sanitary sewage facilities, Stormwater Management Facilities, pumping stations, hydro corridors, communications/telecommunications infrastructure and facilities and transmission towers. These facilities are permitted in all land use designations, subject to the Policies of the Plan.

An excerpt of the Town's Official Plan, particularly Sections 3.4.5. to 3.4.8. referring to utility infrastructure green energy and energy conservation, has been included with this report to further demonstrate general compliance of this request as it relates to the Town's Official Plan.

Additionally, an excerpt of Section 4.2 Employment Areas has further been included for reference to demonstrate how this proposal generally complies with the Official Plan.

The Town's Official Plan outlines a number of studies that may be requested for a wide range of development. Upon review of the application and consideration of the potential noise that may be output by the industrial-scale computing, it would be recommended to require a noise mitigation study as a condition of approval of the industrial-scale computing use, or upon general approval through a required site plan control agreement.

Zoning:

The request submitted is to include the following as a site-specific permitted uses for the property, subject to the specific provisions of the Waste Disposal Industrial (M3) zone:

- 1) To add a site-specific permitted use for Industrial Scale Computing;
- 2) To utilize sea-cans or containers converted to Buildings and/or a constructed structure to house the Industrial Scale Computing equipment;

- 3) To add a site-specific permitted use for the establishment of a 150 MW Solar Farm to produce solar energy and/or feed into the electrical grid;
- 4) To add a site-specific permitted use for Transmission of electricity, including infrastructure (towers and lines);
- 5) To add a site-specific permitted use for Electric substations; and
- 6) To add a site-specific permitted use for Battery Energy Storage System (BESS)

The proponent offers the following definitions for the requested uses:

Industrial Scale Computing: The use of premises for the purpose of housing computer systems that collect, maintain, store, and/or process data for profit. Typical uses include but are not limited to blockchain/cryptocurrency mining and data centres.

Solar Farm: 150MW of Photo Voltaic Solar Generation utilizing either a fixed mounting or a variable tracking system.

Transmission of electricity, including infrastructure (towers and lines): Transmission is an interconnected group of lines and associated equipment for the movement or transfer of electric energy between points of supply and points at which it is transformed for delivery to customers or is delivered to other electric systems.

Electric substations: A facility for switching electrical elements, transforming voltage, regulating power, or metering.

Battery Energy Storage System (BESS): A Battery Energy Storage System (BESS) is a type of energy storage that uses a group of batteries to store electrical energy.

The following specific provisions apply to the Waste Disposal Industrial zone:

4.14 WASTE DISPOSAL INDUSTRIAL (M3) ZONE

No person shall within a Waste Disposal Industrial (M3) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.14.1 Permitted Uses

- a) recycling facility
- b) salvage or wrecking yard
- c) sewage lagoon
- d) solid waste disposal or management facility

4.14.2 Regulations for Permitted Uses

- a) Minimum Lot Area 10,000 m²
- b) Minimum Lot Frontage 60 m
- c) Minimum Yard Requirements
 - Front Yard 30 m
 - Interior Side Yard 20 m
 - Exterior Side Yard 30 m
 - Rear Yard 20 m
- d) Maximum Lot Coverage 80%
- e) Minimum Landscaped Open Space 20%
- f) Maximum Height of Building 10 m

As it currently sits, the subject lands appear to generally comply with the specific provisions of the M3 zone.

Provincial Policy Statements:

The Planning Act requires that zoning by-law amendments be consistent with provincial policy statements as identified in the 2020 Provincial Policy Statements (PPS). The proposed site-specific permitted uses appear to be consistent with the 2020 PPS as follows:

- 1.1.1. Healthy, liveable and safe communities are sustained by:
 - g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
 - i) preparing for the regional and local impacts of a changing climate.

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and
- e) ensuring the necessary infrastructure is provided to support current and projected needs

1.6.1 Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

1.6.2 Planning authorities should promote green infrastructure to complement infrastructure.

1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, district energy, and renewable energy systems and alternative energy systems, to accommodate current and projected needs

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- j) promoting energy conservation and providing opportunities for increased energy supply;

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;
- e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and
- g) maximize vegetation within settlement areas, where feasible.

Northern Ontario Growth Plan:

The proposal appears to generally comply with the Northern Ontario Growth Plan based on the following:

2.3.9 Renewable Energy and Services

Efforts by the Province, industry and, where appropriate, other partners, to grow and diversify the *renewable energy* sector should include:

- a. facilitating the entry of new participants and entrepreneurs, including Aboriginal communities, co-operatives and commercial developers, in the development of *renewable energy* generation and sustainable energy solutions
- b. attracting investment by enabling municipalities and local distribution companies to invest in community-based *renewable energy* projects
- c. identifying and promoting manufacturing and service industries related to *renewable energy* generation
- d. undertaking an approach to energy planning that supports regional needs by applying staged, flexible options that effectively address the unique needs and priorities of all communities, including those not connected to the grid, as well as the industrial sector in the North
- e. promoting Northern Ontario as a location for *renewable energy* investment, research and commercialization.

5.6 Energy

5.6.1 The Province, working with the Ontario Power Authority and licensed transmission and distribution companies, will identify investment opportunities in Northern Ontario's transmission and distribution systems to maintain reliability, meet new and growing demands, and accommodate *renewable energy* generation.

5.6.2 The Province will work with Hydro One, the Ontario Power Authority, remote off-grid communities and the federal government to identify opportunities and assess the feasibility of long-term alternatives to diesel-generated power.

5.6.3 The Province will work with the Ontario Power Authority and local distribution companies to seek opportunities to increase the efficiency of energy use in Northern Ontario communities.

Consultation:

- Operations and Facilities
- By-law Enforcement
- Fort Frances Fire Rescue
- Fort Frances Power Corporation
- Committee of Adjustment
- Planning And Development Executive Committee

Public Meeting

An open public meeting was hosted on Monday April 11, 2022 with notice of the meeting being provided by way of newspaper on March 10, 2022. A copy of the meeting minutes have been attached with this report. During the public meeting, two members of the public spoke in opposition to the application:

- Pam Munn
 - o Requested to be informed of decision and updates
 - o Attached letter of objection
 - o Expressed extreme concerns over the potential noise output
 - o Expressed concerns over the possible decrease in property value due to the noise
 - o Concerned that the lagoon size was not illustrated appropriately
 - o Concerns over the discharge location of cooling water
- Jim Strachan
 - o Requested to be informed of decision and updates
 - o Attached letter of objection
 - o Concerns over the lagoon being developed prior to any sort of remediation
 - o Concerns over waters within the lagoon leaching to nearby properties
 - o General concerns over the development

In addition to the objection provided during the public meeting, these two members provided written objections to the application, as did several other citizens. Each of the letters of objection have been included with this report and summarize the following concerns:

- Concerns over water flow from the lagoon site leaching throughout Town
- Concerns that the lagoons should be cleaned up prior to development
- Curiosity as to how the lagoon may service or not serve new business in Town
- Concerns that the solar farm components will be placed within the lagoon ponds
- Concerns on the general configuration of the sea-cans
- Concerns that this project is to avoid dealing with the remediation of the lagoons
- Concerns that the Town claimed that once the lagoons were no longer used the property would be returned to its original state (farm and forest land)
- Concerns over reduced property value due to further development on the lands
- Significant concerns expressed regarding output of noise from cooling fans
- Concerns that this project will affect the bird habitat

- Most concerns lay around objection to the industrial-scale computing, however, written objections do indicate objection to the solar as well
- Concerns over health impacts related to noise output
- Concerns over conditions of the sanitary sewer and its ability to receive waste cooling water
- Concerns over cooling water contamination of nearby properties and water sources
- Concerns over health impacts as a results of high voltage lines for solar component
- Concerns over disposal of solar panels at end of life
- Concerns over noise by-law noncompliance
- Concerns over increased hydro usage and rates

In addition to the letters of objection, two letters of support were provided which have been attached.

Supporting Document / Financial Documents:

- B2-2022 Zoning Amendment Application – Final – Signed
- Official Plan – Section 3.4.5. to 3.4.8.
- Official Plan – Section 4.2
- GIS Imagery
- Letters of Objection
- Letters of Support
- Public Meeting Minutes
- D-6-3 Separation Distances
- D-6-1 Industrial Categorization Criteria
- D-6 Compatibility between Industrial Facilities
- Ontario Ministry of the Environment-LU-131



Town of Fort Frances
 320 Portage Avenue
 Fort Frances, On P9A 3P9
 T: 807-274-5323
 F: 807-274-8479

www.fort-frances.com

APPLICATION FOR ZONING BY-LAW AMENDMENT

The Planning Act, RSO 1990, as amended (O'Reg. 545/06)

Notice of Public Record:

In accordance with section 1.0.1 of the Planning Act, RSO, 1990, all information and materials required in support of your application shall be made available to the public.

Complete Application:

All applicable sections of the application form must be completed. An incomplete application will be returned. For assistance, contact the Planning Department by phone at 807-274-5323 ex. 1216 or by email at cvangel@fortfrances.ca.

APPLICATION TYPE (check one)

- ☒ Zoning By-Law Amendment (section 34) ☐ Removal of Holding Provision (section 36)
☐ Removal of Interim Control By-Law (section 38) ☐ Temporary Use By-Law (section 39)

1. The name, address, telephone number and email address (if any) of the Applicant:	
2670568 Ontario Limited P.O. Box 365 Otterville, ON N0J 1R0 Attention: Paul Veldman paul@thebmigroup.ca	
2. If known the names and full addresses of the holders of any mortgages, charges or other encumbrances in respect of the subject land:	
Brothers Marketing Inc. P.O. Box 365 Otterville, ON N0J 1R0	
3. The current Official Plan designation of subject land:	Employment Area
4. Describe how the application conforms to the official plan of the municipality?	
see attached Additional Information	
5. The current zoning of the subject land:	M3- Waste Disposal Industrial
6. The nature and extent of the rezoning requested:	
Site specific zoning amendment to: 1) facilitate the lagoon area to be additionally utilized for Industrial Scale Computing and; 2) utilize sea cans or containers converted to Buildings (as per definition) and/or a constructed structure to house the Industrial Scale Computing Equipment and; 3) allow for the establishment of a 150 MW Solar Farm to produce solar energy and/or feed into the electrical grid. See attached Additional Information sheet for definitions of Industrial Scale Computing and Solar Farm. See attached Additional Information for images of proposed sea cans/containers converted to Buildings.	

7. The reason why the rezoning is requested.					
The current zoning would need to remain in place for the lagoons, but given its large size near the Town's industrial area, and proximity to transformers, the parcel would be ideal for additional purposes that promote new investment and employment. The Industrial Scale Computing and Solar Farm would allow for the current function of the lagoon to remain while introducing additional and diverse economic uses.					
8. Is the subject land within an area where the municipality has pre-determined minimum & maximum density requirements or minimum or maximum height requirements?					
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, provide information relative to these requirements.					
9. The description of the subject land, such as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number:					
PIN 56016-0443 Roll number: 010-007-16900-0000 See legal description in attached Additional Information.					
10. The frontage, depth and area of the subject land (in metric):					
Frontage:	see Additional Information	Depth:	see Additional Information	Area:	196.44 hectares
11. Is the application to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement?					
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, provide details of the official plan that deals with the matter					
12. Is the application to remove land from an area of employment?					
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, provide details of the official plan that deals with the matter.					
13. Is the subject land within an area where zoning with conditions may apply?					
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, provide an explanation of how the application conforms to the official plan policies relating to zoning with conditions					
14. Is access to the subject land by provincial highway, a municipal road that is maintained all year or seasonally, another public road or a right of way or by water?					
Access is via Eighth Street and Cornwall Avenue North which is maintained year round by the Town of Fort Frances.					

15. If access to the subject land is by water only, provide details of the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public land:	
N/A	
16. Existing uses of the subject land:	
Heavy Industrial - Zoned M3 Waste Disposal Industrial - currently used as a lagoon for former paper and kraft mill	
17. Are there any buildings or structures on the subject land: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
18. If answer to question 17 is yes, provide, for each building or structure, the type of building or structure and the setback from the front lot lines, rear lot line and side lot lines, the height in metres of the building or structure and the dimensions or floor area of the building or structure:	
see attached Additional Information	
19. The proposed uses of the subject land:	
The subject land would be for heavy industrial use including the site specific uses for Industrial Scale Computing and a Solar Farm. See attached Additional Information Sheet.	
20. Are any buildings or structures proposed for the subject land? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
21. If answer for question 20 is yes, provide, for each building or structure, the type of building or structure proposed, the setback from the front lot line, rear lot line and side lot lines, the height in metres of the building or structure and the dimensions or floor area of the building or structure:	
<p>Industrial Scale Computing will require sea cans converted to buildings and/or a constructed structure to be established within the RED boundary that is identified within the Additional Information sheet (sketch related to Question 28). The quantity of containers will range from 6 initially (summer of 2022) and up to 80 within a 3-year period, pending regulatory approval.</p> <p>The dimensions of the containers range in size from 5.85m x 2.3m x 3.07m up to 4.15m x 2.5m x 2.75m. If a building was to be constructed, a separate building permit would be applied for.</p> <p>All buildings will meet the minimum setback of 30 metres, and seacans may be stacked up to two high.</p> <p>The Solar Farm will be located throughout the entire property within the BLUE boundary, meeting all minimum setback requirements.</p>	
22. If known,	
a. the date the subject land was acquired by the current owner:	July 9, 2019
b. the date existing buildings or structures on the subject land were constructed:	unknown
c. the length of time that the existing uses of the subject land have continued: lagoon use continues to present	
23. Water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or by other means:	
Water is provided by the Town of Fort Frances' publicly owned and operated piped water system.	

24. Whether sewage disposal is provided to the subject land by a publicly owned and operated piped sewage disposal system, a privately owned and operated individual or communal septic system, a privy or other means:	
Sewage disposal is provided by the Town of Fort Frances' publicly owned and operated piped sewage system.	
25. If the application permits development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed, a servicing options report, and a hydrogeological report are required. Are these reports attached?	
a. a servicing options report,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
b. a hydrogeological report	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
26. Indicate whether storm drainage is provided by sewers, ditches, swales or other means:	
Drainage ditches around perimeter of property	
27. If known,	
a. is the subject land the subject of an application under the Act for approval of a plan of subdivision or a consent: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, provide file number and status of the application:	
b. has the subject land ever been the subject of an application under Section 34 of the Act: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, provide file number and status of the application:	
c. has the subject land ever been the subject of a Minister's Zoning Order? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, provide Ontario Regulation number of the Order:	

28. A sketch showing, in metric units, the following:

- a. the boundaries and dimensions of the subject land.
- b. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the lot lines.
- c. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to it, and that in the applicant's opinion, may affect the application (*for examples buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks*).
- d. The current uses on land that is adjacent to the subject land.
- e. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way.
- f. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- g. The location and nature of any easement affecting the subject land.

29. Is the application for an amendment to the zoning by-law consistent with the policy statements issued under subsection 3(1) of the Act. Yes ☒ No ☐

Explain:

This proposal supports Employment (1.3) and Employment Areas (1.3.2) as defined in the Provincial Policy statement by providing opportunities for a diversified economic base, maintaining suitable sites for employment uses, and facilitating conditions for economic investments.

The proposal also supports Energy Supply (1.6.11) with the development of a Solar Farm.

30. Is the subject land within an area of land designated under any provincial plan or plans?

Yes ☐ No ☒

31. If answer to question 30 is yes, does the application conform to the applicable provincial plan or plans?

Yes ☐ No ☐

31.1. Proposed strategy for consulting with the public with respect to the application.

The proponent will work with the Municipal Planner to determine the most appropriate forum for public consultation which may include newspaper advertisements, information sessions, etc.

32. An affidavit or sworn declaration by the applicant that the information required under this Schedule and provided by the applicant is accurate.

DECLARATION
Of Applicant or Authorized Agent

I, Mitch Lepage of the Town of LaVallee, in the District of Rainy River solemnly declare that:

All the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the

Town of Fort Frances, in the

District of Rainy River, this 25th

day of February 2022



Signature of Applicant or
Authorized Agent



**Karyn L. Haney, a Commissioner for
the Corporation of the Town of Fort
Frances, District of Rainy River.**

Signature of Commissioner etc.

PLEASE NOTE:

1. *The Owner must complete the Owner's Consent.*
2. *If the applicant is not the Owner, the application must be accompanied by an Authorization of Owner.*
3. *1 copy of this application are required for processing accompanied by the required fee as outlined in current user fee by-law.*
4. *Application and fee to be filed with the Municipal Planner*
5. *It takes approximately 3 months to complete the process for a Zoning Amendment Application.*
6. *It is strongly recommended that you consult with the Municipal Planner to ensure the timelines of your application coincide with your development proposal.*

COMPLETE IF APPLICANT IS THE OWNER

OWNER'S CONSENT

I, Paul Veldman, am the owner of the land that is the subject of this application and for the purposes of the Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

2/22/2022

Date

DocuSigned by:

Paul Veldman

Signature of Owner

COMPLETE IF APPLICANT IS NOT THE OWNER

AUTHORIZATION OF OWNER

I, Paul Veldman, am the owner of the land that is the subject of this application for zoning amendment and, for the purpose of processing and the Freedom of Information and Protection of Privacy Act, I authorize Mitch Lepage to act as my agent for this application and provide any of my personal information that will be included in this application or collected during the processing of the application and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application

2/22/2022

Date

DocuSigned by:

Paul Veldman

Signature of Owner

2670568 Ontario Limited
Zoning Amendment Application
Additional Information

Question 4

The property broadly meets objectives for the Employment including;

1. Providing an opportunity for a diverse range of activities (i.e. Industrial Scale Computing and A Solar Farm) and;
2. Attractive development that will encourage new investment in Fort Frances (\$30M).

Specifically, within the Official Plan, the application conforms to sections;

3.1.8 Brownfield Redevelopment

The lagoon area is substantial in size and is currently underutilized. The parcel offers high potential for development while maintaining current use as a lagoon.

3.46 Power Generation Facilities and Green Energy

The solar farm is an opportunity for Green Energy to be established in an area where there is minimum impact on adjacent lands.

4.2.1 Employment Area Objectives

Meets objectives stated below.

- a) To provide opportunities to develop a diverse range of employment opportunities for the present and future residents of Fort Frances. *Industrial Scale Computing and a large-scale solar farm would be new industries for Fort Frances that would provide technical jobs in Fort Frances.*
- b) To ensure that there are sufficient lands designated for development opportunities at all times. *The parcel is sufficient in size (485 acres), to support the current lagoon and support the new proposed uses.*
- c) To provide for attractive development that will encourage investment in Fort Frances. *Large Scale Computing is an emerging and competitive market that will bring new investment into Fort Frances. The solar energy farm will also result in new investment in green technologies.*

4.2.2 Permitted Uses

Large Scale Computing meets current standards for a permitted use within Light Industrial Zone.

4.2.3 Industrial Uses

Large Scale Computing could meet the intent industrial uses.

2670568 Ontario Limited
Zoning Amendment Application
Additional Information

Question 6

Definitions

Building (as per Fort Frances zoning By-law 3/14)

Any roofed structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or container used for any of the foregoing purposes.

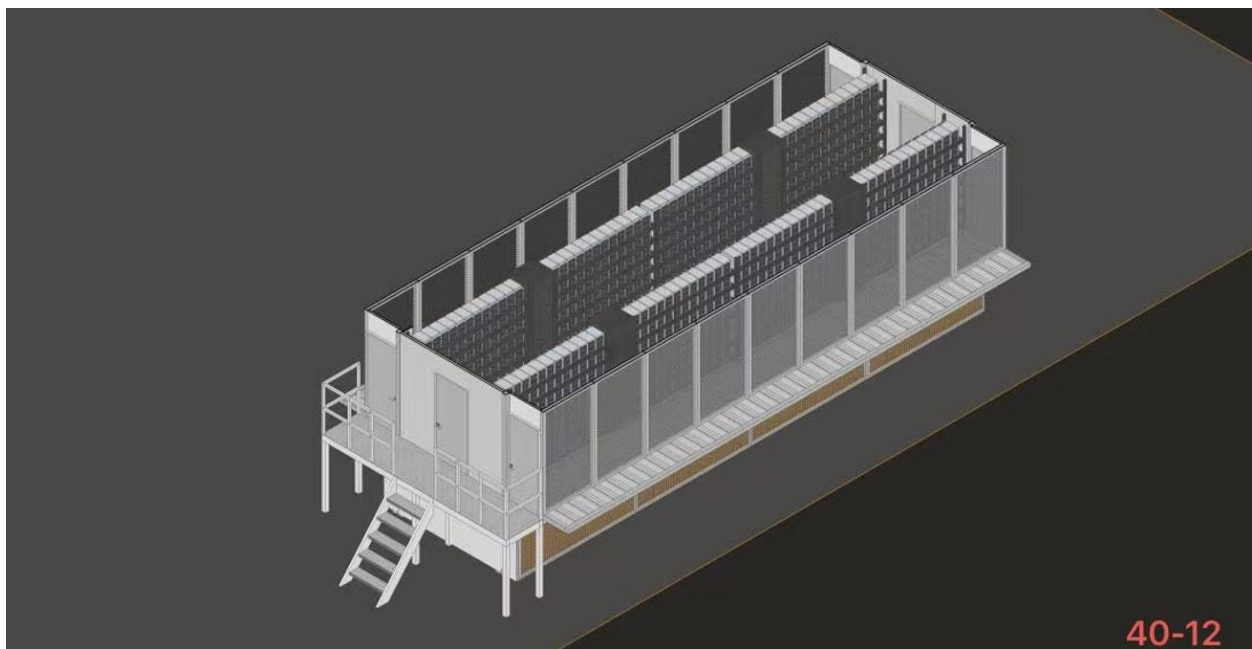
Industrial Scale Computing

The use of premises for the purpose of housing computer systems that collect, maintain, store, and/or process data for profit. Typical uses include but are not limited to blockchain/cryptocurrency mining and data centres.

Solar Farm

150MW of Photo Voltaic Solar Generation utilizing either a fixed mounting or a variable tracking system.

Images of Proposed Buildings



2670568 Ontario Limited
Zoning Amendment Application
Additional Information



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Additional Information

Question 9

PCL BLK 1-4 SEC SM49; FIRSTLY, BLK 1 PL SM49 MCIRVINE; BLK 2 PL SM49 MCIRVINE; BLK 3 PL SM49 MCIRVINE; SECONDLY, PT SEC 29 MCIRVINE PT 1, 48R3176, SURFACE RIGHTS ONLY AS PT 2, 48R3176; THIRDLY, PT HUDSON BAY COMPANY RESERVE MCIRVINE PT 3, 48R3176; FOURTHLY LT 1 PL SM145 MCIRVINE SURFACE RIGHTS ONLY; LT 2 PL SM145 MCIRVINE; LT 3 PL SM145 MCIRVINE EXCEPT PT 1, 2 & 3, 48R3385; LT 4 PL SM145 MCIRVINE; LT 5 PL SM145 MCIRVINE; LT 6 PL SM145 MCIRVINE & LT 7 PL SM145 MCIRVINE, EXCEPT PT 4, 48R3385 FIFTHLY SE1/4 SEC 29 MCIRVINE EXCEPT PT 5, 48R3385; FORT FRANCES

2670568 Ontario Limited
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Question Number 10

Distance measurements derived from Google Earth and are not exact



2670568 Ontario Limited
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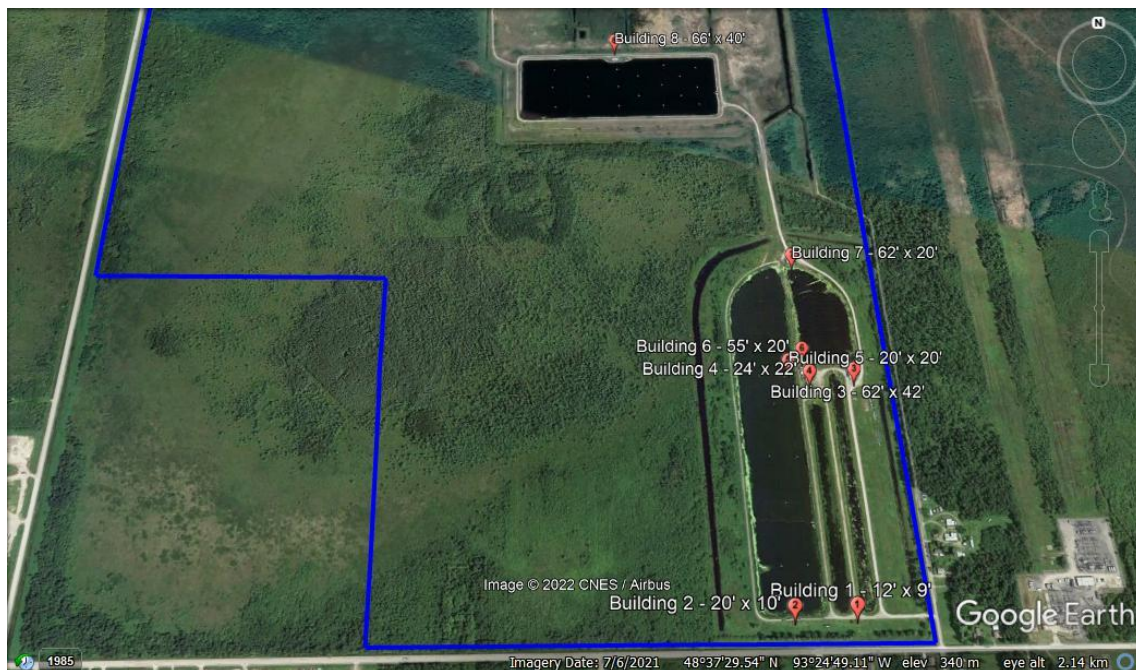
Question Number 13

See attached document, Airport Zoning Regulations.

2670568 Ontario Limited
Zoning Amendment Application
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Question Number 18

Building Number	Type of Structure	Size (metres)	Height (metres)	Distance from lot lines (metres) (south/east)
1	Slab on grade Cinderblock	3.65 x 2.74	2.44	40/130
2	Slab on grade Wood frame	6.09 x 3.04	2.44	40/240
3	Slab on grade Wood frame	18.89 x 12.80	4.88	500/64
4	Slab on grade Wood frame	7.32 x 6.70	2.44	500/150
5	Slab on grade Wood frame	6.09 x 6.09	2.44	510/165
6	Slab on grade Wood frame	16.76 x 6.09	2.44	519/155
7	Slab on grade Wood frame	18.89 x 6.09	2.44	770/150
8	Slab on grade Wood frame	20.11 x 12.19	2.44	1310/500



Location of buildings on properties
(Measurements of buildings are indicated in feet, not metres in diagram)

2670568 Ontario Limited
Zoning Amendment Application
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Question Number 19

INDUSTRIAL SCALE COMPUTING – DATA CAMPUS INFORMATION SHEET

2670568 Ontario Limited has been actively working with a project partner to develop a data campus in Fort Frances. As per the definition provided, a data campus can be a component of Industrial Scale Computing. One proposed location for the data campus is the lagoon located on Eighth Street and Cornwall Avenue North. This is an excellent location as, given its large size, the parcel could continue to serve its currently function as a lagoon while also being a data campus that mines cryptocurrency. See the information below for more detail.

What is cryptocurrency?

Cryptocurrency is a digital or virtual currency that is secured by cryptography, which makes it nearly impossible to counterfeit or double-spend.

Cryptocurrencies are generally not issued by any central authority, such as governments or banks.

Bitcoin is a type of cryptocurrency.

What is cryptocurrency mining?

Crypto mining is the process of creating individual blocks added to the blockchain by solving complex mathematical problems. The purpose of mining is to verify cryptocurrency transactions and show proof of work, [adding this information to a block on the blockchain](#), which acts as a ledger for mining transactions. As return, the more calculation power contributed, the more crypto coin will be earned. Calculation power could not be only used for recording transactions and ownership but also increase searching speed for Google, download speed for YouTube etc.

Cryptocurrency mining is energy intensive and takes place within an enclosed structure (a container/sea can converted to a building).

In Fort Frances, 2670568 Ontario Limited is proposing the development of a Data Campus that will be comprised of a series of sea cans converted to buildings (starting with 6 and expanding up to 80)

2670568 Ontario Limited
Zoning Amendment Application
Additional Information

and/or a constructed structure within a proposed development area on the former mill lagoon property. The sea cans/buildings use natural wind flows in on one side/or from bottom and out on the other side for cooling. Some of the sea cans/buildings may also use water for cooling. Noise/decibel levels are estimated at 0.7MWh/105db.

What does a cryptocurrency operation look and sound like?

An example of a large operation is in this video;

<https://m.youtube.com/watch?v=x9J0NdV0u9k>

Does cryptocurrency mining create new jobs?

Yes, skilled jobs are created. In Fort Frances we would anticipate that 70 jobs would be created during the operation phase and even more during construction. We have engaged leading organizations for professional services related to the facility and are working with former mill employees and hydro providers, including FFPC, to assist with connections and on-site technical and logistical solutions to ensure a viable facility.

We plan to run 50,000 devices in Fort Frances. The data campus runs 24 hours per day, with three shifts. Every 2000 - 3000 devices need at least 1 technician and an entire management team.

Who would operate the Data Campus?

2670568 Ontario Limited, with an experienced partner would operate the Data Campus. Our partner's team have built over 1040 MWh crypto mining center all over the world and operated more than 800,000 mining devices.

What's the investment plan?

2670568 Ontario Limited's partner plans to invest \$30M in electrical and building infrastructure in the next 2 years.

What's the trend for blockchain?

Blockchain is the general direction of future development. The world's computing power will be further decentralized and the core economy of blockchain is mining. Blockchain is a great contributor for development of the economy.

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SOLAR FARM INFORMATION SHEET

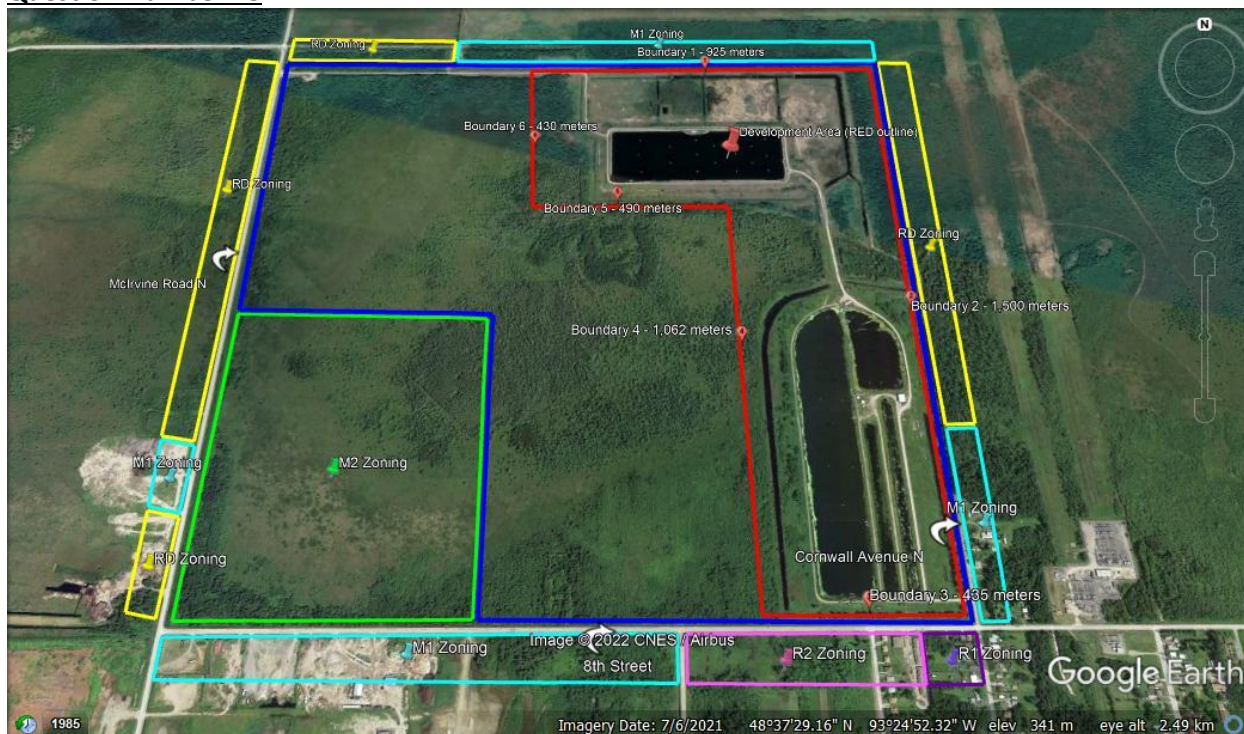
2670568 Ontario Limited has been working with project partners to expand the use of the former mill lagoon parcel to incorporate a 150MW solar farm utilizing either a single axis or fixed track system.

- The solar farm would be located throughout the lagoon parcel and not dedicated to one area. See diagram below.
- The lagoon parcel is very close to Hydro One and Fort Frances Power Corporation stations; discussions have been on-going with the Fort Frances Power Corporation about the solar farm.
- The solar farm would have the potential to feed into the I IESO Capacity market or support on-site systems or other initiatives.
- After all various permits and approvals are received, installation and construction typically take 1 to 2 years to complete a project of this size, utilizing a labour force of ~110 individuals.
- The above labour force would result in at least \$10 -12 Million in wages.
- Once the project is operational it would employ a skilled work force (5–10 individuals) to operate and maintain the PV, Tracking and Power Station equipment which would provide \$1 to \$2 Million in annual wages and local benefits.
- This project will significantly reduce the environmental impact of burning of fossil fuel and the carbon footprint of the local area.



2670568 Ontario Limited
Zoning Amendment Application
Additional Information

Question Number 28





Cody Vangel
 Chief Building Official
 Town of Fort Frances
 320 Portage Avenue
 Fort Frances, ON P9A 3P9

March 10, 2022

Re: Additional Site-Specific Uses for Lagoon Zoning Amendment

Dear Cody;

As discussed, please accept this letter as a request to add additional site-specific uses onto the zoning amendment application that was submitted by 2670568 Ontario Limited, and that you acknowledged on March 2, 2022. We are requesting that the zoning of the parcel be changed to allow 2670568 Ontario Limited to convert the site to an energy complex that will respond to the future needs of Fort Frances and the Province of Ontario.

The additional uses are to include:

- **Transmission of electricity, including infrastructure (towers and lines)**
 - Transmission is an interconnected group of lines and associated equipment for the movement or transfer of electric energy between points of supply and points at which it is transformed for delivery to customers or is delivered to other electric systems.
 (Source: NERC Glossary of Terms)
- **Electric substations**
 - A facility for switching electrical elements, transforming voltage, regulating power, or metering. (Source: NERC Glossary of Terms)
- **Battery Energy Storage System (BESS)**
 - A Battery Energy Storage System (BESS) is a type of energy storage that uses a group of batteries to store electrical energy. Battery storage is the fastest responding dispatchable source of power on grids, and it is used to stabilise grids, as battery storage can transition from standby to full power within milliseconds to deal with grid failures.
 - Battery Energy Storage Systems (BESS) will be critical for System Operators to bridge the transition from fossil fuels to the green renewable energy future. Battery storage is one of the main emerging technologies used to store electricity during low use periods. Its stored energy can be used during higher load and capacity short periods. BESS systems are also being combined with intermittent resources (wind, solar etc.) to create the flexible power grids of the future.
 - There are some very recent examples in Ontario of Battery Storage Power Stations including.

<https://www.pcl.com/ca/en/our-work/ellwood-bess---ontario->

<https://www.energy-storage.news/ontario-industrial-battery-project-completed-to-capitalise-on-big-power-cost-savings/>

Please advise if you require any additional information.

Sincerely,

Mitch Lepage
 General Manager – Northern Ontario

(e) Integration

Stormwater Management Facilities shall be designed to have a high level of public exposure and should be integrated in, and contribute to, the enhancement of the neighbourhood's public realm.

(f) Safety

The design and layout of Stormwater Management Facilities shall address issues related to safety and shall be designed with gentle slopes in areas with direct access. Areas with steeper slopes shall not have direct access and shall be designed to include overhangs, railings and dense plantings.

3.4.5 Power, Telecommunications and Other Cabled Services(a) Location

New development will have local service power lines, communications/ telecommunications infrastructure and other cabled services located underground in road rights-of-way, where feasible.

(b) Land Use Compatibility

The Town will encourage utility installations for telecommunications towers to be located outside of residential areas, where feasible. In instances where the facilities are of a scale and function which is perceived to present significant issues related to land use compatibility, infrastructure which must be located within residential areas or within close proximity to residential areas shall be designed to be compatible with the adjacent and surrounding land uses.

(c) Design

Where feasible, the Town will seek to have local service power lines, communications/telecommunications infrastructure and other cabled services located underground. Above ground shall be sited to reduce their visual impact on the streetscape and/or screened using street furniture and landscaping. The Town encourages utility providers to consider innovative methods of containing utility services within streetscape features such as gateways, lamp posts, transit shelters, etc., when determining appropriate locations for large utility equipment and utility cluster sites.

(d) Location and Siting of Large Utility Equipment

The Town will ensure that appropriate locations for large utility equipment and cluster site have been determined and that consideration be given to locational requirements for larger infrastructure within public rights-of-way, as well as easements on private property.

(e) Permissions

Utility infrastructure shall be permitted in all land use designations, subject of the policies of this Plan.

(f) Servicing

The Town will ensure that adequate utility networks, are or will be, established to serve the anticipated development through discussions with public and/or private utility providers.

(g) Coordination

The Town encourages all utilities to be planned for and installed in a coordinated and integrated basis in order to be more efficient, cost effective and minimize disruptions.

(h) Communication Towers

The Municipality of Fort Frances recognizes that the installation of communication towers is required to supply, improve, and maintain the quality of service. Communication towers of 16.5 m in height or greater are designated as a structure under the Ontario Building Code and will be subject to building permits, as well as regulations under the Zoning By-law.

Local zoning by-laws cannot prevent a telecommunication tower from being constructed, since the Federal Government has the approval authority under the *Radio Communications Act*. Industry Canada recognizes the importance of considering the potential impact of communication towers on the adjacent surroundings and the community. A proponent seeking to establish a communications tower shall work with the Municipality, seek input from the community, and meet the requirements as set out in the *Radio Communications Act*.

3.4.6 Power Generation Facilities and Green Energy

Fort Frances will encourage and support alternative and renewable-source energy generation facilities which are developed in accordance with this Plan and Provincial and Federal legislation, policies, and regulations. Proposed developments will be encouraged to locate in areas where their adverse impacts on adjacent lands and natural features are minimized and mitigated to the greatest extent possible. Where feasible and practical, power generation facilities which are primarily buildings (e.g. cogeneration plant) may be encouraged to develop on brownfield sites. When evaluating proposals for alternative energy generation facilities the Town will consider the following:

- a) Location of facility;
- b) Size and scale of proposed facility;
- c) Potential for land use compatibility issues with adjacent land uses and potential for adverse impacts related to air, noise, odour, vibration, etc.;
- d) Potential for perceived risks to human health and safety; and
- e) Any additional considerations.

For highway safety reasons, wind turbines located adjacent to a provincial highway will be set back a minimum distance measured from the limit of the highway property line equal to the distance of the height of the wind turbine structure plus the length of one blade.

Developments which fall under the jurisdiction of the Green Energy Act do not require an Amendment to this Plan.

3.4.7 Energy Conservation

Fort Frances shall encourage and support energy conservation, district heating and combined heat and power, and the on-site use of alternative and renewable energy sources developed in accordance with Provincial and Federal legislation, policies, and



regulations, and where all potential negative impacts to adjacent lands are mitigated. The Town will also encourage the application of energy conservation measures in the infrastructure and utility servicing of new buildings and in the rehabilitation and upgrading of existing neighbourhoods, buildings and structures. The Town will encourage and support water conservation methods (such as efficient landscape irrigation, low water consumption fixtures, etc.) in the development of new sites and buildings and in the rehabilitation and upgrading of existing sites and buildings. The Town may establish energy conservation design guidelines to encourage, or require, future development to implement energy conservation measures.

3.4.8 Site Plan Control

The development of all new infrastructure and utilities are subject to Site Plan Control.

3.5 Gateway Policies

There are three main approaches into Fort Frances. The east-west approaches are along King's Highway No. 11 while the approach from the south is via the International Bridge between International Falls and Fort Frances. The International Bridge traffic connects with Church Street, Central Avenue and eventually with the King's Highway.

These important corridors are gateway entrances into Fort Frances and provide potential economic benefits to the Town. The Town wishes to capture this traffic by providing a welcoming entrance into Fort Frances, with the intent of increasing the time spent in the Town by the travelling public. The Town recognizes that there are unsightly existing uses along these important corridors and it will work with the land owners to relocate these uses to a more appropriate land use designation away from the corridors.

