

Additions & Corrections to the Agenda

Additional items to this Agenda are shown under the Addendum header.

Declarations of Pecuniary Interest

Presentations & Recognitions

Deputations

1. WITHDRAWN - Mr. Gary Worters to address the Committee regarding fundraising for new dog park. p. 1
2. Ms. Debra Scott, Newmarket Chamber of Commerce to address the Committee regarding Council Strategic Priorities - Economic Development. p. 2
3. Mr. Jim Bruzzese, BMA Management Consulting Inc. to address the Committee with a PowerPoint presentation regarding Building Permit Fee Review. (Related to Item 11) p. 3

Correspondence & Petitions

Consent Items (Items # 4 to 19, 25, 26)

4. Correspondence dated September 3, 2015 from Ms. Jo-Anne St. Godard, Executive Director, Recycling Council of Ontario requesting proclamation of October 19 to 25, 2015 as 'Waste Reduction Week'. p. 22

Recommendations:

a) THAT the correspondence from Ms. Jo-Anne St. Godard, Executive Director, Recycling Council of Ontario be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October 19 to 25, 2015 as 'Waste Reduction Week';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

5. Correspondence dated September 9, 2015 from Chief Ian Laing, Central York Fire Services requesting proclamation of October 4 to 10, 2015 as 'Fire Prevention Week'. p. 25

Recommendations:

a) THAT the correspondence from Chief Ian Laing, Central York Fire Services be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October 4 to 10, 2015 as 'Fire Prevention Week';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

6. Correspondence dated September 9, 2015 from Ms. Laura Bradford, Senior Mediator/Parenting Coordinator, Summit Mediation requesting proclamation of November 23 to 27, 2015 as 'Family Dispute Resolution Week'. p. 26

Recommendations:

a) THAT the correspondence from Ms. Laura Bradford, Summit Mediation be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim November 23 to 27, 2015 as 'Family Dispute Resolution Week';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

7. Accessibility Advisory Committee Minutes of June 18, 2015. p. 29

The Accessibility Advisory Committee recommends:

a) THAT the Accessibility Advisory Committee Minutes of June 18, 2015 be received.

8. Newmarket Downtown Development Sub-Committee Minutes of June 26, 2015. p. 34

The Newmarket Downtown Development Sub-Committee recommends:

a) THAT the Newmarket Downtown Development Sub-Committee Minutes of June 26, 2015 be received.

9. Main Street District Business Improvement Area Board of Management Minutes of July 21, 2015. p. 38

The Main Street District Business Improvement Area Board of Management Minutes of July 21, 2015 be received.

10. Correspondence received June 25, 2015 from Mr. Athol Hart regarding Town Crier representation. p. 43

Recommendation:

a) THAT the correspondence received June 25, 2015 from Mr. Athol Hart regarding Town Crier representation be received and referred to staff to organize a Town Crier competition at a future event.

11. Development and Infrastructure Services Report - Planning and Building Services 2015-01 dated September 14, 2015 regarding Building Permit Fees Report and Building By-law. p. 50

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2015-01 dated September 14, 2015 regarding Building Permit Fees Report and Building By-law be received and the following recommendations be adopted:

i) THAT Committee direct staff to hold a public meeting in accordance with the Building Code Act and regulations for proposed changes to Building Permit fees collected under the Act;

ii) AND THAT notice be given to such persons as may be prescribed in the Building Code Act;

iii) AND THAT following the public meeting, the Building By-law and associated permit fee schedule be brought back to Council for adoption with an implementation date in January 2016;

iv) AND THAT the Building Permit Stabilization Reserve target range be established at 150% - 200% of the total operating expenditures which is consistent with industry practice;

v) AND THAT a DAAP Cost Recovery review as recommended by BMA Management Consulting Inc. be undertaken;

vi) AND THAT the cost of the DAAP Cost Recovery review be funded by the Building Permit Reserve.

