

THE CORPORATION OF THE TOWN OF LATCHFORD

BY-LAW Number 2016 – 010

WHEREAS Section 391(1) of the Municipal Act S.O.2001, C 25, as amended, authorizes the Council of a local municipality to pass bylaws imposing fees or charges for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and for use of its property including property under its control.

BEING A BY-LAW TO PROVIDE FOR THE RECOVERY OF COSTS INCURRED BY THE CORPORATION OF THE TOWN OF LATCHFORD IN THE ADMINISTRATION OF THE LICENSE OF OCCUPATION GRANTED TO HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented by the Minister of Public Works and Government Services (hereinafter referred to as Her Majesty)

WHEREAS the Council for the Corporation of the Town of Latchford entered into a License of Occupation with Public Works and Government Services Canada by resolution of Council dated February 04, 2015;

AND WHEREAS Council of the Town of Latchford granted this license so as to allow for expeditious construction of the Latchford Control Dam in recognition that this project could not be undertaken without the use of the identified land and in the belief that significant benefits would result from the project for the municipality, its businesses and residents;

AND WHEREAS contrary to the expected benefits, the aforementioned Town Of Latchford has been burdened with unanticipated and extraordinary responsibilities in monitoring the activities of the contractor on ToL land which has necessitated the ToL having to retain the services of various professionals and firms with the required expertise unavailable within our immediate community.

AND WHEREAS many of the concerns identified by the Town of Latchford have been directly related to safety of municipal residents and the integrity of the environment in and around the project site

AND WHEREAS the scope of the project is unprecedented with respect to project cost and impact in the community

AND WHEREAS these retained services have assisted the Town Of Latchford in identifying countless oversights and errors insofar as Her Majesty abiding by the terms and conditions as established in the License of Occupation;



AND WHEREAS Her Majesty neglected to develop a baseline condition of the Town of Latchford property which they obtained under License of Occupation to identify all impacts and changes both to the land and its related infrastructure yet disputes the substantiated information provided by the retained services of the ToL;

AND WHEREAS the administration of the License of Occupation, and the monitoring of activities on the lands for which it is established, has required an inordinate amount of time being devoted to it by municipal staff, elected officials and retained services on behalf of the best interests of the Town Of Latchford and at a considerable cost to all involved and the Town Of Latchford.

AND WHEREAS Her Majesty's on site contractor has taken impactful liberties with ToL property and streets beyond the area provided under the License of Occupation for which the ToL considers Her Majesty to be liable for the required repairs and use of said areas and is responsible to compensate the Town Of Latchford in accordance with the values established for these activities.

NOW THEREFORE BE IT RESOLVED that the Council for the Corporation of the Town of Latchford has compiled all expenses associated with the foregoing and do hereby assign the following costs for administration of the License of Occupation based on these activities and impacts to Her Majesty as follows:

This submission includes documentation from correspondence between the Town of Latchford and PWGSC (as included in Appendices i-v), as well as from:

- Barton Consulting Services Invoice for advisory services and preparation of Municipal Impacts Report
- Market Rent Evaluation Report.
- EXP Engineering for assessment of road and other municipal infrastructure
- Invoice from Ray and Sons for visual inspection of outflow pipe
- Story Environmental for estimate of environmental remediation in and around the area of the Licence of Occupation
- Timiskaming Municipal Building Association; note regarding permitting requirements and value

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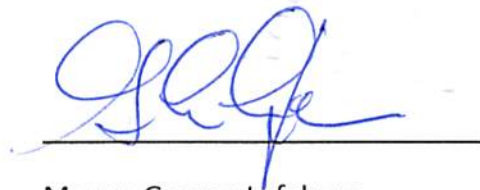
AND WHEREAS the Council for the Corporation of the Town Of Latchford deems it necessary to adopt a new by-law outlining cost for the administering the licence of occupation with Her Majesty the Queen in right of Canada, as represented by the Minister of Public Works and Government Services(herein after referred to as Her Majesty or The Licensee)

NOW THEREFORE THE CORPORATION OF THE TOWN OF LATCHFORD ENACTS AS FOLLOWS:

- 1) **That schedule A** being a schedule of costs incurred by The Corporation Of The Town Of Latchford in administering Licence of occupation with Her Majesty the Queen in right of Canada, as represented by the Minister of Public Works and Government Services (herein after referred to as Her Majesty or The Licensee) attached hereto and forming part of this by-law, are hereby adopted by the Council for The Corporation of The Town Of Latchford.