The Plan includes a Gateway Economic Overlay at the three main entrances into the Town of Fort Frances. The Gateway Economic Overlay designation is planned to be a specialized employment area for businesses related to transportation and logistics, including facilities related to shipping and receiving, warehouses, major offices, manufacturers' showrooms, prestige manufacturing, light other similar uses. Minor retail, personal and professional services, commercial uses which are scaled to meet the needs of the employees within the immediate area are also permitted. Educational institutions that are complimentary to the aforementioned uses are also permitted. There shall be no outside storage of raw goods, materials or waste materials.

3.5.1 Design

Gateway Economic Area uses should be planned and designed to reflect the important role they play in serving the Town, the Rainy River District and Ontario. Gateway Economic Area uses should have high quality exteriors and landscaping. Gateway Economic Area uses at the convergence of transportation corridors will be encouraged to incorporate high quality, but unobtrusive, signage, architectural detailing on the principal building, and/or landscaping. The Gateway Economic Area, given its important locational characteristic, will be required to accommodate a high degree of streetscaping. The design of Gateway Economic Area uses should be pedestrian-friendly, barrier-free and accessible. Where outdoor storage is allowed as a previously existing use, it shall be screened using fencing and/or plantings so that the storage area or materials are not



(l) Home Based Businesses

Home Occupations and Home Professions may be permitted in single-detached residential, semi-detached and townhouses, as long as it is accessory to the principal residential use and occurs entirely within the confines of the dwelling unit.

4.2 Employment Areas

4.2.1 Objectives

- a) To provide opportunities to develop a diverse range of employment opportunities for the present and future residents of Fort Frances.
- b) To ensure that there are sufficient lands designated for development opportunities at all times.
- c) To ensure that there is sufficient flexibility to adapt to change and opportunities quickly; and
- d) To provide for attractive development that will encourage investment in Fort Frances.

The Town will protect its Employment Areas and will require extensive justification for any proposed conversion to non-employment uses.

The Town will consider the geographic location and transportation connections when planning new Employment Areas, and will emphasize the benefits of Fort Frances' location, transportation connections, and quality of life when promoting the build-out of existing Employment Areas.

The Town will attempt to minimize adverse impacts associated with industrial uses by ensuring that industrial uses occur on designated lands and that issues related to impacts of air, noise, vibration and odour are addressed in a manner which is consistent with Town and Provincial standards.

High quality urban design will be a key tool for increasing the attractiveness of Employment Areas. Specific urban design requirements will be considered to enhance the attractiveness and unique identity of Employment Areas.

The Town will plan and promote a Gateway Employment Area at the entrances into the Town which generates unique and ongoing economic development benefits. The Gateway Employment Area will be an overlay designation with specific site design policies as outlined in this Plan.

4.2.2 Permitted Uses

Employment areas include Industrial, Commercial and Business uses. The designation is intended to reflect lands where people presently work and lands where employment opportunities will be provided in the future.

The Zoning By-law will further divide these areas into different Industrial, Commercial and Institutional Zones.



4.2.3 Industrial Uses

- a) The mill presently owned and operated by Abitibi-Bowater is the primary industry in Fort Frances. Continued cooperation between the Town and the mill owners is encouraged by this Plan.
- b) Heavy Industry, apart from the mill, is encouraged to locate in the north westerly portion of the Town. These uses shall be located and landscaped to minimize the visual impact of open storage areas from adjacent Living Areas and major traffic routes.
- c) Prior to approving new heavy industries in Town, Council shall receive a detailed report on the use, potential emissions of noise, dust or odour, traffic implications and a site plan showing the proposed development.
- d) Heavy industrial uses include processing, manufacturing, assembly, fabrication, research and development, laboratories, workshops, training facilities, warehousing, shipping/receiving, major offices and other similar uses. Minor retail and personal and professional service commercial uses, which are scaled to serve the needs of the employees of the immediate employment area, are also permitted. Outdoor storage is permitted.
- e) Heavy Industrial uses should provide for the use of good quality exterior building materials and landscaping will be encouraged. General Industrial Areas near sensitive land uses will incorporate buffering, massing and screening, as well as controls for noise, vibration, odour, dust/debris and light emissions, which minimize impacts on the nearby sensitive uses. Outdoor storage shall be screened, using fencing and/or plantings, so that the storage area or goods are not visible from abutting lands or the street. The design of new Heavy Industrial uses shall be pedestrian friendly, barrier-free and accessible, where possible. Small parking areas may be provided in the front yard, however large parking areas shall be located to the side or rear of the building incorporating appropriate landscaping and/or screening.
- f) Light Industries are those industrial uses which are entirely contained within a building, except for accessory vehicle parking and limited outdoor storage and do not emit noticeable or noxious noise, dust or air emissions. These uses may be situated in close proximity to commercial uses and residential uses provided that the appropriate buffering measure are undertaken to minimize traffic and visual impacts.
- g) Light Industries permitted include light-manufacturing, light-assembly, research and development, warehouses and wholesaling, indoor storage, offices related to industrial uses, as well as some commercial uses such as heavy equipment sales and services, repair shops and services and lumber yards. Minor retail, personal and professional service commercial uses which are scaled to serve the immediate needs of the employees of the immediate employment area are also permitted. Only a limited amount of outdoor storage is permitted.



- h) Development in the Light Industrial Area is encouraged to have high quality exterior building materials and high quality landscaping. Development at the perimeter of Light Industrial Areas shall have edge landscaping and urban design treatments, where appropriate, to strengthen the area's visual appeal. Outdoor storage is not permitted, except where finished goods or materials are the primary product of a business (such as lumber in the case of a lumber yard). The design of light industrial subdivisions or individual sites should incorporate pedestrian-friendly, barrier-free and accessible design. Parking areas shall be screened from any adjacent sensitive land uses and large parking areas shall incorporate internal landscaping and be located at the rear or side of the building.
- i) All industrial uses shall be developed on the basis of full municipal services. Private services may be permitted where there is no industrial waste water and sewage facilities are less than 4,500 litres per day on an interim basis in areas where the Town has completed environmental studies regarding extending services to the site and servicing is likely to occur in the near future. Where these situations occur, the developer shall enter into an agreement with the Town to ensure that the site is pre-serviced and to provide a financial guarantee relating to the extension of the connection to full municipal services.
- j) New industrial developments shall meet or exceed provincial standards for noise, emissions and setbacks from adjacent uses.
- k) Industrial traffic should be directed away from, and not through, residential areas. Generally, the number of access points from employment areas to arterial and collector roads should be limited to minimize potential disruptions to traffic flow.
- l) An accessory residential use, such as a caretaker's residence, which is incidental to, and supportive of, the employment use, may be permitted subject to any appropriate mitigative measures required to conform with Provincial standards.
- m) The Town may permit the conversion of lands within employment areas to non-employment uses, but only through a municipal comprehensive review where it has been demonstrated that:
 - i. There is a need for the conversion;
 - ii. The conversion will not adversely affect the overall viability of the Town's Employment Areas and the achievement of other Policies of this Plan;
 - iii. There is existing or planned infrastructure in place to accommodate the proposed use; and
 - iv. The lands are not required over the long term for employment purposes for which they are designated.

4.2.4 Commercial Uses

- a) Commercial developments shall be encouraged to meet the needs of the residents of the District of Rainy River and its tourists, as well as support the industrial uses within the District.



- b) Commercial developments at the easterly and westerly ends of the Town should be focused on serving the needs of tourists and the travelling public. These uses shall provide access and parking areas suited to larger recreational vehicles and trailers and shall be designed as attractive entrance features to the Town. An Economic Gateway overlay designation has been prepared to provide additional development and design policies for uses locating at the easterly, westerly and southern approaches to the Town.
- c) Within the Downtown Business Area, the broadest range of commercial and residential uses shall be encouraged. Commercial uses should develop at the street line on the ground level. Residential uses will be encouraged to locate on upper floors provided that adequate access and parking can be provided.
- d) Building design, signage and landscaping details used in the Downtown Business Area should reflect the historical character of the downtown area.
- e) The Town will consider incentives to encourage the continued viability of the Downtown Business Area.
- f) The Downtown Business Area will be considered a Special Study Area and a Secondary Plan will be prepared to address the Downtown's special issues, as well as provide for a specific set of design guidelines.

4.3 Recreational Areas

4.3.1 Objectives

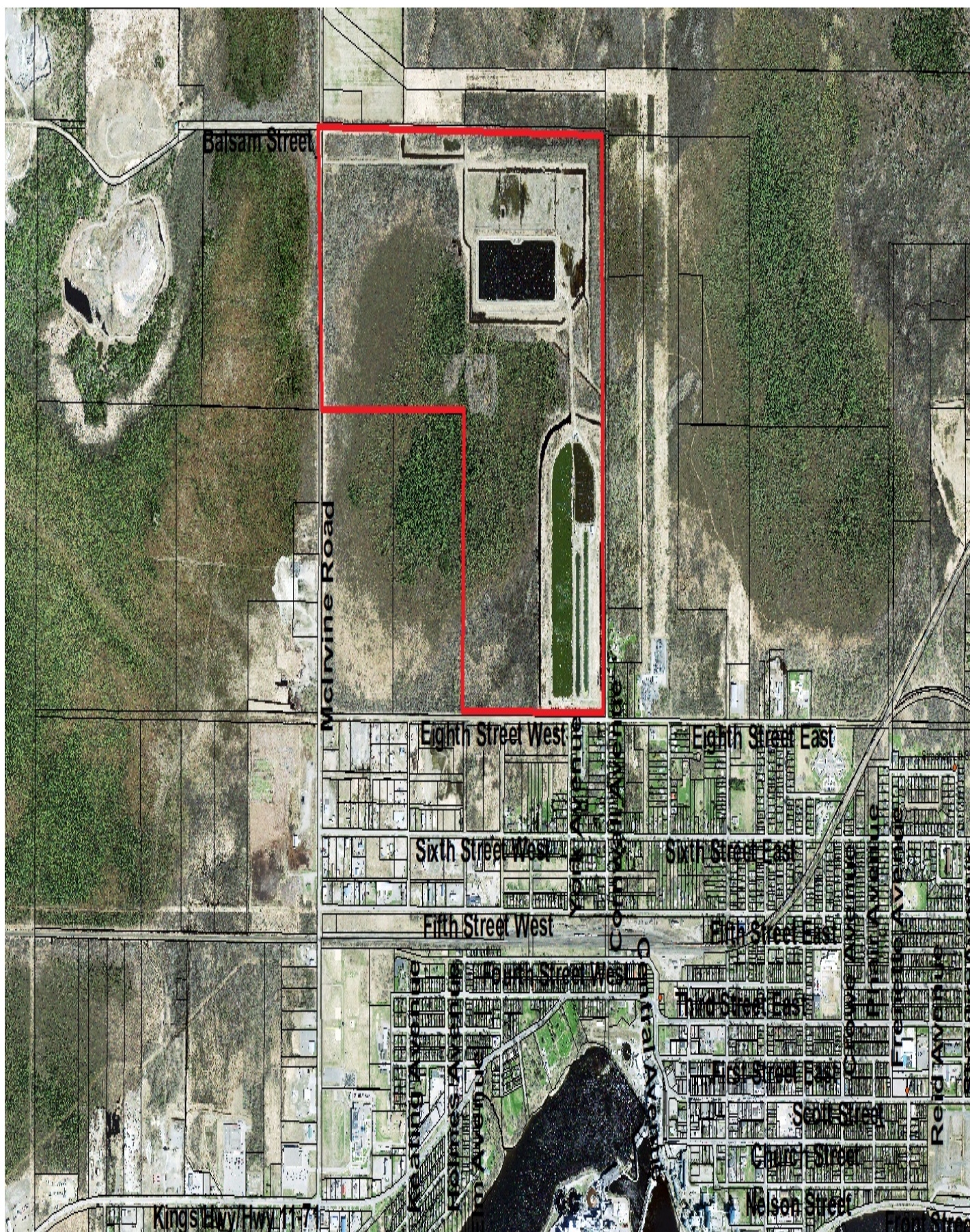
- a) To provide areas for residents of the Town to enjoy leisure activities and the environment.
- b) To develop a continuous parkland and trail system throughout the Town.
- c) To ensure that sufficient lands and facilities are available to provide for flexibility and variety in recreational opportunities for present and future inhabitants.

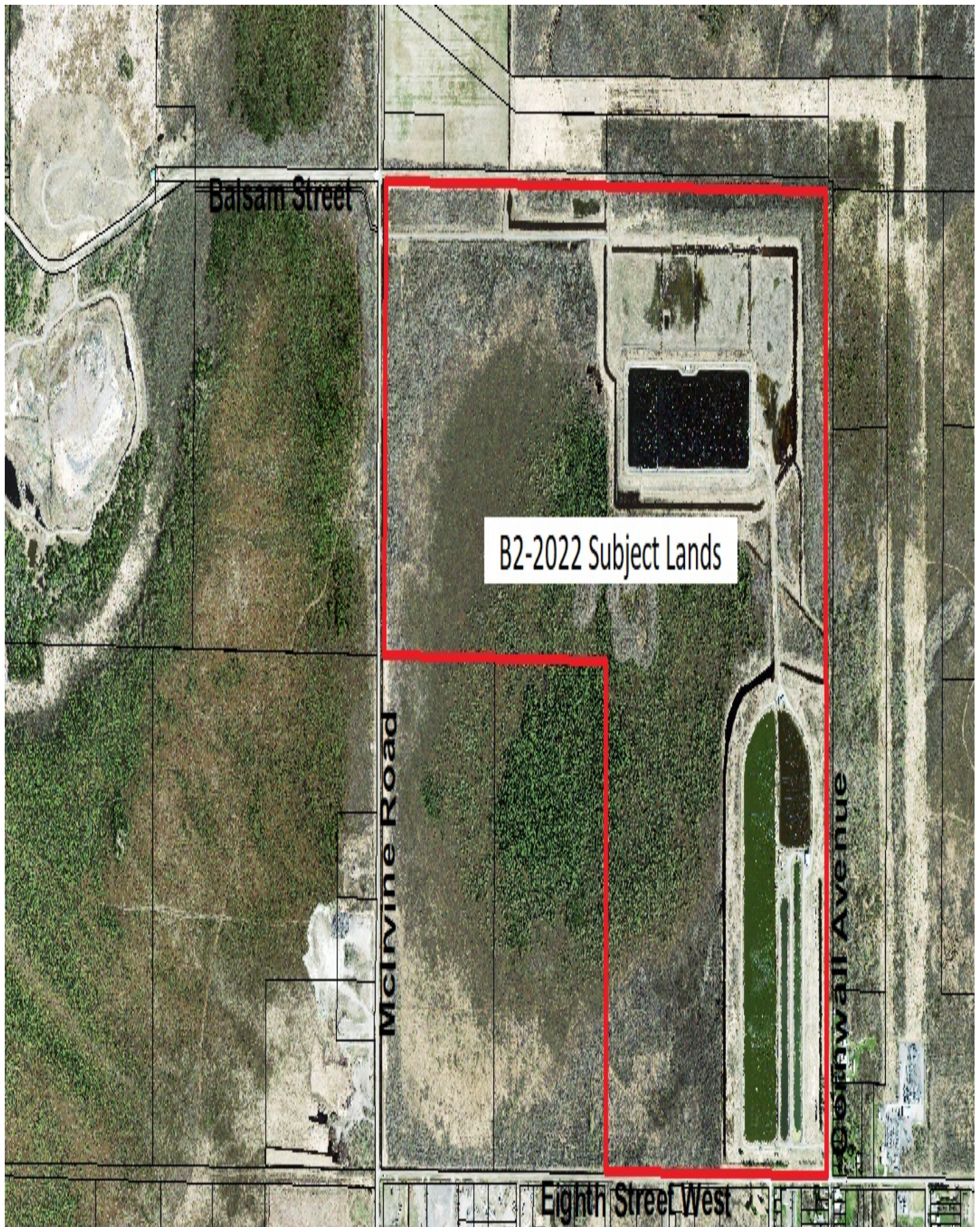
4.3.2 Permitted Uses

The uses permitted in the Recreational Areas include Municipal and public recreation facilities such as arenas, playing fields, community parks, walking and bicycle paths, snowmobile trails and related facilities and municipal marina facilities.

4.3.3 Development Policies

- a) Council will encourage the development of a continuous parkland and trail throughout the Town. The Town will acquire lands for this system through the land division and site plan approval processes. In addition, the Town will actively seek partnerships with other government agencies and private sector parties to develop the parkland and trail system.
- b) Where the parkland and trail system is situated within a municipal road allowance, Council shall seek to improve the pedestrian and bicycle routes within





Cody Vangel

From: Raina Johnson <rainajohnson17@gmail.com>
Sent: Monday, April 11, 2022 1:55 PM
To: Cody Vangel
Subject: [External] Please share my letter at tonight's Town Hall Meeting. Sincerely, Raina

[EXTERNAL]

Help our songbirds thrive and survive!

We can not continue to build bridges, construct buildings, cut our forests and pollute our environment including light and noise pollution without first becoming aware of the environmental impact of the area we are destroying along the way.

Alarming it has been reported that we have 3 billion fewer birds than in 1970. I believe the main reasons for this decline is lack of habitat, construction of new housing and highways and industries creating environmental pollution, noise pollution and light pollution have contributed greatly to this decline. We also have done very little to protect their habitat from being destroyed and or unsafe due to toxins and all types of pollution.

Many Migrating birds omit faint subtle high frequency signals as a form of communication which is conveying information, choosing a mate, or warning others of a potential danger. So if noise pollution reduces the ability to communicate this critical information it will have an impact on their survival.

Understanding the effects of human induced environmental changes such as the noise pollution which the proposed Cryptocurrency Mining Facility will create 24/7 is extremely harmful to all species including Us.

We need to become educated and educate others on the importance of preserving what is left of our wildlife bird population not only because the birds play an integrated role in the food chain but because we can make a difference now before it's too late. There are already 50 Species of birds in Canada on the verge of extinction. What can you do to help? Stop the proposed Cryptocurrency Mining Facility from building this very noisy industry in our town, set up a birdfeeder, sunflower seeds are their #1 treat and you can enjoy these beauties for free! Keep a journal of birds you see; as most data comes from the common bird watcher's today.

Raina Johnson-Luoma

Fort Frances, ON -

((807) 271-2502))

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Pam and Terry Munn
 Site 121-2, RR#1 Stn. Main
 1246 Cornwall Avenue North
 Fort Frances, ON
 P9A 3M2

April 4, 2022

Cody Vangel, CBO
 Town of Fort Frances
 320 Portage Avenue
 Fort Frances, ON
 P9A 3P9



RE: Proposed Zoning Amendments to 1229 Cornwall Avenue North (former lagoon site)

Dear Cody:

My name is Pam Munn, and I am writing to you on behalf of myself and my husband Terry Munn. Our mailing address is RR 1, 121-2, Fort Frances, ON, but our physical address is 1246 Cornwall Avenue North, which is located right across the avenue from the 1229 Cornwall Avenue North (known as the lagoon property). We would like to voice our concerns regarding the request by 2670568 Ontario Limited for zoning amendments to the lagoon property.

We own 1246 and 1248 Cornwall Avenue North and Terry is a 1/3 owner of 1250 Cornwall Avenue North which is approximately 6.46 acres of land also used as a residential property. The Munn family have lived here for approximately 76 years. When the lagoon was built in the 1970's the family was told that when it the lagoon was no longer used by the paper mill it would be restored to its original state, farm and forest land. To this date, this has not happened as the lagoons are still full of water and waste. No forms of remediation have taken place. I would also like to note that the pictures of the lagoon in the proposed zoning amendment appear to be outdated and not show the true size of the lagoon itself.

We as a family have dealt with a lot with regards to the lagoon over the years. First and foremost, it has reduced the value of our properties, and as such we are not in favour of further development in the lagoon property. To this, we are especially opposed to the proposed installation of crypto-currency mining facility and 150 MW Solar Farm required to run the crypto-mining facility, being developed directly across from our properties. It is our understanding that the crypto-mining computers require a large number of fans for cooling, which emit an extremely large amount of noise. To quote

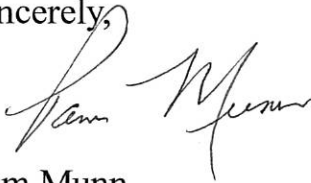
Mitch Lepage, General Manager of BMI Group, "the application has an estimated 105 decibels for crypto mining". This is the equivalent noise to the sound of helicopter outside your doors and windows 24 hours a day, 7 days a week non-stop.

While researching what crypto-currency mining was, I came across a video on you tube from a community in Virginia Beach. VA in the US, where a crypto-currency mining site has been developed (link for reference: <https://www.youtube.com/watch?v=t0NtMIsVp3w>). The residents living there state it is like having a jet taking off in their back yard constantly. They cannot even hear each other speaking while sitting in their yard. Other news stories from Washington County, Tennessee and North Tonawanda, New York, also state the same complaint about noise levels, being equivalent to a jet taking off. If this proposed development were to take place, the noise levels would be prohibitive to living in our current residence and would further degrade the value of our properties.

To this point, I have asked to speak that the public meeting to voice our concerns in person.

Thank you.

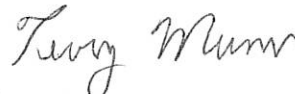
Sincerely,



Pam Munn

P – 807-274-5017

E – munns@nwonet.net



Terry Munn

~~JIM'S CONSTRUCTION (E.F.) LTD.~~

180-8th Street West, Phone 274-3573
FORT FRANCES, ONTARIO P9A 3G2

Jim STRACHAN



AGENDA ITEM #5.6

URGENT! ☐ AS SOON AS POSSIBLE ☐

01772

FROM

DEPT.

COPY TO

DATE

April 6/20

SUBJECT

SEND TO CODY VANGEL

CBD MUNICIPAL PLANNER
TOWN OF FORT FRANCES

RE ZONING FOR CRYPTO MINING + SOLAR FIELD

MESSAGE

Hi CODY - JUST A FEW POINTS I WONDER
ABOUT AS I TRY TO CONVINCE MYSELF WHAT
THIS PROJECT IS ALL ABOUT.

I JUST KEEP THINKING THE WATER PATH FROM
THE LAGOONS FLOWS PAST FORT FRANCES
DRINKING WATER INTAKE DOWN RAINY RIVER
TO ENO'S DRINKING WATER

REPLY

J Strachan
180 8th ST W
FORT FRANCES

4S500E - 1

← SPEEDIMEMO →

MOORE SPEEDILY - 1 - MOORE CLEAN PRINT PATENTED 1963-1966

REPLY
FROM

DATE



- (1) SHOULD WE EVEN BE PLANNING ON REZONING BEFORE THE LAGOON PONDS ARE ATTENDED TO.
- (2) WHAT POSSIBLE USE WOULD THE LAGOON SERVE TO ANY NEW BUSINESS THAT MIGHT COME TO FORT FRANCES.
- (3) THE OPEN PONDS TAKE UP PORTION OF THE LAND AREA THAT THE PROPOSED ELECTRIC SOLAR FARM WOULD REQUIRE.
- (4) THE COMPANY PLANS TO START WITH 6 - C CANS THEN EXPAND. I DON'T THINK THEIR PLAN TO STACK THE CANS WITH SIDES OR BOTTOMS OPEN WILL WORK OUT IN THIS AREA FROM OCT 1 TO MAY 31 EA. YEAR. SO THE ENCLOSED UNITS WITH THE BIG FANS WILL BE NECESSARY.
- (5) IF I WAS A SUSPICIOUS PERSON I WOULD THINK THIS PROJECT IS AN ATTEMPT TO AVOID THE LAGOON PROBLEM WHICH SOME OF US SURROUNDING HOME OWNERS KNOW IS LEACHING.

April 2, 2022.

Trisha Law
c/o Donna Law
155 Sixth Street West
Fort Frances, ON
P9A 3E3

Cody Vangel, CBO/Planner
Town of Fort Frances
320 Portage Avenue
Fort Frances, ON
P9A 3P9

RE: Proposed Zoning Amendment for 1229 Cornwall Avenue North (former Lagoon site) by 2670568 Ontario Limited

Cody:

My name is Trisha Law and I am the current resident of the home located at 1250 Cornwall Avenue North, directly across Cornwall Avenue from the former lagoon site located at 1229 Cornwall Avenue North. I am writing to you today on behalf of myself as the current resident, as well as Donna Law, Dianne Hoffman and Terrance Munn, the property owners of 1250 Cornwall Avenue North. We are opposed to the potential zoning amendment for the lagoon property to allow for the construction of the crypto-currency mining facility and solar farm.

I have done a large amount of research regarding crypto-currency mining facilities. In multiple communities in the United States, Canada and England, there have been numerous problems associated with the operating of this type of facility near residential areas. Even with sound mitigating practices in place, nearly every community has multiple residential complaints of excessive noise at all hours of the day and night. The typical facility emits noise at 105db, a level which is consistent with attending a rock concert. At five minutes of exposure to this level of noise, humans experience hearing damage. This noise level will be released 24 hours a day, 7 days a week without pause. That would be the equivalent to having a helicopter or jet engine running outside of your home at all times. Prolonged exposure to noise of this decibel level has been found to cause adverse health effects to humans including neurological impairment, deafness, insomnia and cardiovascular problems. Due to this, we are greatly opposed to the potential development in the lagoon property.

In my research, I have found several newspaper and television articles from multiple communities, some of which are in current litigation to have the crypto-currency mining sites removed from their communities. Excessive constant noise is the main concern. Residents are not able to sleep or peacefully enjoy

their properties. Noise can be clearly heard not only outside, but inside with the television and radio on. For reference, the communities of concern include: Labrador City, NL; Sturgeon County, AB; Chicago, IL USA; Virginia Beach, VA USA; Chandler, AZ USA, Niagara Falls, NY USA. There were also several locations listed in Texas, Wisconsin, Quebec, and London, England that were noted as places with crypto-currency mining concerns.

It should be noted that it would not only disturb our property, but those in the surrounding neighborhoods. In the past few years, Walker/Cornwall/York/Eighth/Sixth have all had an influx of young families and this would impact the neighborhood children. There are also multiple family housing units along York Avenue, Eighth Street and Webster Avenue where children reside and would be impacted by the noise coming from directly across from them. Sound carries and as the lagoon is comprised of both gleysol and humicol (soils which comprise muskeg and hold a large amount of water content). The sound will not only carry but be amplified. I can provide an example on how sound carries: when the Bass Championship is held at the end of July, we can sit outside in our backyard and listen not only to the weigh-ins but the nightly musical entertainment clearly as if we were only mere blocks from the Bass tent. This is without a radio or television on, just the actual noise from the Bass tent carrying across Town.

When the lagoon was in use by Resolute, we were exposed to constant excessive noise, 24 hours a day, 7 days a week from the aerators, machinery, trucks and workings. This noise could be clearly heard not only when we were working outside in our yard but also in the house with the windows closed. With the Hydro-One substation directly to the East of our property and high voltage lines both on the North and East sides of our property, we are exposed to a constant high pitch hum which, depending on the weather conditions, can be clearly heard inside the house with the windows closed as well as throughout our entire property.

Another potential issue with the crypto-currency mining facility is the use of coolant water. Noisy fans are not the only way in which to cool data farms. Water coolant systems are also used. Where would this cooling water be discharged? Since the Northern lagoon is already in use with the deposition of watery materials from the former mill dump site on Balsam Street, would it be dumped into the ditches surrounding the property? Would it be disposed into the Southern lagoon area? Would it be disposed of in the sanitary sewer service, which is connected to Cornwall Avenue? If it is deposited into the sanitary sewer system along Cornwall Avenue, the most recent CCTV of the main (2017) shows that the main is in severely deteriorated condition and would not likely take a large amount of industrial effluent. Failure of the 1977 AC main or back up of sewage into our property would be likely. If the water were to be deposited into the surrounding tap ditches, it would be releasing potentially contaminated water into a system that flows into Rainy Lake via Frog Creek/the muskeg and into

Rainy River through the ditches/storm sewer system of the North End. It would also potentially increase contamination along Cornwall Avenue and our property.

We are also opposed to the installation of a solar farm on the lagoon property. Although there are some potential benefits to the Town, the installation of high voltage lines and a collection facility/substation would increase the amount of noise and potential health effects to everyone residing in the general vicinity. High voltage lines have been proven to cause cancers, leukemia and neurological problems in humans due to the extremely low frequency electric and magnetic fields they emit into the surrounding environment. Potential hazardous waste would also be generated as in most areas, solar panels cannot be recycled. This would also mean that there would be substations and high voltage lines on three sides of our property. It should also be noted that our backyard and the lagoon site are on the flight path for the Fort Frances Municipal Airport and the installation of solar panels could potentially impact pilot navigation and landing.

The installation of both facilities would also further devalue our property. The Munn family purchased 6.46 acres of land at the edge of Town in 1946 and has maintained a homestead at 1250 Cornwall Avenue North since that date. Not only will the installation of both facilities impact the peaceful enjoyment of our property, but it will also further serve to devalue our property should we wish to sell in the future. The noise from the proposed facilities would also contravene Town By-Law 70/90 prohibiting unnecessary noise in the Town of Fort Frances, under which clause 2 states that "No person shall make noise or permit noise to be made that is likely to disturb any other person within the Town of Fort Frances." This noise would effectively deem our family home of 76 years to be uninhabitable.

Should you wish to discuss this further, please contact any or all of the undersigned.

Regards,



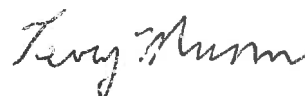
Trisha Law
(807) 276-3501



Donna Law
(807) 274-5172



Dianne Hoffman
(807) 274-2655



Terrance Munn
(807) 274-5017

From: [Linda Fichuk](#)
To: [Cody Vangel](#)
Subject: [External] I am against allowing crypto mining in Fort Frances
Date: Tuesday, April 5, 2022 11:20:50 AM

[EXTERNAL]

Good day, I wish to voice my concerns as well as **100% against crypto mining** being allowed to operate in the Town of Fort Frances.

BOTTOM LINE WE ARE SUPPOSE TO DO OUR PART TO REDUCE OUR CARBON FOOTPRINT, THE ENERGY USED IS HORRENDOUS CAUSING GREEN HOUSE GAS, POWER CORP MAY HAVE TO IMPORT ELECTRICITY AT A HIGHER COST TO US, THE NOISE BETWEEN 70-75 dB OVER A PROLONGED PERIOD OF TIME MAY DAMAGE HEARING- 24/7 IS PROLONGED TIME, LOSS OF SLEEP = DETRIMENTAL TO HEALTH PLUS NOW I AM EXTREMELY CRABBY, THIS IS DUE TO ONGOING POUNDING 24/7 OVER 70 dB, RESALE VALUE OF MY PROPERTY IS NOW UNSALEABLE, MY ONLY OPTION IS TO REMOVE ALL BUILDINGS, ELECTRICAL, WATER AND SEWER, THIS IS NOW A VACANT LOT AND I WILL PAY MINIMUM TAXES UNTIL THIS OUTFIT LEAVES.

The rest is where I found the information that I based my decision on.

1. I thought global warming was an issue, what happened to reduce our carbon foot print? A REPORT BY NATURE CLIMATE CHANGE made an alarming statement that Bitcoin alone could produce enough CO2 emissions to push global warming above 2°C in less than three decades.

2 copied from [psci.princeton.edu](https://www.psci.princeton.edu)

Special computers used for mining Bitcoin are required to be high-powered enough to solve complex computational math problems. Here are some statistics about cryptomining's energy consumption:

The share of electricity costs in all cryptomining costs is around 60 to 70 percent;

Bitcoin accounts for 0.40% of the world's total electricity consumption;

***** The annual carbon footprint of Bitcoin is 34.76 megatons of CO2, comparable to that of Denmark or New Zealand;**

Bitcoin's annual energy consumption has risen from 9.6 TWh (terawatt-hours) in February 2017 to 73.2 TWh in January 2020

3. Copied from [cryptosizzle.com](https://www.cryptosizzle.com)

Bitcoin, Ethereum, Dogecoin and other popular cryptos reached record or near-record highs this year, **raising concerns about the amount of energy needed to mine the coins.**

Warehouses of Bitcoin mining rigs run 24 hours a day, consuming more power than the whole of Argentina. As the energy bill for crypto mining rises, so does the amount of carbon and waste, adding to the growing climate crisis.

4. NOISE copied from CDC.gov Fort Frances Times article claims the noise would be 70-75

dB 24/7 never ending

Common Sources of Noise and Decibel Levels

Sound is measured in decibels (dB). A whisper is about 30 dB, normal conversation is about 60 dB, and a motorcycle engine running is about 95 dB. **Noise above 70 dB over a prolonged period of time may start to damage your hearing. Loud noise above 120 dB can cause immediate harm to your ears.**

5. Copied from enbridge.com

[Municipalities begin pulling the plug on cryptocurrency miners](#)

Industry's mammoth electricity demands spark energy supply troubles, and even safety concerns

Less than one job per megawatt.

That's the eye-popping estimated energy give-and-take required for the cryptocurrency mining industry—and it's why more municipalities are putting the brakes on the electricity-gobbling ventures every day.

In Quebec, Magog is the latest of 21 municipalities in that region that [has imposed a moratorium on future cryptocurrency mining activity](#).

The home of the Montreal Canadiens, the 21,273-seat Bell Centre, uses five megawatts (MW) of energy a day. By contrast, two cryptocurrency mining companies that have recently set up shop in former Magog factory buildings were set to use a combined 20 MW each day.

Cryptocurrency mining is not a very big job creator. The analysis we have shows that cryptocurrency projects will create less than one job per megawatt," says Hydro-Quebec spokesman Marc-Antoine Pouliot.

"That's pretty low if you compare it with data centers, if you compare it with the aluminum industry or other huge consumers." *In upstate New York, another spot where hydroelectricity has traditionally created cheap power rates, a surge in cryptocurrency mining activity [recently forced the city of Plattsburgh to buy power on the open market](#)—and saw residents hit with enormous energy bills.*

Plattsburgh passed its own 18-month ban on cryptocurrency mines in mid-March, citing safety concerns over the amount of heat produced.

"There's no opportunities for them (that) I know of to give back to the community in any way," Plattsburgh councillor Dale Dowdle tells the Daily Orange. "They don't employ many people."

5. Copied from news.bitcoin.com

A Bitcoin mining operation in Tennessee is being sued by neighbors due to the high level of noise the facility produces. The lawsuit, which was

filed in August, asks mining operator Red Dog to shut down operations and pay personal damages fees, as well as compensate owners for decreased property values. The lawsuit could set a precedent for other cases now that Bitcoin mining companies are seeking to migrate to new zones previously ignored.

bitcoin mining operation in Tennessee is being sued by neighbors due to the high level of noise the facility produces. The lawsuit, which was filed in August, asks mining operator Red Dog to shut down operations and pay personal damages fees, as well as compensate owners for decreased property values. The lawsuit could set a precedent for other cases now that Bitcoin mining companies are seeking to migrate to new zones previously ignored.

Sent from my IPAD

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From: [Linda Fichuk](#)
To: [Cody Vangel](#)
Subject: Re: [External] I am against allowing crypto mining in Fort Frances
Date: Thursday, April 7, 2022 7:30:02 AM

Good morning Cody, I have made a couple of changes, I added item 2a) which estimates an approximate 3-15 million tons of global carbon emission - wasn't there a world summit not long ago to discuss AND REDUCE OUR CARBON FOOTPRINT and here Fort Frances wants to help increase it....I know it is only for the tax dollar and not the for the good of the residents/community /world.

Sent from my IPAD

On Apr 5, 2022, at 11:31 AM, Cody Vangel <cvangel@fortfrances.ca> wrote:

Received.

Thank you, Linda. I will include this in a future report to the Planning and Development Executive Committee, and the whole of Council.

Thank you,

[Town of Fort Frances Logo](#)



Cody Vangel

Transportation Superintendent

Email: cvangel@fortfrances.ca

Telephone: [807-274-9893](tel:807-274-9893) x 1312

Mobile: [807-271-0604](tel:807-271-0604)

Fax: [807-274-7360](tel:807-274-7360)

320 Portage Avenue

Fort Frances, Ontario, CA, P9A 3P9



www.fortfrances.ca

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From: Linda Fichuk <lfichuk@bell.net>
Sent: Tuesday, April 5, 2022 11:21 AM
To: Cody Vangel <cvangel@fortfrances.ca>
Subject: [External] I am against allowing crypto mining in Fort Frances

[EXTERNAL]

Good day, I wish to voice my concerns as well as **100% against crypto mining** being allowed to operate in the Town of Fort Frances.

BOTTOM LINE WE ARE SUPPOSE TO DO OUR PART TO REDUCE OUR CARBON FOOTPRINT, THE ENERGY USED IS HORRENDOUS CAUSING GREEN HOUSE GAS, POWER CORP MAY HAVE TO IMPORT ELECTRICITY AT A HIGHER COST TO US, THE NOISE BETWEEN 70-75 dB OVER A PROLONGED PERIOD OF TIME MAY DAMAGE HEARING- 24/7 IS PROLONGED TIME, LOSS OF SLEEP = DETRIMENTAL TO HEALTH PLUS NOW I AM EXTREMELY CRABBY, THIS IS DUE TO ONGOING POUNDING 24/7 OVER 70 dB, RESALE VALUE OF MY PROPERTY IS NOW UNSALEABLE,

The rest is where I found the information that I based my decision on.

1. I thought global warming was an issue, what happened to reduce our carbon foot print?

A REPORT BY NATURE CLIMATE CHANGE made an alarming statement that Bitcoin alone could produce enough CO2 emissions to push global warming above 2°C in less than three decades.

2 copied from psci.princeton.edu

Special computers used for mining Bitcoin are required to be high-powered enough to solve complex computational math problems. Here are some statistics about cryptomining's energy consumption:

- The share of electricity costs in all cryptomining costs is around 60 to 70 percent;
- Bitcoin accounts for 0.40% of the world's total electricity consumption;
- *** *The annual carbon footprint of Bitcoin is **34.76 megatons of CO2**, comparable to that of Denmark or New Zealand;*
- Bitcoin's annual energy consumption has risen from 9.6 TWh (terawatt-hours) in February 2017 to 73.2 TWh in January 2020

2a. Copied from sis.Washington.edu

The Environmental Impact of Cryptocurrency Mining

The public narrative surrounding Bitcoin mining's impact on the environment has been predominately negative, with conflicting accounts debating the level of cryptocurrencies' footprint. Indeed, anywhere that cryptocurrency mining is dependent on dirty energy sources, such as coal,

the environmental impacts are markedly negative, such as near the coal-fueled cryptocurrency mines in Mongolia.^[16] However, most crypto-mining occurs in areas with renewable energy sources because costs are lower.

Depending on the energy source, researchers estimate that crypto-mining can produce 3-15 million tons of global carbon emissions.^[17] China is one of the world's largest producer, and consumer, of coal energy with mines in the Xinjiang and Inner Mongolian providences heavily reliant on coal energy sources to provide crypto-mining companies with cheap energy prices. Coal energy sources offer prices up to 30% cheaper than the average energy consumption prices for industrial firms.^[18] However, when compared to the amount generated in the renewable energy sources in Canada, any cryptocurrency mined in China would generate four times the amount of CO2 emissions.^[19]

3. Copied from crytposizzle.com

Bitcoin, Ethereum, Dogecoin and other popular cryptos reached record or near-record highs this year, ***raising concerns about the amount of energy needed to mine the coins. Warehouses of Bitcoin mining rigs run 24 hours a day, consuming more power than the whole of Argentina. As the energy bill for crypto mining rises, so does the amount of carbon and waste, adding to the growing climate crisis.***

4. NOISE copied from CDC.gov Fort Frances Times article claims the noise would be 70-75 dB 24/7 never ending

Common Sources of Noise and Decibel Levels

Sound is measured in decibels (dB). A whisper is about 30 dB, normal conversation is about 60 dB, and a motorcycle engine running is about 95 dB. ***Noise above 70 dB over a prolonged period of time may start to damage your hearing. Loud noise above 120 dB can cause immediate harm to your ears.***

5. Copied from enbridge.com

[Municipalities begin pulling the plug on cryptocurrency miners](#)

Industry's mammoth electricity demands spark energy supply troubles, and even safety concerns

Less than one job per megawatt.

That's the eye-popping estimated energy give-and-take required for the cryptocurrency mining industry—and it's why more municipalities are putting the brakes on the electricity-gobbling ventures every day.

In Quebec, Magog is the latest of 21 municipalities in that region that [has imposed a moratorium on future cryptocurrency mining activity](#).