12. Development and Infrastructure Services Commission Report 2015-53 dated September 8, 2015 regarding Ontario Municipal Cycling Infrastructure Program. p. 72

The Commissioner of Development and Infrastructure Services recommends:

a) THAT Development and Infrastructure Services Commission Report 2015-53 dated September 8, 2015 regarding the Ontario Municipal Cycling Infrastructure Program be received and the following recommendations be adopted:

i) THAT Council endorse the proposed cycling infrastructure project as identified in the attached Schedule 'A' - Newmarket East-West Bikeway Map to enable staff to continue with an application for partial funding of the project through the Ontario Municipal Cycling Infrastructure Program (OMCIP);

ii) AND THAT Council pre-approve the allocation of \$325,000 from the development charges capital fund over the 2016 and 2017 budgets.

13. Development and Infrastructure Services - Planning and Building Services - Planning Report 2015-38 dated September 17, 2015 regarding Public Meeting notification sign requirements. p. 77

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2015-38 dated September 17, 2015 regarding changing the requirements for Public Meeting notification signs be received and the following recommendation be adopted:

i) THAT the requirements for Public Meeting notification signs be changed such that the wording is simpler and a map and/or drawing of the proposed development be included on the sign.

14. Development and Infrastructure Services - Planning and Building Services - Planning Report 2015-39 dated September 17, 2015 regarding Parking and Storage of Recreational Vehicles in Residential Zones. p. 86

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2015-39 dated September 17, 2015 regarding parking and storage of recreational vehicles in residential zones be received and the following recommendations be adopted:

i) THAT Council authorize a Zoning By-law Amendment to amend the zoning provisions for the parking and storing of recreational vehicles on a driveway from 72 hours per month to 4 calendar days per month as outlined in the attached draft by-law;

ii) AND THAT staff bring forward the by-law to the next Council meeting;

iii) AND THAT Laurie Smith of 371 Burford Street, Newmarket, ON L3Y 6P9 be notified by the Clerk of this action;

iv) AND THAT Laura and Mike Kyte of 367 Burford Street, Newmarket, ON L3Y 6P9 be notified by the Clerk of this action.

15. Corporate Services - Legislative Services 2015-12 dated September 10, 2015 p. 96 regarding Public Records Access Improvements.

The Commissioner of Corporate Services and the Director of Legislative Services recommend:

a) THAT Corporate Services - Legislative Services Report 2015-12 dated September 10, 2015 regarding 'Public Records Access Improvements' be received and the following recommendation be adopted:

i) THAT the Routine Disclosure of Records Policy CORP.1-09 (attached as Appendix A) be approved.

16. Corporate Services Report - Legislative Services 2015-13 dated September 16, 2015 p. 116 regarding vivaNext D1 Project (Noise By-law Exemption)

The Commissioner of Corporate Services and the Director of Legislative Services recommend:

a) THAT Corporate Services Report - Legislative Services 2015-13 dated September 16, 2015 regarding vivaNext D1 Project Request for Exemption from the Noise By-law be received and the following recommendations be adopted:

i) THAT the request from Kiewit EllisDon for a noise exemption to perform necessary works for the vivaNext D1 project between the hours of 10:00 p.m. to 7:00 a.m. from December 25, 2015 until December 25, 2016 be approved;

ii) AND THAT this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council.

17. Joint Office of the CAO - Strategic Initiatives and Corporate Services Commission - Legislative Services Report 2015-10 dated September 3, 2015 regarding Corporate Policy Approval Authority Framework. p. 119

The Chief Administrative Officer, the Commissioner of Corporate Services and the Director of Legislative Services recommend:

a) THAT Office of the CAO - Strategic Initiatives and Corporate Services Commission - Legislative Services Report 2015-10 dated September 3, 2015 regarding 'Corporate Policy Approval Framework' be received and the following recommendations be adopted:

i) THAT Council adopt Corporate Policy CAO.1-06 'Corporate Policy Approval Authority Framework' attached as Appendix 'A';

ii) AND THAT the delegation by-law be updated to reflect these items of delegated authority.

18. Development and Infrastructure Services Report - Engineering Services 2015-47 dated August 6, 2015 regarding Patti McCulloch Way - Parking Restrictions. (Deferred from the August 31, 2015 Committee of the Whole meeting) p. 139

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - Engineering Services 2015-47 dated August 6, 2015 regarding Patti McCulloch Way - Parking Restrictions be received and the following recommendation be adopted:

i) THAT no additional parking restrictions be implemented on Patti McCulloch Way.

19. List of Outstanding Matters. p. 141

Recommendation:

a) THAT the list of Outstanding Matters be received.

