

TOWN OF FORT FRANCES

COUNCIL MINUTES

SESSION NO. 077

APRIL 22, 2013

The meeting of Council of the Town of Fort Frances was held in the Council Chambers, Civic Centre on Monday, April 22, 2013, from 6:45 p.m. to 7:41 p.m.

PRESENT: Mayor R. Avis, (chaired 6:45 p.m. to 7:27 p.m., 7:28 p.m. to 7:36 p.m. and 7:37 p.m. to 7:41 p.m.); Councillors J. Albanese, D. Kitowski, K. Perry (chaired 7:27 p.m. to 7:28 p.m. and 7:36 p.m. to 7:37 p.m.), G. Paul Ryan and R. Wiedenhoeft.

ALSO PRESENT: M. McCaig, Administrator, G. Treftlin, Clerk; J. Kabel, Manager, Community Services; D. Brown, Manager, Operations & Facilities; L. Witherspoon, Treasurer.

1. Disclosure of pecuniary interest on agenda items by members;
 - 1) Mayor R. Avis on COW agenda item 7.1 stating the claim for entertainment expense was his. He did not participate in any discussion of nor vote on the matter.
 - 2) Mayor R. Avis on agenda item 8.1 stating that he is included among those persons who are recommended to be elected to a paid position with the Fort Frances Power Corporation. He did not participate in any discussion of nor vote on the matter.

-Mayor Avis turned the chair over to the Deputy Mayor K. Perry while the matters above were considered.
2. Verbal communications:
 - 1) 2013 Final Budget presentation (public meeting). L. Witherspoon, Treasurer presented an overview of the 2013 Budget. No one from the public came forward to speak to the budget. A. Bedard, Chair SRAPEA submitted a written statement on the proposed budget.
3. Written communications as per the agenda attached.
4. Non agenda item:
 - 1) Request for a proclamation from the Salvation Army.
5. Resolutions:

953 Ryan-Kitowski: THAT the following Consent items be approved:

 - 1) Committee of the Whole Consent items # 6.1, 6.2, 6.3, 6.4 and 6.5
 - 2) Council Consent Summary Report #3.1
 - 3) Council Consent items #3.3, 3.4, 3.5 and 3.6. CARRIED
 - 6.1 denied a request from Leroy Carpenter re: Sale of Property described as PT HB RES PCL8372.
 - 6.2 reviewed the Final Report as prepared by Stewardedge and Resource Recycling Systems re: Volume No. 7 – Northern Ontario – A Study of the Optimization of the Blue Box Material **Processing System** in Ontario and further approved that administration submit a Request for Expression of Interest under the improvement fund to complete a cost analysis of existing 4-8 unmanned cubic yard blue box recyclables depot to determine if it is feasible to install one or two compactor bins with implementation to take place in 2014.
 - 6.3 approved the March 2013 Drinking Water Systems Monthly Summary Report.
 - 6.4 approved receiving the Ontario Regulation 284/09 disclosure report for the 2013 Operating Budget as presented.
 - 6.5 approved purchase card expenses for M. McCaig, CAO in the amount of \$134.34.
 - 3.3 referred a request from Scott Armstrong re: Approval for Operation of a Taxi Business in the Town of Fort Frances to Planning and Development Executive Committee for recommendation.

- 3.4 referred a request from Rainy River Vet Services Committee re: Vet Assistance Trust Fund Contribution to Administration and Finance Executive Committee for recommendation.
- 3.5 approved proclaiming May 6-12, 2013 as “Nurses Week” in the Town of Fort Frances.
- 3.6 approved proclaiming May 6, 2013 as “Light It Orange – Melanoma Monday” and June 3-9, 2013 as “25th National Sun Awareness Week” in the Town of Fort Frances.

- 954 Kitowski-Ryan: THAT the minutes of the Council meetings being Sessions No. 73, 74, 75 and 76 dated March 25, April 1, 8 and 15, 2013 having been typed and distributed be approved. CARRIED
- 955 Ryan-Kitowski: THAT the reports of the Committee of the Whole of Council meetings being Sessions No. 92, 93, 94, 95, 96 and 97 dated March 25, April 1, 8, 9 and 15, 2013 having been typed and distributed be approved. CARRIED
- 956 Perry-Albanese: THAT the report dated April 10, 2013 from G. Treftlin, Town Clerk re: Application for Appointment to Citizen of the Year Committee for 2012 -2014 be received and further that the following be appointed to the Citizen of the Year Committee for the balance of the two-year term ending November 30, 2014: Nick Wihnan. CARRIED
- 957 Perry-Albanese: THAT the report dated April 17, 2013 from L. Witherspoon, Treasurer re: Mayor Roy Avis – Entertainment Expense be approved. CARRIED
Disclosure of Interest: R. Avis
- 958 Perry-Albanese: THAT the report dated April 17, 2013 from L. Witherspoon, Treasurer re: Request for Supporting Resolution – MPAC Fees & Services be received. CARRIED
- 959 Albanese-Wiedenhoeft: WHEREAS the Municipal Property Assessment Corporation (MPAC) is a crown corporation established under the *Municipal Property Assessment Corporation Act, 1997* with a mandate that includes, among other things, to prepare and deliver an assessment roll to each Ontario municipality on which the Ontario municipalities calculate their annual levy of taxes,