The home of the Montreal Canadiens, the 21,273-seat Bell Centre, uses five megawatts (MW) of energy a day. By contrast, two cryptocurrency mining companies that have recently set up shop in former Magog factory buildings were set to use a combined 20 MW each day.

Cryptocurrency mining is not a very big job creator. The analysis we have shows that cryptocurrency projects will create less than one job per megawatt,” says Hydro-Quebec spokesman Marc-Antoine Pouliot.

“That’s pretty low if you compare it with data centers, if you compare it with the aluminum industry or other huge consumers.”In upstate New York, another spot where hydroelectricity has traditionally created cheap power rates, a surge in cryptocurrency mining activity [recently forced the city of Plattsburgh to buy power on the open market](#)—and saw residents hit with enormous energy bills.

Plattsburgh passed its own 18-month ban on cryptocurrency mines in mid-March, citing safety concerns over the amount of heat produced.

“There’s no opportunities for them (that) I know of to give back to the community in any way,” Plattsburgh councillor Dale Dowdle tells the Daily Orange. “They don’t employ many people.”

5. Copied from news.bitcoin.com

A Bitcoin mining operation in Tennessee is being sued by neighbors due to the high level of noise the facility produces. The lawsuit, which was filed in August, asks mining operator Red Dog to shut down operations and pay personal damages fees, as well as compensate owners for decreased property values. The lawsuit could set a precedent for other cases now that Bitcoin mining companies are seeking to migrate to new zones previously ignored.

bitcoin mining operation in Tennessee is being sued by neighbors due to the high level of noise the facility produces. The lawsuit, which was filed in August, asks mining operator Red Dog to shut down operations and pay personal damages fees, as well as compensate owners for decreased property values. The lawsuit could set a precedent for other cases now that Bitcoin mining companies are seeking to migrate to new zones previously ignored.

Sent from my IPAD

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safe. You can forward suspicious messages to support@fortfrances.ca.

April 2, 2022.

Nadia Felix
1021 Walker Avenue
Fort Frances, ON
P9A 1Y5

Cody Vangel, CBO/Planner
Town of Fort Frances
320 Portage Avenue
Fort Frances, ON
P9A 3P9

RE: Proposed zoning amendment for Lagoon Property

Dear Cody:

My name is Nadia Felix and I reside at 1021 Walker Avenue. I am writing to you to voice my concern with the proposed zoning amendment for the lagoon property to allow for the installation of a crypto-currency mine and solar farm. From all of the research my family and I have done, I have a major concern with the potential amount of noise the facility will release. I currently live a block from both the Fort Frances Power Corporation and Hydro-One substations, as well as having the Power Corporation underground high voltage lines running under my front boulevard. I can hear the humming from all three at my property at all times, be it inside my home or working in my yard in my flower gardens. When the lagoon was in use by Resolute, I could clearly hear the aerators, machinery and trucks as if they were next door (both inside and outside of my house). I do not believe that a crypto-currency mine, which is said to release a large amount of noise, should be allowed to be built within Town limits or especially close to the residential area in the North end.

Should you have any questions or wish to discuss this further, please contact me by telephone.

Sincerely,

A handwritten signature in cursive script that reads "Nadia Felix".

Nadia Felix
Concerned Resident of the North End
807-274-5676



March 11, 2022

Gabrielle, Lecuyer
Town of Fort Frances
320 Portage Avenue
Fort Frances, Ontario
P9A 3PA

**Fort Frances Power Corporation Letter of Support re 2670568 Ontario Limited
Rezoning Bylaw Amendment Application of Former Lagoon Property**

Dear Members of Council:

The Fort Frances Power Corporation has been working with 2670568 Ontario Limited over the past few years to identify electricity related opportunities that would facilitate economic development in Fort Frances. At the recent Board of Directors Meeting held on Thursday March 10, 2022, the following resolution was approved:

THAT the Fort Frances Power Corporation hereby provide 2670568 Ontario Limited with a letter of support for its request to the Town of Fort Frances for a zoning bylaw amendment of the former mill Lagoon property located on Eight Street, to allow for industrial scale computing and the construction of a solar field.

The Fort Frances Power Corporation is in full support of this exciting opportunity and notes that the proposed installations align with the objective of economic growth and job creation, as well as potentially facilitating a community wide electrical Microgrid. Specifically, the 150 MW solar field coupled with energy storage could serve as a local supply of electricity capable of energizing our community in the event of a grid failure. Other key building blocks include the installation of a Substation and Transmission & Distribution lines to interconnect the various electrical facilities.

Very truly yours,

FORT FRANCES POWER CORPORATION

President & CEO,

Cc: Faisal Anwar, CAO, Town of Fort Frances
Members of Town of Fort Frances Council
Cody Vangel, Chief Building Official & Municipal Planner, Town of Fort Frances
Fort Frances Power Corporation Board of Directors
Paul Veldman, Managing Partner, bmiGroup

From: [Paul Whatley](#)
To: [Cody Vangel](#)
Subject: [External] Letter of Support
Date: Wednesday, April 13, 2022 1:32:37 PM

[EXTERNAL]

Good afternoon Cody,

As a resident of Fort Frances, I would like to voice my opinion of support for the new proposed Industrial style computing currency mine, and the new 150 Mega Watt solar farm to be located at the old Resolute Mill lagoon property.

I am encouraging town council to support the proposed rezoning location. This project will have many short- and long-term benefits for the Town of Fort Frances. It will create hundreds of direct and indirect jobs during the 2 plus years construction phase, and with a huge economic boost to the local economy.

It will also create a much-needed industrial style tax base for the town. With the proper setback requirements, and regulative noise limitations to the rezoning by-law, this multi-MILLION-dollar project would lower our hydro rates even further making Fort Frances an attractive place for other potential businesses with inexpensive power.

The noise factor of the currency mine can also be mitigated even further with the proper installation of engineered sound barriers.

At 150 MW the solar farm would be one of the largest in all of Ontario putting Fort Frances on the map as a green energy producing town, and is a prime opportunity for the town to grow in to the future.

Best regards,

Paul and Lori Whatley
1716 Sunset Drive
807-620-5453

Don't click links or attachments unless you recognize the sender and know the content is safe. You can forward suspicious messages to support@fortfrances.ca.

D-6-3 Separation Distances

A guide for land use planning authorities on how to measure recommended distances between industrial areas and sensitive land uses to protect people and the environment.

Class I industrial

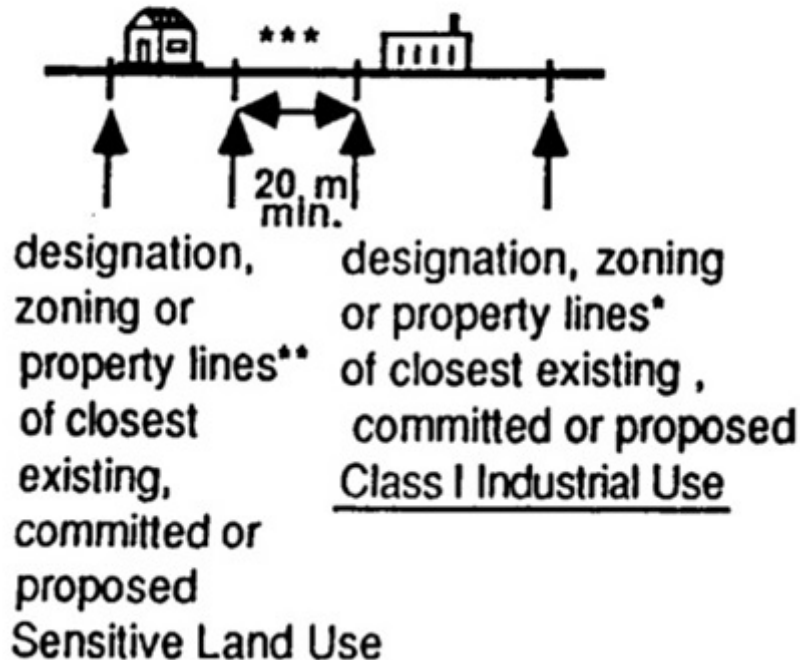
- 70 metre potential influence area
- 20 metre recommended minimum in which incompatible development should not normally take place

Section view

This diagram shows the designation, zoning or property lines of an existing, committed or proposed sensitive land use in relation to the designation, zoning or property lines of the closest existing, committed or proposed Class I industrial use.

CLASS I INDUSTRIAL:

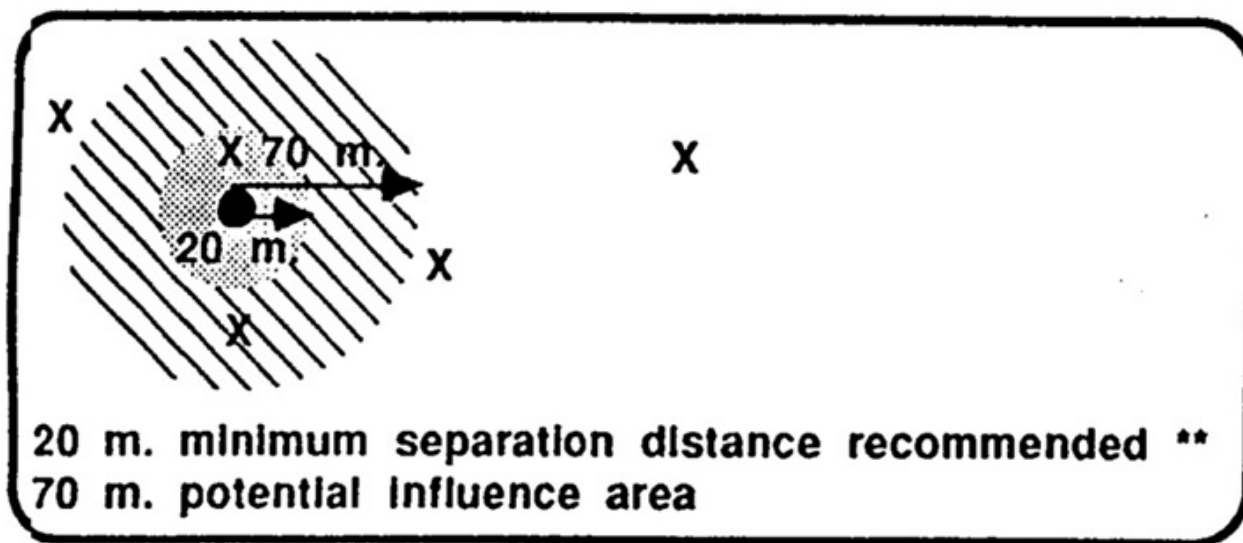
70 m. potential influence area



Plan view

This diagram shows an overhead view of the recommended minimum separation distance (20 metres), potential or actual influence area distance (70 metres), and acceptable range (greater than 70 metres) between sensitive land use and Class I industrial use.

The solid black dot indicates an existing land use, and the Xs indicate a proposed land use.

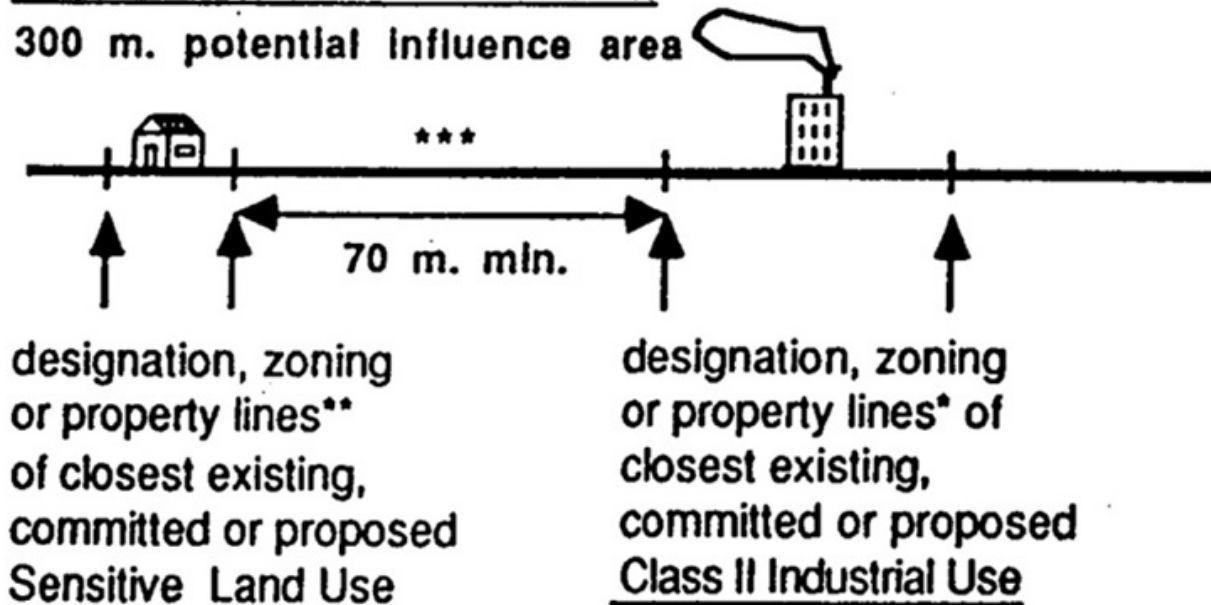


Class II industrial

- 300 metre potential influence area
- 70 metre recommended minimum in which incompatible development should not normally take place

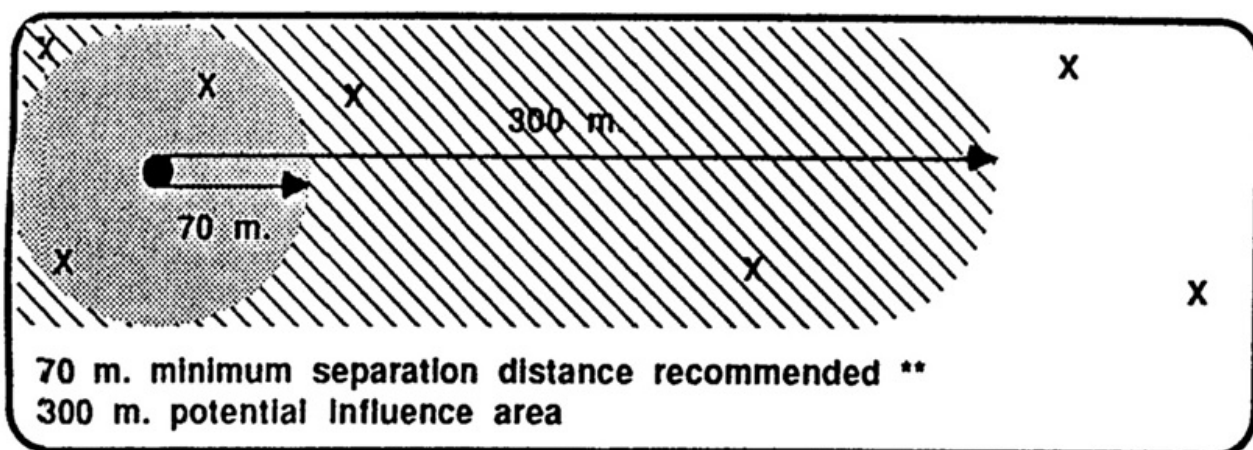
Section view

This diagram shows the designation, zoning or property lines of an existing, committed or proposed sensitive land use in relation to the designation, zoning or property lines of the closest existing, committed or proposed Class II Industrial Use.

CLASS II INDUSTRIAL:**300 m. potential influence area****Plan view**

This diagram shows an overhead view of the recommended minimum separation distance (70 metres), potential or actual influence area (300 metres), and acceptable range (greater than 300 metres) between sensitive land use and Class II industrial use.

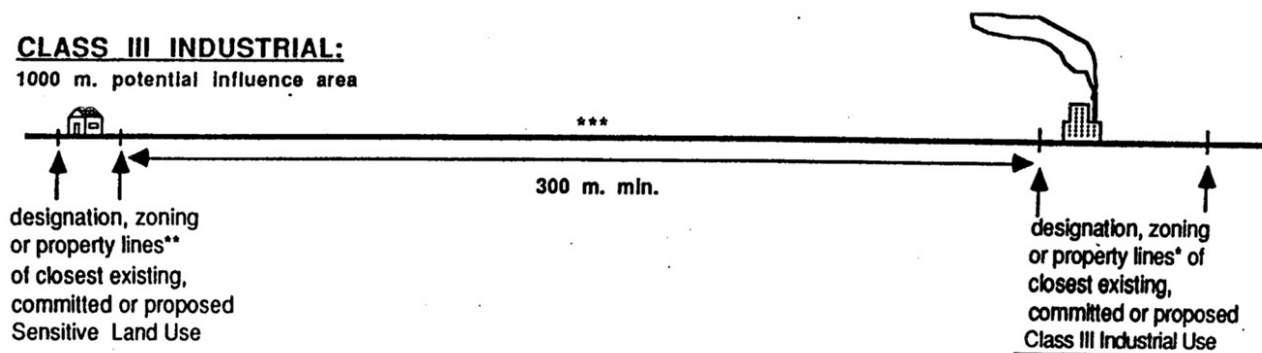
The solid black dot indicates an existing land use, and the Xs indicate a proposed land use.

**Class III industrial**

- 1000 metre potential influence area
- 300 metre recommended minimum in which incompatible development should not normally take place

Section view

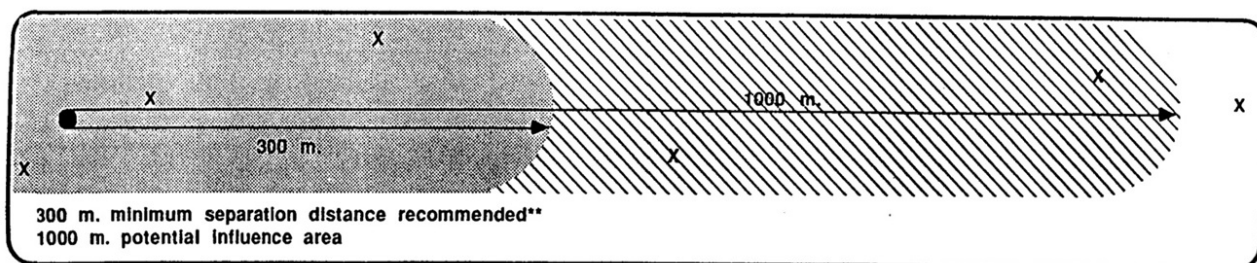
This diagram shows the designation, zoning or property lines of an existing, committed or proposed Sensitive Land Use in relation to the designation, zoning or property lines of the closest existing, committed or proposed Class III Industrial Use.



Plan view

This diagram shows an overhead view of the recommended minimum separation distance (300 metres), potential or actual influence area (1000 metres), and acceptable range (greater than 1000 metres) between sensitive land use and Class III industrial use.

The solid black dot indicates an existing land use, and the Xs indicate a proposed land use.



References

Recommended minimum separation distance

Incompatible development should not normally be permitted within the recommended minimum.

See the following Sections:

- Section 4.3 Recommended Minimum
- Section 4.10 Redevelopment, Infilling and Mixed Use Areas
- Section 4.2.5 Off-Site Separation Distances

Recommended potential area of influence or actual area of influence

"Adverse effects" need to be identified, mitigation proposed and an assessment made on the acceptability of the proposal. See "Section 4.1 Influence of Area Concept".

Acceptable range

Beyond the potential area of influence, therefore normally development in this range should not pose a compatibility problem. See "Section 4.5.2 Separation Distances Greater than the Potential Area of Influence" for exceptions.

Measuring separation distance

See Section 4.4 Measuring Separation Distances.

The set backs established in zoning by-law can be included in the separation distance measurement if the by-law or site plan control precludes the use of the set back for activities that could create an adverse effect. See "Section 4.4.3, Zoning/Site Plan Control (Industrial Land Uses)".

Where the established use on-site and ancillary lands associated with a sensitive land use are not of a sensitive nature (e.g., parking lot or roadway), measurement may be taken to where the sensitive activities actually begin.

See the following Sections:

- Section 4.4.2 Site Specific Plans
- Section 4.4.4 Ancillary use (Sensitive Land Use)

This approach may be particularly appropriate for redevelopment/infill proposals.
“See Section 4.10 Redevelopment, Infilling and Mixed Use Areas.”

If the existing land use is industrial, then the proposed land use is sensitive, and vice versa.

Updated: July 13, 2021
Published: September 26, 2016

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D-6-1 Industrial Categorization Criteria

A guide for land use planning authorities on the appropriate distances between industrial areas and sensitive land uses like people’s homes and workplaces.

Industrial categorization criteria *

Category	Outputs	Scale	Process	Operation /Intensity	Possible examples **
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Category	Outputs	Scale	Process	Operation /Intensity	Possible examples **
Class I	<ul style="list-style-type: none"> Noise: Sound not audible off property Dust and/or Odour: Infrequent and not intense Vibration: No ground borne vibration on plant property 	<ul style="list-style-type: none"> No outside storage Small scale plant or scale is irrelevant in relation to all other criteria for this Class 	<ul style="list-style-type: none"> Self contained plant or building which produces/stores a packaged product. Low probability of fugitive emissions 	<ul style="list-style-type: none"> Daytime operations only Infrequent movement of products and/or heavy trucks 	<ul style="list-style-type: none"> Electronics manufacturing and repair Furniture repair and refinishing Beverages bottling Auto parts supply Packaging and crafting services Distribution of dairy products Laundry and linen supply

Category	Outputs	Scale	Process	Operation /Intensity	Possible examples **
Class II	<ul style="list-style-type: none"> Noise: Sound occasionally audible off property Dust and/or Odour: Frequent and occasionally intense Vibration: Possible groundborne vibration, but cannot be perceived off property 	<ul style="list-style-type: none"> Outside storage permitted Medium level of production allowed 	<ul style="list-style-type: none"> Open process Periodic outputs of minor annoyance Low probability of fugitive emissions 	<ul style="list-style-type: none"> Shift operations permitted Frequent movement of products and/or heavy trucks with the majority of movements during daytime hours 	<ul style="list-style-type: none"> Magazine printing Paint spray booths Metal command Electrical production manufacturing Manufacturing of dairy products Dry cleaning services Feed packing plant

Category	Outputs	Scale	Process	Operation /Intensity	Possible examples **
Class III	<ul style="list-style-type: none"> Noise: sound frequently audible off property Dust and/or Odour: Persistent and/or intense Vibration: Ground-borne vibration can frequently be perceived off property 	<ul style="list-style-type: none"> Outside storage of raw and finished products Large production levels 	<ul style="list-style-type: none"> Open process Frequent outputs of major annoyances High probability of fugitive emissions 	<ul style="list-style-type: none"> Continuous movement of products and employees Daily shift operations permitted 	<ul style="list-style-type: none"> Manufacturing of paint and varnish Organic chemicals manufacturing Breweries Solvent recovery plants Soaps and detergent manufacturing Manufacturing of resins and costing Metal manufacturing

Note: Emissions may be point source or fugitive.

* Note: This Table should not be considered a comprehensive list but is to be used to provide examples of industrial categories.

** Note: The following examples are not limited to the Class indicated on the Table. The categorization of a particular industry will vary with the specifics of the case.

Source: The criteria for categorizing industries into Class I, II or III are derived from Ministry experience and the investigation of complaints related to industrial facilities.

Updated: July 13, 2021
Published: February 26, 2016

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SESSION NO. #97

TOWN OF FORT FRANCES
COMMITTEE OF THE
WHOLE

REPORT April 11, 2022

A meeting of the Committee of the Whole of Council was held virtually and in the Council Chambers

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

REGRETS: R. Wiedenhoeft

ALSO PRESENT: F. Anwar, CAO, G. Lecuyer, Clerk, K. Haney, Deputy Clerk D. Galusha, Treasurer, T. Rob, Manager of Operations & Facilities, A. Bisson, Recreation & Culture Manager, C. Vangel, Chief Building Official, J. Hughes, IT Manager, A. Hansma, HR Manager, T. Moffat, Fire Chief

1. Call to Order/Roll Call

Chair Behan called the meeting to order at 5:30 p.m.

2. Disclosure of pecuniary interest and the general nature thereof.

- 2.1 Mayor Caul declared a conflict of interest with respect to Committee of the Whole item 5.3. The general nature is that she is a member of the Kiwanis Club.

3. Delegations/Deputations:

- 3.1 Public Meeting - Zoning By-Law amendment B1-2022 -1037 Third Street East
 Chair Behan provided opening remarks on the public hearing. Cody Vangel CBO\Planner provided a verbal report on the application received. Chair Behan opened up the floor to the public. There was no public comments received.

- 3.2 Public Meeting - Zoning By-Law Amendment B2-2022 - 1229 Cornwall Avenue (locally known as "Lagoon Property")
 Chair Behan provides opening remarks to the public hearing. Cody Vangel CBO\Planner provided a verbal report on the application received. Chair Behan opened up the floor to the public.
 Mitch Lepage BMI representatives Lloyd Will and Rob Coolbeck being the applicant presented in favour of the application and provided details of the proposal. Members of Council were provided an opportunity for questions.

Pam Munn 1246 Cornwall Avenue Fort Frances - contact number 807-274-5017 presented her verbal opposition to the proposed zoning by-law amendment. Concerns relating to the impact to their property value, noise and water cooling discharge were noted. Mrs. Munn would like to be notified of the decision of Council.

Jim Strachan 180 Eight Street West Fort Frances - contact number 807-274-3573, presented his verbal opposition to the proposed zoning by-law amendment. Concerns relating to the rezoning of the lands and the current state of the lagoon. Mr. Strachan would like to be notified of the decision of Council.

- 3.3 Public Meeting - 2022 Budget Presentation by D. Galusha, Treasurer

Page 2 of 5

Treasurer Galusha provided a power point presentation relating to the 2022 budget.
Chair Behan opened up the floor for questions or comments from the public there was no comments received.

4. Council Reports on Board & Committee Activity:

- 4.1 Mayor Caul - no report, Mayor Caul requested a moment of silence in memory of Mayor Avis.

Councillor McTaggart - no report

Councillor Judson - no report

Councillor Wiedenhoeft - Absent

5. Consent Agenda:

- 5.1 THAT the following Consent items be approved:

- 220 **Recommendation:** THAT the matters listed on the Consent Agenda as amended be referred to the Consent Agenda for the Regular Meeting of Council later tonight for approval being items # ~~5.2~~, ~~5.3~~, 5.4, 5.5, 5.6 and 5.7

5.2 Fort Frances Senior Centre - Special Occasion Permit

This item was pulled from the consent agenda. The motion will be presented for Council's consideration at the Regular Council Meeting following this session.

Recommendation: approval of this report will agree with the recommendation of the Community Services Executive Committee that Council of the Town of Fort Frances amend the Municipal Alcohol Policy by removing the Sister Kennedy Seniors Centre from the list of Municipal Facilities not Eligible for Special Occasion Permits and adding it to the list of Municipal Facilities Eligible for Special Occasion Permits, thus allowing special occasion permits to be obtained by third parties.

AND FURTHER THAT administration be authorized to charge \$131.02 for an event that does not use the kitchen and \$237.19 for an event that does use the kitchen to rent the facility for the purpose of hosting an event with a special occasion permit.

AND FURTHER THAT Council approves hours of closure as 10:00 p.m. for events held at the Sister Kennedy Seniors Centre.

AND FURTHER THAT the supervision will solely be the responsibility of the individual renting the premises and pictures will be taken before and after the event to ensure that no damage has been done to the premises during the event and it is left clean and orderly.

5.3 Sunny Cove Camp

This item was pulled from the consent agenda. The motion will be presented for Council's consideration at the Regular Council Meeting following this session.

Recommendation: approval of this report will agree with the recommendation of the Community Services Executive Committee that Council of the Town of Fort Frances accepts the withdrawal of Emo-Devlin Church Group's proposal to lease the Sunny Cove Camp and FURTHER THAT administration be authorized to issue an RFP to lease the Sunny Cove Camp property to a suitable operator. *That the draft RFP be presented to Council for their review prior to being released*
as amended

5.4 Residential In-Home Food Waste Diversion Program

Recommendation: approval of this report will agree with the recommendation of the Operations and Facilities Executive Committee that:

- 1.The Town enter into an agreement with FoodCycle Science to undertake a 200-unit pilot project with the unbudgeted expenditure being funded out of the Waste Management Area.
- 2.That Council Direct Administration to start to develop partnerships for collection of the waste materials for those who may not have a place to dispose of it as well as a storefront location for the purchase of replacement filters.

5.5 Waste Transfer Agreement Renewal - MNRF

Recommendation: approval of this report will agree with the recommendation of the Operations and Facilities Executive Committee that:

- 1. The Town of Fort Frances renews its lease agreement with the Ministry of Northern Development, Mines, Natural Resources and Forestry to accept solid waste and recycle from the Municipality of Mine Centre Transfer Station. And the waste will continue to be accepted while the new agreement is developed.
- 2. That the waste be accepted at the rate as established annually in the User Fee By-Law plus the applicable non-resident markup.

5.6 Amending Agreement 2 with Product Care Association

Recommendation: approval of this report will agree with the recommendation of the Operations and Facilities Executive Committee that the second amending agreement between the Product Care Association of Canada and the Town of Fort Frances be approved and further that a by-law be prepared authorizing the Mayor and Clerk to sign the agreement on behalf of the corporation.

5.7 Award of RFT 2022-OF-04 - Detailed Engineering Design of the Portage Avenue Underpass Superstructure Rehabilitation

Recommendation: approval of this report will agree with the recommendation of the Operations and Facilities Executive Committee that that RFP 2022-OF-04 be awarded to JML Engineering of Thunder Bay for a total cost of \$48,400 plus applicable taxes and further that Mayor and Clerk be authorized to execute the agreement on behalf of the Corporation.

CARRIED

Result:	CARRIED
Mover:	Douglas Judson
Second:	Wendy Brunetta

6. Administration and Finance Division:

6.1 Fire Protection Services Reimbursement Transfer Payment Agreement

Recommendation: approval of this report will agree with the recommendation from the Fire Chief to approve this report as presented, and to authorize the execution of an agreement between the Town of Fort Frances and Her Majesty the Queen in right of Ontario as represented by the Office of the Fire Marshall and further that a by-law be brought forward for execution by the Mayor and Clerk.
Fire Chief Moffit advised that the motion should be withdrawn at this time. Council will not move or second the motion.

6.2 Council Vacancies to Executive Committees

Recommendation: approval of this report will agree with the recommendation from the Clerk that the following Councillor appointment be approved for the remainder of the Council Term to the following Executive Committee:
Planning and Development Executive Committee: Councillor Hallikas
Administration and Finance Executive Committee: Councillor Behan
Economic Development Executive Committee: Councillor Brunetta

Page 4 of 5

The motion will be presented for Council's consideration at the Regular Council Meeting following this session.

7. Operations and Facilities Division:

- 7.1 Amending agreement with the Federal Economic Development Agency for Northern Ontario

Recommendation: approval of this report will agree with the recommendation of Administration that a by-law be prepared to authorize the Mayor and Clerk to execute the agreement on behalf of the Corporation.

The motion will be presented for Council's consideration at the Regular Council Meeting following this session.

- 7.2 Award of Tender 2022-OF-06 – 2022 Mowat Avenue Road Reconstruction

Recommendation: approval of this report will agree with the recommendation of Administration that Tender 22-OF-06 – 2022 Road Reconstruction Mowat Avenue, Hydrant and Valve Replacement be awarded to Bay City Contractors at an estimated cost of \$2,098,981.78 which includes HST and a contingency allowance of \$150,000.00. That the Ontario Community Infrastructure Fund surplus be allocated to the Reconstruction of Sinclair Avenue in the event that the Town's application to the Investing in Canada Infrastructure Fund Green Stream be denied, otherwise the funds be placed in a reserve fund for future projects.

That prior to construction start, an open house public meeting is scheduled to ensure all property owners abutting the construction projects obtain first-hand knowledge of these projects and have the opportunity to ask any questions. The exact date of the meeting is unknown at the time of writing this report, and

That the Mayor and Clerk be authorized to execute the contract documents on behalf of the Corporation of the Town of Fort Frances

The motion will be presented for Council's consideration at the Regular Council Meeting following this session.

8. General:

- 8.1 Notice of Intent from the Integrity Commissioner

Recommendation: That The Integrity Commissioner for the Town of Fort Frances has provided notice that an investigation has been completed relating to a conflict of interest complaint concerning Mayor Caul and that a Report overview will be provided at the April 25, 2022 Committee of the Whole Meeting. The motion will be presented for Council's consideration at the Regular Council Meeting following this session.

9. Information:

The following items were received.

- 9.1 2021 Annual Report - Fort Frances Wastewater Treatment Plant
- 9.2 Fort Frances Wastewater Treatment Facility February 2022 Monthly Report
- 9.3 Sewer and Water Data for 2022
- 9.4 POA Prosecutor report to Council

10. ADJOURNMENT

- 10.1 The meeting adjourned at 6:56 p.m.

221 THAT this meeting of the Committee of Whole of Council of the Town of Fort Frances
be now closed.

CARRIED

Result:	CARRIED
Mover:	John McTaggart
Seconders:	Andrew Hallikas

D-6 Compatibility between Industrial Facilities

A guide for land use planning authorities on how to decide what types of land uses are appropriate near industrial areas.

Legislative Authority:

Environmental Protection Act, RSO 1990, Section 14

Environmental Assessment Act, RSO 1990, Section 5(3)

Planning Act, RSO 1990, Sections 2 (a) (b) (c) (f) (g) (h), 17(9), 22(3), 41(4) and 51(3)

Condominium Act, RSO 1990, Section 50(3)

Niagara Escarpment Planning & Development Act, RSO 1990, Section 9

Responsible Director:

Director, Environmental Planning & Analysis Branch

Last revision date:

July 1995

Synopsis

This guideline is intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another. The guideline is a direct application of Ministry Guideline D-1, "Land Use Compatibility" (<https://www.ontario.ca/page/d-1-land-use-and-compatibility>) (formerly Policy 07-03).

This guideline encourages informed decision-making for Ministry staff as well as land use approval authorities and consultants, and assists in determining compatible mixed land uses and compatible intensification of land uses. The guideline is intended to apply when a change in land use is proposed, and the range of situations are set

out in Section 2.0 "Application" of Guideline D-1 (<https://www.ontario.ca/page/d-1-land-use-and-compatibility#section-2>) . Responsibilities and various implementation techniques are discussed in Procedure D-1-1, "Land Use Compatibility: Implementation" (<https://www.ontario.ca/page/d-1-1-land-use-compatibility-procedure-implementation>) .

Adequate buffering of incompatible land uses is intended to supplement, not replace, controls which are required by legislation for both point source and fugitive emissions at the facility source. These emissions, which are difficult to control on-site, under all circumstances, all of the time, are associated with normal operating procedures. Appendix B contains information on the Ministry's legislative requirements (e.g. ***** Certificates of Approval) which may apply to industrial facilities.

The Ministry shall not be held liable for municipal planning decisions that disregard Ministry policies and guidelines. When there is a contravention of Ministry legislation, Ministry staff shall enforce compliance.

Nothing in this guideline is intended to alter or modify the definition of "adverse effect" in the *Environmental Protection Act*.

Introduction (1.0)

Objective (1.1)

The objective of this guideline is to prevent or minimize the encroachment of sensitive land use upon industrial land use and vice versa, as these two types of land uses are normally incompatible, due to possible adverse effects on sensitive land use created by industrial operations.

To assist planning authorities in achieving the objective,

Appendix A of this guideline (<https://www.ontario.ca/page/d-6-1-industrial-categorization-criteria>) categorizes industrial facilities into three Classes according to the objectionable nature of their emissions, their physical size/scale, production volumes and/or the intensity and scheduling of operations. One or more of these factors may cause an adverse effect.

Scope (1.2)

Sensitive land uses (1.2.1)

For the purposes of this guideline, (i.e. where industry is concerned) sensitive land use may include:

- recreational uses which are deemed by the municipality or provincial agency to be sensitive; and/or
- any building or associated amenity area (i.e. may be indoor or outdoor space) which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility. For example, the building or amenity area may be associated with residences, senior citizen homes, schools, day care facilities, hospitals, churches and other similar institutional uses, or campgrounds.

See also Section 4.4.4, "Ancillary Land Uses (Sensitive Land Use)" for more information on the types of uses, the land areas and the related activities affected by this guideline.

Note: Residential land use shall be considered sensitive 24 hours/day.

Industrial land uses (1.2.2)

The guideline applies to all types of proposed, committed and/or existing industrial land uses which have the potential to produce point source and/or fugitive air emissions such as noise, vibration, odour, dust and others, either through normal operations, procedures, maintenance or storage activities, and/or from associated traffic/transportation.

This guideline also considers ground borne vibration, but does not deal with other emissions into the soil or ground and surface water. These other matters are addressed through the *Environmental Protection Act* (EP Act), in particular *Regulation 346* and *Regulation 347*, the *Ontario Water Resources Act* (OWR Act) in general, and the *Municipal Industrial Strategy for Abatement* (MISA).

Non-stationary industrial facilities (1.2.3)

This guideline is not intended to apply to non-stationary industrial facilities such as a portable asphalt plant.

Other facilities (1.2.4)

This guideline does not apply to the following provincial, municipal or private facilities, land uses or related activities, nor to any on-site industrial-type facilities associated with them, except as noted below:

- sewage treatment facilities
- landfills or dumps, transfer stations and other waste management facilities and waste processing facilities that require a Waste Certificate of Approval (e.g. facilities for waste oil refining, waste wood chipping and materials recovery facilities [MRFs])
- agricultural operations
- roadways (except for ancillary transportation facilities and transportation-related activities for an industrial land use including shipping and receiving)
- airports
- railways (but it does apply to railway yards and other ancillary rail facilities)
- pits and quarries (However, in the absence of site specific studies, this guideline should be utilized when sensitive land use encroaches on an existing pit and/or quarry. In these situations the appropriate criteria are the potential influence area and recommended minimum separation distance for a Class III industrial facility as set out in Sections 4.1.1 and 4.3 of this guideline.)

A list of publications which deal with land use compatibility for some of these land uses is provided in Procedure D-1-2, "Land Use Compatibility: Specific Applications" (<https://www.ontario.ca/page/d-1-2-land-use-compatibility-specific-applications>) .

Land uses compatible with industrial facilities (1.3)

The land uses listed in Section 1.2.4 above are normally compatible with industrial facilities.

Approach (1.4)

The general approach in Section 3.0 of Guideline D-1: "Land Use Compatibility" (<https://www.ontario.ca/page/d-1-land-use-and-compatibility#section-3>) shall be followed to protect incompatible land uses from each other.

Definitions (2.0)

Note: Definitions in addition to those below are provided in Procedure D-1-3, "Land Use Compatibility: Definitions" (<https://www.ontario.ca/page/d-1-3-land-use-compatibility-definitions>) .

Amenity Area

An outdoor space or facility that is used for the enjoyment of persons residing in or utilizing any building(s) on the premises.

Class I Industrial Facility

""
A place of business for a small scale, self contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. See Appendix A of this guideline (<https://www.ontario.ca/page/d-6-1-industrial-categorization-criteria>) for classification criteria and examples to categorize a specific industry.

Class II Industrial Facility

""
A place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e. it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours. See Appendix A of this guideline (<https://www.ontario.ca/page/d-6-1-industrial-categorization-criteria>) for classification criteria and examples to categorize a specific industry.

Class III Industrial Facility

""
A place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions. See Appendix A of this guideline (<https://www.ontario.ca/page/d-6-1-industrial-categorization-criteria>) for classification criteria and examples to categorize a specific industry.

Fugitive Emissions

Reasonably expected/predictable contaminant occurrences associated with normal operational practices and procedures (e.g. materials handling or outdoor storage) of industrial facilities, which are generally difficult to practically control at the source or on-site. These emissions are not point sources (i.e. not from stacks or vents). Fugitive emissions are from all sources. These emissions may include odour, noise, vibration and particulate such as dust. Emissions from a breakdown are also not considered 'fugitive'. Breakdown emissions would be covered under a Certificate of Approval contingency plan, or are considered to be a 'spill'.

Industry, Industrial Land Use or Industrial Facility

A facility or activity relating to: the assemblage and/or storage of substances/goods/raw materials; their processing and/or manufacturing; and/or the packaging and shipping of finished products. Industrial facilities are further refined through categorization into 3 Classes in this guideline (see Appendix A of this guideline (<https://www.ontario.ca/page/d-6-1-industrial-categorization-criteria>)).

Infilling

Development on a vacant lot or an underdeveloped lot within a built-up area; not redevelopment/re-use.

Redevelopment

Where existing land uses are being phased out and replaced by another type of designated land use as part of a land use plan or proposal which has been substantiated by studies and is in accordance with a municipal official plan policy or other formally approved plan.