Action Items

20. Corporate Services Commission Report - Legislative Services 2015-11 dated September 3, 2015 regarding 'Housekeeping Matters: Regular Meeting Schedule, Procedure By-law and Municipal Flag Policy'. p. 146

The Commissioner of Corporate Services and the Director of Legislative Services recommend:

a) THAT Corporate Services Commission Report - Legislative Services 2015-11 dated September 3, 2015 regarding the 'Housekeeping Matters: Regular Meeting Schedule, Procedure By-law and Municipal Flag Policy' be received and the following recommendations be adopted:

i) THAT Council determine whether regular Committee of the Whole and Council meetings will be scheduled on Tuesdays effective November, 2015;

ii) AND THAT Council adopt the recommended housekeeping amendments to the Procedure By-law (By-law 2013-46) outlined in Appendix A;

iii) AND THAT Council provide direction on the options related to deputations outlined in Appendix B;

iv) AND THAT Council adopt the recommended housekeeping amendments to the Municipal Flag Policy outlined in Appendix C in highlight.

Reports by Regional Representatives

Motions

21. Councillor Kerwin - THAT staff be directed to report back within 120 days on the potential of demolishing the Old Fire Hall at 140 Main Street South with the intent to repurpose it as a parking lot that would be in keeping with the downtown area. p. 171

Notices of Motion

New Business

Closed Session

The Closed Session Agenda and Reports will be circulated under separate cover (Goldenrod).

22. Corporate Services (Legal Services) (Closed Session) Report 2015-07 dated September 8, 2015 regarding a proposed or pending acquisition or disposition of land by the municipality or local board as per Section 239 (2) (c) of the Municipal Act, 2001. (Ward 5 - Proposed land exchange between the Town of Newmarket and the Regional Municipality of York)
23. Joint CAO/Commissioners of Community Services, Corporate Services and Development and Infrastructure Services (Closed Session) Report 2015-54 and related presentation regarding a proposed or pending acquisition or disposition of land by the municipality or local board as per Section 239 (2) (c) of the Municipal Act, 2001. (Ward 3)

Public Hearing Matters

24. Development and Infrastructure Services Report - Planning and Building Services Report 2015-35 and related Council Extract, Public Meeting Notice regarding a Proposed Official Plan, Zoning By-law Amendment and Proposed Draft Plan of Subdivision - 16920 and 16860 Leslie Street. p. 172

Addendum (Additions and Corrections)

- 1a. Item 1 Deputation by Mr. Gary Worters - WITHDRAWN
- 2a. PowerPoint Presentation by Ms. Debra Scott, Newmarket Chamber of Commerce regarding Council Strategic Priorities - Economic Development. (Related to Item 2) p. 183
- 3a. Building Permit Fee Review Report - BMA Management Consulting Inc. (Related to Items 3 and 11) p. 189
- 10a. Mr. Athol Hart to address the Committee regarding Town Crier. (Related to Item 10) p. 218
- 12a. Mr. Paul Jolie to address the Committee regarding Ontario Municipal Cycling Infrastructure (Related to Item 12) p. 219
- 12b. Ms. Laurie Smith to address the Committee regarding By-law with respect to Parking and Storage of Recreational Vehicles in Residential Zones. (Related to Item 14) p. 220

- 12c. Mr. Mike Hodge to address the Committee of the Whole regarding Parking and Storage of Recreational Vehicles in Residential Zones. (Related to Item 14) p. 221
- 24a. PowerPoint Presentation by Ms. Diane Humeniuk, Bogart Mill Development Committee regarding Development and Infrastructure Services Report - Planning and Building Services 2015-35 regarding 16920 and 16860 Leslie Street. (Related to Item 24; 7:00 p.m. Public Meeting) p. 222
25. Development and Infrastructure Services Report - PWS 2015-55 dated September 18, 2015 regarding Snow Storage Alternative Update. p. 268

The Commissioner of Development and Infrastructure Services and the Director of Public Works Services recommend:

a) THAT Development and Infrastructure Services Report Public Works Services - PWS 2015-55 dated September 18, 2015 regarding Snow Storage Alternative Update be received and the following recommendations be adopted:

i) THAT staff continue to work with the private land owners and York Region to finalize arrangements for snow storage for the 2015/2016 winter season;

ii) AND THAT staff include any estimated additional cost for alternative snow storage in the 2016 draft budget proposal, if required;

iii) AND THAT staff be authorized to execute required agreements for temporary storage of snow for the 2015/2016 and subsequent winter seasons if required, as described.