AND WHEREAS the annual levy of taxes is a substantial part of each Ontario municipality's annual source of revenue, needed to meet its annual expenses for municipal purposes,

AND WHEREAS Ontario municipalities are charged a fee for the services provided by MPAC, and Fort Frances' average annual charge for MPAC's fee for service over the past three years has exceeded \$96,440,

AND WHEREAS, in recent past years, there have been successful appeals against the values assessed by MPAC for property of a major taxpayer in a number of municipalities in northern and northwestern Ontario, including Fort Frances that have led to decisions by the Assessment Review Board (ARB) to award enormous refunds of prior years' taxes by these municipalities to the major taxpayer,

AND WHEREAS the magnitude of the refunds of prior years' taxes imposed through the ARB process in these instances has created a severe financial hardship on these municipalities, and severely restricts their fiscal ability to effectively manage their finances going forward,

AND WHEREAS during the ARB Telephone Conference Pre-hearings (TCC) for the assessment appeal by Fort Frances' major taxpayer, MPAC neglected to provide information pertinent to the case being considered as requested by the presiding member of the ARB and as a result was barred from actively participating in a meaningful way at the remainder of the TCC's to the detriment of the defence of Fort Frances' position,

AND WHEREAS Fort Frances had requested MPAC to issue by the end of February 2013 a Post Roll Amendment Notice (PRAN) that would reflect the reduced assessment attributed to the results of the successful assessment appeal by the major taxpayer and allow our Rainy River District Social Services Administration Board (RRDSSAB) to reduce the annual contribution of Fort Frances to the RRDSSAB, however the PRAN as of this date is still not received, and Fort Frances was denied the reduced level of contribution,

NOW THEREFORE Council for the Town of Fort Frances resolves that the Province of Ontario be called upon to, through its appropriate ministries, hold MPAC accountable for its less than stellar performance in developing the assessment rolls for these municipalities that led to the successful assessment appeals to the ARB and for the apparent disregard by MPAC for the ARB hearing process that led to its failure to properly assist Fort Frances in the defence of its position before the ARB,

AND FURTHER THAT Council calls upon the Province of Ontario to amend current applicable law to limit the ability of a taxpayer to appealing an assessment on which the current years tax levy was based only,

AND FURTHER THAT Council calls upon the Province of Ontario through its appropriate ministries to provide full financial relief to those municipalities that have been so seriously financially impaired by the level of services provided by MPAC as set out in this resolution.
CARRIED

- 960 Albanese-Wiedenhoeft: THAT Mayor Avis be authorized to attend a meeting with the Deputy Minister of Finance in Toronto on April 29, 2013. CARRIED
- 961 Perry-Albanese: THAT the report dated April 17, 2013 from L. Witherspoon, Treasurer re: 2013 Capping Parameters for Capped Properties be approved. CARRIED
- 962 Ryan-Kitowski: THAT the following by-laws be introduced and read a first, second and third time, be finally passed, signed by the Mayor and Clerk, sealed with the Corporate Seal and become law forthwith:
- 45/12-B A by-law to amend By-Law 45/12 to give effect in 2013 to revised Operations & Facilities User Fees for airport facility fees and a new Environmental Fee
- 9/13 A by-law to approve a lease agreement with J. Peterson at 501 Sixth Street W.
- 19/13 A by-law to approve an employment contract with G. Rogozinski
- 20/13 A by-law to adopt the estimates of all sums required for all municipal purposes in 2013
- 21/13 A by-law to establish tax ratios for prescribed property classes in 2013
- 22/13 A by-law to authorize the levy and collection of taxes for all municipal purposes in 2013
- 23/13 A by-law to authorize capping parameters for commercial, industrial and multi-residential capped property classes and to establish a minimum tax level for certain eligible properties CARRIED
- 963 Kitowski-Ryan: THAT, as recommended by the Fort Frances Power Corporation Board of Directors Personnel Selection Committee in a letter dated April 9, 2013 from J. Ruppenstein, President & CEO, Fort Frances Power Corporation, the following are to be elected to the Board of Directors for Fort Frances Power Corporation for the three year term commencing May 1, 2013: Roy Avis, Deanne Cunningham and Doug McCaig. CARRIED
Disclosure of Interest: R. Avis

- 964 Ryan-Kitowski: THAT, as requested in a letter dated April 3, 2013 from the Royal Canadian Legion, Branch 29, Council hereby resolves that the Royal Canadian Legion Branch 29 be granted use of the municipal parking lot at the corner of Church Street & Veteran Avenue on May 11th & 12th, 2013 or, in the alternative, a contribution as a Council Public Relations expense in the amount sufficient to offset the rental fee for use of the cement surface in Ice For Kids arena or the upstairs arena auditorium on May 11th & 12th, 2013. CARRIED
- 965 Albanese-Wiedenhoeft: THAT, as requested April 15th, 2013 by the Salvation Army Fort Frances Ministries, the month of May 2013 be proclaimed “The Salvation Army Red Shield Month” in Fort Frances. CARRIED
- 966 Ryan-Kitowski: THAT this meeting of the Council of the Town of Fort Frances be now closed. CARRIED

R. Avis, Chairperson

K. Perry, Chairperson

G. Treftlin, Clerk