Application (3.0)

The information set out Section 2.0 of Guideline D-1, "Land Use Compatibility" (<https://www.ontario.ca/page/d-1-land-use-and-compatibility#section-2>) shall apply for this guideline also.

Implementation (4.0)

Areas of Responsibility for Ministry Staff or the Delegated Authority, Municipalities and Other Planning Authorities and Proponents are identified in Procedure D-1-1, Sections 1, 2 and 3 respectively.

See Procedure D-1-1, "Land Use Compatibility: Implementation"

(<https://www.ontario.ca/page/d-1-1-land-use-compatibility-procedure-implementation>) also for

general information on legislative and administrative tools.

Influence area concept (4.1)

Potential influence areas for industrial land uses (4.1.1)

The Ministry has identified, through case studies and past experience, the following potential influence areas (i.e. areas within which adverse effects may be experienced) for industrial land uses (illustrated in Appendix C (<https://www.ontario.ca/page/d-6-3-separation-distances>))):

Class I—70 metres

Class II—300 metres

Class III—1000 metres

(See Section 4.4, "Measuring Separation Distance" also)

Actual influence areas for industrial land uses (4.1.2)

The actual influence area (overall range within which an adverse effect would be or is experienced) for a particular facility is site-specific, and may be defined within, or in exceptional circumstances (see Section 4.5.2, Separation Distance Greater than the Potential Influence Area"), beyond the potential influence area either before, or where applicable, after buffers have been used to reduce, eliminate or otherwise intercept adverse effects.

In the absence of specific substantiating information (normally obtained through technical studies—see Section 4.6, "Studies") which identifies an actual influence area, the potential influence areas set out in Section 4.1.1 of this guideline shall be used.

Influence area reduced through industrial controls (4.1.3)

Mitigation at the industrial source, if it affects the criteria considered in Appendix A (<https://www.ontario.ca/page/d-6-1-industrial-categorization-criteria>), may enable an industry to be categorized as a lesser Class (e.g. from a Class II to a Class I), thereby reducing the minimum separation distance requirements set out in Section 4.3, "Recommended Minimum Separation Distances". For example, a rendering plant can be an extremely noxious use, but an enzyme digester can make it "cleaner".

In cases where the separation distance is reduced through other buffering techniques, where feasible the Ministry recommends some site-specific notification (e.g. spot zoning or requirement for re-zoning by the municipality) to deal with future changes in use which would not normally require re-zoning.

Land use planning (4.2)

Purpose of general land use plans (4.2.1)

Impacts from industrial sources relate to operating and maintenance procedures rather than general land use. Land use documents normally do not control the operation of a land use, as the operational details are not normally known when lands are designated for industrial use, and most operational aspects cannot be controlled by municipalities through the land use planning process.

As well, municipal official plans (O.P.s) give general policy direction. Official plans and associated policies have no power of enforcement. There is no allowance for "performance" zoning. Therefore, it is difficult to calculate actual influence areas at the time the O.P. is contemplated. Uses within a given designation or zoning could have totally different influence areas.

Determining permitted uses within industrial land use designations (4.2.2)

Permitted uses should be based on operational aspects (e.g. plant emissions, hours of operation, traffic movement) and mitigation employed. Zoning by-laws, however, do not normally use such factors in the definition of permitted uses. Therefore, it shall be necessary to consult Appendix A of this guideline (<https://www.ontario.ca/page/d-6-1-industrial-categorization-criteria>), to determine permitted uses within a general land use designation.

Existing and committed industrial land use (4.2.3)

When there are existing and committed industrial uses, the Ministry recommends that the category designation of "Class I", "Class II" or "Class III", according to Appendix A of this policy (<https://www.ontario.ca/page/d-6-1-industrial-categorization-criteria>), be indicated in the land use plans by the approval authority.

Plan approval agencies are encouraged to delineate all potential influence areas or, where known, the actual influence areas, around existing and committed industrial land uses within their jurisdiction, to be used as a 'flag' when a change in land use is proposed within them.

This should be done on a scaled land use plan or map, and included in an easily accessible document, such as an official plan schedule.

Note: It would be advisable to include locations of former industrial facilities as well, since decommissioning and soil clean up may be required for site re-use. See Section 4.10.8, "Site Clean Up and Decommissioning" also.

On-site separation distance (4.2.4)

There is merit in providing a required separation distance on the facility site. However, there may be a change in industrial land use that does not require a change in zoning, but which nevertheless produces a different influence area not covered off by the existing on-site buffer area.

Therefore, when separation distance is provided partially or entirely on-site, the Ministry recommends that where feasible, some site-specific notification (e.g. spot zoning or requirement for re-zoning by the municipality) is put in place to ensure future changes in use which would not normally require re-zoning will comply with this guideline. The same problem could occur when a buffer area is provided on the sensitive site.

Off-site separation distance (4.2.5)

When the separation distance extends beyond the facility/sensitive site boundary or the industrial/sensitive zoned or designated lands, the intervening lands may be of a use or activity compatible with both the facility and the sensitive land use.

For example, depending upon the amount of intervening space, uses could include: warehousing, various commercial uses that relate to types of industries or the neighbouring lands, open/green space, road allowance or, for Class III and Class II industrial uses, Class I industrial uses. If a lower Class of industrial use is used, there must still be adequate separation and/or buffering as established in this guideline to avoid or eliminate adverse effects on any sensitive land uses in the vicinity.

Recommended minimum separation distances (4.3)

No incompatible development other than that identified in Section 4.10, "Redevelopment, Infilling and Mixed Use Areas" should occur in the areas identified below and illustrated in Appendix C (<https://www.ontario.ca/page/d-6-3-separation-distances>), even if additional mitigation for adverse effects, as discussed in Section 4.2 of Procedure D-1-1, "Types of Buffers" (<https://www.ontario.ca/page/d-1-1-land-use-compatibility-procedure-implementation#section-3>), is provided:

Class I—20 metres minimum separation distance

Class II—70 metres minimum separation distance

Class III—300 metres minimum separation distance

(See Section 4.4, "Measuring Separation Distance" also).

These minimums are based on Ministry studies and historical complaint data. They also make allowance for the fact that conventional zoning classifications usually permit a broad range of uses with varying potential to create land use conflicts.

Measuring separation distance (4.4)

Depending upon the situation, separation distances may be measured from different points:

General land use plans (4.4.1)

Measurement shall be from the area(s) designated for industrial use to the area(s) designated for sensitive land use. This would apply for such matters as municipal official plans and Ministry of Natural Resources District Land Guidelines.

Site specific plans (4.4.2)

Measurement shall normally be from the closest existing, committed or proposed property/lot line of the industrial land use to the property/lot line of the closest existing, committed or proposed sensitive land use. This approach provides for the full use and enjoyment of both the sensitive land use and the industrial properties. See Sections 4.4.3 and 4.4.4 for exceptional situations.

Zoning/site plan control (industrial lands) (4.4.3)

Where site-specific zoning or site plan control precludes the use of the setback for any activity associated with the industrial use that could create an adverse effect such as shipping and receiving or outside storage/stockpiling of materials (e.g. front yard must be landscaped, and functions as a buffer), then the setback can be included as part of the measurement, rather than measuring from the industrial property line.

Note: This approach could restrict future expansion of existing land uses.

On-site buffers could be required by a municipality through zoning by-law setback requirements in industrial subdivisions, but this may not be practical, as the provision of very deep lots would be necessary. See Section 4.2.4, "On-Site Separation Distance" also. The use of other forms of mitigation may have to wait until a specific industry and/or sensitive land use has been identified/established.

Ancillary land uses (sensitive land use) (4.4.4)

For sensitive land uses, where the established use of on-site lands are not of a sensitive nature, such as a parking lot servicing a hospital, the land area comprising the parking lot may be included within the separation distance (i.e. measure from where the actual sensitive activities occur).

Note: This approach could restrict future expansion of existing land uses. See Section 4.2.4, "On-Site Separation Distance" also.

Vacant industrial land (4.4.5)

Where there is no existing industrial facility within the area designated/zoned for industrial land use, determination of the potential influence area shall be based upon a hypothetical "worst case scenario" for which the zoned area is committed. Therefore, Ministry staff or the delegated authority shall use the outside range of the potential influence area to determine an appropriate separation distance. See Section 4.2.2, "Determining Permitted Uses Within Industrial Land Use Designations" also.

Changing industrial uses (4.4.6)

Where an influence area has been established based upon existing industrial land uses, it will be the responsibility of the local municipality to restrict, through zoning or any other available means, the types of future industrial uses that can occur, so that they are compatible with the influence area used.

Note: Zoning by-laws cannot control the level of emissions produced (related to specific products) or technology used, hours of operation or traffic movements. It is difficult to correlate zoning by-laws with the industrial classifications set out in Appendix A (<https://www.ontario.ca/page/d-6-1-industrial-categorization-criteria>), and therefore site-specific/spot zoning or a requirement for re-zoning by the municipality may be necessary to ensure that the establishment of new industrial uses comply with this guideline. See Section 4.2.2, "Determining Permitted Uses Within Industrial Land Use Designations" also.

Commenting on land use proposals (4.5)

Considerations when a change in land use is proposed within an influence area or potential influence area (4.5.1)

The potential influence areas, or where known, the actual influence areas (see Section 4.1 of this guideline) should act as a "flag", and no sensitive land uses shall be permitted within the actual or potential influence areas of Class I, II or III industrial land uses, without evidence to substantiate the absence of a problem. When studies are needed to identify problems and mitigative measures, see Section 4.6, "Studies".

When a land use proposal places sensitive land use beyond a facility's potential influence area, or where known, actual influence area, the Ministry shall not normally object to the change in land use on the basis of land use compatibility. For exceptional situations, see Section 4.5.2 "Separation Distance Greater than the Potential Influence Area".

Separation distance greater than the potential influence area (4.5.2)

In exceptional circumstances the Ministry shall recommend separation distances greater than the outer limit of the potential influence areas identified in Section 4.1.1 of this guideline. In such cases, the Ministry shall demonstrate the need for greater distance, such as historical data for similar facilities. Studies (see Section 4.6) may be required even if a separation distance beyond the potential influence area is proposed.

Irreconcilable incompatibilities (4.5.3)

When impacts from industrial activities cannot be mitigated or prevented to the level of a trivial impact (i.e. no adverse effects), new development, whether it be an industrial facility or a sensitive land use, shall not be permitted.

There may be situations where development or redevelopment can be phased until such time that an adverse effect would no longer exist (e.g. the facility ceases to operate or the problem is rectified by new technology).

Studies (4.6)

Air quality studies for noise, dust and odour should be provided by the proponent to the approving authority.

Note: Studies shall be provided prior to Ministry staff commenting on draft approval, to see if draft approval can be supported (in principle).

Noise (4.6.1)

Noise shall be addressed through Ministry Publication LU-131 for all situations applicable to this guideline.

Dust (4.6.2)

Contaminant emission sources can be classified as point sources or fugitive sources. Most facilities will produce both point source and fugitive emissions, and it is difficult to allocate emissions to one or the other source.

Regulation 346 sets out standards for contaminants, including suspended particulate matter and dust fall. The document entitled "General Information: Certificates of Approval (Air)" that is referenced in Appendix B provides information on the approval requirements and procedures. Details for assessing emissions from point sources such as stacks and vents, and standards and interim standards are also provided.

Even if *Regulation 346* standards are met at the property line of the industrial site, there may still be complaints from neighbouring land uses because:

- dispersion modelling is not 100% accurate and it cannot be guaranteed that point source emissions will be controlled 100% of the time

- the standards, which are based upon acceptable risk with regard to health, odour and vegetation, are based on 1/2 hour averages, and at some point within a 1/2 hour there may be a high level of emissions

Emissions from fugitive sources such as dust from traffic and storage piles are more difficult to quantify, and a plan in itself to minimize fugitive emissions also may not be 100% effective. The Ministry is preparing an interim guideline that addresses areas such as measuring and minimizing fugitive emissions. Therefore, separation of incompatible land uses will help to minimize potential adverse effects from fugitive emissions.

Odour (4.6.3)

Odorous contaminants are particularly difficult to control on-site. Although the contaminants emitted may meet the Ministry's standards and interim standards, experience indicates that complaints may still be received from residents living in proximity to the industry, for the reasons set out in Section 4.6.2. Emissions of odorous contaminants may result in off-site odour problems which could constitute an "adverse effect". An "adverse effect" is a violation of Section 14 of the *Environmental Protection Act*. Stack testing under a worst case scenario, odour panel tests and odour control equipment may be required to minimize odour concerns.

Mitigation (4.7)

Additional mitigation measures (see Procedure D-1-1, "Land Use Compatibility: Implementation", Section 4.2, "Types of Buffers" (<https://www.ontario.ca/page/d-1-1-land-use-compatibility-procedure-implementation#section-3>)) may need to be incorporated on either the development lands or the surrounding properties, at the expense of the developer, where the industrial facility is operating in compliance with legislated Ministry requirements.

Legal agreements (4.8)

When mitigative controls are to be installed on surrounding properties, the local municipality or other approving authority should require an agreement between the developer and the affected property owners, to ensure mitigation of adverse effects to the greatest degree possible.

The legal agreement between the developer and other affected parties to ensure adequate mitigation should be reviewed and endorsed by Ministry staff and/or the delegated authority prior to development approval.

Financial assurance (4.9)

The Ministry recommends that bonds be required by the approving authority to ensure that mitigation will be carried out.

Redevelopment, infilling & mixed use areas (4.10)

It may not be possible to achieve the recommended minimum separation distances set out in Section 4.3 of this guideline in areas where infilling, urban redevelopment and/or a transition to mixed use is taking place.

The following requirements shall apply if this Ministry or a delegated authority is to consider proposals for urban redevelopment, infilling and/or a transition to mixed use within less than the Ministry's recommended separation distances set out in Section 4.3 of this guideline:

Official status (4.10.1)

Such proposals must be in accordance with official plan policy or a formal planning approval process, with the boundaries of the redevelopment, infilling or mixed use area clearly defined by the planning authority.

Zoning (4.10.2)

The Ministry or delegated authority shall only consider redevelopment, infill and mixed use proposals which put industrial and sensitive land uses together within less than the recommended minimum separation distances (see Section 4.3), if the zoning is use specific (i.e. only the existing or proposed industrial or sensitive use is permitted by the municipality or other approving authority), or if planning considerations are based on the "worst case scenario" based on permitted uses in the industrial zoning by-law.

Feasibility analysis (4.10.3)

When a change in land use is proposed for either industrial or sensitive land use, less than the minimum separation distance set out in Section 4.3 may be acceptable subject to either the municipality or the proponent providing a justifying impact assessment (i.e. a use specific evaluation of the industrial processes and the potential for off-site impacts on existing and proposed sensitive land uses). Mitigation is the key to dealing with less than the minimum to the greatest extent possible.

The overall feasibility of the proposal, from a land use compatibility perspective, should be based on the anticipated adverse effects from each specific industry, and the effectiveness of proposed mitigative measures to lessen impacts on sensitive land uses within the context of planning for the area.

The Ministry or delegated authority shall require the following in order to make an assessment for allowing less than the recommended minimum separation distance:

- Detailed mapping showing the area subject to the proposed development and all industrial facilities and any other sources of adverse effects (e.g. rail lines).
- Mapping shall also indicate all vacant properties currently zoned and/or designated for industrial use along with relevant excerpts from the official plan and/or zoning by-law to indicate the full range of permitted uses. Attempts shall also be made to predict the types and levels of adverse impact that would result in a "worst case scenario" should an industrial use be developed upon any of the vacant parcels.
- Assessment of the types and levels of contaminant discharges being generated by current industrial facilities, including those associated with transportation facilities which serve the industries.
- Based upon actual and anticipated impacts, necessary mitigative measures should be identified based upon technical assessments. Noise and other technical studies shall be submitted to appropriate Ministry staff for review. See Sections 4.6 "Studies" and 4.7, "Mitigation" for more details.
- An indication shall be given as to the methods by which the mitigative measures (approved by the land use authority) will be implemented, i.e. the types of agreements that must be entered into. See Section 4.8, "Legal Agreements" also.
- Where mitigative measures are to be applied off-site to an existing industrial facility, the proponent shall demonstrate that the industrial facility has no objection to the proposed use or to the addition of the necessary mitigative

measures. Implementation of approved mitigation measures shall be required as a condition of draft approval.

- Proponents should demonstrate to the approving authority that no objections to the proposed use have been raised by area residents, industries, etc. See Section 4.10.5, "Public Consultation".

New use of existing buildings (4.10.4)

The requirement for a feasibility analysis identified in Section 4.10.3 above shall apply as well where a new use is proposed for an existing building.

Public consultation (4.10.5)

When development is proposed at less than the recommended minimum distances identified in Section 4.3, the approving authority is encouraged to require public consultation with all land owners within the influence area or potential influence area of the industrial facility/facilities.

Environmental warnings for sensitive land uses (4.10.6)

When the new development is sensitive, the Ministry recommends that a warning of anticipated nuisance effects be included in any offers of purchase and sale. A means of notifying ensuing purchasers should be determined by the local municipality. A warning may be included in a document which can be registered on title according to the Ministry of Consumer and Commercial Relations Bulletin No. 91003, "Environmental Warnings/Restrictions" (Appendix D) (<https://www.ontario.ca/page/d-6-4-mccr-bulletin-no-91003>) .

Phased/sequential development (4.10.7)

When industry is being phased out as part of a large-scale plan, consideration may be given to staging redevelopment and/or infilling to coincide with the closure of those industries which create a significant impact on the proposed sensitive land use(s).

Site clean up & decommissioning (4.10.8)

Guideline C-15 (former Ministry Policy 14-17), "Guidelines for the Clean Up of Contaminated Sites in Ontario" may applying conjunction with re-use of industrial

properties. In such instances, the approving authority should ensure that the level of clean up is appropriate for both the re-use of the site and the protection of sensitive land use receptors.

Note: Municipal O.P.s should establish a policy to indicate when site rehabilitation (especially for mixed use, redevelopment and infilling) is required. A policy should also require that there be a qualified individual on-site to oversee the rehabilitation. It is recommended that this requirement be incorporated in a development agreement between the developer and the municipality.

Accessory residential uses (4.11)

Some municipalities may permit "accessory residential uses" in industrial official plan designations or zoning by-laws (i.e. the owner's residence is on the same property as the business/industry). When the residence will no longer be occupied by the on-site business/industry owner, any re-use of the residence shall be subject to the requirements set out in section 4.10, "Redevelopment, Infilling & Mixed Use", particularly Section 4.10.4, "New Use of Existing Buildings" and Section 4.10.8, "Site Clean Up & Decommissioning".

Where there are provisions for "accessory residential uses", it may be appropriate for municipalities to prohibit such residential uses where none exist, through an official plan amendment or a site-specific zoning-bylaw (see Section 4.10.2, "Zoning").

Reference documents

- (a) Guideline C-15, "Guidelines for the Clean Up of Contaminated Sites in Ontario"
- (b) Guideline D-1, "Land Use Compatibility" (<https://www.ontario.ca/page/d-1-land-use-and-compatibility>)
- (c) Procedure D-1-1, "Land Use Compatibility: Implementation" (<https://www.ontario.ca/page/d-1-1-land-use-compatibility-procedure-implementation>)
- (d) Procedure D-1-2, "Land Use Compatibility: Specific Applications" (<https://www.ontario.ca/page/d-1-2-land-use-compatibility-specific-applications>)
- (e) Procedure D-1-3, "Land Use Compatibility: Definitions" (<https://www.ontario.ca/page/d-1-3-land-use-compatibility-definitions>)

(f) Publication LU-131, "Noise Assessment Criteria in Land Use Planning"

Related

Environmental land use planning guides (D-series)

(<https://www.ontario.ca/page/environmental-land-use-planning-guides>)

Updated: July 13, 2021
Published: May 19, 2016

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Noise Assessment Criteria in Land Use Planning

Publication LU-131

October 1997

This document replaces Publication NPC-131 "Guidelines for Noise Control in Land Use Planning", of the "Model Municipal Noise Control By-Law, Final Report, August 1978".

PURPOSE

This guideline outlines the position of the Ministry of the Environment (MOE) on noise criteria for planning of sensitive land uses, in support of the Provincial Policy Statement under the *Planning Act* and in accordance with the Ministry of the Environment Guideline D-1 "Land Use Compatibility". It is intended for use in planning of noise sensitive land uses adjacent to facilities such as but not limited to airports, road and rail transportation corridors, industrial facilities, aggregate facilities, major commercial facilities, sewage treatment facilities, and waste sites.

In order to achieve effective and economical planning, the principles described in this document should be implemented early in the planning process. The purpose is to avoid problems in a proactive manner through input into the land use planning process. This guideline pertains to the mandate and the responsibilities of the MOE under its existing legislation, namely the Environmental Protection Act (EPA) and the Environmental Assessment Act (EAA). Other agencies, such as the federal government and municipalities, may have requirements over and above those of this MOE guideline.

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1. **GENERAL**

1.1 **SCOPE**

This Publication defines criteria for noise impact assessment of proposed residential or other noise sensitive land uses located in Class 1 and Class 2 Areas (Urban). The Publication also specifies procedures for the establishment of sound levels on the site of proposed noise sensitive land uses due to transportation sources (road, rail and air traffic) as well as stationary sources (such as industrial and commercial activities). Acceptable noise control measures are enumerated.

Responsibilities for achieving the sound level criteria that ensure a comfortable living environment are assigned. Guidance in the form of good planning criteria and procedures is provided for development of noise sensitive land uses adjacent to industrial or commercial activities.

The guidelines in this Publication are intended to assist this Ministry, and provide direction to municipalities, planning boards and consultants on the requirements of the MOE in land use planning where noise is a factor. The Publication includes an Annex, which provides additional details, definitions and rationale for the assessment criteria in the context of general planning goals and principles. Furthermore, the Annex contains supplementary noise criteria which are presented as guidance for information purposes.

1.2 **IMPLEMENTATION**

1.2.1 **Implementation by MOE**

The MOE will implement the guidelines in this document by providing comments to relevant agencies on development applications and planning documents that are circulated to the MOE under the Planning Act, as specified in Reference [15].

1.2.2 **Municipal Implementation**

This Publication is intended to assist municipalities in the preparation of official plans, official plan amendments, comprehensive zoning by-laws, rezonings, plans of subdivisions, plans of condominiums, and other applications under the Planning Act.

1.2.3 **Technical Procedures**

More specific information on the technical implementation procedures, including details of noise impact assessment methods and control measures are contained in Reference [1] and in other publications listed in Section 1.4. Reference [16] provides information regarding the use of warning clauses.

1.3 **RESPONSIBILITY**

It is the developer's responsibility to ensure that the applicable sound level criteria are met. These responsibilities include the following:

- (a) determining feasibility of the project including constraints applicable before any project action is taken or construction commitment is made;
- (b) assessing outdoor and indoor acoustical environments;
- (c) ensuring that the required control measures are incorporated in the development.

The required control measures should be specified in an agreement with the municipality.

If the noise impact results from a stationary source, it is the developer's responsibility to investigate feasible means of impact mitigation. The preferred mitigation option is a reduction of noise emissions at the stationary source by modifying the design or the operation of the source, or by implementing noise control measures directly at the sources. In that case, a cooperative effort on the part of the developer and the stationary source owner is desirable.

The control measures that are required as a result of mitigation at the site of a stationary source should be specified in a separate agreement between the developer and the owner of the stationary source.

1.4 REFERENCES

Reference is made to the following publications:

- [1] Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation, Ontario Ministry of the Environment, May 1997.
- [2] Manual for Noise Assessment in Land Use Planning, Ontario Ministry of the Environment, 1997.
- [3] ORNAMENT, Ontario Road Noise Analysis Method for Environment and Transportation, Technical Document, Ontario Ministry of the Environment, ISBN 0-7729-6376, 1989.
- [4] STEAM, Sound from Trains Environmental Analysis Method, Ontario Ministry of the Environment, ISBN 0-7729-6376-2, 1990.
- [5] Planning Act, Government of Ontario.
- [6] Environmental Protection Act, Government of Ontario.
- [7] NPC-101 - Technical Definitions, part of Reference [12].
- [8] NPC-102 - Instrumentation, part of Reference [12].
- [9] NPC-103 - Procedures, part of Reference [12].
- [10] NPC-104 - Sound Level Adjustments, part of Reference [12].
- [11] NPC-205 - Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban).
- [12] Model Municipal Noise Control By-Law, Final Report, August 1978, Ontario Ministry of the Environment.
- [13] Provincial Policy Statement, Ontario Ministry of Municipal Affairs and Housing, ISBN 0-7778-6020-1, February 1, 1997.
- [14] Guideline D-6, Compatibility between Industrial Facilities and Sensitive Land Uses, Ontario Ministry of the Environment, July 1995.
- [15] Guideline D-1, Land Use Compatibility, Ontario Ministry of the Environment, July 1995.
- [16] Bulletin No. 91003, Environmental Warnings/Restrictions, Ontario Ministry of Consumer and Commercial Relations, July 25, 1991.

2. DEFINITIONS**"Adverse effect"**

means one or more of the following effects of sound and vibration, selected from the relevant definitions in the Environmental Protection Act, Reference [6]:

- impairment of the quality of the natural environment for any use that can be made of it;
- harm or material discomfort to any person;
- an adverse effect on the health of any person, and
- loss of enjoyment of normal use of property.

"Ambient sound level"

means Background sound level;

"Background sound level"

is the sound level that is present in the environment, produced by noise sources other than the source under impact assessment. Highly intrusive short duration noise caused by a source such as an aircraft fly-over or a train pass-by is excluded from the determination of the background sound level;

"Class 1 Area"

means an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the urban hum.

"Class 2 Area"

means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 Areas, and in which a low ambient sound level, normally occurring only between 23:00 and 07:00 hours in Class 1 Areas, will typically be realized as early as 19:00 hours.

Other characteristics which may indicate the presence of a Class 2 Area include:

- absence of urban hum between 19:00 and 23:00 hours;
- evening background sound level defined by natural environment and infrequent human activity;
- no clearly audible sound from stationary sources other than from those under impact assessment.

"Class 3 Area"

means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as the following:

- a small community with less than 1000 population;
- agricultural area;
- a rural recreational area such as a cottage or a resort area; or
- a wilderness area.

"Construction", "Conveyance"

refer to the Annex.

"Control measure"

refers to action which can be taken to achieve compatibility for the specific land use or activity. The control measure should be permanent in nature and not be readily removable or alterable by the future occupants. Control measures may include, but are not limited to, the following:

- Acoustical Barriers - berms, walls, favourable topographical features, other intervening structures;
- Architectural Design - room and corridor arrangement, blank walls, placement of windows, balconies, and courtyards, building height;

- Building Construction - acoustical treatment of walls, ceilings, selection of acoustical materials and other control devices. Provision for air conditioning;
- Mitigation at Source - noise control applied directly to the noise source;
- Site Planning - orientation of buildings and Outdoor Living Areas with respect to noise sources, spatial separation such as the insertion of noise insensitive land uses between source and receiver, appropriate setbacks, and the use of intervening service roads;
- Windows/Doors - acoustically designed windows or doors that provide the required noise reduction. In order to allow for the windows and doors to remain closed, air conditioning, i.e. mechanical ventilation and climatic control system, is necessary.

Refer to References [1] and [2] for further description of control measures and their application.

"dBA"

means the A-weighted sound pressure level.

"dBAI"

means the A-weighted sound pressure level of an impulsive sound measured with a sound level meter set to "impulse" response.

"Indoor sound level"

is an estimated sound level in the central part of a room.

" $L_{eq}(T)$: $L_{eq}(16)$, $L_{eq}(8)$, $L_{eq}(1)$ "

means the A-weighted level of a steady sound carrying the same total energy in the time period T as the observed fluctuating sound. The time period T is given in hours.

"Ministry"

means the Ontario Ministry of the Environment.

"NEF/NEP"

means Noise Exposure Forecast/Noise Exposure Projection contours for major Ontario airports.

"Noise"

means unwanted sound.

"Noise sensitive land uses"

mean the following sensitive land uses:

- residential developments;
- seasonal residential developments;
- hospitals, nursing/retirement homes, schools, day-care centres, etc.

Sensitive land use means a land use that is sensitive in accordance with the definition of Reference [15], and that must be planned and/or designed using appropriate land use compatibility principles.

"Outdoor Living Area"

is the part of an outdoor area easily accessible from the building and designed for the quiet enjoyment of the outdoor environment. Outdoor Living Areas include, but are not limited to, the following:

- Backyards or front yards or gardens or terraces or patios;
- Balconies, provided they are the only Outdoor Living Areas for the occupant and meet the following conditions:

- (a) minimum depth of 4 m;
- (b) outside the exterior building facade;
- (c) unenclosed;

- Common Outdoor Living Areas associated with multi-storey apartment buildings or condominiums;
- Passive recreational areas such as parks if identified by the municipality.

"Point of Reception"

means any point on the premises of a person where sound or vibration originating from other than those premises is received, see Reference [12].

"Stationary Source"

means a source of sound which does not normally move from place to place and includes the premises of a person as one stationary source, unless the dominant source of sound on those premises is construction or a conveyance, see Reference [12]. Section A.2.1.1 provides further explanation.

"Time Periods"

"Day-time"

is the 16-hour period between 07:00 and 23:00 hours.

"Evening"

is the 4-hour period between 19:00 and 23:00 hours.

"Night-time"

is the 8-hour period between 23:00 and 07:00 hours.

"Urban Hum"

means aggregate sound of many unidentifiable, mostly road traffic related sound sources.

"Warning Clause" (or "Environmental Warning/Restriction")

means a notification of or obligation to notify a potential purchaser of some environmental concern; in this case the concern is potential annoyance due a source of noise.

3. NOISE IMPACT ASSESSMENT, TRANSPORTATION SOURCES

This section deals with noise impact from transportation corridors (i.e., road, rail and air traffic). In case of multiple transportation noise sources:

- (a) the outdoor noise impact due to air traffic shall be established separately from the impact due to road and/or rail traffic;
- (b) the outdoor noise impact due to road and rail traffic shall be combined;
- (c) the indoor noise impact shall be assessed separately for road, rail and aircraft noise. The required indoor noise control measures for the multiple source impact are then defined by a combined acoustical insulation parameter (descriptor) that is evaluated by combining the acoustical insulation parameters determined for each of the sources.

In all cases, consideration should be given to future sound levels. For road and rail noise, a minimum ten year prediction should be made and for aircraft noise, the current NEF/NEP contours shall apply.

3.1 ROAD AND RAIL TRAFFIC

3.1.1 Sound Levels

The sound levels from road and/or rail transportation at the site of a proposed noise sensitive land use shall be established using methods included in References [3] and [4]. Further details are in Section A.2 of the Annex.

3.1.2 Day-time Outdoor Sound Level Criterion

Table 1 gives the equivalent sound level (L_{eq}) criterion in the selected Outdoor Living Area. The criterion applies to the entire day-time period from 07:00 to 23:00. Section A.3.2.1 of the Annex describes the application of the criteria and the use of warning clauses.

TABLE 1
Sound Level Criterion for Outdoor Living Areas
Road and Rail

Time Period	L_{eq} (16) (dBA)
16 hr, 07:00 - 23:00	55

3.1.3 Indoor Sound Level Criteria

Table 2 gives the equivalent sound level (L_{eq}) criteria and the applicable time periods for the indicated types of indoor space. The specified sound level criteria are minimum requirements and apply to the indicated indoor spaces with the windows and doors closed.

TABLE 2
Indoor Sound Level Criteria
Road and Rail

Type of Space	L_{eq} (Time Period) (dBA)	
	Road	Rail
Living/dining areas of residences, hospitals, schools, nursing/retirement homes, day-care centres, etc. (Time period: 16 hr, 07:00 - 23:00)	45	40
Sleeping quarters (Time period: 8 hr, 23:00 - 07:00)	40	35

3.2 AIR TRAFFIC

3.2.1 Noise Impact

Policy 1.1.3 g) of Reference [13] establishes the applicable criterion. The noise impact on the proposed noise sensitive land use is determined based on the location of the noise sensitive land use with respect to the official Noise Exposure Forecast/Noise Exposure Projection (NEF/NEP) contours. These NEF/NEP contours are specified on a list of current contour maps available from the Ministry of Municipal Affairs and Housing. The more restrictive of the NEF and NEP contours apply. Further details are in Annex Section A.2.4 and Section A.3.2.1.

3.2.2 Outdoor Criterion

Table 3 gives the aircraft noise criterion in terms of an NEF/NEP value in any outdoor area, including the Outdoor Living Area. The criterion applies to the entire 24-hour period. The distance separation from the airport and, consequently, the location of the noise sensitive land use with respect to the NEF/NEP contours, is the only measure that controls the outdoor noise impact. Section A.3.2.1 of the Annex describes the application of the criterion and the use of warning clauses.

TABLE 3
Outdoor Aircraft Noise Criterion

Time Period	NEF/NEP
24 hours	30 *

* Certain conditions apply above NEF/NEP value of 25, see Section A.3.2.1. The criterion may not apply to redevelopment and infilling, see Reference [13] and Section A.3.2.1.

3.2.3 Indoor Criteria

Table 4 gives the indoor aircraft noise criteria in terms of NEF/NEP values for the indicated type of indoor space. These criteria apply to the entire 24-hour period. The specified criteria are minimum requirements and apply to the indicated indoor spaces with the windows and doors closed.

TABLE 4
Indoor Aircraft Noise Criteria *
(Applicable over 24-hour period)

Type of Space	Indoor NEF/NEP
Living/dining areas of residences, hospitals, schools, nursing/retirement homes, day-care centres, etc.	5
Sleeping Quarters	0

* The Indoor NEF/NEP values listed in Table 4 are not obtained from NEF/NEP contour maps. The values are representative of the indoor sound levels and are used as assessment criteria for the evaluation of acoustical insulation requirements, see Reference [1].

4. **NOISE IMPACT ASSESSMENT, STATIONARY SOURCES** **(Industrial and Commercial Activities)**

In comparison to noise from transportation sources, noise from stationary sources such as industrial or commercial activities is generally controlled more effectively at the source. If control measures are required to reduce the noise impact then these measures should be designed in accordance with the following principles:

- (a) Noise from stationary sources is generally controllable at lower cost at the source than at the point of reception and, consequently, source mitigation is the preferred option;
- (b) Cooperation between the developer and the owner of the stationary sources is highly desirable and often essential in order to achieve the required mitigation;

- (c) Installation of noise control measures at the source will typically require a Certificate of Approval (Air), as specified in Section 9 of the Environmental Protection Act, Reference [6];
- (d) Noise control measures aimed at the indoor environment, such as air conditioning, are usually immaterial because the criteria for stationary source sound levels apply to the plane of windows; the sound levels are estimated in the absence of the building. The use of central air conditioning may be acceptable under special circumstances, in certain types of developments, when the central air conditioning system forms an essential part of the overall building design - details are described in Section A.2.1.4;
- (e) Assessment of noise impact produced by stationary sources typically involves calculation of sound emissions from the source, transmission and propagation of sound and the effect of intervening obstacles such as barriers. The calculation should account for the frequency characteristics of the noise source.

4.1 ESTABLISHMENT OF SOUND LEVELS

The sound levels anticipated on the site of a proposed noise sensitive land use shall be established in accordance with References [8], [9], [10] and [11], including all the appropriate adjustments. The assessment of noise impact shall reflect the "predictable worst case" situation, i.e. the largest difference between source sound levels and the applicable criterion.

4.2 FEASIBILITY ASSESSMENT

Initial assessment in the planning stage of the project is required in order to determine feasibility of development. An assessment of the hourly equivalent sound level, L_{eq} (1), produced by the stationary source should be made at the property line of the proposed or committed noise sensitive land use, closest to the stationary source. The proponent of the development should demonstrate the feasibility of meeting the sound level criteria contained in Sections 4.4, 4.5 and 4.7 and, if necessary, specify the necessary noise control measures. References [1], [13] and [14] provide further information regarding feasibility studies.

Committed land use means a land use that has been approved by the regulatory authority but is not yet existing. The selected location should define the closest approach of the noise sensitive land use to the stationary source, and the location of highest noise impact.

4.3 CLASS 2 AREA

Aside from development in a typically Class 1 Area (urban) setting, new residential land uses may be proposed within an environment that has qualities representative of both Class 1 and Class 3 Areas. For the purposes of this document, an area having characteristics of both urban and rural environments is referred to as a Class 2 Area.

In a Class 1 Area, such as a major population centre, the background sound level is dominated by the sound of road traffic, referred to as "urban hum". In a Class 3 Area, the acoustical environment is generally made up of natural sounds typical of agricultural or wilderness areas with little or no road traffic. A Class 2 Area can be characterised by an environment generally dominated by natural sounds during the evening and night-time periods and with man made sounds during a shortened day-time period (07:00 - 19:00).

A low level "urban hum" may be audible in a Class 2 Area during the shortened day-time period (07:00 to 19:00), but would typically be absent during the evening and at night. In order to prevent adverse effects during a quieter evening background, the stationary source sound level criteria for a Class 2 Area are 5 dB more restrictive within the hours of 19:00 to 23:00.

4.4 OUTDOOR SOUND LEVEL CRITERIA

Table 5 gives the sound level criteria in terms of the hourly equivalent sound level, $L_{eq}(1)$, for an outdoor point of reception in any area amenable for use. The criteria should not be exceeded in any day-time hour.

TABLE 5
Sound Level Criteria for an Outdoor Point of Reception
Stationary Sources

Area	Time of Day	Hourly $L_{eq}(1)$ (dBA)
Class 1	07:00 - 23:00	50*
Class 2	07:00 - 19:00	50*
	19:00 - 23:00	45*

* or the minimum hourly background sound level $L_{eq}(1)$, whichever is higher.

4.5 SOUND LEVEL CRITERIA IN THE PLANE OF A WINDOW

4.5.1 Day-time

Table 6 gives the day-time hourly equivalent sound level, $L_{eq}(1)$, criteria in the plane of a window. These criteria apply to the living spaces specified in Table 2. Section A.3.1.1 of the Annex describes their application.

TABLE 6
Sound Level Criteria in the Plane of a Window
Stationary Sources

Area	Time of Day	Hourly $L_{eq}(1)$ (dBA)
Class 1	07:00 - 23:00	50*
Class 2	07:00 - 19:00	50*
	19:00 - 23:00	45*

* or the minimum hourly background sound level $L_{eq}(1)$, whichever is higher.

4.5.2 Night-time

Table 7 gives the night-time hourly equivalent sound level, $L_{eq}(1)$, criterion in the plane of a bedroom window. Section A.3.1.1 of the Annex describes the application of the criteria.

TABLE 7
Sound Level Criterion in the Plane of a Bedroom Window
Stationary Sources

Time of Day	Hourly $L_{eq}(1)$ (dBA)
23:00 - 07:00	45*

* or the minimum hourly background sound level $L_{eq}(1)$, whichever is higher.

4.6 INDOOR SOUND LEVEL CRITERIA

No criteria have been established for indoor sound levels because compliance with the plane of the window criteria, Tables 6 and 7, will, in the majority of cases, ensure that the indoor sound levels are acceptable. Nevertheless, special care must be taken when assessing the impact of sound with a special characteristic such as a dominant low frequency component.

4.7 SPECIAL SOURCES

4.7.1 Specific Impulsive Sources

For impulsive sound produced by a stationary source which is a metal working operation or a gun club, or for impulses which are infrequent, the applicable sound level criteria are specified in Section 9 of Reference [11]. Sections 12 and 13 of Reference [11] also apply. Applicable times and locations are given in Tables 5, 6 and 7.

Where Reference [11] specifies two date specific criteria, depending on when the operation of the stationary source commenced, such as the 50 dBAI or 60 dBAI criteria for metal working operations, the more stringent of the criteria, i.e. 50 dBAI in the example, is applicable.

4.7.2 Pest Control Devices

For sound from pest control devices, the applicable sound level criteria are specified in Section 10 of Reference [11]. Sections 11, 12 and 13 of Reference [11] also apply. The applicable times and locations are given in Tables 5, 6 and 7.

4.7.3 Blasting

The applicable Peak Pressure Level criterion for concussion resulting from blasting operations in a mine or a quarry is 120 dB, measured in accordance with Reference [9]. The applicable Peak Particle Velocity criterion for vibration resulting from blasting operations in a mine or a quarry is 1.00 cm/s, measured in accordance with Reference [9].

4.7.4 Additional Guidelines

Other guidelines have been drafted or are being developed for specific stationary sources such as land fill sites, snow making equipment, and other installation/equipment.

5. NOISE IMPACT ASSESSMENT, MULTIPLE SOURCES

The assessment of noise impact produced by a combination of transportation noise sources is described at the beginning of Section 3.

Where a proposed noise sensitive land use is impacted by a combination of transportation and stationary sources, the noise impact from the sources should be assessed separately using the procedures in Sections 3 and 4.