26. Community Services - Recreation and Culture Report 2015-28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow-Up. p. 277

The Commissioner of Community Services and the Director of Recreation and Culture recommend:

a) THAT Community Services - Recreation and Culture Report 2015-28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow-Up be received and the following recommendations be adopted:

1. THAT staff work with Pickering College to:

i) Finalize an agreement subject to Council approval with respect to capital and operating costs regarding a replacement arena at Pickering College;

ii) Bring back a professionally prepared project estimate and recommended capital and operating agreement to Council for review within the next 45 days;

2. AND THAT in the event negotiations with Pickering College do not advance to the point of recommending an agreement that staff:

i) Commission a professionally prepared architects' project costing with respect to the construction of a third ice pad at the Ray Twinney Complex;

ii) Develop a capital and operating forecast regarding a new ice pad at the Ray Twinney Complex;

iii) Bring back 2i) and 2ii) to Council for review within the next 60 days;

3. AND THAT staff initiate a public process addressing a replacement arena and proposed disposition of land at Hollingsworth Arena.

Adjournment



TOWN OF NEWMARKET

Clerks Department
clerks@newmarket.ca

Request for Deputation

Request for deputation and/or any written submissions and background information for consideration by either Council or Committee of the Whole must be submitted to the Clerk's Department by the following deadlines:

For Council – by 12 noon on the Wednesday immediately prior to the requested meeting

For Committee of the Whole (for items not on the agenda) – by 12 noon on the Wednesday twelve days prior to the requested meeting

NEXT AVAILABLE

Council / Committee date: _____

Agenda Item # ? Subject: Fund Raising

Name: Gary Worters

Address:

<i>Street Address</i>	
	Newmarket
<i>Town/City</i>	<i>Postal Code</i>

Phone: Home: _____ Business: _____

Fax #: na E-mail Address: _____

Name of Group or Person(s) being represented (if applicable)
Gary Worters

Brief summary of the issue or purpose of your deputation:

This will be a brief presentation of a new concept to raise funds for our new dog park.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2202; Fax 905-953-5100.

2
Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole. If filling out by hand please print clearly.

Please email to clerks@newmarket.ca, fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Subject: Town Council's Strategic Priorities - Economic Development - ext

Date of Meeting: Sept. 28 2015 ~~Sept. 21~~ Agenda Item No.:

☒ I wish to address Council / Committee

☐ I request future notification of meetings.

Name: Debra Scott

Organization / Group/ Business represented:

Newmarket Chamber of Commerce

Address: 410 Davis Dr Postal Code: L3Y 2P3

Email: debra@newmarketchamber.ca

Home Phone: Business Phone: 905 898-5900

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100.