- 2: That this By-law shall come into force and effect immediately upon final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED on the 17th day of March, 2016.



Mayor, George Lefebvre



Clerk, Jaime Allen

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SCHEDULE A TO BY-LAW Number.2016-010

THE COROPRATION OF THE TOWN OF LATCHFORD RECOVERY OF COSTS INCURRED BY THE ADMINISTRATION OF LICENCE OF OCCUPATION GRANTED TO HER MAJESTY THE QUEEN IN THE RIGHT OF CANADA

In summary, we believe that fair and appropriate consideration to the Town of Latchford for use of the License area, administration of the Licence and remediation of the project area is as follows:

- **Estimate of costs for reconstruction of McLeod Avenue (Appendix vii) from EXP== \$63,000. Given that there is another full year of construction plus a year of remedial use, and given that costs may increase due to an absence of economies of scale associated with a relatively small project, we estimate that the cost of 75 metres of McLeod Street will cost not less than:**

➤ \$100,000.00

- **Invoice from EXP for assessment of state of infrastructure on completion of project**

➤ \$2992.86

- **Invoice from Ray and Sons for assessment of Outflow pipe (Appendix viii)**

➤ \$542.40

- **Estimate of costs for environmental remediation of License area as per correspondence from Story Environmental (Appendix ix). As indicated in Ms. Story's estimate, it is difficult to accurately forecast remediation costs given that they are typically conducted in a phased manner. For the purpose of this submission, I would suggest that an appropriate estimate is:**

➤ \$175,000.00

- **Lost revenue from Building Permits (as per correspondence from Clayton Seymour; Appendix x)**

➤ \$18,323.00

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- Time spent (Mayor and Council): As you are likely aware, the role of Mayor in a municipality like Latchford requires considerably less time, effort and expertise than what has been required during the lead up to, and construction phase of the dam. Other comparable municipalities use a rate of approximately \$50/hr for time spent on initiatives outside of the normal scope of duties. To this end, I estimate that a minimum of 12 hours per week has been required to support this project. Therefore, for the term of the project (3 years), the appropriate estimate of costs is: (3 years x 40 construction weeks/year x 12 hours per week x \$50/hr):

➤ \$72,000.00

- Additional Time: Municipal Staff: This project has required a significant amount of time from our municipal staff (particularly our Clerk-Treasurer, Chief Financial Officer, and Public Works staff). Although this is difficult to quantify, I would estimate that this has required the equivalent of 1 day per week for the construction and remediation periods of the project. Therefore, for the term of the project (3 years), the appropriate estimate of costs is: (3 years x 40 construction weeks/year x 8 hours per week x \$35/hr):

➤ \$33,600.00

- Barton Consulting Services; including assistance provided by Peggy Young-Lovelace (as per Appendix xi)

➤ \$31,836.05

- Anticipated costs for ongoing advisory services during Year 2 and 3 of Licence Term. (Based on 3 hours every 2nd week plus return travel—14 meetings in 2016, 8 meetings in 2017)

➤ \$8,844.00

- Fair Market Rent: As per the Market Value Rent Report (Appendix xii):

➤ \$234,000.00

Total cost of Administering the License and undertaking the appropriate remediations:

Total cost of Administering the Licence of
Occupation and undertaking the
appropriate site remediations:

\$677,138.31

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List of Appendices

- i. Letter from Town of Latchford to Public Works and Government Services (PWGSC) August 31, 2015 (includes Licence of Occupation)
- ii. Acknowledgement from PWGSC of September 8, 2015
- iii. Response from PWGSC October 6, 2015
- iv. Follow up letter from Town of Latchford November 5, 2015
- v. Notes from meeting between PWGSC and Town of Latchford November 9, 2015
- vi. Invoice from EXP
- vii. Road report from EXP
- viii. Invoice from Ray and Sons Inc.
- ix. Correspondence including estimate of costs from Story Environmental
- x. Building Permit Correspondence from Clayton Seymour; Chief Building Official – Temiskaming Municipal Building Association
- xi. Invoice from Barton Consulting Services
- xii. Market Valuation Report