The required control measures should be evaluated individually for surface transportation, aircraft and stationary sources, for day-time and night-time periods, using procedures outlined in Sections 3 and 4. The final selection of control measures should ensure the compliance with the applicable sound level criteria of this document.

ADMINISTRATIVE REPORT

Subject: Indemnification By-Law
Date: 2022-05-24
To: Mayor & Council
From: Gabrielle Lecuyer, Clerk
File Number:



ISSUE

For Council to receive and review a draft Indemnification By-Law

ADMINISTRATIVE RECOMMENDATION

It is the recommendation of Administration:

THAT Council receive draft Indemnification By-Law

AND THAT Council directs Administration to bring forward the Indemnification By-Law for passage and enactment

STRATEGIC IMPACT

N/A

OPTIONS & ALTERNATIVES

Not approve the draft Indemnification By-Law

HISTORY

- At the meeting of March 28, 2022 Council received a [report](#) from the Clerk and CAO relating to a proposed indemnification by-law
- The proposed by-law is intended to protect Members of Council and Employees of the Corporation that are acting in good faith and within the scope of their duties against pecuniary losses, liabilities, risks, costs and expenses that relate to their offices or arise because of their being, or having been, Members or Employees
- Staff conducted a review of indemnification by-laws from other municipalities in Ontario and consulted with the Municipal Solicitor to help craft this version to ensure it covers all legal aspects.

ANALYSIS

- The attached is a draft by-law that provides for

INDEMNIFICATION BY-LAW

- Proceedings brought against a member / staff / Boards by a third party it is not intended for individual members or staff to initiate challenges but rather challenges initiated by a third party the idea is for defense not offense
- The CAO determines for claims against municipal employees
- For members of Council the CAO is to provide a written report with a recommendation if the coverage applies Council then determines by majority vote whether to authorize the indemnity
- If the Claimant is the CAO, the Clerk shall carry out the duties of this by-law any decision are to be made by Council
- Written notice requirements of any threatened or actual proceedings with time limitations
- How legal Counsel is selected
- Members or staff may not incur cost, expenses or other liability without the prior written approval of the CAO or a by-law or resolution of Council
- Reliance on insurance and lawyer retained
- How settlements will be handled
- As this is a very detailed and complex policy and there is a lot for Council to understand if you wish to adopt it, Council may want to consider having the Municipal Solicitor attend a meeting to answer specifics.

CONSULTATION

Legal Council

SUPPORTING DOCUMENTS

1. Draft Indemnification By-Law



THE CORPORATION OF THE TOWN OF FORT FRANCES

By-Law XX/22

(BEING A BY-LAW TO PROVIDE INDEMNIFICATION FOR MEMBERS OF COUNCIL, BOARDS AND EMPLOYEES WITH RESPECT TO CERTAIN ACTIONS OR PROCEEDINGS ARISING FROM THEIR DUTIES)

WHEREAS subsection 279(1) of the *Municipal Act, 2001*, as amended, states that despite the *Insurance Act*, a municipality may be or act as an insurer and may exchange with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the *Insurance Act* with respect to the following matters:

- 1) protection against risks that may involve pecuniary loss or liability on the part of the municipality or any local board of the municipality;
- 2) the protection of its employees or former employees or those of any local board of the municipality against risks that may involve pecuniary loss or liability on the part of those employees;
- 3) subject to section 14 of the *Municipal Conflict of Interest Act*, the protection of the members or former members of the council or of any local board of the municipality or any class of those members against risks that may involve pecuniary loss or liability on the part of the members;
- 4) subject to section 14 of the *Municipal Conflict of Interest Act*, the payment of any damages or costs awarded against any of its employees, members, former employees or former members or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as employees or members, including while acting in the performance of any statutory duty;
- 5) subject to section 14 of the *Municipal Conflict of Interest Act*, the payment of any sum required in connection with the settlement of an action or other proceeding referred to in paragraph 4 and for assuming the cost of defending the employees or members in the action or proceeding; and

AND WHEREAS subsection 14(1) of the *Municipal Conflict of Interest Act* provides that councils may pass by-laws to enable the municipality to act as an insurer to protect a member of the council or of any local board thereof who has been found not to have contravened section 5 of the *Municipal Conflict of Interest Act* against any costs or expenses incurred by the member as a result of a proceeding brought under that legislation, and for paying on behalf of or reimbursing the member for any such costs or expenses in that regard;

AND WHEREAS s. 448(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, states that no proceeding for damages or otherwise shall be commenced against a member of council or an officer, employee or agent of a municipality or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this Act or a by-law passed under it or for any alleged neglect or default in the performance in good faith of the duty or authority;

AND WHEREAS s. 448(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, states that s. 448(1) does not relieve a municipality of liability to which it would otherwise be subject in respect of a tort committed by a member of council or an officer, employee or agent of the municipality or a person acting under the instructions of the officer, employee or agent.

AND WHEREAS paragraph 278(1)(b) of the *Municipal Act, 2001* defines “employee” and authorizes a municipal council to pass by-laws designating certain persons or classes of persons as employees for the purposes of insurance; and

AND WHEREAS it is advisable to protect Members of Council and Employees of the Corporation that are acting in good faith and within the scope of their duties against pecuniary losses, liabilities, risks, costs and expenses that relate to their offices or arise because of their being, or having been, Members or Employees;

NOW THEREFORE the Council of The Corporation of the Town of Fort Frances hereby **ENACTS AS FOLLOWS:**

1. DEFINITIONS

In this By-law, unless a contrary intention appears,

- 1.1 “Act” means the *Municipal Act, 2001*, SO 2001, c 25, as amended;
- 1.2 “By-law” means this By-law, and as it may be amended from time to time;
- 1.3 “CAO” means the person within the Corporation’s employ who holds the title of “Chief Administrative Officer”, including his or her designate;
- 1.4 “Claimant” means a Member or Employee who claims coverage pursuant to this By-law;
- 1.5 “Corporation” means The Corporation of the Town of Fort Frances;
- 1.6 “Corporation’s Legal Counsel” means legal counsel employed or retained to represent the interests of the Corporation, including his or her designates;
- 1.7 “Council” means the elected Municipal Council for the Corporation;
- 1.8 “Employee” means any salaried officer, or any other person in the employ of the Corporation or of a Local Board and includes, as applicable:
 - (a) a member of the police force of the Corporation;
 - (b) persons that provide their services on behalf of the Corporation without remuneration, exclusive of reimbursement of expenses or honoraria, if Council of the Corporation has passed a by-law designating such persons or classes of person as employees for the purposes of this By-law;
 - (c) any person or class of person designated as an employee of the Minister for the purposes of sections 279, 280 and 282 of the Act who is in the employ of the Corporation; or
 - (d) a Former Employee.
- 1.9 “Former Employee” means a person who was formerly an Employee of the Corporation;
- 1.10 “Former Member” means a person who was formerly a Member of Council of the Corporation;
- 1.11 “Local Board” means a local board as defined in subsection 278(1) of the *Municipal Act, 2001*;
- 1.12 “Member” means a person who is a Member of the Council of the Corporation and includes a Former Member;
- 1.13 “Proceeding” means a proceeding before a court or statutorily created judicial tribunal commenced by a Third Party in which a remedy is sought against the Claimant.; and
- 1.14 “Third Party” means any person or authority including the Crown., but does not include the Corporation, or a Local Board.

2. INTERPRETATION RULES

In this By-law,

- 2.1 wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances;
- 2.2 references to items in the plural include the singular, as applicable;
- 2.3 the words “include”, “including”, “included” or “includes” are not to be read as limiting the phrases or descriptions that precede or follow them; and
- 2.4 headings are inserted for ease of reference only and are not to be used as interpretation aids.

3. STATUTES

- 3.1 Unless otherwise defined, specific references to statutes in this By-law are printed in italic font and are meant to refer to the current statutes applicable within the Province of Ontario as at the time this By-law was enacted, as they are amended and revised from time to time.

4. INDEMNITY FOR MEMBERS

- 4.1 The Corporation may, subject to the provisions of this By-law, indemnify a Member that was acting in good faith and within the scope of his or her duties at all material times in the manner and to the extent provided herein in respect of any Proceeding brought against such Member by a Third Party arising out of acts or omissions done or made by such Member in his or her capacity as a Member or by reason of being a Member, including, without limitation:
 - 4.1.1 while acting in the performance of any statutory duty; and
 - 4.1.2 while being or acting as an appointee, nominee, delegate, member, officer or in any other capacity on a Local Board, Committee, Corporation, Association or other body pursuant to the direction, request or other authority of the Corporation.
- 4.2 Subject to the provisions of this By-law, the Corporation may indemnify a Member by:
 - 4.2.1 assuming the cost of defending the Member in the Proceeding;
 - 4.2.2 where permitted by law, paying any fines, monetary penalties, damages or costs imposed on or awarded against that Member as a result of the Proceeding;
 - 4.2.3 paying, either by direct payment or reimbursement, any expenses reasonably incurred by that Member as a result of the Proceeding;
 - 4.2.4 paying any sum required in connection with the settlement of the Proceeding.
- 4.3 In the case of a Proceeding under the *Municipal Conflict of Interest Act*, the following shall apply:
 - 4.3.1 any indemnity the municipality decides to pay will only be by way of reimbursement for costs or expenses actually paid by the Member and subject to the following conditions;
 - 4.3.2 the indemnity is limited to the costs and expenses reasonably

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incurred by the Member as a result of the Proceeding brought under that statute;

4.3.3 the Member is not entitled to any indemnity unless such Member is found not to have contravened that statute;

4.3.4 legal counsel, approved by the CAO in advance of the costs being incurred shall be retained by the Member directly; and

4.3.5 no payment or liability shall be made or assumed by the Corporation unless and until the conditions in clause 4.3.3 hereof have been met.

5. INDEMNITY FOR EMPLOYEES

5.1 The Corporation may, subject to the provisions of this By-law, indemnify an Employee that was acting in good faith and within the scope of his or her duties at all material times in the manner and to the extent provided herein in respect of a Proceeding brought against such Employee by a Third Party arising out of acts or omissions done or made by such person as an Employee or by reason of he or she being or having been an Employee, including while acting in the performance of a statutory duty.

5.2 Subject to the provisions of this By-law, the Corporation may indemnify an Employee by:

5.2.1 assuming the cost of defending the Employee in the Proceeding;

5.2.2 paying any fines, monetary penalties, damages or costs imposed on or awarded against that Employee as a result of the Proceeding;

5.2.3 paying, either by direct payment or by reimbursement, any expenses reasonably incurred by such Employee as a result of the Proceeding;

5.2.4 paying any sum required in connection with the settlement of the Proceeding.

6. INDEMNITY - OTHER

6.1 In addition to the persons covered in sections 4 and 5 of this By-law, the Corporation may:

a) on a case-by-case basis; and

b) in the Corporation's sole and absolute discretion;

provide indemnity to any person that the Corporation is authorized under sections 278 to 280 of the *Municipal Act, 2001* to provide indemnity to and do so in accordance with the provisions of this by-law or as otherwise stipulated by the Corporation.

6.2 With respect to a proceeding that is brought against a Member or Employee by a person who is not a Third Party, the Corporation may:

a) on a case-by-case basis; and

b) in the Corporation's sole and absolute discretion;

provide indemnity to such Member or Employee in accordance with the provisions of this by-law or as otherwise stipulated by the Corporation.

7. EXCLUSIONS

7.1 The obligations of the Corporation in this By-law shall not apply in the

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following circumstances:

- 7.1.1 where the proceeding has arisen out of the illegal, dishonest, fraudulent or malicious act of the Claimant, or his or her willful or reckless violation of any law, duty, contract, policy or obligation;
 - 7.1.2 where the Claimant is acting or proceeding in a manner that is contrary to a decision, policy or position of the Corporation;
 - 7.1.3 where the Claimant has failed to comply with the provisions of this By-law, unless strict compliance has been waived by a Resolution of Council;
 - 7.1.4 to the extent by which the Corporation is prejudiced, where the claim is of a nature covered by an insurance policy or indemnity, whether placed or provided by the Corporation, the Claimant, a Local Board or otherwise, and there has been a policy violation or other act on the part of the Claimant prejudicing the right of indemnity under that policy or other right of indemnity; and
 - 7.1.5 to any Claimant in respect of whom the Corporation has agreed to provide indemnity under a collective agreement or employment agreement and the rights of such persons and any union, association or other organization representing them shall be governed solely by such agreement and not by any of the provisions of this By-law, whether or not such agreement extends to any or all of the indemnities or other protections provided for in this By-law.
- 7.2 The liability of the Corporation under this By-law shall be reduced by the amount of indemnity paid pursuant to an insurance policy or indemnity as referred to in section 7.1.4 of this By-law and, at the reasonable request of the Corporation, the Claimant shall assign to the Corporation his or her rights pursuant to that insurance policy or indemnity and to any amount payable under it.
 - 7.3 Notwithstanding that the Corporation may have assumed the defence of any proceeding or the cost thereof, it shall be deemed to have reserved its rights with respect to the applicability of any exclusion under this By-law.
 - 7.4 The Corporation may waive the reservation of rights referred to in section 7.3, subject to such conditions as the Corporation deems appropriate in the circumstances.
 - 7.5 The provisions of this By-law are intended to supplement the protection provided by policies of insurance. For purposes of clarity, there is no entitlement to any coverage under this By-law when the Claimant has or had insurance coverage pursuant to an insurance policy, whether placed or provided by the Corporation, the Claimant, a Local Board or otherwise, with respect to the proceeding and coverage under any policies of insurance that the Claimant may have in respect of such proceeding must first be exhausted before any right to indemnity under this By-law may be triggered.

8. LIMIT OF COVERAGE

- 8.1 Subject to section 14.1, the maximum amount for which the Corporation may be liable hereunder (inclusive of claims, costs, expenses and any other amount) shall not exceed \$250,000.00 in respect of any claim or combination of claims arising under the same circumstances, made against a Claimant.

9. IF CAO IS CLAIMANT

- 9.1 If the Claimant is the current CAO, Council shall designate the Clerk to carry out the duties under this By-law assigned to the CAO; however, any

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decisions that the CAO would make under this By-Law are to be made by Council.

10. NOTICE TO CORPORATION

- 10.1 A Claimant shall promptly give written notice to the CAO of any threatened or actual Proceeding. Where a Claimant is served with any process or notice with respect to a Proceeding, he or she shall immediately deliver a true copy of the document to the CAO.
- 10.2 A Claimant shall, concurrently with giving notice under section 10.1 of this By-Law, provide the CAO with full written particulars of any other insurance or indemnity providing coverage available to the Claimant.
- 10.3 In the event that a Claimant fails to give such notice or deliver such document or provide such full written particulars to the CAO within 30 days of the receipt of such notice or such document by the Claimant, no indemnity will be provided to a Claimant pursuant to this By-law.

11. DETERMINATION OF COVERAGE

- 11.1 Subject to sections 7.1.3 and 9:
 - (a) Where the Claimant is an Employee the CAO shall determine, in his or her sole and absolute discretion, whether or not the Claimant is covered under the provisions of this By-law.
 - (b) Where the Claimant is a Member, the CAO shall provide a written report and recommendation to Council regarding whether or not the Claimant is covered under the provisions of this by-law and Council shall determine, by majority vote at a duly constituted meeting, whether to authorize indemnity.
- 11.2 As a condition precedent to the Corporation making any payment in respect of the costs of or representation of any Employee or Member pursuant to this By-law, the Employee or Member must agree in writing to comply with the provisions of this by-law and such other terms and conditions as are determined to be appropriate by the Corporation's Legal Counsel, and shall agree to repay the Corporation on demand, in the event that the Employee or Member is convicted of an offence in respect of the Proceeding, all sums paid by the Corporation in respect of the costs of defence or representation as to such charges and must execute an indemnity agreement or other documentation requested by the Corporation to secure such repayment to the Corporation. No retainer shall be made on behalf of a Claimant and/or no money shall be paid by the Corporation with respect to any Proceeding until an indemnity agreement and/or other documentation has been executed. The CAO is hereby authorized to execute such indemnity agreements on behalf of the Corporation upon recommendation of the Corporation's legal counsel.
- 11.3 In the event that a Claimant commences a legal proceeding to enforce a claim for indemnity under this By-law, such legal proceeding must be commenced within 90 days of receipt of the final decision made by the CAO or Council, as the case may be, pursuant to sections 11.1 and 11.2 of this By-law.

12. LEGAL COUNSEL

- 12.1 The Corporation's Legal Counsel may, in appropriate cases, provide representation to a Claimant at the cost of the Corporation and the Corporation may take general carriage of any proceeding where the Corporation and the Claimant are both parties to the Proceeding, and it is in the interests of the Corporation to do so.

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- 12.2 The Corporation may apply for party, intervener or other status in any proceeding with which a Claimant is or may be involved if to do so is in the interest of the Corporation, and the Corporation's Legal Counsel may, in proper cases, also represent the Claimant, or take general carriage of any such proceeding, at the cost of the Corporation.
- 12.3 Despite any other provision of this By-law, any Legal Counsel retained by the Corporation's Insurer to defend any proceeding shall also represent the Claimant with respect to that proceeding unless the Corporation requires or consents to the retainer of different Legal Counsel.
- 12.4. Except as otherwise provided in this By-law, the Corporation shall have the right to select and retain Legal Counsel to represent the Claimant in any proceeding.
- 12.5 Notwithstanding section 12.4, a Claimant who the Corporation has determined is entitled to coverage under this By-law may request, in writing, approval of the CAO of Legal Counsel of the Claimant's own choice to represent him or her in a Proceeding, and such a request shall include the name, and contact information of such Legal Counsel, together with a statement of his or her rates, fees, charges and experience.
- 12.6 The CAO of the Corporation shall, within 10 working days from receiving the request under section 12.5, in his or her sole and absolute discretion, approve the request or deny the request and appoint Legal Counsel of the Corporation's choice and, in either case, advise the Claimant in writing.
- 12.7 If a Claimant's request to use Legal Counsel of his or her own choice is denied, and the Claimant still wishes to use that Legal Counsel, such costs shall be the responsibility of the Claimant.
- 12.8 If, after 10 days from receiving the request, the CAO has not advised the Claimant in writing of the disposition of his or her request, the Claimant may retain his or her choice of Legal Counsel to act on his or her behalf until the Corporation retains other Legal Counsel.
- 12.9 If the Corporation retains other Legal Counsel to act on behalf of the Claimant in place of Legal Counsel originally retained by the Claimant in accordance with the provisions of this By-law, the Corporation shall, subject to the *Solicitors Act*, pay to the Claimant's Legal Counsel all of his or her reasonable legal fees and disbursements from the time that the Claimant retained such Legal Counsel, until replaced by Legal Counsel retained by the Corporation.
- 12.10 Subject to the requirements of the Law Society of Ontario, all Claimant Legal Counsel in any proceeding shall cooperate fully with, and provide all relevant information to, the Corporation's Legal Counsel.
- 12.11 Unless otherwise agreed to by the CAO, Legal Counsel retained by or for the Claimant shall render detailed accounts to the Claimant on a monthly basis for all services rendered in the immediately preceding month, and shall deliver such statements of account to both the Claimant and the CAO. Upon approval of such accounts by the Claimant and the CAO, the Corporation shall pay such accounts. Legal accounts may, at the request of the Corporation or the Claimant, be submitted for assessment in accordance with the *Solicitors Act* and the Corporation shall not be liable for payment of an account which has been assessed, unless it has been given notice of and the full opportunity to participate in the assessment process.

13. COSTS

- 13.1 No costs, expenses or other liability shall be incurred or assumed on behalf of the Corporation under any circumstances without the prior written approval of the CAO, or by by-law or resolution of Council, as the case may

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be.

- 13.2 Where the Corporation has provided indemnity to a Claimant pursuant to this By-law, and costs are awarded in favour of that Claimant in the proceeding, the Claimant shall assign the amount of the costs award and the right to collect it to the Corporation.

14. RELIANCE ON INSURANCE

- 14.1 Notwithstanding any other provision of this By-Law to the contrary, in the event a Proceeding is covered by the Corporation's insurance policy, any lawyer retained by the Corporation's insurers from time to time shall represent a Claimant with respect to the Proceeding and the Corporation shall have no obligation to indemnify such Claimant for the retention of any other counsel, unless the Corporation agrees otherwise in writing.

15. SETTLEMENTS

- 15.1 The Corporation, at its option, shall have the right at its own expense to investigate any claim and may negotiate the settlement of any claim, or any aspect of any claim, including any non-monetary terms of settlement, as it deems expedient but the Corporation shall not commit the Claimant to any settlement without the Claimant's consent, unless the failure to settle results or may result in any continuing liability, including but not limited to vicarious liability, to which the Corporation may be exposed, but which would have been released by such settlement. In that case, the Corporation has the right to settle the claim to the extent required to obtain a release of the Corporation from liability and to decline indemnity of the Claimant if the Claimant fails to join in the implementation of the settlement as may be required by the Corporation.
- 15.2 If the Claimant's consent is required and the Claimant refuses to consent to any settlement recommended by the Corporation, and the Claimant elects to contest the claim or continues to defend the proceeding in connection with such claim, then, subject to the provisions of this By-law, the Corporation's limit of liability for the claim or for indemnity of the Claimant shall not exceed the amount for which the claim could have been settled, including costs, charges and expenses incurred with the Corporation's consent up to the date of the refusal of the Claimant to settle.
- 15.3 In the event that the Corporation elects to reject a settlement and elects to contest the claim or continue any Proceeding in connection with such claim and the rejected settlement was within the maximum limit of liability provided for in this By-law, the Corporation shall be liable for any amount awarded against the Claimant in excess of the maximum otherwise applicable.

16. COOPERATION

- 16.1 A Claimant shall at all times cooperate fully with the Corporation and the Corporation's Legal Counsel and shall make available to the Corporation's Legal Counsel all information and documents relevant to the matter as are within the Claimant's knowledge, possession or control. A Claimant shall not do anything to compromise or prejudice the position of the Corporation in any proceeding. A Claimant shall attend at all proceedings, and all meetings related to the proceedings, when required to do so by operation of law or when requested to do so by the Corporation's Legal Counsel or CAO.

17. RIGHTS TO TERMINATE OR AMEND

- 17.1 The Corporation shall be entitled to terminate or change its obligations under this By-law by repealing or amending the By-law provided that the repeal or amendment of this By-law shall not prejudice the rights of a Claimant in respect of a Proceeding that was commenced prior to the repeal or amendment.

18. BY-LAW NOT TO BE OF RETROACTIVE EFFECT

18.1 This By-law only applies to claims for indemnity respecting proceedings which are commenced after the effective date of this By-law. It does not apply to proceedings that were commenced, continued or concluded prior to its coming into effect.

19. APPEALS

19.1 Where an individual seeks to appeal a judgment in a covered proceeding, the Corporation shall have the sole and absolute discretion to determine whether an appeal should be pursued, and whether the cost of the appeal will be covered by this By-law. If a Claimant pursues an appeal without representation by the Corporation and is successful in that appeal, the Corporation may, in its sole and absolute discretion, indemnify the Claimant for his or her legal fees or a part thereof.

20. SHORT TITLE

20.1 This By-law shall be known as the “Indemnification By-law”.

21. EFFECTIVE DATE

21.1 This By-law shall come into force and take effect on the date of its final passing.

Enacted and Passed this ____ day of May, 2022.

J. Caul, Mayor

G. Lecuyer, Clerk

ADMINISTRATIVE REPORT

Subject: Award of Tender 2022-OF-09
Date: 2022-05-24
To: Committee of the Whole
From: Travis Rob
File Number:



ISSUE

- (1) Award of the tender for the 2022 Capital Budgeted Road works dependant on funding

ADMINISTRATIVE RECOMMENDATION

It is the recommendation of Administration:

THAT Council of the Town of Fort Frances award tender 2022-OF-09 to George Armstrong Company for a total tender price of \$2,846,962 including a \$150,000 contingency allowance, plus applicable taxes and;

FURTHER THAT Prior to construction start an open house public meeting is scheduled to ensure all property owners abutting the construction projects obtain firsthand knowledge of these projects and have the opportunity to ask questions. The exact date of the meeting is unknown at the time of writing this report, and;

FURTHER THAT the Mayor and Clerk be authorized to execute the contracts on behalf of the Corporation of the Town of Fort Frances

STRATEGIC IMPACT

- *Objective 8 – Undertake Asset Management Planning/Address Budgetary Gap for infrastructure/Develop a preventative approach to maintenance*

OPTIONS & ALTERNATIVES

- (1) Award the Tender to the lowest compliant bidder.
- (2) Not award the work.

HISTORY

After a late award of funding for the completion of two road works projects included in the 2022 Capital Budget as dependent on funding, during the week of April 25th, 2022, the Town advertised for a Tender Call for the second of the 2022 Roadway Reconstruction being the reconstruction of Sinclair Street from Victoria Avenue to Armit Avenue, and Kings Highway Phase 2, from Pit Road 2 to Oakwood Road with the tender

closing on Tuesday, May 10, 2022. Advertisements were placed in the Fort Frances Times, Chronicle Journal, Thunder Bay Construction Association, and Winnipeg Construction Association.

ANALYSIS

Four (4) Contractors submitted tender bids;

Contractor	Price (HST Included plus \$150,000.00 Contingency Allowance)
Bay City Contractors	\$3,939,041.01
Tom Veert Construction	\$3,580,575.62
Makkinga Contracting	\$3,496,759.01
George Armstrong Company	\$3,217,067.06

The works tendered consisted of two (2) individual projects to be completed in 2022, and one in 2023. The projects are as follows:

2022 Construction Program

1. Reconstruction of Sinclair Street from Victoria Avenue to Armit Avenue

Full recondition of Sinclair Street including the replacement of sanitary sewer main, watermain, asphalt surface, storm sewer and landscaping including

2. Phase 2 Kings Highway Widening and Reconstruction Pit Road 2 to Oakwood Road

Full reconstruction of Kings Highway including widening to 4 lanes from Pit Road 2 to Oakwood Road including new asphalt surface, concrete curb and gutter and ditching.

2023 Construction Program

3. Surface Coarse paving of Kings Highway

Installation of the Surface Coarse paving on Kings Highway from Pit Road 2 to Oakwood Road including line painting.

The 2022 work is scheduled to begin ASAP in June and to be completed by December 2, 2022.

In accordance with the Town's procurement policy, Administration has an obligation to point out to Council any tender irregularities. All tenders submitted were complete and compliant. **See Spreadsheet No. 1**, which outlines details on the four (4) tender bids received and the associated costs for each individual project. Also, highlighted in "green" indicates the lowest unit bid price and "red" indicates the highest unit bid price and the 2023 works are shown in "blue" text.

The low tender bid was George Armstrong Company with a total cost of \$3,217,067.06 which includes a \$150,000 contingency allowance spread over the two years and HST. Please review the attached **Spreadsheet No. 2** - outlining the 2022 capital budget allocations for each project vs. the lowest tender bid from George Armstrong Company plus Hatch engineering costs (10%) and all funding allocations.

Please find attached a letter report from Hatch recommending that George Armstrong Company be awarded this tender as they are the low tender and, in the past, have performed well on similar projects in our community.

CONSULTATION

- Hatch Corporation, Thunder Bay for Design and Contract administration services.
- Fort Frances Times, Chronicle Journal, Winnipeg and Thunder Bay Construction Associations for advertising of the tender.
- Riverside Healthcare.

SUPPORTING DOCUMENTS

- (1) Spreadsheet 1 – Schedule of Tender Prices
- (2) Spreadsheet 2 – Council Summary
- (3) Letter of Award – Hatch Corporation.

ENGINEER ESTIMATE							Bay City Contractors		Tom Veert Contracting		Makkinga Contracting		George Armstrong Company	
A. For those Tender Items identified by the notation (P) in the “Unit” column, measurement is by Plan Quantity. Tender items not identified by the notation (P) actual measurement for payment will be made in the stipulated Unit or Lump Sum as specified in the contract.														
ITEM NO.	OPS SPEC.	DESCRIPTION	EST. QTY	UNIT	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE
PART 1 - KINGS HIGHWAY (from Oakwood Rd to Pit Road #2)														
Section A - Grading														
A.001	206, SP	Earth Excavation (Grading)	6,547	m ³ (P)	\$ 18.00	\$ 117,846.00	\$ 23.00	\$ 150,581.00	\$ 13.11	\$ 85,831.17	\$ 16.00	\$ 104,752.00	\$ 9.00	\$ 58,923.00
A.002	310, SP	Hot Mix Asphalt (70mm Binder Course)	1,068	t	\$ 285.00	\$ 304,380.00	\$ 310.00	\$ 331,080.00	\$ 331.97	\$ 354,543.96	\$ 321.00	\$ 342,828.00	\$ 283.00	\$ 302,244.00
A.003	310, SP	Hot Mix Asphalt (50mm Surface Course)	763	t	\$ 265.00	\$ 202,195.00	\$ 302.00	\$ 230,426.00	\$ 324.54	\$ 247,624.02	\$ 302.00	\$ 230,426.00	\$ 275.00	\$ 209,825.00
A.004	314, SP	Granular 'A' Roadway (200mm)	3,665	t	\$ 28.00	\$ 102,620.00	\$ 38.00	\$ 139,270.00	\$ 33.51	\$ 122,814.15	\$ 31.00	\$ 113,615.00	\$ 25.00	\$ 91,625.00
A.005	314, SP	Granular 'A' Entrances (100mm)	43	t	\$ 25.00	\$ 1,075.00	\$ 42.00	\$ 1,806.00	\$ 45.49	\$ 1,956.07	\$ 31.00	\$ 1,333.00	\$ 25.00	\$ 1,075.00
A.006	314, SP	Granular 'B' Type II Roadway	11,575	t	\$ 26.00	\$ 300,950.00	\$ 34.00	\$ 393,550.00	\$ 29.50	\$ 341,462.50	\$ 29.00	\$ 335,675.00	\$ 24.00	\$ 277,800.00
A.007	510, SP	Removal of Asphalt Pavement (Full Depth)	3,601	m ² (P)	\$ 5.00	\$ 18,005.00	\$ 8.00	\$ 28,808.00	\$ 6.72	\$ 24,198.72	\$ 7.00	\$ 25,207.00	\$ 5.00	\$ 18,005.00
A.008	353, SP	Curb and Gutter	881	m	\$ 200.00	\$ 176,200.00	\$ 275.00	\$ 242,275.00	\$ 258.90	\$ 228,090.90	\$ 265.00	\$ 233,465.00	\$ 220.00	\$ 193,820.00
A.009	351, SP	Concrete Driveway Aprons	155	m2	\$ 200.00	\$ 31,000.00	\$ 250.00	\$ 38,750.00	\$ 213.60	\$ 33,108.00	\$ 234.00	\$ 36,270.00	\$ 195.00	\$ 30,225.00
A.010	Section 02930	100 mm Topsoil and Sod	1,545	m ²	\$ 20.00	\$ 30,900.00	\$ 30.00	\$ 46,350.00	\$ 28.87	\$ 44,604.15	\$ 25.00	\$ 38,625.00	\$ 30.00	\$ 46,350.00
A.011	510, SP	Removal of Existing Boulevard Trees	10	ea	\$ 1,000.00	\$ 10,000.00	\$ 1,000.00	\$ 10,000.00	\$ 573.99	\$ 5,739.90	\$ 350.00	\$ 3,500.00	\$ 200.00	\$ 2,000.00
A.012	SP	Relocation of Existing Signage	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 4,907.54	\$ 4,907.54	\$ 4,000.00	\$ 4,000.00	\$ 150.00	\$ 150.00
A.013	1860,SP	Geogrid	6,000	m2	\$ 8.00	\$ 48,000.00	\$ 7.00	\$ 42,000.00	\$ 6.02	\$ 36,120.00	\$ 9.00	\$ 54,000.00	\$ 6.00	\$ 36,000.00
A.014	1860,SP	Geotextile	6,750	m2	\$ 5.00	\$ 33,750.00	\$ 7.00	\$ 47,250.00	\$ 2.64	\$ 17,820.00	\$ 7.00	\$ 47,250.00	\$ 4.50	\$ 30,375.00
A.015	405	Subdrain	900	m	\$ 25.00	\$ 22,500.00	\$ 65.00	\$ 58,500.00	\$ 54.87	\$ 49,383.00	\$ 50.00	\$ 45,000.00	\$ 30.00	\$ 27,000.00
A.015	710, SP	Pavement Markings	1	LS	\$ 16,000.00	\$ 16,000.00	\$ 20,000.00	\$ 20,000.00	\$ 21,667.95	\$ 21,667.95	\$ 19,000.00	\$ 19,000.00	\$ 10,000.00	\$ 10,000.00
A.016	410, SP	Remove and Replace Exisitng 500mm CSP	107	m	\$ 500.00	\$ 53,500.00	\$ 400.00	\$ 42,800.00	\$ 525.00	\$ 56,175.00	\$ 365.00	\$ 39,055.00	\$ 700.00	\$ 74,900.00
A.017	410, SP	Install new 500mm CSP	16	m	\$ 450.00	\$ 7,200.00	\$ 375.00	\$ 6,000.00	\$ 525.97	\$ 8,415.52	\$ 350.00	\$ 5,600.00	\$ 700.00	\$ 11,200.00
A.018	206, SP	Ditching	775	m	\$ 20.00	\$ 15,500.00	\$ 25.00	\$ 19,375.00	\$ 8.71	\$ 6,750.25	\$ 42.00	\$ 32,550.00	\$ 25.00	\$ 19,375.00
Total Section A - Grading						\$ 1,496,621.00		\$ 1,853,821.00		\$ 1,691,212.80		\$ 1,712,151.00		\$ 1,440,892.00
Part 1 - Kings Highway Stage 2						\$ 1,496,621.00		\$ 1,853,821.00		\$ 1,691,212.80		\$ 1,712,151.00		\$ 1,440,892.00
PART 2 - SINCLAIR STREET (From Sta 2+000 To Sta 2+230) - DWG A1-364258-P17														
SECTION A - GRADING														
A.001	206, SP	Earth Excavation (Grading)	2,560	m ³ (P)	\$ 20.00	\$ 51,200.00	\$ 23.00	\$ 58,880.00	\$ 18.15	\$ 46,464.00	\$ 16.00	\$ 40,960.00	\$ 12.00	\$ 30,720.00
A.002	310, SP	Hot Mix HL4 Asphalt (Surface Course 60mm)	430	t	\$ 275.00	\$ 118,250.00	\$ 325.00	\$ 139,750.00	\$ 348.33	\$ 149,781.90	\$ 336.00	\$ 144,480.00	\$ 297.00	\$ 127,710.00
A.003	314, SP	Granular 'A' (150mm Depth)	1,250	t	\$ 28.00	\$ 35,000.00	\$ 40.00	\$ 50,000.00	\$ 37.24	\$ 46,550.00	\$ 32.00	\$ 40,000.00	\$ 27.00	\$ 33,750.00
A.004	314, SP	Granular 'B' (Type II) (600mm Depth)	4,800	t	\$ 26.00	\$ 124,800.00	\$ 34.00	\$ 163,200.00	\$ 30.77	\$ 147,696.00	\$ 31.00	\$ 148,800.00	\$ 25.00	\$ 120,000.00
A.005	510, SP	Removal of Asphalt Pavement (Full Depth)	2,927	m ² (P)	\$ 5.00	\$ 14,635.00	\$ 8.00	\$ 23,416.00	\$ 7.31	\$ 21,396.37	\$ 6.00	\$ 17,562.00	\$ 5.00	\$ 14,635.00
A.006	510, SP	Removal of Curb and Gutter	261	m(P)	\$ 20.00	\$ 5,220.00	\$ 20.00	\$ 5,220.00	\$ 9.25	\$ 2,414.25	\$ 22.00	\$ 5,742.00	\$ 15.00	\$ 3,915.00
A.007	353, SP	Curb and Gutter	261	m	\$ 200.00	\$ 52,200.00	\$ 355.00	\$ 92,655.00	\$ 265.38	\$ 69,264.18	\$ 295.00	\$ 76,995.00	\$ 225.00	\$ 58,725.00
A.008	510, SP	Remove Concrete Driveway	123	m ²	\$ 20.00	\$ 2,460.00	\$ 35.00	\$ 4,305.00	\$ 17.45	\$ 2,146.35	\$ 43.00	\$ 5,289.00	\$ 25.00	\$ 3,075.00
A.009	510, SP	Remove Concrete Sidewalk	74	m ²	\$ 20.00	\$ 1,480.00	\$ 35.00	\$ 2,590.00	\$ 18.35	\$ 1,357.90	\$ 43.00	\$ 3,182.00	\$ 25.00	\$ 1,850.00
A.010	351, SP	Concrete Driveway Aprons	120	m ²	\$ 200.00	\$ 24,000.00	\$ 355.00	\$ 42,600.00	\$ 201.78	\$ 24,213.60	\$ 217.00	\$ 26,040.00	\$ 180.00	\$ 21,600.00
A.011	310, SP	Concrete Sidewalk	74	m ²	\$ 200.00	\$ 14,800.00	\$ 300.00	\$ 22,200.00	\$ 194.61	\$ 14,401.14	\$ 194.00	\$ 14,356.00	\$ 190.00	\$ 14,060.00
A.012	710	Pavement Markings	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00	\$ 9,061.67	\$ 9,061.67	\$ 17,000.00	\$ 17,000.00	\$ 5,000.00	\$ 5,000.00
Part 2 - Total Section A - Grading						\$ 454,045.00		\$ 619,816.00		\$ 534,747.36		\$ 540,406.00		\$ 435,040.00