Town of Newmarket Building Permit Fee Review

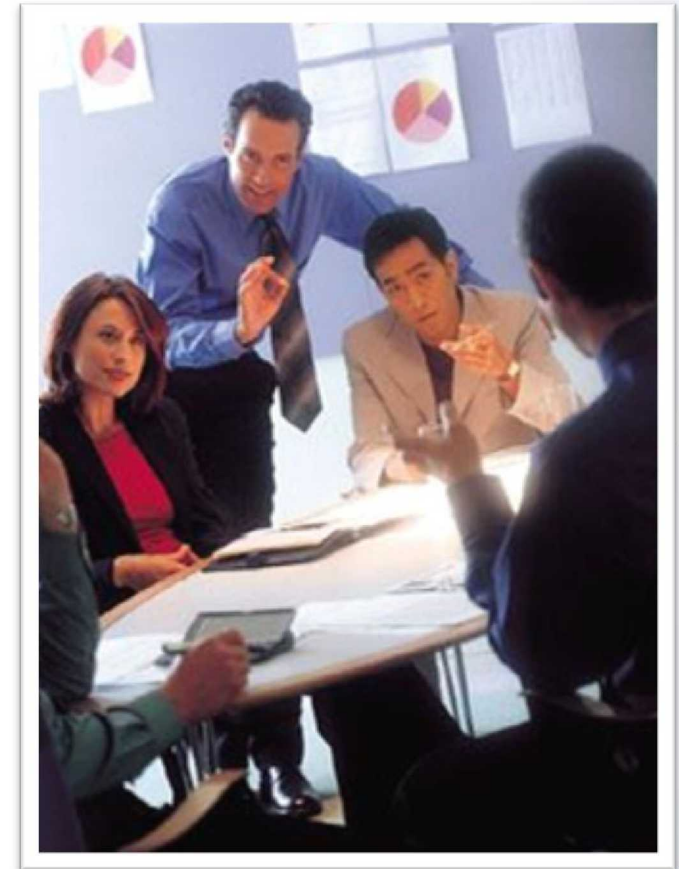


3

Study Objectives

Establishing fees that:

- Support operational effectiveness
- Support financial sustainability
- Are fair and equitable
- Recover the full cost of service
- Mitigate potential risks and liabilities
- Are competitive



4

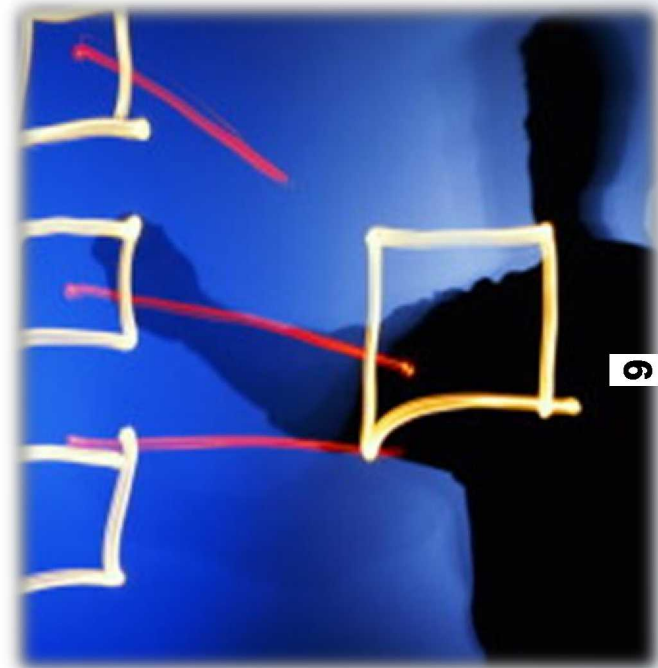
Approach – Building Permit Fees

Review Process

- Consider the appropriateness of the existing fee structure
- Identify budgetary costs using activity based costing and full cost accounting principles
- Process mapping
- Identify time required in each step in the process
- Calculate a per unit cost
- Calculate proposed fees and make recommendations with respect to fee structure
- Compare recommended fees to other municipalities
- Review and make recommendations on reserve requirements

Review of Existing Information and Data

- Previous fee reports
- Policies
- Activity levels over the past 10 years
- Development Charges growth forecast
- Reserve balance and activity
- Operating Budget



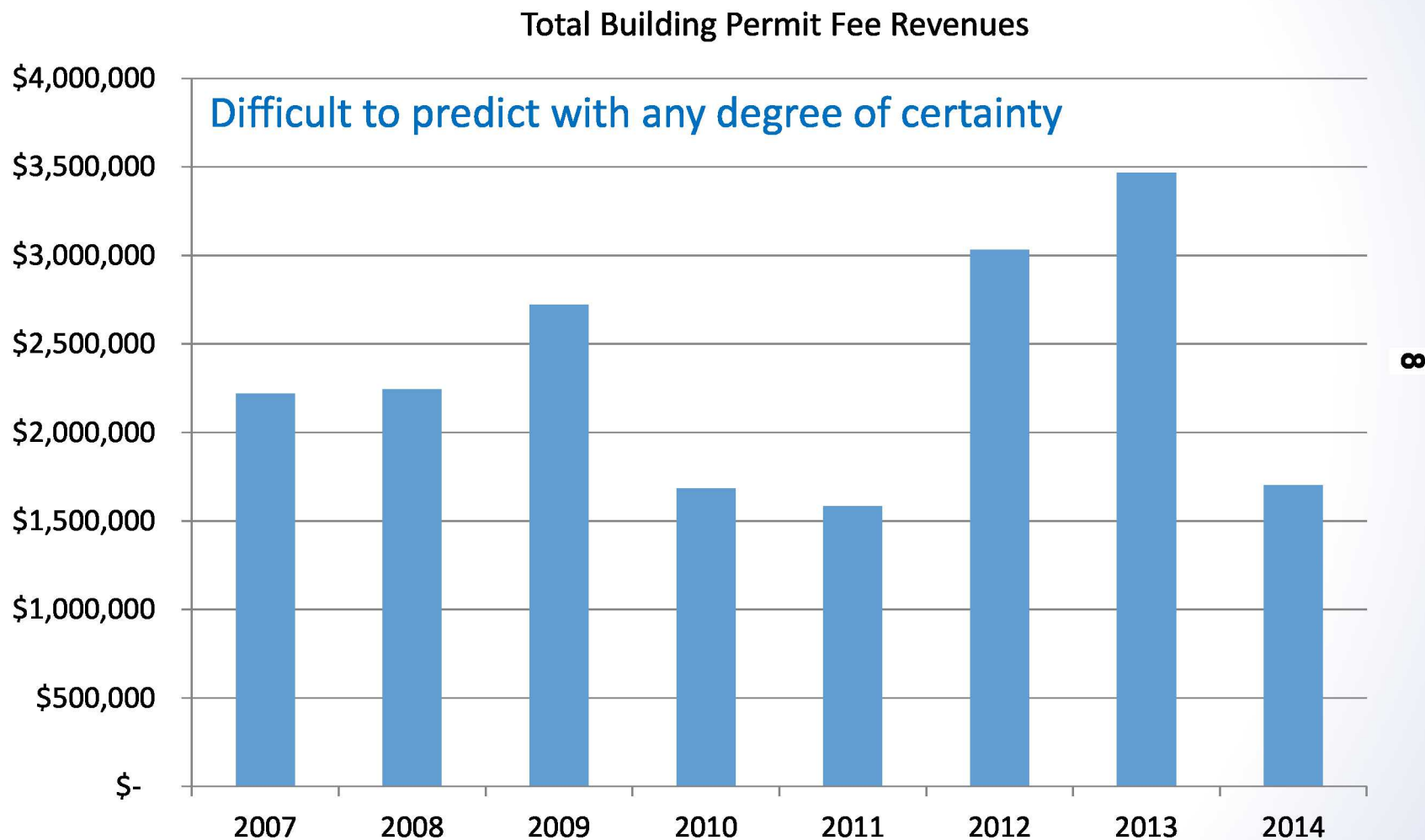
Background Information

- Building Permit Fees have not be updated since 2010
- Approximately 10 years since the last detailed fee review was undertaken
- *Building Code Act (the Act)* requires that permit fees not exceed “the anticipated reasonable costs to administer and enforce the *Building Code* during building construction”



Consistent with the practice in most Ontario municipalities, Newmarket's Building Department operates on a full cost recovery basis whereby revenues generated from fees are used to offset expenditures