ENGINEER ESTIMATE							Bay City Contractors		Tom Veert Contracting		Makkinga Contracting		George Armstrong Company	
A. For those Tender Items identified by the notation (P) in the “Unit” column, measurement is by Plan Quantity. Tender items not identified by the notation (P) actual measurement for payment will be made in the stipulated Unit or Lump Sum as specified in the contract.														
ITEM NO.	OPS SPEC.	DESCRIPTION	EST. QTY	UNIT	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE
SECTION B - STORM SEWERS														
B.001	510, SP	Remove Existing Catchbasins	2	ea	\$ 1,000.00	\$ 2,000.00	\$ 500.00	\$ 1,000.00	\$ 1,562.77	\$ 3,125.54	\$ 1,500.00	\$ 3,000.00	\$ 1,000.00	\$ 2,000.00
B.002	510, SP	Remove Existing Catchbasin Leads	53	m	\$ 25.00	\$ 1,325.00	\$ 25.00	\$ 1,325.00	\$ 30.98	\$ 1,641.94	\$ 35.00	\$ 1,855.00	\$ 35.00	\$ 1,855.00
B.003	510, SP	Remove Existing Storm Sewer	9	m	\$ 35.00	\$ 315.00	\$ 25.00	\$ 225.00	\$ 149.09	\$ 1,341.81	\$ 38.00	\$ 342.00	\$ 50.00	\$ 450.00
B.004	510, SP	Reconnect Storm Sewer Various Sizes	2	ea	\$ 1,000.00	\$ 2,000.00	\$ 500.00	\$ 1,000.00	\$ 769.31	\$ 1,538.62	\$ 1,600.00	\$ 3,200.00	\$ 2,500.00	\$ 5,000.00
B.005	407, SP	Catchbasins	5	ea	\$ 4,000.00	\$ 20,000.00	\$ 4,500.00	\$ 22,500.00	\$ 8,806.82	\$ 44,034.10	\$ 6,000.00	\$ 30,000.00	\$ 6,500.00	\$ 32,500.00
B.006	407, SP	Storm Manholes	2	ea	\$ 10,000.00	\$ 20,000.00	\$ 13,000.00	\$ 26,000.00	\$ 14,304.89	\$ 28,609.78	\$ 12,000.00	\$ 24,000.00	\$ 15,000.00	\$ 30,000.00
B.007	410	Catchbasin Leads 250 mm (PVC SDR 35)	23	m	\$ 250.00	\$ 5,750.00	\$ 300.00	\$ 6,900.00	\$ 314.53	\$ 7,234.19	\$ 290.00	\$ 6,670.00	\$ 350.00	\$ 8,050.00
B.008	410	375 mm Storm Sewer	9	m	\$ 500.00	\$ 4,500.00	\$ 450.00	\$ 4,050.00	\$ 848.69	\$ 7,638.21	\$ 520.00	\$ 4,680.00	\$ 600.00	\$ 5,400.00
B.009	410	300 mm Storm Sewer	54	m	\$ 450.00	\$ 24,300.00	\$ 440.00	\$ 23,760.00	\$ 831.06	\$ 44,877.24	\$ 370.00	\$ 19,980.00	\$ 550.00	\$ 29,700.00
Part 2 - Total Section B - Storm Sewers								\$ 86,760.00		\$ 140,041.43		\$ 93,727.00		\$ 114,955.00
SECTION C - WATERMAIN														
C.001	441, SP	150mm PVC Watermain	270	m	\$ 450.00	\$ 121,500.00	\$ 550.00	\$ 148,500.00	\$ 688.59	\$ 185,919.30	\$ 345.00	\$ 93,150.00	\$ 575.00	\$ 155,250.00
C.002	441, SP	200mm PVC Watermain	7	m	\$ 500.00	\$ 3,500.00	\$ 590.00	\$ 4,130.00	\$ 856.50	\$ 5,995.50	\$ 480.00	\$ 3,360.00	\$ 850.00	\$ 5,950.00
C.003	441, SP	150 mm Water Valve and Box	4	ea	\$ 3,500.00	\$ 14,000.00	\$ 4,500.00	\$ 18,000.00	\$ 4,745.44	\$ 18,981.76	\$ 3,750.00	\$ 15,000.00	\$ 12,000.00	\$ 48,000.00
C.004	441, SP	200 mm Water Valve and Box	1	ea	\$ 4,000.00	\$ 4,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,168.87	\$ 6,168.87	\$ 4,820.00	\$ 4,820.00	\$ 20,000.00	\$ 20,000.00
C.005	441, SP	Connect to Existing Watermain	4	ea	\$ 3,500.00	\$ 14,000.00	\$ 2,500.00	\$ 10,000.00	\$ 4,529.93	\$ 18,119.72	\$ 3,790.00	\$ 15,160.00	\$ 4,000.00	\$ 16,000.00
C.006	441, SP	Remove Existing Hydrant Set	1	ea	\$ 1,000.00	\$ 1,000.00	\$ 2,500.00	\$ 2,500.00	\$ 1,924.85	\$ 1,924.85	\$ 1,000.00	\$ 1,000.00	\$ 5,000.00	\$ 5,000.00
C.007	441, SP	Install New Hydrant Set	2	ea	\$ 15,000.00	\$ 30,000.00	\$ 15,000.00	\$ 30,000.00	\$ 17,404.63	\$ 34,809.26	\$ 16,500.00	\$ 33,000.00	\$ 22,000.00	\$ 44,000.00
C.008	441, SP	Remove and Replace 19 mm Copper Water Service and Curb Stops to Property Line	1	ea	\$ 6,500.00	\$ 6,500.00	\$ 3,500.00	\$ 3,500.00	\$ 7,385.65	\$ 7,385.65	\$ 8,600.00	\$ 8,600.00	\$ 6,000.00	\$ 6,000.00
C.009	441, SP	Remove and Replace 150 mm PVC Water Service and 150mm valve to Property Line	2	ea	\$ 15,000.00	\$ 30,000.00	\$ 5,000.00	\$ 10,000.00	\$ 12,597.81	\$ 25,195.62	\$ 16,050.00	\$ 32,100.00	\$ 10,000.00	\$ 20,000.00
C.010	441, SP	Temporary Water Service	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 25,890.48	\$ 25,890.48	\$ 13,000.00	\$ 13,000.00	\$ 20,000.00	\$ 20,000.00
Part 2 - Total Section C - Watermain								\$ 242,630.00		\$ 330,391.01		\$ 219,190.00		\$ 340,200.00
SECTION D - Sanitary														
D.001	510, SP	Grout Existing Sanitary Sewer	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 25,216.62	\$ 25,216.62	\$ 20,500.00	\$ 20,500.00	\$ 10,000.00	\$ 10,000.00
D.002	510, SP	Remove Existing Sanitary Manhole	2	ea	\$ 1,500.00	\$ 3,000.00	\$ 1,750.00	\$ 3,500.00	\$ 4,476.12	\$ 8,952.24	\$ 1,000.00	\$ 2,000.00	\$ 2,500.00	\$ 5,000.00
D.003	410, SP	250 mm PVC SDR Sanitary Sewer	141	m	\$ 380.00	\$ 53,580.00	\$ 795.00	\$ 112,095.00	\$ 1,093.78	\$ 154,222.98	\$ 385.00	\$ 54,285.00	\$ 800.00	\$ 112,800.00
D.004	410, SP	Remove and Replace Existing 150 mm Sanitary Services	2	ea	\$ 5,000.00	\$ 10,000.00	\$ 3,500.00	\$ 7,000.00	\$ 5,652.50	\$ 11,305.00	\$ 6,750.00	\$ 13,500.00	\$ 6,500.00	\$ 13,000.00
D.005	407, SP	Sanitary Manholes	2	ea	\$ 12,000.00	\$ 24,000.00	\$ 15,000.00	\$ 30,000.00	\$ 17,991.72	\$ 35,983.44	\$ 16,500.00	\$ 33,000.00	\$ 18,000.00	\$ 36,000.00
D.006	410, SP	Temporary Sewer Service	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00	\$ 6,027.30	\$ 6,027.30	\$ 21,400.00	\$ 21,400.00	\$ 25,000.00	\$ 25,000.00
D.007	409, SP	CCTV Inspection of Sanitary Sewer Mainline	141	m	\$ 25.00	\$ 3,525.00	\$ 30.00	\$ 4,230.00	\$ 53.91	\$ 7,601.31	\$ 38.00	\$ 5,358.00	\$ 30.00	\$ 4,230.00
D.008	SP	Sanitary Sewer Bedding Upgrade (Crushed Stone) *	141	m	\$ 20.00	\$ 2,820.00	\$ 25.00	\$ 3,525.00	\$ 61.88	\$ 8,725.08	\$ 60.00	\$ 8,460.00	\$ 45.00	\$ 6,345.00
Part 2 - Total Section D - Sanitary								\$ 172,850.00		\$ 258,033.97		\$ 158,503.00		\$ 212,375.00
PART 2 - TOTAL SINCLAIR AVENUE								\$ 1,122,056.00		\$ 1,263,213.77		\$ 1,011,826.00		\$ 1,102,570.00

ENGINEER ESTIMATE							Bay City Contractors		Tom Veert Contracting		Makkinga Contracting		George Armstrong Company	
A. For those Tender Items identified by the notation (P) in the “Unit” column, measurement is by Plan Quantity. Tender items not identified by the notation (P) actual measurement for payment will be made in the stipulated Unit or Lump Sum as specified in the contract.							UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE
ITEM NO.	OPS SPEC.	DESCRIPTION	EST. QTY	UNIT	UNIT BID PRICE	TOTAL BID PRICE								
PART 3 - GENERAL ITEMS														
G.001	SP	Bonds & Insurance	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 75,000.00	\$ 75,000.00	\$ 48,653.36	\$ 48,653.36	\$ 40,000.00	\$ 40,000.00	\$ 50,000.00	\$ 50,000.00
G.002	SP	Mobilization & Demobilization	1	LS	\$ 100,000.00	\$ 100,000.00	\$ 275,000.00	\$ 275,000.00	\$ 9,357.34	\$ 9,357.34	\$ 175,000.00	\$ 175,000.00	\$ 100,000.00	\$ 100,000.00
G.003	Section 01000	Consultant Site Office	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 6,213.72	\$ 6,213.72	\$ 5,500.00	\$ 5,500.00	\$ 3,500.00	\$ 3,500.00
G.004	SP	Contingency Allowance	1	LS	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
PART 3 - TOTAL GENERAL						\$ 310,000.00		\$ 510,000.00		\$ 214,224.42		\$ 370,500.00		\$ 303,500.00
SUMMARY OF TENDER PRICES														
Part 1 - Kings Highway Stage 2						\$ 1,496,621.00		\$ 1,853,821.00		\$ 1,691,212.80		\$ 1,712,151.00		\$ 1,440,892.00
Part 2 - Sinclair Avenue						\$ 870,660.00		\$ 1,122,056.00		\$ 1,263,213.77		\$ 1,011,826.00		\$ 1,102,570.00
Part 3 - General Items						\$ 310,000.00		\$ 510,000.00		\$ 214,224.42		\$ 370,500.00		\$ 303,500.00
SUB-TOTAL TENDER PRICE						\$ 2,677,281.00		\$ 3,485,877.00		\$ 3,168,650.99		\$ 3,094,477.00		\$ 2,846,962.00
13% HST						\$ 348,046.53		\$ 453,164.01		\$ 411,924.63		\$ 402,282.01		\$ 370,105.06
TOTAL TENDER PRICE						\$ 3,025,327.53		\$ 3,939,041.01		\$ 3,580,575.62		\$ 3,496,759.01		\$ 3,217,067.06

* Provisional Tender Items - Tender Items identified as Provisional may be deleted prior to/after Contract Award without affecting any other Tender Item prices, and without penalty or recourse.

Spreadsheet 2 - Council Summary

	Description	Armstrong Low Bid	Portion of General*	Engineering (10%)	Total + Town's	Grant Funds (Connecting Link)	Grant Funds (ICIP Green)	Town's Portion Costs	2022 Capital Budget	Budget Shortfall/(Surplus)	Town %	Grant %
Kings Highway	Grading	\$1,211,692.00	\$145,704.49	\$135,739.65	\$1,519,415.34	\$1,367,473.80		\$151,941.53	\$100,635.00	\$ 51,306.53	10%	90%
	Storm Sewer	\$19,375.00	\$2,311.93	\$2,168.69	\$24,275.48	\$21,847.94		\$2,427.55	\$86,000.00	\$ (83,572.45)	10%	90%
	Subtotal	\$1,231,067.00	\$148,016.42	\$137,908.34	\$1,543,690.82	\$1,389,321.74		\$154,369.08	\$186,635.00	\$ (32,265.92)		
Sinclair Street	Grading	\$435,040.00	\$51,911.39	\$48,695.14	\$545,073.90		\$457,862.08	\$87,211.82	\$79,283.48	\$ 7,928.34	16%	84%
	Storm Sewer	\$114,955.00	\$13,717.07	\$12,867.21	\$144,030.37		\$0.00	\$144,030.37	\$54,149.52	\$ 89,880.85	100%	0%
	Watermain	\$340,200.00	\$40,594.55	\$38,079.46	\$426,246.19		\$358,046.80	\$68,199.39	\$72,105.00	\$ (3,905.61)	16%	84%
	Sanitary	\$212,375.00	\$25,341.76	\$23,771.68	\$266,090.64		\$0.00	\$266,090.64	\$322,516.00	\$ (56,425.36)	100%	0%
	Subtotal	\$1,102,570.00	\$131,564.77	\$123,413.48	\$1,381,441.10		\$815,908.88	\$565,532.22	\$528,054.00	\$ 37,478.22		

TOTAL 2022 PROGRAM

* General includes bonds, insurance, mob/demob and \$150,000.00 contingency allowance.



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 Thunder Bay, Ontario, Canada P7B 0E2
 Tel: +1 (807) 623 3449 Fax: +1 (807) 623 5925 www.hatch.com

May 19, 2022

364258-P

Town of Fort Frances
 320 Portage Avenue
 Fort Frances, Ontario
 P9A 3P9

Attention: Travis Rob, P.Eng.

Re: Kings Highway & Sinclair Street Reconstruction
Tender No.22-OF-09
Tender Recommendation

Tenders for the above project were received by the Town of Fort Frances on or before 2:00 pm (CDT) on Tuesday, May 17th, 2022. Four (4) tenders were received, and are listed below in ascending order:

<u>Tenderer</u>	<u>Tender Price</u>
1) George Armstrong Co Ltd (GACL)	\$3,217,067.06
2) Makkinga Contractors (MC)	\$3,496,759.01
3) Tom Veert Contracting Limited (TVCL)	\$3,580,575.62
4) Bay City Contractors (BCC)	\$3,939,041.01

The tender prices above include H.S.T.

The Tenders were checked arithmetically and were all found to be correct.

TENDER IRREGULARITIES

A review of the tenders was undertaken. The four (4) tenderers submitted a Bid Bond in the amount of 10% of the Tender Price, an Agreement to Bond and/or Consent of Surety and acknowledged the receipt of the one (1) Addendum that was issued. All tenderers included completed Forms A, B, C, D, and E of the Tender documents.

REVIEW OF TENDER PRICES

A review of the tender prices submitted by the tenderers was undertaken. GACL's tender pricing was very comparable to the other three tenders, however, they were slightly lower for

358405, Rev. A



Town of Fort Frances
2019 Road Reconstruction – Contract No.19-OF-03
Tender Recommendation
May 9, 2019

the King's Highway Portion of the project, specifically the Earth Excavation, granular items and curb and gutter.

The engineers estimate for this project was approximately 6% lower than the lowest submitted tender and the lowest bidder was approximately 8% lower than the next lowest bidder. The low tenderer has indicated they are comfortable with the price submitted.

LOW TENDERER'S QUALIFICATIONS

GACL is an experienced road and sewer contractor and has completed numerous projects for the Town of Fort Frances in the recent past (reference the Tendering Supplements, Form A, Tenderer's Experience in Similar Work for a summary of recent similar projects).

GACL is proposing to carry out the majority of the work with their own forces which includes all the excavation and grading and pipe works. GACL will be using the following sub-contractors:

- Pioneer Construction – Asphalt
- NST – Concrete works

PROPOSED PROJECT SCHEDULE

This Contract includes a completion date of December 2, 2022 for all work, with surface paving for the King's Highway portion to be completed in the 2023 construction season and by June 30, 2023.

GACL has indicated that they will be able to begin work immediately upon receiving written authorization to proceed. GACL estimates the full allotted construction periods to complete all works. They will have dedicated crews working onsite throughout the contract in order to complete the work within the Contract timeframes.

RECOMMENDATION

We therefore recommend that the Contract be awarded to George Armstrong Co Ltd. in the amount of \$3,217,067.06 (including H.S.T). This amount includes a contingency amount of \$150,000 that will not be spent without authorization from the Town of Fort Frances.



Town of Fort Frances
2019 Road Reconstruction – Contract No.19-OF-03
Tender Recommendation
May 9, 2019

With this report we are enclosing a spreadsheet showing a comparison of the tender prices and the engineer's estimate.

Yours very truly,

A handwritten signature in blue ink, appearing to read "C McCallum".

Chris McCallum, P. Eng.
Project Engineer
Encl.

					Engineers Estimate		George Armstrong Co Ltd		Bay City Contractors		Makkinga Contractors		Tom Veert Contracting Limited	
ITEM NO.	OPS SPEC.	DESCRIPTION	EST. QTY	UNIT	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE
PART 1 - KINGS HIGHWAY (from Oakwood Rd to Pit Road #2)														
Section A - Grading														
A.001	206, SP	Earth Excavation (Grading)	6,547	m ³ (P)	\$ 18.00	\$ 117,846.00	\$ 9.00	\$ 58,923.00	\$ 23.00	\$ 150,581.00	\$ 16.00	\$ 104,752.00	\$ 13.11	\$ 85,831.17
A.002	310, SP	Hot Mix Asphalt (70mm Binder Course)	1,068	t	\$ 285.00	\$ 304,380.00	\$ 283.00	\$ 302,244.00	\$ 310.00	\$ 331,080.00	\$ 321.00	\$ 342,828.00	\$ 331.97	\$ 354,543.96
A.003	310, SP	Hot Mix Asphalt (50mm Surface Course)	763	t	\$ 265.00	\$ 202,195.00	\$ 275.00	\$ 209,825.00	\$ 302.00	\$ 230,426.00	\$ 302.00	\$ 230,426.00	\$ 324.54	\$ 247,624.02
A.004	314, SP	Granular 'A' Roadway (200mm)	3,665	t	\$ 28.00	\$ 102,620.00	\$ 25.00	\$ 91,625.00	\$ 38.00	\$ 139,270.00	\$ 31.00	\$ 113,615.00	\$ 33.51	\$ 122,814.15
A.005	314, SP	Granular 'A' Entrances (100mm)	43	t	\$ 25.00	\$ 1,075.00	\$ 25.00	\$ 1,075.00	\$ 42.00	\$ 1,806.00	\$ 31.00	\$ 1,333.00	\$ 45.49	\$ 1,956.07
A.006	314, SP	Granular 'B' Type II Roadway	11,575	t	\$ 26.00	\$ 300,950.00	\$ 24.00	\$ 277,800.00	\$ 34.00	\$ 393,550.00	\$ 29.00	\$ 335,675.00	\$ 29.50	\$ 341,462.50
A.007	510, SP	Removal of Asphalt Pavement (Full Depth)	3,601	m ² (P)	\$ 5.00	\$ 18,005.00	\$ 5.00	\$ 18,005.00	\$ 8.00	\$ 28,808.00	\$ 7.00	\$ 25,207.00	\$ 6.72	\$ 24,198.72
A.008	353, SP	Curb and Gutter	881	m	\$ 200.00	\$ 176,200.00	\$ 220.00	\$ 193,820.00	\$ 275.00	\$ 242,275.00	\$ 265.00	\$ 233,465.00	\$ 258.90	\$ 228,090.90
A.009	351, SP	Concrete Driveway Aprons	155	m2	\$ 200.00	\$ 31,000.00	\$ 195.00	\$ 30,225.00	\$ 250.00	\$ 38,750.00	\$ 234.00	\$ 36,270.00	\$ 213.60	\$ 33,108.00
A.010	Section 02930	100 mm Topsoil and Sod	1,545	m ²	\$ 20.00	\$ 30,900.00	\$ 30.00	\$ 46,350.00	\$ 30.00	\$ 46,350.00	\$ 25.00	\$ 38,625.00	\$ 28.87	\$ 44,604.15
A.011	510, SP	Removal of Existing Boulevard Trees	10	ea	\$ 1,000.00	\$ 10,000.00	\$ 200.00	\$ 2,000.00	\$ 1,000.00	\$ 10,000.00	\$ 350.00	\$ 3,500.00	\$ 573.99	\$ 5,739.90
A.012	SP	Relocation of Existing Signage	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 150.00	\$ 150.00	\$ 5,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,907.54	\$ 4,907.54
A.013	1860,SP	Geogrid	6,000	m2	\$ 8.00	\$ 48,000.00	\$ 6.00	\$ 36,000.00	\$ 7.00	\$ 42,000.00	\$ 9.00	\$ 54,000.00	\$ 6.02	\$ 36,120.00
A.014	1860,SP	Geotextile	6,750	m2	\$ 5.00	\$ 33,750.00	\$ 4.50	\$ 30,375.00	\$ 7.00	\$ 47,250.00	\$ 7.00	\$ 47,250.00	\$ 2.64	\$ 17,820.00
A.015	405	Subdrain	900	m	\$ 25.00	\$ 22,500.00	\$ 30.00	\$ 27,000.00	\$ 65.00	\$ 58,500.00	\$ 50.00	\$ 45,000.00	\$ 54.87	\$ 49,383.00
A.015	710, SP	Pavement Markings	1	LS	\$ 16,000.00	\$ 16,000.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00	\$ 19,000.00	\$ 19,000.00	\$ 21,667.95	\$ 21,667.95
A.016	410, SP	Remove and Replace Exisitng 500mm CSP	107	m	\$ 500.00	\$ 53,500.00	\$ 700.00	\$ 74,900.00	\$ 400.00	\$ 42,800.00	\$ 365.00	\$ 39,055.00	\$ 525.00	\$ 56,175.00
A.017	410, SP	Install new 500mm CSP	16	m	\$ 450.00	\$ 7,200.00	\$ 700.00	\$ 11,200.00	\$ 375.00	\$ 6,000.00	\$ 350.00	\$ 5,600.00	\$ 525.97	\$ 8,415.52
A.018	206, SP	Ditching	775	m	\$ 20.00	\$ 15,500.00	\$ 25.00	\$ 19,375.00	\$ 25.00	\$ 19,375.00	\$ 42.00	\$ 32,550.00	\$ 8.71	\$ 6,750.25
Total Section A - Grading						\$ 1,496,621.00		\$ 1,440,892.00		\$ 1,853,821.00		\$ 1,712,151.00		\$ 1,691,212.80
Part 1 - Kings Highway Stage 2						\$ 1,496,621.00		\$ 1,440,892.00		\$ 1,853,821.00		\$ 1,712,151.00		\$ 1,691,212.80
PART 2 - SINCLAIR STREET (From Sta 2+000 To Sta 2+230) - DWG A1-364258-P17														
SECTION A - GRADING														
A.001	206, SP	Earth Excavation (Grading)	2,560	m ³ (P)	\$ 20.00	\$ 51,200.00	\$ 12.00	\$ 30,720.00	\$ 23.00	\$ 58,880.00	\$ 16.00	\$ 40,960.00	\$ 18.15	\$ 46,464.00
A.002	310, SP	Hot Mix HL4 Asphalt (Surface Course 60mm)	430	t	\$ 275.00	\$ 118,250.00	\$ 297.00	\$ 127,710.00	\$ 325.00	\$ 139,750.00	\$ 336.00	\$ 144,480.00	\$ 348.33	\$ 149,781.90
A.003	314, SP	Granular 'A' (150mm Depth)	1,250	t	\$ 28.00	\$ 35,000.00	\$ 27.00	\$ 33,750.00	\$ 40.00	\$ 50,000.00	\$ 32.00	\$ 40,000.00	\$ 37.24	\$ 46,550.00
A.004	314, SP	Granular 'B' (Type II) (600mm Depth)	4,800	t	\$ 26.00	\$ 124,800.00	\$ 25.00	\$ 120,000.00	\$ 34.00	\$ 163,200.00	\$ 31.00	\$ 148,800.00	\$ 30.77	\$ 147,696.00
A.005	510, SP	Removal of Asphalt Pavement (Full Depth)	2,927	m ² (P)	\$ 5.00	\$ 14,635.00	\$ 5.00	\$ 14,635.00	\$ 8.00	\$ 23,416.00	\$ 6.00	\$ 17,562.00	\$ 7.31	\$ 21,396.37
A.006	510, SP	Removal of Curb and Gutter	261	m(P)	\$ 20.00	\$ 5,220.00	\$ 15.00	\$ 3,915.00	\$ 20.00	\$ 5,220.00	\$ 22.00	\$ 5,742.00	\$ 9.25	\$ 2,414.25
A.007	353, SP	Curb and Gutter	261	m	\$ 200.00	\$ 52,200.00	\$ 225.00	\$ 58,725.00	\$ 355.00	\$ 92,655.00	\$ 295.00	\$ 76,995.00	\$ 265.38	\$ 69,264.18
A.008	510, SP	Remove Concrete Driveway	123	m ²	\$ 20.00	\$ 2,460.00	\$ 25.00	\$ 3,075.00	\$ 35.00	\$ 4,305.00	\$ 43.00	\$ 5,289.00	\$ 17.45	\$ 2,146.35
A.009	510, SP	Remove Concrete Sidewalk	74	m ²	\$ 20.00	\$ 1,480.00	\$ 25.00	\$ 1,850.00	\$ 35.00	\$ 2,590.00	\$ 43.00	\$ 3,182.00	\$ 18.35	\$ 1,357.90
A.010	351, SP	Concrete Driveway Aprons	120	m ²	\$ 200.00	\$ 24,000.00	\$ 180.00	\$ 21,600.00	\$ 355.00	\$ 42,600.00	\$ 217.00	\$ 26,040.00	\$ 201.78	\$ 24,213.60
A.011	310, SP	Concrete Sidewalk	74	m ²	\$ 200.00	\$ 14,800.00	\$ 190.00	\$ 14,060.00	\$ 300.00	\$ 22,200.00	\$ 194.00	\$ 14,356.00	\$ 194.61	\$ 14,401.14
A.012	710	Pavement Markings	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 15,000.00	\$ 15,000.00	\$ 17,000.00	\$ 17,000.00	\$ 9,061.67	\$ 9,061.67
Part 2 - Total Section A - Grading						\$ 454,045.00		\$ 435,040.00		\$ 619,816.00		\$ 540,406.00		\$ 534,747.36

ITEM NO.	OPS SPEC.	DESCRIPTION	EST. QTY	UNIT	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE
SECTION B - STORM SEWERS														
B.001	510, SP	Remove Existing Catchbasins	2	ea	\$ 1,000.00	\$ 2,000.00	\$ 1,000.00	\$ 2,000.00	\$ 500.00	\$ 1,000.00	\$ 1,500.00	\$ 3,000.00	\$ 1,562.77	\$ 3,125.54
B.002	510, SP	Remove Existing Catchbasin Leads	53	m	\$ 25.00	\$ 1,325.00	\$ 35.00	\$ 1,855.00	\$ 25.00	\$ 1,325.00	\$ 35.00	\$ 1,855.00	\$ 30.98	\$ 1,641.94
B.003	510, SP	Remove Existing Storm Sewer	9	m	\$ 35.00	\$ 315.00	\$ 50.00	\$ 450.00	\$ 25.00	\$ 225.00	\$ 38.00	\$ 342.00	\$ 149.09	\$ 1,341.81
B.004	510, SP	Reconnect Storm Sewer Various Sizes	2	ea	\$ 1,000.00	\$ 2,000.00	\$ 2,500.00	\$ 5,000.00	\$ 500.00	\$ 1,000.00	\$ 1,600.00	\$ 3,200.00	\$ 769.31	\$ 1,538.62
B.005	407, SP	Catchbasins	5	ea	\$ 4,000.00	\$ 20,000.00	\$ 6,500.00	\$ 32,500.00	\$ 4,500.00	\$ 22,500.00	\$ 6,000.00	\$ 30,000.00	\$ 8,806.82	\$ 44,034.10
B.006	407, SP	Storm Manholes	2	ea	\$ 10,000.00	\$ 20,000.00	\$ 15,000.00	\$ 30,000.00	\$ 13,000.00	\$ 26,000.00	\$ 12,000.00	\$ 24,000.00	\$ 14,304.89	\$ 28,609.78
B.007	410	Catchbasin Leads 250 mm (PVC SDR 35)	23	m	\$ 250.00	\$ 5,750.00	\$ 350.00	\$ 8,050.00	\$ 300.00	\$ 6,900.00	\$ 290.00	\$ 6,670.00	\$ 314.53	\$ 7,234.19
B.008	410	375 mm Storm Sewer	9	m	\$ 500.00	\$ 4,500.00	\$ 600.00	\$ 5,400.00	\$ 450.00	\$ 4,050.00	\$ 520.00	\$ 4,680.00	\$ 848.69	\$ 7,638.21
B.009	410	300 mm Storm Sewer	54	m	\$ 450.00	\$ 24,300.00	\$ 550.00	\$ 29,700.00	\$ 440.00	\$ 23,760.00	\$ 370.00	\$ 19,980.00	\$ 831.06	\$ 44,877.24
Part 2 - Total Section B - Storm Sewers						\$ 80,190.00		\$ 114,955.00		\$ 86,760.00		\$ 93,727.00		\$ 140,041.43
SECTION C - WATERMAIN														
C.001	441, SP	150mm PVC Watermain	270	m	\$ 450.00	\$ 121,500.00	\$ 575.00	\$ 155,250.00	\$ 550.00	\$ 148,500.00	\$ 345.00	\$ 93,150.00	\$ 688.59	\$ 185,919.30
C.002	441, SP	200mm PVC Watermain	7	m	\$ 500.00	\$ 3,500.00	\$ 850.00	\$ 5,950.00	\$ 590.00	\$ 4,130.00	\$ 480.00	\$ 3,360.00	\$ 856.50	\$ 5,995.50
C.003	441, SP	150 mm Water Valve and Box	4	ea	\$ 3,500.00	\$ 14,000.00	\$ 12,000.00	\$ 48,000.00	\$ 4,500.00	\$ 18,000.00	\$ 3,750.00	\$ 15,000.00	\$ 4,745.44	\$ 18,981.76
C.004	441, SP	200 mm Water Valve and Box	1	ea	\$ 4,000.00	\$ 4,000.00	\$ 20,000.00	\$ 20,000.00	\$ 6,000.00	\$ 6,000.00	\$ 4,820.00	\$ 4,820.00	\$ 6,168.87	\$ 6,168.87
C.005	441, SP	Connect to Existing Watermain	4	ea	\$ 3,500.00	\$ 14,000.00	\$ 4,000.00	\$ 16,000.00	\$ 2,500.00	\$ 10,000.00	\$ 3,790.00	\$ 15,160.00	\$ 4,529.93	\$ 18,119.72
C.006	441, SP	Remove Existing Hydrant Set	1	ea	\$ 1,000.00	\$ 1,000.00	\$ 5,000.00	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00	\$ 1,000.00	\$ 1,000.00	\$ 1,924.85	\$ 1,924.85
C.007	441, SP	Install New Hydrant Set	2	ea	\$ 15,000.00	\$ 30,000.00	\$ 22,000.00	\$ 44,000.00	\$ 15,000.00	\$ 30,000.00	\$ 16,500.00	\$ 33,000.00	\$ 17,404.63	\$ 34,809.26
C.008	441, SP	Remove and Replace 19 mm Copper Water Service and Curb Stops to Property Line	1	ea	\$ 6,500.00	\$ 6,500.00	\$ 6,000.00	\$ 6,000.00	\$ 3,500.00	\$ 3,500.00	\$ 8,600.00	\$ 8,600.00	\$ 7,385.65	\$ 7,385.65
C.009	441, SP	Remove and Replace 150 mm PVC Water Service and 150mm valve to Property Line	2	ea	\$ 15,000.00	\$ 30,000.00	\$ 10,000.00	\$ 20,000.00	\$ 5,000.00	\$ 10,000.00	\$ 16,050.00	\$ 32,100.00	\$ 12,597.81	\$ 25,195.62
C.010	441, SP	Temporary Water Service	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00	\$ 10,000.00	\$ 10,000.00	\$ 13,000.00	\$ 13,000.00	\$ 25,890.48	\$ 25,890.48
Part 2 - Total Section C - Watermain						\$ 229,500.00		\$ 340,200.00		\$ 242,630.00		\$ 219,190.00		\$ 330,391.01
SECTION D - Sanitary														
D.001	510, SP	Grout Existing Sanitary Sewer	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 20,500.00	\$ 20,500.00	\$ 25,216.62	\$ 25,216.62
D.002	510, SP	Remove Existing Sanitary Manhole	2	ea	\$ 1,500.00	\$ 3,000.00	\$ 2,500.00	\$ 5,000.00	\$ 1,750.00	\$ 3,500.00	\$ 1,000.00	\$ 2,000.00	\$ 4,476.12	\$ 8,952.24
D.003	410, SP	250 mm PVC SDR Sanitary Sewer	141	m	\$ 380.00	\$ 53,580.00	\$ 800.00	\$ 112,800.00	\$ 795.00	\$ 112,095.00	\$ 385.00	\$ 54,285.00	\$ 1,093.78	\$ 154,222.98
D.004	410, SP	Remove and Replace Existing 150 mm Sanitary Services	2	ea	\$ 5,000.00	\$ 10,000.00	\$ 6,500.00	\$ 13,000.00	\$ 3,500.00	\$ 7,000.00	\$ 6,750.00	\$ 13,500.00	\$ 5,652.50	\$ 11,305.00
D.005	407, SP	Sanitary Manholes	2	ea	\$ 12,000.00	\$ 24,000.00	\$ 18,000.00	\$ 36,000.00	\$ 15,000.00	\$ 30,000.00	\$ 16,500.00	\$ 33,000.00	\$ 17,991.72	\$ 35,983.44
D.006	410, SP	Temporary Sewer Service	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 25,000.00	\$ 25,000.00	\$ 2,500.00	\$ 2,500.00	\$ 21,400.00	\$ 21,400.00	\$ 6,027.30	\$ 6,027.30
D.007	409, SP	CCTV Inspection of Sanitary Sewer Mainline	141	m	\$ 25.00	\$ 3,525.00	\$ 30.00	\$ 4,230.00	\$ 30.00	\$ 4,230.00	\$ 38.00	\$ 5,358.00	\$ 53.91	\$ 7,601.31
D.008	SP	Sanitary Sewer Bedding Upgrade (Crushed Stone) *	141	m	\$ 20.00	\$ 2,820.00	\$ 45.00	\$ 6,345.00	\$ 25.00	\$ 3,525.00	\$ 60.00	\$ 8,460.00	\$ 61.88	\$ 8,725.08
Part 2 - Total Section D - Sanitary						\$ 106,925.00		\$ 212,375.00		\$ 172,850.00		\$ 158,503.00		\$ 258,033.97
PART 2 - TOTAL SINCLAIR AVENUE						\$ 870,660.00		\$ 1,102,570.00		\$ 1,122,056.00		\$ 1,011,826.00		\$ 1,263,213.77

ITEM NO.	OPS SPEC.	DESCRIPTION	EST. QTY	UNIT	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE
PART 3 - GENERAL ITEMS														
G.001	SP	Bonds & Insurance	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 75,000.00	\$ 75,000.00	\$ 40,000.00	\$ 40,000.00	\$ 48,653.36	\$ 48,653.36
G.002	SP	Mobilization & Demobilization	1	LS	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 275,000.00	\$ 275,000.00	\$ 175,000.00	\$ 175,000.00	\$ 9,357.34	\$ 9,357.34
G.003	Section 01000	Consultant Site Office	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 3,500.00	\$ 3,500.00	\$ 10,000.00	\$ 10,000.00	\$ 5,500.00	\$ 5,500.00	\$ 6,213.72	\$ 6,213.72
G.004	SP	Contingency Allowance	1	LS	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
PART 3 - TOTAL GENERAL						\$ 310,000.00		\$ 303,500.00		\$ 510,000.00		\$ 370,500.00		\$ 214,224.42
SUMMARY OF TENDER PRICES														
Part 1 - Kings Highway Stage 2						\$ 1,496,621.00		\$ 1,440,892.00		\$ 1,853,821.00		\$ 1,712,151.00		\$ 1,691,212.80
Part 2 - Sinclair Avenue						\$ 870,660.00		\$ 1,102,570.00		\$ 1,122,056.00		\$ 1,011,826.00		\$ 1,263,213.77
Part 3 - General Items						\$ 310,000.00		\$ 303,500.00		\$ 510,000.00		\$ 370,500.00		\$ 214,224.42
SUB-TOTAL TENDER PRICE						\$ 2,677,281.00		\$ 2,846,962.00		\$ 3,485,877.00		\$ 3,094,477.00		\$ 3,168,650.99
13% HST						\$ 348,046.53		\$ 370,105.06		\$ 453,164.01		\$ 402,282.01		\$ 411,924.63
TOTAL TENDER PRICE						\$ 3,025,327.53		\$ 3,217,067.06		\$ 3,939,041.01		\$ 3,496,759.01		\$ 3,580,575.62

* Provisional Tender Items - Tender Items identified as Provisional may be deleted prior to/after Contract Award without affecting any other Tender Item prices, and without penalty or recourse.

**THE CORPORATION OF TOWN OF FORT FRANCES
BY-LAW NO. 03/14 – AA**

(Being a By-Law to amend Zoning By-Law #03/14, as amended – 1037 Third Street East)

WHEREAS Ann Roisin, Estate Trustee for the Estate of Alfred Albert Roisin a.k.a. Fred Roisin is the registered and beneficial owner (the “Owner”) of the property (the “Property”) municipally known as 1037 Third Street East, Fort Frances, Ontario, and legally described as PCL 157-1 SEC SM50; LT 157 PL SM50 MCIRVINE; FORT FRANCES.

AND WHEREAS the Owner appointed Kevin W. Brothers (the “Agent”) to act as the Agent for the rezoning application.

AND WHEREAS the Property’s current zoning is Institutional (I).

AND WHEREAS the Agent has, submitted an application (the “Application”) to amend the Zoning By-Law 03/14, as amended (the “Zoning By-Law”) to add a duplex dwelling as a site-specific permitted use on the Property, while retaining the existing Residential Type One (R1) zoning designation.

AND WHEREAS the Municipality deems it desirable to amend the Zoning By-Law to add a duplex dwelling as a site-specific permitted use on the Property, while retaining the existing Residential Type One (R1) zoning designation.

AND WHEREAS in accordance with Section 34(12) of the Planning Act, a Public Meeting was held on Monday April 11, 2022 to consider the subject Zoning By-Law Amendment, with adequate notice provided to the public according to Ontario Regulation 545/06 and Section 34(14.1) of the Planning Act on March 10, 2022.

AND WHEREAS at its meeting held Monday May 9, 2022, Council approved the report of the Municipal Planner, supported by recommendations from the Planning and Development Executive Committee and the Committee of Adjustment, that the application be approved.

NOW THEREFORE the Council of the Corporation of the Town of Fort Frances **HEREBY ENACTS** as follows:

1. That the Town of Fort Frances Zoning By-Law 03/14 be amended to add a duplex dwelling as a site-specific permitted use on the Property, subject to the R1 zone provisions and while retaining the existing Residential Type One zoning designation.
2. That this By-Law shall come into force and take effect upon the final passing thereof as provided in The Planning Act c. 13, R.S.O. 1990, as amended, and thereupon shall be effective from the date of its passing.

ENACTED and PASSED this 24th day of May 2022

J.Caul, Mayor

G. Lecuyer, Clerk

THE CORPORATION OF THE TOWN OF FORT FRANCES
BY-LAW XX/22

(Being a by law to authorize the execution of an agreement with Bell Canada re: Next Generation 9-1-1 Service Agreement).

WHEREAS *the Municipal Act, 2001, c. 25 as amended, Section 9*, grants a municipality the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under the Act or any other Act;

AND WHEREAS *Section 10 (1) of the Municipal Act, 2001, c. 25 as amended*, authorizes a single-tier municipality to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS on May 9, 2022 Council received a report from the Fire Chief based on the recommendation of the Administrative and Finance Executive Committee to enter into an agreement with Bell Canada for 9-1-1 Services.;

AND WHEREAS The Council of the Corporation of the Town of Fort Frances deems it advisable to enter into an Agreement with Bell Canada.

NOW THEREFORE be it resolved that council of the Corporation of the Town of Fort Frances **HEREBY ENACTS** as follows:

1. **THAT** the Mayor and the Clerk be authorized on behalf of the Town, to execute, and to affix the Corporate Seal of the Town, to the agreement with Bell Canada in the form of Schedule “A” attached to and forming part of this By-Law
2. **THAT** this By-law shall come into force and take effect upon the final passing thereof.

Enacted and **passed** this 24th day of May 2022.

J. Caul, Mayor

G. Lecuyer Clerk

NEXT GENERATION 9-1-1 AUTHORITY SERVICE AGREEMENT

This Agreement is between

[INSERT 9-1-1 AUTHORITY NAME], a municipality, local service board, first nation, province or other authorized signing authority located at **[INSERT ADDRESS]** (the "**9-1-1 Authority**")

AND

BELL CANADA, a company incorporated under the laws of Canada, and located at 1 carrefour Alexander Graham Bell, Building A7, Verdun, Quebec H3E 3B3 ("**Bell**")

WHEREAS Next Generation 9-1-1 Service (as defined below) is a service that replaces Enhanced 9-1-1 ("**E9-1-1**") service and is based on Internet Protocol (IP) technologies and supports 9-1-1 Calls natively IP end-to-end;

AND WHEREAS the Canadian Radio-television and Telecommunications Commission ("**CRTC**") determined in Telecom Decision CRTC 2015-531 that Canada's NG9-1-1 system should use the National Emergency Number Association standard ("**NENA i3**") as the baseline reference architecture;

AND WHEREAS in June 2017, the CRTC rendered Telecom Regulatory Policy CRTC 2017-182, which, among other things, directed all Incumbent Local Exchange Carriers ("**ILEC**") to establish Next Generation 9-1-1 networks by 9-1-1 network service providers;

AND WHEREAS Bell operates and manages a Next Generation 9-1-1 System serving the provinces where it is the ILEC and where requested by a Small Incumbent Local Exchange Carrier ("**SILEC**") to operate as the SILEC's NG9-1-1 network provider, including in the territory in which the 9-1-1 Authority operates.

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. DEFINITIONS

In this Agreement, in addition to those terms which are parenthetically defined, capitalized terms shall have the meanings ascribed to them in Schedule "A" (Definitions).

2. SCOPE OF AGREEMENT

- (a) **Agreement:** The 9-1-1 Authority requests and Bell will provide to the 9-1-1 Authority the Next Generation 9-1-1 services (the "**NG9-1-1 Service**") described below and in the schedules attached to, and forming part of, this agreement (each a "**Schedule**") in accordance with the terms and conditions of this agreement. Altogether, the Tariffs (as defined in Section 2(b), the terms and conditions set out in this agreement, and the applicable Schedules form the "**Agreement**".
- (b) **Tariffed Services and CRTC Approval:** The NG9-1-1 Service is regulated by the CRTC and shall only be provided in compliance with the applicable tariffs including CRTC 7400, Bell Canada National Services Tariff Item 601 – Next Generation 9-1-1 (NG9-1-1) Service (together with all applicable decisions, directions and orders of the CRTC, are referred to herein as the "**Tariffs**"), and the Tariffs, which form part of this Agreement, shall prevail in the event of a conflict with the terms and conditions set out herein.
- (c) **Service Description:** The NG9-1-1 Service provides a managed, private, dedicated IP network referred to as the Emergency Services Internet Protocol network ("**ESInet**"). The ESInet provides the transport and interconnectivity for all i3-PSAPs within the Serving Area as well as Originating Service Provider networks supporting 9-1-1 Calls over IP-based networks and devices. For i3-PSAPs, the ESInet is delivered to the PSAP operations premise using Bell's IP VPN service to the PSAPs authorized by the 9-1-1 Authority. The NG9-1-1 Service also provides a series of applications and service interfaces known as NG9-1-1 Core Services ("**NGCS**") and may include other third party applications from trusted entities as may be requested by the 9-1-1 Authority and agreed to by Bell.