Building Permit Fee Revenues 2007-2014

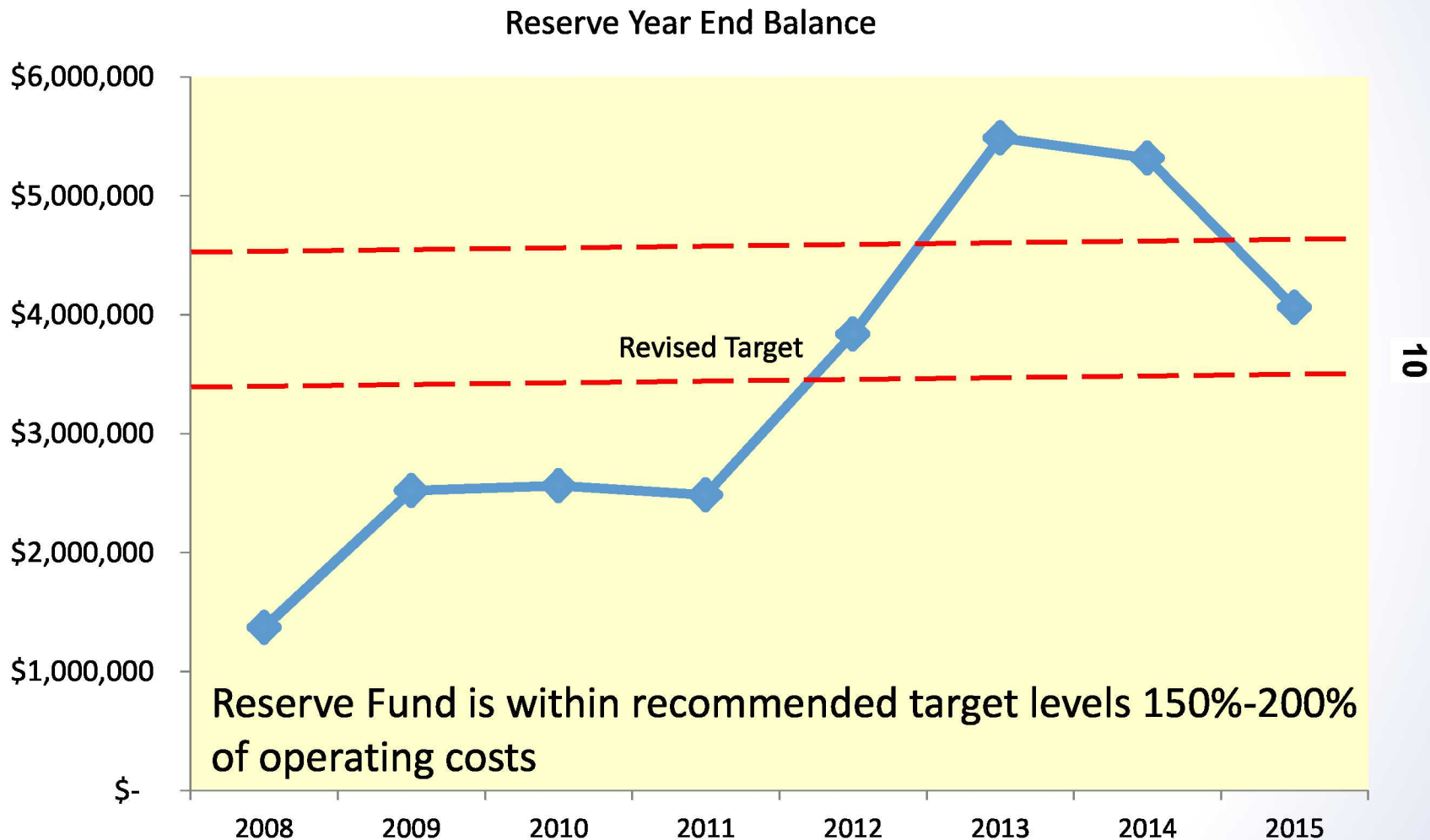


Background Information – Building Stabilization Reserve Fund

- A Building Permit Stabilization Reserve Fund exists to help smooth the impact of peaks and valleys in construction – established in 2005
- Benefits include:
 - managing the risk associated with an economic downturn
 - spreads the impact of market fluctuations across an economic cycle
 - avoids fluctuations in fees
 - available to fund one-time capital requirement
- In accordance with the Act, the Reserve Fund is segregated and cannot be used for any other Town programs or services.

6

Building Stabilization Reserve Year End Balance



Summary of Findings and Recommendations - Residential

- Newmarket is one of the few municipalities that charges a separate plumbing fee for residential new construction – most include these costs in the base per m² fee
 - Existing approach is administratively cumbersome and reduces the transparency of the cost of service
- Residential Fee is \$14.50 m² + \$24.19 per plumbing fixture
- Recommend incorporating plumbing fee into per m² fee. The following compares the residential fee for new construction building permit (2,500 ft² and 9 plumbing fixtures)

	Existing	Recommended
Cost per m2	\$ 14.50	\$ 14.65
Plumbing fee per fixture	\$ 24.19	
Total Cost	\$ 3,585	\$ 3,403
Difference		\$ (183)

Reduction of
approx. 5%

Summary of Findings and Recommendations— Fee Structure

- The Town charges the same fee for new construction whether it is a shell or finished construction which is a different level of effort – most municipalities have a shell and finished fee
- However, alterations are much more costly in Newmarket due to the fee structure. Alterations in Newmarket are based on a cost per \$1,000 of construction but in most municipalities this is based on a cost per m²
- Recommendations have been made to establish a different fee for shell versus finished based on the process mapping exercise and also to move to a cost per m² for alterations