Bell provided NG9-1-1 Service features are described in the User-to-Network Interface (“**UNI**”) and in Schedule ‘B’ (NG9-1-1 Network Features). 9-1-1 Authority agrees that Bell is not responsible nor liable for damages arising from 9-1-1 Authority’s use of third party applications in conjunction with the NG9-1-1 Service.

(i) In accordance with CRTC 7400, Bell Canada National Services Tariff Item 601, Bell agrees to:

- A. Provide NG9-1-1 Service to the 9-1-1 Authority within the Serving Area;
- B. Provide ESInet IP connection with redundant and, dependent upon availability, diverse facilities to PSAP locations designated by the 9-1-1 Authority and as listed in Schedule “C” (PSAP Designations & Locations);
- C. Selectively route and enable selective transfer of 9-1-1 Calls to the Primary-PSAP, Secondary-PSAPs and Dispatch Agency according to policy routing rules crafted to the needs of the 9-1-1 Authority, including those described in PSAP Contingency Plans;
- D. Transmit geodetic and/or civic location information, call back number of the 9-1-1 Caller and any additional available data elements as made available by the Originating Network Provider (“**ONP**”);
- E. Receive, aggregate and maintain into a single dataset representative of Bell’s entire serving area, mapping and addressing information provided by the 9-1-1 Authority or to its designee;
- F. Perform Quality Assurance and Quality Control (QA/QC) on the aggregated dataset and provide mapping and addressing discrepancy / errors reporting back to the 9-1-1 Authorities or to their designees;
- G. Maintain a dedicated 24X7 9-1-1 Control Centre to support the NG9-1-1 Service;
- H. Maintain a Basic 9-1-1 Final Routing Alternative involving a third-party call centre, such as those used for nomadic VoIP calls; and
- I. Enable access to location information when provided by-reference by the ONP with the original NG9-1-1 call;
- J. Enable access to the additional data repositories provided by trusted entities as defined by the CRTC.

(ii) The 9-1-1 Authority agrees to:

- A. Designate Primary PSAPs, Secondary PSAPs and Back-Up PSAPs to answer and dispatch 9-1-1 Calls in the Serving Area;
- B. Where not otherwise defined by applicable provincial legislation and absent a provincial body that acts as a GIS data aggregator, create, maintain and update all boundaries, addressing and mapping information according to applicable standards (MSAG and GIS) and perform quality assurance and control on the data prior to submission. If a third party is to provide the GIS data on behalf of the 9-1-1 authority, such party shall be identified in Schedule “G”, and that 9-1-1 specific GIS data layers must be provided directly to Bell in a secure manner without transiting through any shared open platform;
- C. Take responsibility for changes to the 9-1-1 call routing resulting from submitted GIS data.
- D. Ensure that all designated PSAPs are compliant with specifications and guidelines outlined in Schedule “D” (Specifications & Guidelines);

- E. Ensure, all PSAPs in the Serving Area are compliant with the deployment criteria listed in Schedule “E” (Deployment Criteria);
 - F. Ensure all PSAPs in the Serving Area have secure 9-1-1 data and systems which security includes physical security, network security, cybersecurity and all other considerations within the PSAPs domains;
 - G. Ensure all PSAPs in the Serving Area have and maintain current contact information and make it available as per the NENA i3 standard;
 - H. Ensure the Primary PSAP accepts specific planned test calls from the public;
 - I. Ensure the Primary PSAP implements a call handling solution that includes a test call interface and automaton as described in NENA i3;
 - J. Resolve mapping and addressing discrepancies / errors reported to the GIS Authorities by Bell in a timely manner or as otherwise specified in the discrepancy report;
 - K. Provide supporting technical and operational documentation as listed in Schedule “D” (Specifications & Guidelines) on the Bell 9-1-1 Flex Portal; and
 - L. Ensure Bell is provided in writing the information listed in Schedule F where the 9-1-1 Authority is a Government Provincial PSAP and ensure such information is current at all times.
- (iii) The NG9-1-1 Authority acknowledges and agrees that NG9-1-1 Service resiliency, reliability and security depends upon the following:
- A. The type and capabilities of the Originating Service Provider and the technology from which 9-1-1 Calls originate;
 - B. The accuracy of the data provided by the various NG9-1-1 stakeholders including the 9-1-1 Authority, PSAP and Originating Service Providers and other trusted entities;
 - C. The use of encryption and appropriate security protocols as described in Schedule E of this Agreement and as may be further developed over time; and
 - D. The availability of entrance diversity configuration, and physical attributes including the distance between entry points and power diversity of the PSAP Location,
- and agrees that ensuring the foregoing elements are the best available will improve its experience with the NG9-1-1 Service.
- (iv) Bell and 9-1-1 Authority agree that the implementation of Next Generation 9-1-1 Service within the Serving Area shall be carried out pursuant to the User-to-Network Interface (UNI) Technical Specification Document and the requirements established by the CRTC, and the Parties agree to update this Agreement as the CRTC requirements evolve.
- (v) The NG9-1-1 Service allows for many new feature possibilities with regards to types of data that can be transmitted. The availability of these features may require upgrades to software and or hardware by the PSAP.
- (vi) The NG9-1-1 Service will require security updates on an ongoing basis. To ensure the security of the NG9-1-1 Service, the NG9-1-1 Authority commits to ensure the PSAPs selected to serve its inhabitants, apply

security updates (including any security patches) promptly. In the event of a PSAP failure to apply security updates Bell may, in its sole discretion, remove the PSAP from Bell's ESInet.

(vii) In the event a PSAP is removed from Bell's ESInet, 9-1-1 Calls destined for the PSAP will be rerouted in accordance with the PSAP's defined Policy Routing Rules.

(d) **Bell Providers:** Bell may perform its obligations under this Agreement through its affiliates (as defined in the *Canada Business Corporations Act*) (an "**Affiliate**"), agents, suppliers or subcontractors (the "**Bell Providers**"), but Bell shall not be relieved of its obligations by using the Bell Providers.

3. FEES

The Tariffs set out certain approved rates, fees, and charges and capital, development or installation costs (if any) (the "**Fees**") applicable to the NG9-1-1 Services. The 9-1-1 Authority shall pay Fees that are specified in the Tariffs. For services related to the NG9-1-1 Services but not specified in the Tariffs including those related to tertiary sites and third circuits the 9-1-1 Authority shall pay the fees as agreed to by the Parties. The 9-1-1 Authority shall also pay applicable commodity taxes, and similar taxes levied or assessed by any local and/or government authority, as well as surcharges for foreign taxes or those imposed by third-party providers, withholding tax, and interexchange carrier charges, if any (collectively, "**Taxes**"). The 9-1-1 Authority shall pay Fees and Taxes within 30 days of the invoice date. Fees and Taxes are subject to a late payment charge ("**Late Payment Charge**") at the rate specified in the invoice, which rate may vary from time to time, calculated from the invoice date, if Fees and Taxes are not paid within 30 days of the invoice date. For clarity, the NG9-1-1 Authority may pay all amounts referred to in this Section 3 via arrangements it may make with an applicable PSAP.

4. TERM AND TERMINATION

- (a) **Term:** The term of this Agreement (the "**Initial Term**") will begin on the date it is signed by the 9-1-1 Authority (the "**Effective Date**") and it will expire or terminate after ten (10) years unless otherwise terminated under the terms of this Agreement.
- (b) **Renewal Term(s):** If permitted under the relevant Tariffs, upon expiry of the Initial Term the Agreement shall be automatically renewed for successive periods of five (5) years each unless one party gives to the other at least six (6) months written notice of termination prior to the end of the initial term or any renewal period (in each case, a "**Renewal Term**"). The Initial Term and any Renewal Term(s) are collectively referred to as the "**Term**".
- (c) **Termination or Suspension of a Service:** Bell may immediately suspend the entirety or a portion of the NG9-1-1 Service where Bell has reasonable cause to believe that the 9-1-1 Authority's traffic is compromised or otherwise poses a risk to the NG9-1-1 Service. For any reason other than the integrity of NG9-1-1 Service, the 9-1-1 Authority may terminate the NG9-1-1 Service, or Bell may terminate or suspend the NG9-1-1 Service, in accordance with the terms of the relevant Tariffs with six (6) months prior written notice.

5. LIMITATION OF LIABILITY

- (a) Bell's liability for the performance of its obligations pursuant to this Agreement shall be subject to and governed by Bell's Tariffs.
- (b) The 9-1-1 Authority and Bell shall, during the Term, maintain sufficient insurance to cover their respective obligations under this Agreement and shall provide evidence of same to the other party or, if either the 9-1-1 Authority or Bell is self-insured, provide to the other party evidence that is satisfactory to that party that the 9-1-1 Authority and/or Bell, as the case may be, is and will be, at all relevant times, in a position to face successfully its monetary obligations stemming from liability under this Agreement.

6. CONFIDENTIAL INFORMATION

- (a) “**Confidential Information**” means any data, documentation or other information of a proprietary or confidential nature of a party, or its Affiliates, or which is treated as confidential by a party or its Affiliates, whether or not identified as being confidential or proprietary, which is disclosed or made available to the other party in connection with the negotiation, preparation or performance of this Agreement. The design, installation, delivery or implementation of the Services, including pricing information, service levels and network design specifications shall constitute Confidential Information of Bell. Confidential Information excludes the 9-1-1 Authority’s name, address and listed telephone number and any data, documentation or other information which is (i) in the public domain, (ii) known to the receiving party prior to receipt thereof from the disclosing party, or (iii) available to the receiving party on a non-confidential basis from a source other than the disclosing party, if that source or its source is not in breach of any obligations of confidentiality to the disclosing party; or (iv) the receiving party can show to have been developed independently by the receiving party without using the Confidential Information of the disclosing party. The receiving party agrees to take such care to protect the confidentiality of the Confidential Information as would be taken by a reasonable party to protect its own Confidential Information from disclosure subject to the exceptions set out below.
- (b) Except as: (i) permitted or required by law, regulation or lawful request or to carry out its obligations; and (ii) required to receive or provide the Services under this Agreement, as applicable, the receiving party agrees not to use or disclose the Confidential Information without disclosing party’s prior written consent. For clarity, any information exchanged between Bell and the 9-1-1 Authority, their employees, servants, agents and/or co-contractors pertaining to the design, the development, the implementation, the operation and the maintenance of the NG9-1-1 Service is confidential, and shall be provided only to such persons who have a need to know for the purposes of this Agreement.
- (c) The 9-1-1 Authority consents to Bell disclosing 9-1-1 Authority information to the CRTC as required for the CRTC to approve any regulatory filings or CRTC requests for information related to the Services. Additionally, 9-1-1 information that is available with a 9-1-1 Call is provided on a confidential basis pursuant to CRTC 7400, Bell Canada National Services Tariff Item 601 as an exception to Item 10 Article 11 of the Bell Canada General Tariff and shall be used for the sole purpose of answering and dispatching 9-1-1 Calls
- (d) In the event that Bell is provided with access to the 9-1-1 Authority’s End Users’ information (“**End User Data**”), 9-1-1 Authority shall ensure that it has all the requisite consents for Bell to use such End User Data in the manner contemplated under this Agreement. The 9-1-1 Authority acknowledges and agrees that in the event that the 9-1-1 Authority provides Bell with access to End User Data where Bell is not required to have such access, Bell shall not be liable for any loss, unauthorized access to, or any other act or omission in relation to the End User Data.
- (e) The 9-1-1 Authority and Bell agree to abide by all applicable legislation with respect to the protection of privacy in effect from time to time.
- (f) The 9-1-1 Authority shall ensure their PSAPs comply with the terms of this Section 6. Bell shall only share Confidential Information pertaining to this Agreement with the PSAPs identified in Schedule “C” (PSAP Designations & Locations).

7. FORCE MAJEURE

- (a) If there is a default or delay in a party’s performance of its obligations under this Agreement (except for the obligation to make any payments under this Agreement), and the default or delay is caused by circumstances beyond the reasonable control of that party including fire, flood, earthquake, elements of nature, acts of God, epidemic, pandemic, explosion, power failure, third party caused damage to network infrastructure (e.g., a cable cut), war, terrorism, cyber terrorism/warfare, revolution, civil commotion, cyber terrorism/warfare, acts of public enemies, law, order, regulation, ordinance or requirement of any government or legal body having jurisdiction, or labour unrest such as strikes, slowdowns, picketing or boycotts (each an “**Event of Force Majeure**”), then that party shall not be liable for that default or delay, and shall be excused from further performance of the affected

obligations on a day-by-day basis, if that party uses commercially reasonable efforts to expeditiously remove the causes of such default or delay in its performance.

- (b) Bell and the 9-1-1 Authority agree that in the Event of a Force Majeure the parties will co-operate and make all reasonable efforts to provide a temporary replacement service until the NG9-1-1 Service is restored. The costs required to provide temporary replacement service shall be borne as between Bell and the 9-1-1 Authority in accordance with the Parties' respective obligations as described in Sections 2(c)(i) & (ii) of this Agreement.

8. **GENERAL PROVISIONS**

- (a) **No Resale:** The 9-1-1 Authority shall not resell or remarket any Service for commercial purposes under the terms and conditions of this Agreement.
- (b) **Entire Agreement and Amendment:** This Agreement is the entire agreement between the 9-1-1 Authority and Bell with respect to the subject matter, and supersedes all prior agreements, understandings, commitments, undertakings, proposals, representations, negotiations and discussions on the subject matter, whether written or oral. There are no, and Bell shall not be liable for, conditions, agreements, representations, warranties or other provisions, express or implied (including through course of dealing), collateral or otherwise, relating to the subject matter of this Agreement, which induced either party to enter into this Agreement or on which either party places any reliance, other than those set forth in this Agreement. This Agreement shall not be amended other than by an instrument in writing signed by both parties and stating that the parties intend to amend this Agreement.
- (c) **Assignment:**
 - (i) This Agreement shall bind and enure to the benefit of Bell and the 9-1-1 Authority and their respective successors and permitted assigns. Neither party may assign this Agreement in whole or in part, including any Schedule, without the prior written consent of the other party, not to be unreasonably withheld. However, without the other party's consent, subject to Paragraph (ii) below, a party may assign all or part of its benefits, rights or obligations under this Agreement to an Affiliate or to an entity in connection with any transaction or series of transactions pursuant to which all or a substantial part of the assigning party's business is assigned to or otherwise results in forming all or part of the business of such entity (including a present or future affiliate, whether by way of reorganization, consolidation, amalgamation, arrangement, merger, transfer, sale, change in control or otherwise, and, provided such entity, as assignee, agrees to be bound by this Agreement and assumes the obligations assigned under this Agreement pursuant to this Subsection, on and after the effective date of such assignment.
 - (ii) Bell's prior written consent shall be required in the event of a proposed assignment by 9-1-1 Authority if, in Bell's determination, the 9-1-1 Authority's proposed assignee is deemed to be (A) not credit worthy; (B) a competitor of Bell; or (C) non-compliant with any eligibility criteria for the Services. Bell may also assign any receivable that arises under this Agreement, any right to receive payment related to that receivable and any interest in that receivable or right to receive payment.
- (d) **Governing Law:** This Agreement shall be governed by and interpreted according to the laws of Ontario unless the 9-1-1 Authority's head office is situated in Quebec. If the 9-1-1 Authority's head office is situated in Quebec, this Agreement shall be governed by and interpreted according to the laws of Quebec. The applicable governing law shall be determined as noted above without regard to any conflicts of law rules that might apply the laws of any other jurisdiction. The parties attorn to the exclusive jurisdiction of the courts of Toronto unless the 9-1-1 Authority's head office is situated in Quebec, in which case the Parties attorn to the exclusive jurisdiction of the courts of Montreal in respect of all matters arising out of or in connection with this Agreement except CRTC regulatory matters. For CRTC regulatory matters the parties attorn to the exclusive jurisdiction of the federal courts or tribunals of Canada.
- (e) **Interpretation:** In this Agreement, the headings are for convenience of reference only and shall not affect its construction or interpretation. If there is any conflict between the terms of the main body of this Agreement and a Tariff, if applicable to the Service in dispute, the terms of the applicable Tariff shall govern. If there is any conflict

between the terms of the main body of this Agreement and the Schedules, the terms of the main body of the Agreement shall govern unless otherwise expressly provided in writing in a Schedule.

- (f) **Waivers:** No waiver of any provision of this Agreement shall bind a party unless consented to in writing by that party. No waiver of any provision of this Agreement shall be a waiver of any other provisions, nor shall any waiver be a continuing waiver, unless otherwise expressly provided in the waiver.
- (g) **Notice:** All notices and consents provided for shall be given in writing and delivered by personal delivery, prepaid first class registered or certified mail, by facsimile, by regular mail or e-mail. Notices delivered by facsimile shall be considered to have been received upon the sender obtaining a bona fide confirmation of such delivery. Notices delivered by e-mail shall include the following, and shall only be effective if the recipient provides by e-mail a confirmation of delivery and the date of acceptance of the delivery: (i) sender's name, address, telephone number, fax number and e-mail address; (ii) date and time of the transmission; and (iii) the name and telephone number of a person to contact in the event of transmission problems. Delivery of notices after 4:00 p.m. at the address being served constitutes delivery the following day. Notices delivered by regular mail shall be deemed received on the fifth day after the notice has been mailed. The address for notice shall be:

For the **9-1-1 Authority**,

_____; and

For **Bell**,

c/o 9-1-1 Service Team
930 d'Aiguillon, B320
Quebec, G1R 5M9

Email: signatures.911@bell.ca

With a copy to,

c/o Corporate Secretary
1 Carrefour Alexander Graham Bell, Building A, 4th Floor
Verdun, Québec H3E 3B3.

Facsimile: (514) 766-8161

The 9-1-1 Authority shall notify Bell of a change in its billing address and any change in its corporate name or any business or trade name used in connection with the Services.

- (h) **Severability:** If any provision of this Agreement is found by a court of competent jurisdiction to be invalid, illegal or unenforceable, the other provisions of this Agreement shall not be affected or impaired, and the offending provision shall automatically be modified to the least extent necessary in order to be valid, legal and enforceable.
- (i) **Survival:** The following Sections of this Agreement shall survive termination or expiration of this Agreement: Sections 3 (Fees), 4(c) (Termination or Suspension of a Service), 5 (Limitation of Liability), 6 (Confidential Information), and this Section 8 (General Provisions).
- (j) **Counterparts:** This Agreement may be signed in one or more counterparts (including through electronic signatures), each of which shall be considered an original and all of which, taken together, shall constitute one and the same instrument.

- (k) **Language:** The parties have requested that this Agreement and all correspondence and all documentation relating to this Agreement be written in the English language. Les parties aux présentes ont exigé que la présente entente, de même que toute la correspondance et la documentation relative à cette entente, soient rédigées en langue anglaise.
- (l) **No Partnership and Third-Party Beneficiaries:** Bell is an independent contractor of the 9-1-1 Authority. The Agreement shall not be construed to and does not create a relationship of agency, partnership, employment or joint venture. Nothing in this Agreement, express or implied, shall or is intended to confer on any other person, firm or enterprise, any rights, benefits, remedies, obligations or liabilities of this Agreement, other than the parties, their respective successors or permitted assigns.

<p>[9-1-1 AUTHORITY NAME]</p> <p>SIGNATURE: _____</p> <p>NAME: _____</p> <p>TITLE: _____</p> <p>I am authorized to bind the 9-1-1 Authority to the terms and conditions of this Service Schedule.</p> <p>DATE: _____</p>	<p>BELL CANADA</p> <p>SIGNATURE: _____</p> <p>NAME: _____</p> <p>TITLE: _____</p> <p>I am authorized to bind Bell Canada to the terms and conditions of this Service Schedule.</p> <p>DATE: _____</p>
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Schedule “A”

DEFINITIONS

In this Agreement, in addition to those terms which are parenthetically defined, capitalized terms shall have the meanings ascribed to them in this Schedule “A” and where not otherwise defined in this Agreement, as ascribed in the current Network Interconnection (UNI) Document.

“9-1-1 Authority” means the municipality, local service board, first nation, province or any other authorized signing authority responsible for 9-1-1 service operations pursuant to the Bell Canada National Services Tariff Item 601 – Next Generation 9-1-1 (NG9-1-1) Service, and defined as the 9-1-1 Authority party to this Agreement;

“9-1-1 Call” means a request for public safety assistance signalled by a 9-1-1 Caller using a device and communications service supporting 9-1-1 dialling, and delivered through the NG9-1-1 Service, regardless of the media (e.g., voice, video, text, other) used to make that request;

“9-1-1 Caller” means end user dialing 9-1-1;

“9-1-1 Control Centre” means a dedicated 9-1-1 24/7 support, maintenance and surveillance centre;

“Agreement” has the meaning ascribed to it in Section 2(a);

“Back-Up PSAP” or **“Back-Up Public Safety Answering Point”** means the back-up PSAP as identified by the 9-1-1 Authority in Schedule “C”;

“Basic 9-1-1 Final Routing Alternative” means the designated last resort routing destination involving a third-party call centre, such as those used for nomadic VoIP calls;

“Bell 9-1-1 Flex Portal” means a secure Web site accessible from the public Internet for Customers to access information pertaining to its NG9-1-1 Services.

“CEE” means Customer Edge Equipment and refers to the peering equipment provided by the customer, facing the Bell Customer Edge router;

“CRTC” or **“Canadian Radio-Television and Telecommunications Commission”** has the meaning ascribed to it in the preamble to this Agreement;

“Effective Date” has the meaning ascribed to it in Section 4(a);

“End User Data” has the meaning ascribed to it in Section 6(d);

“Event of Force Majeure” has the meaning ascribed to it in Section 7(a);

“ESInet” has the meaning ascribed to it in Section 2(c)(i);

“GIS Authority” means a body that has control over and the power to make decisions about the source addressing and GIS data which is responsible for providing aggregated GIS/addressing data on behalf of the 9-1-1 Authority to the NG9-1-1 Service Provider for the purpose of NG9-1-1 Service;

“GIS Data Provider” means an entity that assigns addresses, creates, collects, maintains and shares spatial datasets. It may include addressing authorities (e.g. local, provincial and territorial governments, First Nations), 9-1-1 Authorities, and data aggregators;

“GIS” and **“Geographic Information System”** Means a system for capturing, storing, displaying, analyzing and managing data and associated attributes which are spatially referenced;

“i3-PSAP” means a Public Safety Answering Point (PSAP) conformant to the NENA i3 standard (NENA-STA-010), which is capable of receiving IP-based signaling and media for delivery of emergency calls;

“Initial Term” has the meaning ascribed to it in Section 4(a);

“ILEC” and **“Incumbent Local Exchange Carrier”** means the existing telephone companies, prior to the introduction of local competition;

“Late Payment Charges” has the meaning ascribed in Section 3;

“Local Registration Authority” have the meaning ascribed to them in CRTC Decision 2019-353;

“MSAG” or **“Master Street Address Guide”** means the database that contains street names and house number ranges within their associated communities defining Emergency Service Zones (ESZs) and their associated Emergency Service Numbers (ESNs) to enable proper selective routing and selective transfer of 9-1-1 calls in the legacy E9-1-1 environment;

“NENA i3” has the meaning ascribed to it in the preamble of the Agreement;

“NG9-1-1” means a secure, IP-based, open-standards based system comprised of hardware, software, data, and operational policies and procedures that (a) provides standardized interfaces from emergency call and message services to support emergency communications, (2) processes all types of emergency calls, including voice, text, data, and multimedia information, (3) acquires and integrates additional emergency call data useful to call routing and handling, (4) delivers the emergency calls, messages and data to the appropriate PSAP and other appropriate emergency entities based on the location of the caller, (5) supports data, video, and other communications needs for coordinated incident response and management and (6) interoperates with services and networks used by first responders to facilitate emergency response;

“NG9-1-1 Network Provider” means the CRTC mandated ILEC providing the ESInet/NGCS;

“NG9-1-1 Service” has the meaning ascribed to it in Section 2(c)(i);

“NGCS” and **“Next Generation 9-1-1 Core Services”** means the base set of services needed to process a 9-1-1 call on an ESInet. NGCS includes the Emergency Service Routing Proxy (ESRP), Emergency Call Routing Function (ECRF), Location Validation Function (LVF), Border Control Function (BCF), Bridge, Policy Store, Logging Services and typical IP services such as Domain Name System (DNS). The term NGCS includes the services and not the network on which they operate (i.e., the ESInet);

“Offnet Agency” means an agency outside of the NG9-1-1 network, such as a poison control centre or an hospital, which may be designated by the 9-1-1 Authority to be able to receive PSTN calls transferred by a designated PSAP;

“ONP” and **“Originating Network Provider”** means a CRTC-approved trusted entity service provider that allows its subscribers to originate 9-1-1 dialled voice or non-voice calls from the public to PSAPs, including but not limited to wireline, wireless, and fixed/native voice over internet protocol (VoIP) services.

“PRR” and **“Policy Routing Rule”** means the criteria which determines how 9-1-1 Calls are routed under stated conditions such as when a target PSAP is unable to take 9-1-1 Calls;

“PSAP” or **“Public Safety Answering Point”** means an entity responsible for receiving 9-1-1 Calls and processing those 9-1-1 Calls according to a specific operational policy - a Primary Public Safety Point, Secondary Public Safety Point, and Back-Up Public Safety Point as identified by the 9-1-1 Authority in Schedule “C” (PSAP Designations & Locations);

“PSAP Contingency Plans” means a plan in case of a disaster;

“PSAP Credentialing Agency” and **“PCA”** have the meaning ascribed to them in CRTC Decision 2019-353;

“PSAP Locations” means the locations of the PSAPs as identified in Schedule “C” (PSAP Designations & Locations);

“P-PSAP” or **“Primary Public Safety Answering Point”** means a communication centre which is the first point of contact for 9-1-1 Calls as identified by the 9-1-1 Authority in Schedule “C” (PSAP Designations & Locations);

“Renewal Term” has the meaning ascribed to it in Section 4(b);

“S-PSAP” or **“Secondary Public Safety Answering Point”** means a communication centre to which 9-1-1 Calls are transferred from a P-PSAP, typically the fire, police or ambulance agency responsible for dispatching emergency personnel as identified by the 9-1-1 Authority in Schedule “C” (PSAP Designations & Locations);

“Schedule” has the meaning ascribed to it in Section 2(a);

“Serving Area” means the geographic area, as determined by the 9-1-1 Authority from which 9-1-1 Calls will be directed to a particular P-PSAP;

“Subscriber” means an entity that contracted with a service provider for the provision of a voice telecommunications service;

“Selective Routing” means the process by which 9-1-1 Calls are routed to the appropriate PSAP or other designated destination, based on the 9-1-1 Caller's location information, and may also be impacted by other factors, such as time of day, call type, etc. Location may be provided in a specified format such as an MSAG-valid civic address or in the form of geo coordinates (longitude and latitude);

“Taxes” has the meaning ascribed to it in Section 3;

“Term” has the meaning ascribed to it in Section 4(b); and

“User-to-Network Interface (UNI) Technical Specifications Document” means the authoritative document which sets the technical specifications an i3-PSAP must comply with.

Schedule “B”**NG9-1-1 FEATURES**

The NG9-1-1 Service offers features as provided in CRTC 7400, Bell Canada National Services Tariff Item 601.

If a PSAP chooses to forgo utilizing one or more of the NG9-1-1 Service features provided by the NG9-1-1 Service network provider as described in the UNI, the PSAP does so at its own risk and assume all liabilities including prolonged restoration times in the event of an outage.

Schedule “C”**PSAP DESIGNATIONS & LOCATIONS**

MUNICIPALITIES INCLUDED: ALBERTON TWP, COUCHICHING FIRST NATION, FORT FRANCES, CHAPPLE TWP, DAWSON TWP, EMO TWP, LA VALLEE TWP, LAKE OF THE WOODS TWP, MORLEY TWP, NAICATCHEWENIN FIRST NATION, RAINY RIVER AND RAINY RIVER FIRST NATION

PSAP Type	Name	Location (full address)	Connected to ESInet (Y/N)
Primary PSAP (*1 & *2)			Y
Secondary PSAP Police (*1 & *2)			Y
Secondary PSAP Fire (*1 & *2)			Y
Secondary PSAP Ambulance (*1 & *2)			Y
Additional Offnet Agency if required (*1 & *2 & *3) i.e. Poison control			N
Designated Provincial or Territorial default i3 PSAPs (*4)			

Notes:

*1 – 9-1-1 Authority shall ensure all PSAPs connected to ESInet meet the NG9-1-1 requirements.

*2 – 9-1-1 Authority shall ensure that if a PSAP changes during the Term, the replacement is aware of the 9-1-1 Authority obligations re: PSAPs under this Agreement, and Bell is notified of the change.

*3 – “Offnet” Agencies are not connected to the ESInet over an IP-UNI and call transfers to such agencies are the responsibility of the PSAP’s Call Handling System

*4 – This PSAP is only required if there is a PSAP designated as a safety net for a specific Province or Territory.

Schedule 'D'**SPECIFICATIONS & GUIDELINES**

The specifications, templates and guidelines for the NG9-1-1 Service are found at <https://911flex.bell.ca/Login.html>, under the title "NG9-1-1 Onboarding Documentation".

Schedule “E”**DEPLOYMENT CRITERIA**

PSAPs utilizing networks to process and deliver NG9-1-1 Calls outside of the ESInet do so at their own risk and assume all liabilities including prolonged restoration times in the event of an outage.

In order to ensure reliability, resiliency and security of the NG9-1-1 Service, the 9-1-1 Authority shall ensure that all of the PSAPs meet the following mandatory requirements without which the PSAPs will not be permitted to interconnect with the production NG9-1-1 network:

1. IP VPN ESInet Interconnection

All i3-PSAP types, Primary and Secondary, are entitled to a single Back-Up location.

All IP VPN ESInet demarcation locations (Primary, Secondary and Back-Up PSAPs) are provided with two (2) redundant data paths and must make use of both. PSAPs must make use of all available in-house diversity (cable entrance, power, etc.).

ESInet physical demarcation locations must be geographically located within the Bell Canada NG9-1-1 Serving region.

PSAPs are expressly forbidden to establish private VPN tunnels over the ESInet, through the provided IP VPN circuits.

2. ESInet Interconnection of Non-designated PSAP facilities

For those PSAP sites not listed in Schedule “C”, if the 9-1-1 Authority requires additional circuits, these arrangements may be provided by Bell for a fee;

3. PSAP CEE Interconnection Requirement

- a. All PSAPs shall employ a NENA i3 compliant Border Control Function (“**BCF**”) as defined in the Bell NG9-1-1 UNI technical specification as a mandatory condition of interconnection with the NG9-1-1 network. The BCF must be comprised of a minimum of both a firewall and session border controller function. The BCF must be deployed in a manner which prevents single points of failure.
- b. PSAPs shall ensure their local network infrastructure (i.e., Local Area Network [LAN] and/or private Wide Area Network [WAN]) is sized appropriately to support the bandwidth of all NG9-1-1 traffic as calculated and provisioned by the NG9-1-1 Network Provider, in addition to their own in-house network requirements;

4. i3 Call Handling CODEC requirement

All PSAPs shall implement the mandatory list of CODECs as defined in Telecom Decision CRTC 2019-353 (<https://crtc.gc.ca/eng/archive/2019/2019-353.htm>) and make necessary changes as updates become approved by CRTC.

5. IP Network protocol support

All PSAPs shall deploy Dual Stack as the method for simultaneous use of IPv4 & IPv6 address spaces, or to individually perform Network Address Translation - Protocol Translation (“**NAT-PT**”) for their Network Domain as defined in the Bell NG9-1-1 UNI technical specification. This is a mandatory condition to interconnect to the NG9-1-1 Service Network;

6. End-to-End Encryption

All PSAPs shall support encryption of traffic from and towards the ESInet as defined in the Bell NG9-1-1 UNI technical specification;

7. QoS Support

All PSAPs shall implement the QoS requirements as defined in the Bell NG9-1-1 UNI technical specification;

8. PSAP Credentialing Agency – NG9-1-1 Network Provider service

All PSAPs shall utilize the Bell PSAP Credentialing Agency service. PSAPs shall identify to Bell as part of the onboarding process the individual or group responsible for acting as the Local Registration Authority (“**LRA**”). The LRA agreement and the roles and responsibilities can be found in Schedule H. For clarity, the LRA agreement is attached for reference purposes. There is no expectation that the NG9-1-1 Authority will sign the LRA agreement itself but the NG9-1-1 Authority will ensure that the selected PSAPs will execute such agreement.

9. Contingency Routing

PSAPs shall communicate all 9-1-1 contingency arrangements to Bell including agreements and arrangements with other agencies in order to design and implement Policy Routing Rules accordingly. PSAP’s defined Policy Routing Rules must contain at a minimum one Policy Routing Rule specifying a partner third party PSAP to act as backup in the event the PSAP is not able to respond to 9-1-1 Calls.

10. Domain Name Service (DNS) – NG9-1-1 Network Provider service

PSAPs must utilize the Bell NGCS-based DNS service to ensure resiliency of DNS functions and seamless PCA functionality.

The 9-1-1 Authority is requested to encourage PSAPs to utilize the following NGCS provided functions to further enhance network reliability, resiliency and security of the NG9-1-1 Service:

1. Network Time Protocol (NTP) – NG9-1-1 Network Provider Service

PSAPs are encouraged to utilize the Bell NGCS-based NTP service to ensure accurate time synchronization with all ESInet interconnected elements and as an additional time source within their Local Area Network (LAN).

Schedule “F”

MULTIPLE REGION PSAPs

This Schedule must be filled out by PSAPs covering multiple regions and managed by a provincial or federal authority (e.g., Ontario Ministry of Health, Sureté du Québec, Ontario Provincial Police etc.

Sites	Official Name	9-1-1 authority (municipalities, counties, etc.)

Schedule “G”**NG9-1-1 GIS REQUIREMENTS**

Municipality, County or Other Government Entity name	GIS Data Provider or *Provincial/ Territorial Designated Data Aggregator name	Provincial \ Territorial Legislation (Y/N)

- ❖ In the absence of Provincial or Territorial legislation defining a Data Aggregator body, by default the NG9-1-1 Network Provider will be the defined GIS and addressing Data Aggregator ([Telecom Decision CRTC 2020-150 | CRTC](#))

THE CORPORATION OF THE TOWN OF FORT FRANCES
BY-LAW XX-22

(Being a By-law of the Town of Fort Frances to adopt a Disconnecting from Work Policy)

WHEREAS The Ontario Ministry of Labour, Training and Skills Development has amended the Employment Standards Act (ESA) to require employers with 25 or more employees to have a written policy on disconnecting from work. These amendments were included in Bill 27, Working for Workers Act, 2021. The policy must be in place by June 2, 2022;

AND WHEREAS Section 5(3) of the *Municipal Act, 2001*, S.O. C.25 as amended provides that a municipal power shall be excised by by-law;

AND WHEREAS Section 10(2)(6) of the *Municipal Act, 2001*, S.O. C. 25 as amended provides that a single-tier municipality may pass by-laws respecting Health, safety and well-being of persons;

AND WHEREAS it is deemed required by Council to pass a by-law to adopt a Disconnecting from Work Policy;

NOW THEREFORE BE IT RESOLVED, THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF FORT FRANCES ENACTS AS FOLLOWS:

- 1. THAT Council adopts the Disconnecting from Work Policy as per Schedule 'A' attached hereto and forming part of this by-law.
- 2. THAT this By-law shall come into force and take full effect on its date of passing

ENACTED and **PASSED** this 24th day of May 2022

J. Caul, Mayor

G. Lecuyer, Clerk



FORTFRANCES
BOUNDLESS

DISCONNECTING FROM WORK
HUMAN RESOURCES 3.8

POLICY

Created: 2022-05-24
Revised:
Authorized: By-Law XX-22
Superseded:

DISCONNECTING FROM WORK

1. PURPOSE

- 1.1 The health and wellbeing of our employees is of the utmost importance to us, and we, The Corporation of the Town of Fort Frances, encourage and support our employees in prioritizing their own wellbeing.
- 1.2 Disconnecting from work is important for an individual's wellbeing, and helps employees achieve a healthy and sustainable work-life balance. Disconnecting from work means to not engage in work-related communications, including emails, telephone calls, video calls, or the sending or reviewing of other messages, so as to be free from the performance of work.
- 1.3 To encourage and support our employees in balancing their working and personal lives, we have implemented this Disconnecting from Work Policy (the "Policy") to encourage employees to disconnect from work where possible.
- 1.4 This Policy should be read alongside the Town's associated policies including Management/Non-Union Benefits, Staff Attendance at Council Meetings, Leave of Absence without Pay, Individual Accommodation Plan, any relevant and applicable legislation, and any other policy that is, or may become, applicable and/or relevant.

2. APPLICATION

- 2.1 This Policy applies to all employees, as defined by the Ontario *Employment Standards Act, 2000* ("ESA"). For clarity, "employee" under this Policy means only those employees of the Town which are considered employees under the ESA.

3. EMPLOYER OBLIGATIONS

- 3.1 The Town will make efforts to ensure that all employees, regardless of their place of work, are:
 - a) informed of what their normal working hours are reasonably expected to be and are informed of the circumstances in which they may be expected to engage in work-related communications outside of their normal working hours;
 - b) able to take applicable meal, rest periods and hours free from work as required by law, contract and/or applicable collective agreement language; and
 - c) able to take vacation or other leave entitlements as required by law, contract and/or applicable collective agreement language.

HUMAN RESOURCES

4. EMPLOYEE OBLIGATIONS

- 4.1 The Town expects all employees to comply with the following in the course of their work. Employees must:
- a) cooperate fully with any applicable mechanism utilized by the Town to record working time or update their working status (e.g. out-of-office messages), including when working remotely, flexibly, or when mobile;
 - b) be mindful of colleagues', customers/clients', vendors', and other third parties' working hours;
 - c) ensure that they take ownership of their work and meet the Town's operational needs;
 - d) comply with the Town's Management/Non-Union Benefits policy and/or applicable collective agreement language regarding overtime, including any requirements to obtain prior approval before performing overtime work; and
 - e) notify their supervisor or manager, in writing, of any right or entitlement they were unable to exercise and the reasons why.

5. ABILITY TO DISCONNECT FROM WORK

- 5.1 An employee's ability to disconnect from work depends on the Town's operational needs and the duties and obligations of the employee's position, subject to an employee's employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA.
- 5.2 Nothing in this Policy precludes the Town or other employees of the Town from contacting colleagues outside of what may be considered normal working hours or standard business hours, subject to any rights or entitlements the receiving colleague or employee may have under their employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA.
- 5.3 This Policy does not afford employees a "right to disconnect" beyond what is within their individual employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA, which may include rights or entitlements speaking to: normal hours of work and hours free from work, overtime pay, meal and/or rest periods, public holidays and public holiday pay and vacation.
- 5.4 Nothing in this Policy is intended to amend or supersede any grievance procedure or other aspect of any applicable collective agreement.

DISCONNECTING FROM WORK

6. REPORTING CONCERNS

- 6.1 All employees are expected and required to report any concerns or issues they may have which they feel is impacting their ability to disconnect-from-work.
- 6.2 Employees are encouraged to report such concerns or issues to their immediate supervisor. If that is not appropriate or the matter cannot be resolved by doing so, employees should direct their concerns or issues to Human Resources.
- 6.3 Employees will not be subject to reprisal for reporting such concerns as outlined above.

7. POSTING, NOTICE, AND RETENTION

- 7.1 The Town shall provide a copy of this Policy to each employee of the Town within 30 calendar days of implementation. Should any changes be made to the Policy after its implementation, the Town shall provide each employee of the Town a copy of the revised Policy within 30 days of the changes being made.
- 7.2 The Town shall provide a copy of this Policy to all new employees upon onboarding and within 30 calendar days of the employee commencing employment with the Town.
- 7.3 The Town shall retain a copy of this and any revised version of this Policy for three years after it ceases to be in effect.

THE CORPORATION OF THE TOWN OF FORT FRANCES

BY-LAW XX-22

(Being a By-Law to adopt a Chief Administrative Office Performance Appraisal Policy for the Town of Fort Frances)

WHEREAS Section 5(3) of the *Municipal Act, 2001, S.O. C.25 as amended* provides that a municipal power shall be excised by by-law;

AND WHEREAS on the direction of Council per resolution 889 thereby creating a working group on February 14, 2022 for the purpose of reviewing and developing the process of the CAO performance appraisal;

AND WHEREAS on May 9, 2022 Council received a report from the Human Resources Manager on behalf of the working group recommending the adoption of a new Chief Administrative Officer Performance Appraisal Policy

AND WHEREAS Council deems it necessary to pass a by-law to adopt a Chief Administrative Officer Performance Appraisal Policy

NOW THEREFORE Council for the Corporation of the Town of Fort Frances **HEREBY ENACTS** as follows:

1. **THAT** any policy of the Town of Fort Frances approved, adopted, or amended by Municipal Council on a day prior to the day this by-law is in force and effect, pertaining to a Chief Administrative Officer Performance Appraisal Policy is hereby revoked.
2. **THAT** the Chief Administrative Officer Performance Appraisal Policy Policy attached hereto as Schedule “A” of this By-law is hereby adopted.
3. **THAT** this By-Law shall come into force and take effect immediately upon the passing thereof.

PASSED and ENACTED this 24th day May, 2022.

J. Caul, Mayor

G. Lecuyer, Clerk



FORTFRANCES

BOUNDLESS

**CHIEF ADMINISTRATIVE
PERFORMANCE APPRAISAL**

OFFICER

HUMAN RESOURCES 3.33

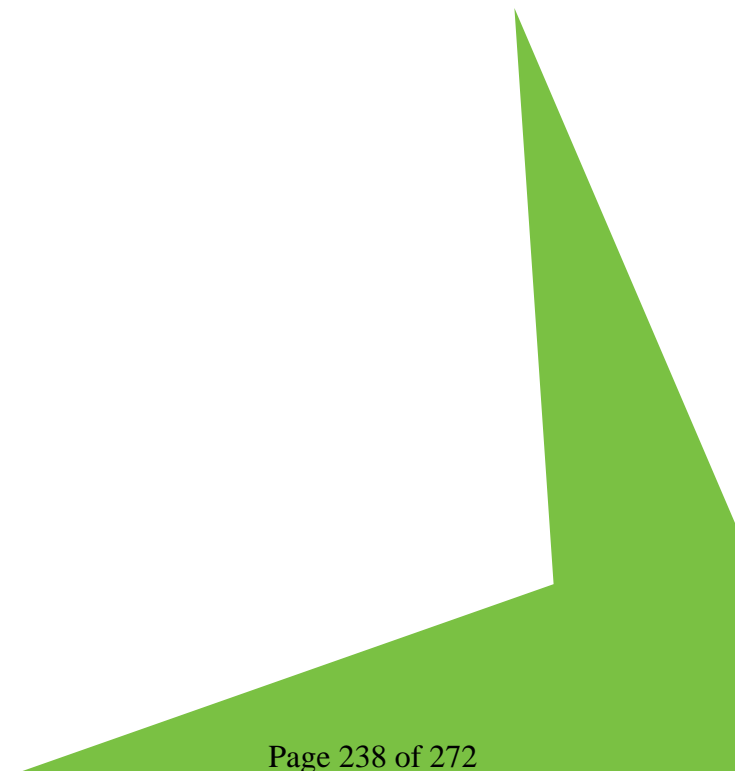
POLICY

Published: 2022-05-24

Revised:

Authorized: By-Law XX-22

Superseded:



CHIEF ADMINISTRATIVE OFFICER PERFORMANCE APPRAISAL

1. PURPOSE

The Town of Fort Frances (the Town) recognizes the need to evaluate the performance of its Chief Administrative Officer (CAO) to ensure the ongoing success of the Town. Performance of the CAO will be monitored at a frequency as outlined in the policy and by a method determined by Council.

2. RATIONALE

In an environment characterized by change due to the municipal election process, this policy will ensure consistency in the CAO performance management process over time. A key role of Council is to evaluate the performance of the CAO. To be effective, this evaluation needs to be carried out on regular basis, and in a planned and thoughtful manner.

The CAO is accountable for their performance and entitled to know what is expected of them, how they are performing, and what resources are available to improve their performance. The performance review process provides the vehicle to establish and maintain open dialogue between the Council and the CAO for the purpose of providing feedback to improve personal and professional performance.

3. INTERPRETATION

In the event of a conflict and/or inconsistency between the provisions of this policy and the employment contract negotiated with the incumbent CAO, the terms and conditions of the contract shall prevail.

4. RESPONSIBILITIES

1. Chief Administrative Officer

The CAO is responsible for their own performance and development within the context of the organization's business needs. More specifically, those responsibilities are:

- Set challenging but achievable performance objectives based on the strategic direction for the Town.
- Prioritize issues that concern the Town of Fort Frances.
- Evaluate and assess their progress and develop strategies to overcome obstacles.
- Deliver on their objectives and plans.

HUMAN RESOURCES

2. Council

Council represents the community and outlines what is expected of the CAO as leader of Administration. More specifically:

- Ensure the goals and objectives of the CAO and the organization are aligned with the strategic direction of the Town.
- Support the CAO and the organization so they get the resources they need to achieve success.
- Recognize progress and achievements of the CAO through informal discussion, Mid-Year Check-In (optional) and/or Performance Reviews.
- Review and approve any revisions to this policy.

3. Human Resources Manager

The Human Resource Manager is the custodian of the process. The Human Resources Manager's responsibilities are to:

- Provide assistance to Council and the CAO throughout the process.
- Monitor, evaluate, and improve the performance review processes on a regular basis.
- Integrate related formal systems and procedures, like the Performance Appraisal process, into the professional development and compensation processes.

5. PERFORMANCE REVIEW PROCESS

PERFORMANCE REVIEW TIMELINES:

The CAO Performance Review shall be September of each year. All components of the review, including any salary adjustment will be completed by September 30.

In an election year, the CAO Performance Review shall be in August. All components of the review in an election year shall be completed prior to nomination day.

This means that:

CHIEF ADMINISTRATIVE OFFICER PERFORMANCE APPRAISAL

- In an election year, the outgoing Council evaluates the CAO's performance over the prior year before the new Council is elected.
- The CAO will already have performance goals/key objectives in place to share with a newly elected Town Council in the first year of their term.
- The new Council may use the mid-point evaluation as a way to fine-tune the performance goals/key objectives of the CAO.

CAO REVIEW PROCESS:

Step 1: Objectives and Goal Setting

The purpose of this step is for the CAO and Council to jointly decide on any personal development goals and establish key performance objectives that are tied to the annual performance review feedback. These objectives should be established with the overall context for the Strategic Plan for the Town of Fort Frances.

Goals are established on annual performance review feedback, Town priorities, initiatives, and direction for the coming year.

Step 2: Mid-Year Check In (optional)

Council and the CAO meet to discuss progress on the achievement of key objectives and determine if there are any impediments to success or if objectives need to change as a result of a shift in strategic direction or priority.

Step 3: Annual Performance Review

CAO

CAO prepares a self-assessment of goals, key performance objectives, and accomplishments for the year as well as gathers data from community surveys/feedback and employee surveys/feedback that reflect the satisfaction and well-being of our community and our workforce and provides it to the Mayor.

Mayor/Council

Each Council member completes the CAO Performance Review form individually and forwards it to the Mayor. The Mayor then collates all feedback into a summary document.

HUMAN RESOURCES

Mayor/Council identifies groups requiring confidential surveys for the purpose of the annual performance review and provides direction to Human Resources Manager regarding the administration of such surveys.

Human Resources Manager

Human Resources prepares and administers confidential surveys of the Senior Leadership Team, any other members of the of the Town's workforce, or external stakeholders identified for each annual performance review. Results of these surveys are provided to the Mayor.

Pre-Performance Review Meeting

Human Resources collates all information gathered from the CAO, Council, and HR, and holds a formal meeting with Council to discuss the results of the review and the level of success in achieving the key objectives. Council feedback is documented for provision to the CAO. Council also determines any salary adjustment based on overall performance.

Performance Review Meeting:

The Mayor and Council meets with the CAO to provide formal, documented feedback as gathered above and to communicate Councils compensation adjustment decision.

Step 4: Cycle repeats with Step 1.

DETAILED ANNUAL PERFORMANCE REVIEW SCHEDULE

DELIVERABLE	WHO	Deadline*
Send reminder of CAO review timelines to Mayor	HR	July 2
Meet with Council to discuss components of evaluation (i.e. feedback, survey of direct reports, evaluation tools, etc.)	Mayor	July 15
Meet with Mayor to discuss components of evaluation (i.e. feedback, survey of direct reports, evaluation tools, etc.)	HR	July 25
Develop and send out surveys for direct reports and/or others	HR	August 1

CHIEF ADMINISTRATIVE OFFICER PERFORMANCE APPRAISAL

Advise CAO to complete self-assessment	HR	August 1
Provide performance review form to Council members	HR	August 1
Each Council member will individually complete the CAO performance review document and submit to the Mayor	Council Members	August 15
Complete self-assessment of goals, key performance objectives, and accomplishments, plus gather data from employee or community surveys or feedback	CAO	August 15
Collate and summarize Council feedback; collate all other information gathered and send to Council for review	Mayor/HR	August 20
Meet to discuss CAO review and provide overall feedback; decide on salary adjustment	Mayor and Council	September 1
Summarize all feedback from Council into CAO performance review document	Mayor/HR	September 10
Meet with CAO to deliver feedback	Mayor and Council	September 15
Advise HR to process salary adjustment as per contract and Salary Administration Policy for the CAO	Mayor	September 15
Develop key performance objectives for upcoming year	CAO, Mayor, and Council	September 15
Share and discuss key performance objectives for coming year with Council; finalize	CAO, Mayor, and Council	September 15
Mid-year check in (if used)	CAO, Mayor and Council	March 30

**In an election year, the deadlines described in the Detailed Annual Performance Review Schedule shall be one (1) calendar month earlier than specified.*

THE CORPORATION OF THE TOWN OF FORT FRANCES
BY-LAW XX/22

(Being a by law to authorize the execution of an agreement with SkyMark Refuelers re: RFT 2022-OF-03 – Supply and Delivery of a New Aircraft Refueler Truck).

WHEREAS *the Municipal Act, 2001, c. 25 as amended, Section 9*, grants a municipality the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under the Act or any other Act;

AND WHEREAS *Section 10 (1) of the Municipal Act, 2001, c. 25 as amended*, authorizes a single-tier municipality to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS on May 9, 2022 Council received a report from the Manager of Operations and Facilities to award the Request For Tender 2022-OF-03 for the Supply and Delivery of a New Aircraft Refueler Truck to SkyMark Refuelers.;

AND WHEREAS The Council of the Corporation of the Town of Fort Frances deems it advisable to enter into an Agreement with SkyMark Refuelers.

NOW THEREFORE be it resolved that council of the Corporation of the Town of Fort Frances **HEREBY ENACTS** as follows:

1. **THAT** the Mayor and the Clerk be authorized on behalf of the Town, to execute, and to affix the Corporate Seal of the Town, to the agreement with SkyMark Refuelers in the form of Schedule “A” attached to and forming part of this By-Law
2. **THAT** this By-law shall come into force and take effect upon the final passing thereof.

Enacted and passed this 24th day of may 2022.

J. Caul, Mayor

G. Lecuyer Clerk

SECTION 4**STANDARD FORM OF AGREEMENT****TENDER NO. 2022-OF-03****THIS AGREEMENT made in triplicate this _____ day of _____****in the year Two Thousand and Twenty Two**

BETWEEN:

 (herein called the "Supplier")
 OF THE FIRST PART

- and -

THE CORPORATION OF THE TOWN OF FORT FRANCES
 (herein called the "Owner")
 OF THE SECOND PART

WITNESSETH THAT: Whereas the Supplier has represented to the Owner that he is well able to supply the equipment/vehicle described in the Contract Documents.

NOW THEREFORE the parties hereto undertake and agree as follows:

Article 1 - The Supplier shall:

a) Do and fulfill every covenant contained in the Contract Documents and to furnish all labour, material and equipment, unless otherwise indicated, together with all work incidental thereto necessary and required to perform all the Work described in the Contract Documents and which have been executed in triplicate both PARTIES.

Article 2 - The Contract

The Instructions to Tenderers, Form of Tender, Addenda, Form of Agreement, Specifications and Special Provisions are all to be read into and form part of the Agreement and the whole shall constitute the Contract between the PARTIES and it shall accrue to the benefit of and be binding upon them and their successors, executors, administrators and their assigns.

In the event that any of the Contract Documents are inconsistent or in conflict, then such Documents shall take precedence and govern in the following order:

1. Agreement
2. Addenda
3. Special Provisions
4. Contract Documents
5. Standard Specifications
6. Tender
7. Supplemental General Conditions
8. General Conditions

Article 3 - Terms

The Municipality shall pay to the Supplier in lawful money of Canada for the performance of the contract for the amounts set out under the Schedule of Prices subject to the adjustments, additions, deductions and deletions as provided in the Contract Documents.

Article 4 - Payments

The Municipality shall pay on account thereof upon the Manager's approval, all monies owing to the Supplier for the items specified in the Contract. Upon receipt of invoices, any adjustments to monies owing will be made with notification to the Supplier.

Article 5 - Communications

All communications in writing between the PARTIES or between them and Travis Rob, Manager of Operations and Facilities, shall be deemed to have been received by the Addressee if delivered to the individual or to a member of the firm or to an officer of the Municipality for whom they are intended or if sent by registered mail or by telegram or facsimile transmission addressed as follows:

a) The Supplier at: _____

b) The Owner at: The Town of Fort Frances
 320 Portage Avenue
 Fort Frances, Ontario
 P9A 3P9
 Fax No. 807-274-8479

c) The Operations and Facilities Division Manager:

Operations & Facilities Division
320 Portage Avenue
Fort Frances, Ontario
P9A 3P9
Fax No. 807-274-7360

IN WITNESSETH WHEREOF the corporate parties hereto have caused to be hereto affixed their respective Corporate Seals attested by the signatures of their respective duly authorized signing officers, and the unincorporated party or parties hereto have signed and affixed their seals as of the day and year first above written.

Corporate Seals attested by the authorized signing officers of:

Date

Suppliers

THE CORPORATION OF THE TOWN OF FORT
FRANCES

Date

MAYOR

CLERK

(CORPORATE SEAL)

Unincorporated Contractors sign below:

SIGNED:

in the presence of:

Supplier's Signature

Witness to Supplier's Signature

Date

THE CORPORATION OF THE TOWN OF FORT FRANCES
BY-LAW XX/22

(Being a by law to authorize the execution of an agreement with Tom Jones Corporation re: RFT 2022-OF-05 – Fire Suppression Sprinkler System Installation in 52 Canadians Arena).

WHEREAS *the Municipal Act, 2001, c. 25 as amended, Section 9*, grants a municipality the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under the Act or any other Act;

AND WHEREAS *Section 10 (1) of the Municipal Act, 2001, c. 25 as amended*, authorizes a single-tier municipality to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS on May 9, 2022 Council received a report from the Manager of Operations and Facilities to award the Request For Tender 2022-OF-05 – Fire Suppression Sprinkler System Installation in 52 Canadians Arena to Tom Jones Corporation;

AND WHEREAS The Council of the Corporation of the Town of Fort Frances deems it advisable to enter into an Agreement with Tom Jones Corporation.

NOW THEREFORE be it resolved that council of the Corporation of the Town of Fort Frances **HEREBY ENACTS** as follows:

1. **THAT** the Mayor and the Clerk be authorized on behalf of the Town, to execute, and to affix the Corporate Seal of the Town, to the agreement with Tom Jones Corporation in the form of Schedule “A” attached to and forming part of this By-Law
2. **THAT** this By-law shall come into force and take effect upon the final passing thereof.

Enacted and **passed** this 24th day of may 2022.

J. Caul, Mayor

G. Lecuyer Clerk

SCHEDULE 2

AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2022.

BETWEEN:

(herein sometimes referred to as the "Tenderer" or the "Contractor")

- and -

The Corporation of the Town of Fort Frances
(the "Town")

Whereas the Contractor has represented to the Town that the Contractor is well able to perform the Work described in the Tender Documents for the respective Total Unit Price(s), quoted by the Tenderer in the Tender.

Now therefore the Contractor and the Town (herein sometimes referred to as the "Parties") undertake and agree as follows:

1. The Tenderer shall perform and complete the Work:
 - (a) to, and for, the benefit and satisfaction of the Town, in accordance with the Tender Documents;
 - (b) for the respective Total Unit Price(s) and Total Prices quoted by the Tenderer in the Tender Forms except as may be increased or decreased by increase or decrease in taxes (such as HST) as set out in paragraphs 3 and 4 of the Tender Forms.
2. The Tender Documents shall collectively be and the whole shall constitute the Contract between the Parties.
3. The Town agrees to pay to the Contractor in lawful money of Canada for the performance of the Work with the amounts to be paid on account thereof being determined by actual measured quantities in accordance with the Specifications

and Other Provisions and subject to adjustments, additions, deductions and deletions as provided in and by the Tender Documents. The Town shall pay on account thereof upon the approval of the Town Manager, Operations and Facilities Division (in the Tender Documents the Town Manager, Operations and Facilities Division is sometimes referred to as the "Manager"). Upon receipt of invoices, any adjustments to monies owing will be made with notification to the Contractor.

4. If the Town fails to make payments to the Contractor as they become due under the terms of the Tender Documents, interest equal to the current bank prime rate + 2% per annum on such unpaid amounts shall become due and payable until payment.
5. If:
 - (a) the Contractor should be adjudged bankrupt, or becomes insolvent, or makes a general assignment for the benefit of creditors, or if a receiver is appointed of the Tenderer or the Tenderer's business or any part thereof; or
 - (b) a petition in bankruptcy for liquidation, reorganization, or other proceeding, is filed by or against the Tenderer;
 - (c) the Contractor fails or neglects to properly perform or complete the Work or otherwise fails to comply with the requirements of the Tender Documents (including, without limitation, failure to meet specifications, or to meet delivery dates, or otherwise)

the Town may, without prejudice to any other right or remedy it may have, terminate this Agreement by giving the Contractor written notice.

The Contractor's obligation under the Tender Documents as to quality, correction and warranty of the work performed by him up to the time of termination shall continue in force after such termination.

6. Time shall in all respects be of the essence.
7. Neither this Agreement nor any rights or entitlements under it shall be assignable or transferable by the Contractor without the prior written consent of the Town.
8. Any notice required or permitted to be given hereunder shall be in writing and shall be effectively given if:
 - (a) delivered personally;
 - (b) sent by prepaid courier service or mail; or

(c) sent prepaid by telecopier, telex or other similar means of electronic communication (confirmed on the same or following day by prepaid mail) addressed,

(i) in case of notice to the Town, as follows:

320 Portage Avenue
FORT FRANCES, Ontario
P9A 3P9
Attention: Administrator

(ii) in case of the Contractor, as follows:

Any notice so given shall be deemed conclusively to have been given and received when so personally delivered or sent by telex, telecopier or other electronic communication or on the second day following the sending thereof by private courier or mail. Any Party hereto or others mentioned above may change any particulars of its address for notice by notice to the others in the manner aforesaid.

IN WITNESSETH WHEREOF the Parties hereto have executed this Agreement.

SIGNATURE OF CONTRACTOR:

Witness to signature of Tenderer

If a corporation, the person signing has the authority to bind such corporation

Print name of Witness:

PRINT NAME AND TITLE OF PERSON
SIGNING:

IF A CORPORATION, PRINT PROPER NAME
OF CORPORATION:

Address of Witness:

Address of Contractor:

Phone Number of Witness:

Phone Number of Contractor:

Fax Number: _____

Cell Number: _____

The Corporation of the Town of Fort Frances

per: _____

per: _____

I/we have authority to bind the Town

THE CORPORATION OF THE TOWN OF FORT FRANCES
BY-LAW XX/22

(Being a by law to authorize the execution of an agreement with Caliber Sport Systems Inc re: RFT 2022-OF-06 – Supply and Installation of new Sport Flooring at the Fort Frances Memorial Sports Centre).

WHEREAS *the Municipal Act, 2001, c. 25 as amended, Section 9*, grants a municipality the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under the Act or any other Act;

AND WHEREAS *Section 10 (1) of the Municipal Act, 2001, c. 25 as amended*, authorizes a single-tier municipality to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS on May 9, 2022 Council received a report from the Manager of Operations and Facilities to award the Request For Tender 2022-OF-06 – Supply and Installation of new Sport Flooring at the Fort Frances Memorial Sports Centre;

AND WHEREAS The Council of the Corporation of the Town of Fort Frances deems it advisable to enter into an Agreement with Caliber Sport Systems Inc.

NOW THEREFORE be it resolved that council of the Corporation of the Town of Fort Frances **HEREBY ENACTS** as follows:

1. **THAT** the Mayor and the Clerk be authorized on behalf of the Town, to execute, and to affix the Corporate Seal of the Town, to the agreement with Caliber Sport Systems Inc in the form of Schedule “A” attached to and forming part of this By-Law
2. **THAT** this By-law shall come into force and take effect upon the final passing thereof.

Enacted and **passed** this 24th day of May 2022.

J. Caul, Mayor

G. Lecuyer Clerk

SCHEDULE 2

AGREEMENT

THIS AGREEMENT made this 29th day of April, 2022.

BETWEEN:

Caliber Sport Systems INC.
(herein sometimes referred to as the "Tenderer" or the "Contractor")

- and -

The Corporation of the Town of Port Frances.
(the "Town")

Whereas the Contractor has represented to the Town that the Contractor is well able to perform the Work described in the Tender Documents for the respective Total Unit Price(s), Total Prices, and for the Year(s) quoted by the Tenderer in the Tender.

Now therefore the Contractor and the Town (herein sometimes referred to as the "Parties") undertake and agree as follows:

1. The Tenderer shall perform and complete the Work:
 - (a) To, and for, the benefit and satisfaction of the Town, in accordance with the Tender Documents;
 - (b) For the Year(s), and for the respective Total Unit Price(s) and Total Prices quoted by the Tenderer in the Tender Forms except as may be increased or decreased by increase or decrease in taxes (such as HST) as set out in paragraphs 3 and 4 of the Tender Forms.
2. The Tender Documents shall collectively be and the whole shall constitute the Contract between the Parties.
3. The Town agrees to pay to the Contractor in lawful money of Canada for the performance of the Work with the amounts to be paid on account thereof being determined by actual measured quantities in accordance with the Specifications and Other Provisions and subject to adjustments, additions, deductions and deletions as provided in and by the Tender Documents. The Town shall pay on

account thereof upon the approval of the Manager of Operations and Facilities (in the Tender Documents the Town Manager of Operations and Facilities is sometimes referred to as the "Manager"). Upon receipt of invoices, any adjustments to monies owing will be made with notification to the Contractor.

4. If the Town fails to make payments to the Contractor as they become due under the terms of the Tender Documents, interest equal to the current bank prime rate + 2% per annum on such unpaid amounts shall become due and payable until payment.
5. If:
 - (a) the Contractor should be adjudged bankrupt, or becomes insolvent, or makes a general assignment for the benefit of creditors, or if a receiver is appointed to the Tenderer or the Tenderer's business or any part thereof; or
 - (b) a petition in bankruptcy for liquidation, reorganization, or other proceeding, is filed by or against the Tenderer;
 - (c) the Contractor fails or neglects to properly perform or complete the Work or otherwise fails to comply with the requirements of the Tender Documents (including, without limitation, failure to meet gradation specifications, or to meet delivery dates, or otherwise)

The Town may, without prejudice to any other right or remedy it may have, terminate this Agreement by giving the Contractor written notice.

The Contractor's obligation under the Tender Documents as to quality, correction and warranty of the work performed by him up to the time of termination shall continue in force after such termination.

6. Time shall in all respects be of the essence.
7. Neither this Agreement nor any rights or entitlements under it shall be assignable or transferable by the Contractor without the prior written consent of the Town.
8. Any notice required or permitted to be given hereunder shall be in writing and shall be effectively given if:
 - (a) delivered personally;
 - (b) sent by prepaid courier service or mail; or

(c) sent prepaid by telecopier, telex or other similar means of electronic communication (confirmed on the same or following day by prepaid mail) addressed,

(i) in case of notice to the Town, as follows:

Travis RCB
TRob@FortFrances.USA
807-275-9757

(ii) in case of the Contractor, as follows:

Ben SHAW
ben@calibersport.com
519 830 6165

Any notice so given shall be deemed conclusively to have been given and received when so personally delivered or sent by telex, telecopier or other electronic communication or on the second day following the sending thereof by private courier or mail. Any Party hereto or others mentioned above may change any particulars of its address for notice by notice to the others in the manner aforesaid.

IN WITNESSETH WHEREOF the Parties hereto have executed this Agreement.

SIGNATURE OF CONTRACTOR:

Witness to signature of Tenderer

If a corporation, the person signing has the authority to bind such corporation

Print name of Witness:

PRINT NAME AND TITLE OF PERSON
SIGNING:

Ben Shaw

Thomas Hill, operations Manager

IF A CORPORATION, PRINT PROPER NAME
OF CORPORATION:

Address of Witness:

Address of Contractor:

Phone Number of Witness:

Phone Number of Contractor:

Fax Number: _____

Cell Number: _____

The Corporation of the _____

per: _____

per: _____

I/we have authority to bind the Municipality


SCHEDULE 3**OCCUPATIONAL HEALTH AND SAFETY AGREEMENT**

The undersigned Tenderer, Caliber Sport Systems INC., shall and does hereby agree and confirm that:

1. it is aware that all of the Town's place great importance on the compliance with and adherence to the Occupational Health and Safety Act (the "Act") and the safety standards and policies of all authorities having jurisdiction;
2. all Work performed by the Tenderer or on its behalf shall be in conformity with the Act and the construction, health, and safety standards and policies of all authorities having jurisdiction;
3. the Tenderer and its employees, personnel, contractors, subcontractors, agents and/or representatives are knowledgeable and well versed in and with the requirements of, the Act and the safety procedures required for during the performance and completion of the Work;
4. all persons involved with the Work shall be required to wear proper safety equipment at all times; and
5. the Tenderer shall be solely responsible for, and the Tenderer shall not hold nor seek to hold the Town responsible in any way for, any violations of the Act or the failure of the Tenderer to comply with and adhere to the safety standards and policies of any and all authorities having jurisdiction.

SIGNATURE OF CONTRACTOR:


 Witness to signature of Tenderer


 If a corporation, the person signing has authority to bind such corporation

Print name of Witness:

Ben Shaw

PRINT NAME AND TITLE OF PERSON SIGNING:

Thomas Hill, Operations Manager

IF A CORPORATION, PRINT PROPER NAME
OF CORPORATION:

Address of Witness:

Address of Contractor:

Phone Number of Witness:

Phone Number of Contractor:

Fax Number: _____

Cell Number: _____

The Corporation of the _____
per:

per:

I/we have authority to bind the Municipality

Date: _____, 2022.



TOWN OF FORT FRANCES

MINUTES

SESSION NO. #21

April 18, 2022

The meeting of Planning & Development Executive Committee of the Town of Fort Frances was held virtually and in the Civic Centre on April 18, 2022 from 8:30 a.m. to 8:36 a.m.

PRESENT: Chairperson, W. Brunetta, Councilor A. Hallikas

ALSO PRESENT: F. Anwar, CAO, C. Vangel, CBO/Planner, P. Briere, By-law Enforcement Officer, K. Haney, Deputy Clerk

REGRETS: Councilor J. McTaggart, Mayor, J. Caul (ex-officio)

1. **Call to Order - Session no. 21/Roll Call**
2. **Disclosure of pecuniary interest and the general nature thereof**
3. **Approval of Previous Committee Minutes**
 - 3.1 Session no 20 - 21 March 2022 - Accepted as presented
4. **Items Referred from Council - none**
5. **New Business**
 - 5.1 SPC02-2020 Planning Report - PDEC 2022 - C. Vangel to move item forward to Council meeting of April 25, 2022.
6. **Outstanding Items - none**
7. **Information**
 - 7.1 PDEC Report - March By-Law Stats - Accepted as presented
8. **In-Camera - none**
9. **Adjourn @ 0836 hrs / Next Meeting Date - 02 May 2022**

Executive Committee Chair

Secretary, Planning & Development Executive Committee



TOWN OF FORT FRANCES

MINUTES

May 2, 2022

The meeting of Planning & Development Executive Committee of the Town of Fort Frances was held virtually and in the Civic Centre on May 2, 2022 from 8:30 a.m. to 9:14 a.m.

PRESENT: J. McTaggart - Chairperson, W. Brunetta - Councillor Hallikas, Councillor, Mayor J. Caul (ex-officio)

ALSO PRESENT: C. Vangel, CBO/Planner, P. Briere, By-law Enforcement Officer, K. Haney, Deputy Clerk and BMI representatives, M. LePage and R. Coulbeck

REGRETS: F. Anwar, CAO

1. **Session # 22 - called to order @ 8:30 a.m./Roll Call**
2. **Disclosure of pecuniary interest and the general nature thereof**
3. **Approval of Previous Committee Minutes**
 - 3.1 Session no 21 - 18 April 2022 - Amendment needed. Corrected version will be brought forward to next meeting.
4. **Items Referred from Council**
 - 4.1 B2-2022 Zoning By-law amendment - 1229 Cornwall Avenue (Lagoon Property). Discussion held. BMI representatives M. LePage and R. Coulbeck were in attendance virtually to answer further queries from the Committee. Committee members in support of solar project. Noise mitigation study recommended prior to any decision being made. Awaiting receipt of further information, item to be brought back to a future PDEC meeting.
5. **New Business - none**
6. **Outstanding Items - none**
7. **Information - none**
8. **In-Camera - none**
9. **Adjournment: 9:14 a.m./ Next Meeting Date 16 May 2022**

Executive Committee Chair

Secretary, Planning & Development Executive Committee



TOWN OF FORT FRANCES

MINUTES

SESSION NO. #22

April 19, 2022

The meeting of Administration & Finance Executive Committee of the Town of Fort Frances was held virtually and in the Civic Centre on April 19, 2022 from 12:00 p.m. to 12:27 p.m.

PRESENT: Chairperson W. Brunetta, Councillors M. Behan and A. Hallikas, Mayor J. Caul (ex-officio)

ALSO PRESENT: F. Anwar, CAO, D. Galusha, Treasurer, T. Moffit, Fire Chief/CEMC, A. Hansma, Human Resources Manager, K. Haney, Deputy Clerk, P. Briere, By-law officer

REGRETS:

- 1. Call to Order @ 12:00 p.m.- Session no. 22 /Roll Call**
- 2. Disclosure of pecuniary interest and the general nature thereof - none**
- 3. Approval of Previous Committee Minutes**
 - 3.1 Session no 20 - 22 February 2022 - Accepted as presented
 - 3.2 Session no 21 - 22 March 2022 - Accepted as presented
- 4. Items Referred from Council**
 - 4.1 Electronic Participation amendment - Committee thanked the Clerk for her work on this by law amendment. Committee comfortable with clerk making edit re waiving of 3 meeting limit during a declared emergency. Item to move forward to council meeting of 25 April 2022.
 - 4.2 Chem Free Grad Request - Committee all in favor to ensure safety and support for our grads. Committee recommendation to move item forward to Council meeting of 25 April 2022.
 - 4.3 Procurement Policy - As requested by Council, review of Procurement Policy occurs once per term and will start in early May with revised by-law to follow prior to nominations in August. OFEC discuss anything council member wish to see change. Given inflations, thresholds i.e. tendering, RFP bumping up to 50,000. Committee looking forward to upcoming reports.
- 5. New Business**
 - 5.1 2022 Emergency Management Program Review - Completed 2022 review of TOFF. Changes made to remain consistent with provincial guidelines. Recommend council approve and by-law prepare. Shout out to Patrick Briere. Committee thanked Chief Moffit and Patrick Briere for putting this all together. Municipal Control Group did not have to add much to this review. HR Manager to be designated as alternate. Move forward to Council meeting of 25 April 2022.
- 6. Outstanding Items - none**
- 7. Information**

7.1 EMPCA 2021 compliance results - reflects good work of group.

- 8. **In-Camera - none**
- 9. **Adjourn / Next Meeting Date - May 3, 2022**

Executive Committee Chair

F. Anwar, CAO



TOWN OF FORT FRANCES

MINUTES

May 3, 2022

The meeting of Administration & Finance Executive Committee of the Town of Fort Frances was held virtually and in the Civic Centre on May 3, 2022 from 12:00 p.m. to 12:23 p.m.

PRESENT: Chairperson W. Brunetta, Councillors M. Behan and A. Hallikas, Mayor J. Caul (ex-officio)

ALSO PRESENT: J. Holliday, Deputy Treasurer, T. Moffit, Fire Chief/CEMC, A. Hansma, Human Resources Manager, K. Haney, Deputy Clerk, G. Lecuyer, Clerk

REGRETS: D. Galusha, Treasurer, F. Anwar, CAO

1. **Session #23 - Called to order @ 12:00 p.m./Roll Call**
2. **Disclosure of pecuniary interest and the general nature thereof - none**
3. **Approval of Previous Committee Minutes**
 - 3.1 Session no 22 - 19 April 2022 - Amendment needed. Corrected version will be brought back to next meeting.
4. **Items Referred from Council - None**
5. **New Business**
 - 5.1 Next Generation 9-1-1 Authority Service Agreement - Summary provided by T. Moffit, Fire Chief. Committee recommended item move forward to Council meeting of 09 May 2022.
 - 5.2 357 358 427 Mowat Avenue - No issues presented. Committee recommended item move forward to Council meeting scheduled for 09 May 2022.
 - 5.3 Disconnecting from Work Policy - Some discussion held. Committee thanked HR Manager for her work on this report. Committee recommended item move forward to Council meeting scheduled for 09 May 2022.
6. **Outstanding Items - None**
7. **Information**
 - 7.1 February and March reports - Accepted as presented
 - 7.2 Fort Frances Fire Rescue 2021 Annual Report - Accepted as presented
8. **In-Camera - None**
9. **Adjourn 12:28 p.m. / Next Meeting Date May 17 2022**

Executive Committee Chair

F. Anwar, CAO



TOWN OF FORT FRANCES

MINUTES

SESSION NO. #008

May 4, 2022

A meeting of the Operations & Facilities Executive Committee of the Town of Fort Frances was held in the Committee Room and via Microsoft Teams (virtual meeting resources) on Wednesday May 4, 2022 from 8:30 a.m. to 9:34 a.m.

PRESENT: Chairperson R. Wiedenhoeft - Councillor, M. Behan - Councillor, J. McTaggart - Councillor, Mayor J. Caul (ex-officio)

ALSO PRESENT: T. Rob, Manager of Operations & Facilities, Craig Miller (8:30 a.m. to 9:34 a.m.) and Randy Thoms (8:30 a.m. to 9:34 a.m.)

1 Call to Order/Roll Call

1.1 The meeting was called or order at 8:30 a.m.

2 Disclosure of pecuniary interest and the general nature thereof

2.1 None

3 Approval of Previous Committee Minutes

3.1 Minutes from the previous meeting on April 6, 2022 - the minutes were approved as circulated.

4 Items Referred from Council

4.1 Letter from Farmboy Real Estate in Support of a Splash Pad Development - the administration report was recommended as amended.

4.2 Letter from Ms. Linda Chisick Requesting the Installation of a Bench a the Riverview Cemetery Columbarium - the administration report was approved as recommended.

5 New Business

5.1 Award of Tender 2022-OF-03 - Supply and Delivery of a New Aircraft Refueler Truck - the administration report was approved as recommended.

- 5.2 Award of Tender 2022-OF-05 - Fire Suppression Sprinkler System Installation in 52 Canadians Arena - the administration report was approved as presented.

6 Information

- 6.1 Fort Frances Wastewater Treatment Facility March 2022 Monthly Report - the Wastewater Report for March 2022 was received and will be forwarded to Council as information only. No action required.
- 6.2 Airport Statistics 2022 - the Airport statistics were received and will be forwarded to Council as information only. No action required.
- 6.3 Sewer and Water Data for 2022 - the sewer and water data were received and will be forwarded to Council as information only. No action required.
- 6.4 Tonnage at the Landfill - updated April 13, 2022 - the landfill statistics were received and will be forwarded to Council as information only. No action required.
- 6.5 Operations and Facilities Division - Environmental Area - Operations Statistics - January 2022 - the Environmental Statistics for January 2022 were received and will be forwarded to Council as information only. No action required.
- 6.6 Operations and Facilities Division - Environmental Area - Operations Statistics - February 2022 - the Environmental Statistics for February 2022 were received and will be forwarded to Council as information only. No action required.
- 6.7 Operations and Facilities Division - Environmental Area - Operations Statistics - March 2022 - the Environmental Statistics for March 2022 were received and will be forwarded to Council as information only. No action required.
- 6.8 Water and Sewer Stats 2022 - the Water and Sewer stats were received and will be forwarded to Council as information only. No action required.

7 Adjourn / Next Meeting Date

- 7.1 The meeting adjourned at 9:34 a.m.
Next meeting May 18th, 2022

Executive Committee Chair

T. Rob, Manager of Operations & Facilities

Pat Gartshore Chair – Gartch's Int. Pub	P	Rick Wiedenhoef – Town Councilor Town of Fort Frances	A
Shelley Wepruk Secretary	P	Stacey Cridland Flint House	P
Pam Williams) 4 Your Pets	P	Ed Gackley Flinthouse	A
Scott Krienke-Turvey Inkspotz	P	RRFDC Representative Geoff Gillon	A
Jamie Pryde Modern Family Diner	A	Heather Johnson Chamber of Commerce Rep	P

1. Call to Order , Call for Conflict of Interest, Call for Agenda Additions

Pat Gartshore – Chair - opened the meeting at 8:04 ... The Agenda and minutes had been sent via email. Members were asked for any emergency agenda additions or conflicts of interest, none were noted.

2. Approval of Minutes

B.I.A Board of Management Meeting –8 March, 2022

Copies of the minutes from the 16 February, 2022 Board of Management Meeting circulated for review and approval. The following motion was made:

Motion #1 Pam Williams/Pat Gartshore

TO accept the minutes presented of 16 February 2022

Also to ratify all motions made on that date.

No against or abstentions

3. Accounts Payable & Financial Report

Motion #2 –Pam Williams/Pat Gartshore

TO accept the total payable for February 2022 in the amount of \$113.00

Also to ratify all motions made on that date.

No against or abstentions

4. New Business - Call for New Business

1.

5. Committee Reports

Finance and Administration Committee

1. We will be working on using our surplus by way of reducing the levy on business taxes.
2. We are giving a tax holiday this year.

Motion #3 Pam Williams/Pat Gartshore

TO use \$12,000.00 of our surplus to give businesses a tax holiday this year.

Also to ratify all motions made on that date.

No against or abstentions

3. Please have all bills in future directed to:
Pam Williams.
214 Scott Street, Fort Frances, On
P9A 1G7

Promotions Committee

1. Ads are running on B93 regarding the Ice Fishing Promotion.
2. Traffic appears to have picked up on Scott Street
3. Scott handed out ads for US radio for the board to look at. It will be 5 ads per day on both their AM and FM stations for 1 month for \$750.00 Canadian. We will see if similar arrangement can be made with B93.

Maintenance Committee

1. No response to date re speed limit.

Chamber of Commerce

1. Easter map was given out by Kiwanis. Chamber of Commerce will be doing up 2 baskets.
2. A number of businesses are signed up for Chamber Expo.
3. Bass tournament is considering doing a whole tournament this year.

Social Media

- 1 Stacey is obtaining a couple of photos of border welcoming tourists back to Canada. She would like photos without paper or Kraft mills in them.

6. New Business

7. Old Business –

1 Christmas Tree Lights: As we accidentally took all the lights off the tree at the Post Office we have been asked to replace the ones that are not ours. We need a letter from them requesting this action.

4. Motion Scott Krienke-Turvey/Stacey Cridland

TO supple new lights for tree outside Post Office should Post Office get approval.

Also to ratify all motions made on that date.

No against or abstentions

2. Quorum: We need to have an amendment to our by-law re number required for quorum. We will have to contact someone at Town Hall re reducing the number required.

Setting of Next Board Meeting

4. Motion Pat Gartshore

To close the meeting

No against or abstentions

All in agreement

– Meeting Closed at 9:16 a.m.

Our next meeting date will be 10 May 2022 at Flint House.

PLEASE NOTE THAT ALL MEETINGS WILL NOW BE HELD ON THE SECOND WEDNESDAY OF EACH MONTH AT 8:00 A.M.