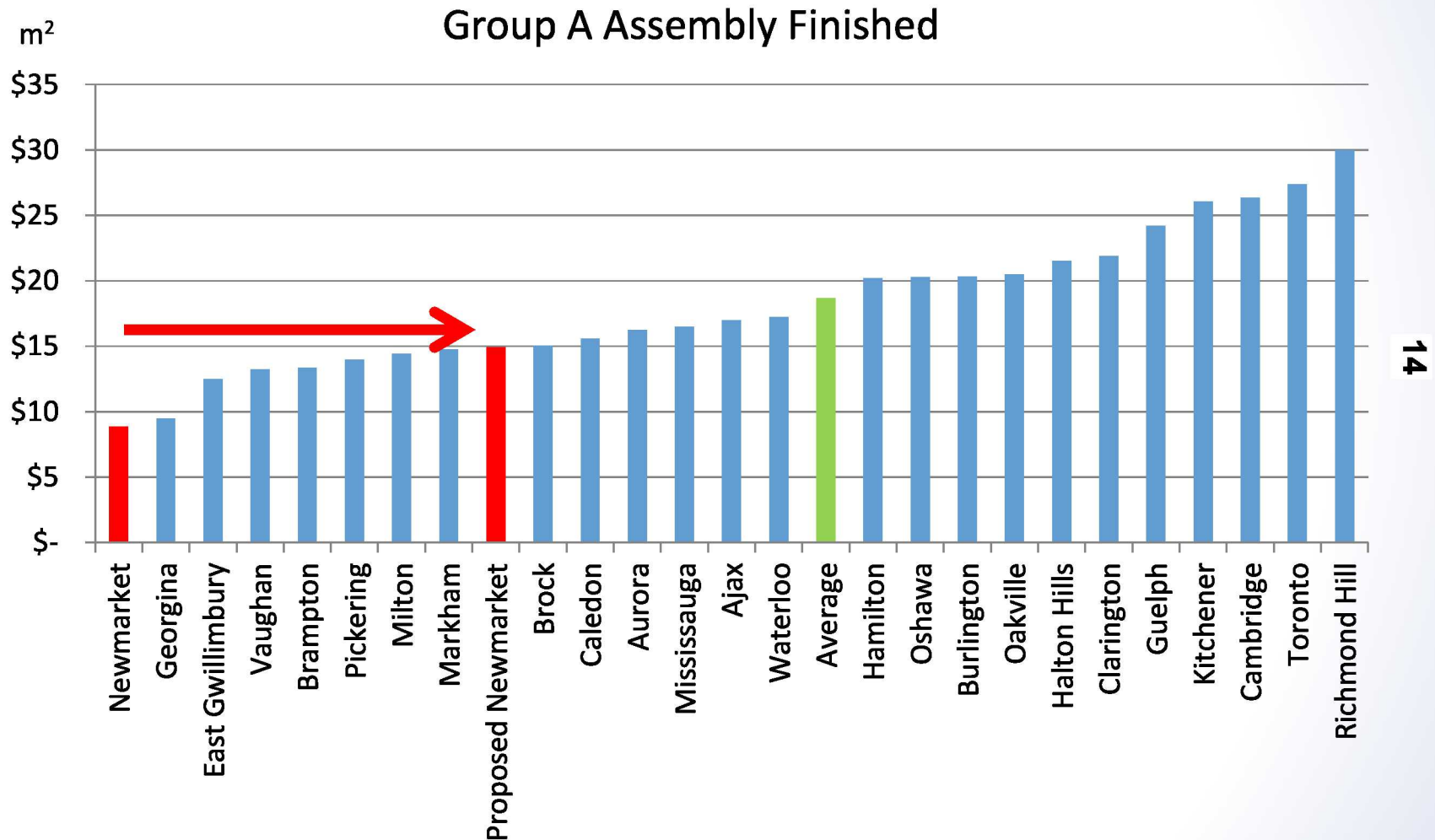
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Summary of Findings and Recommendations— Fee Structure - ICI

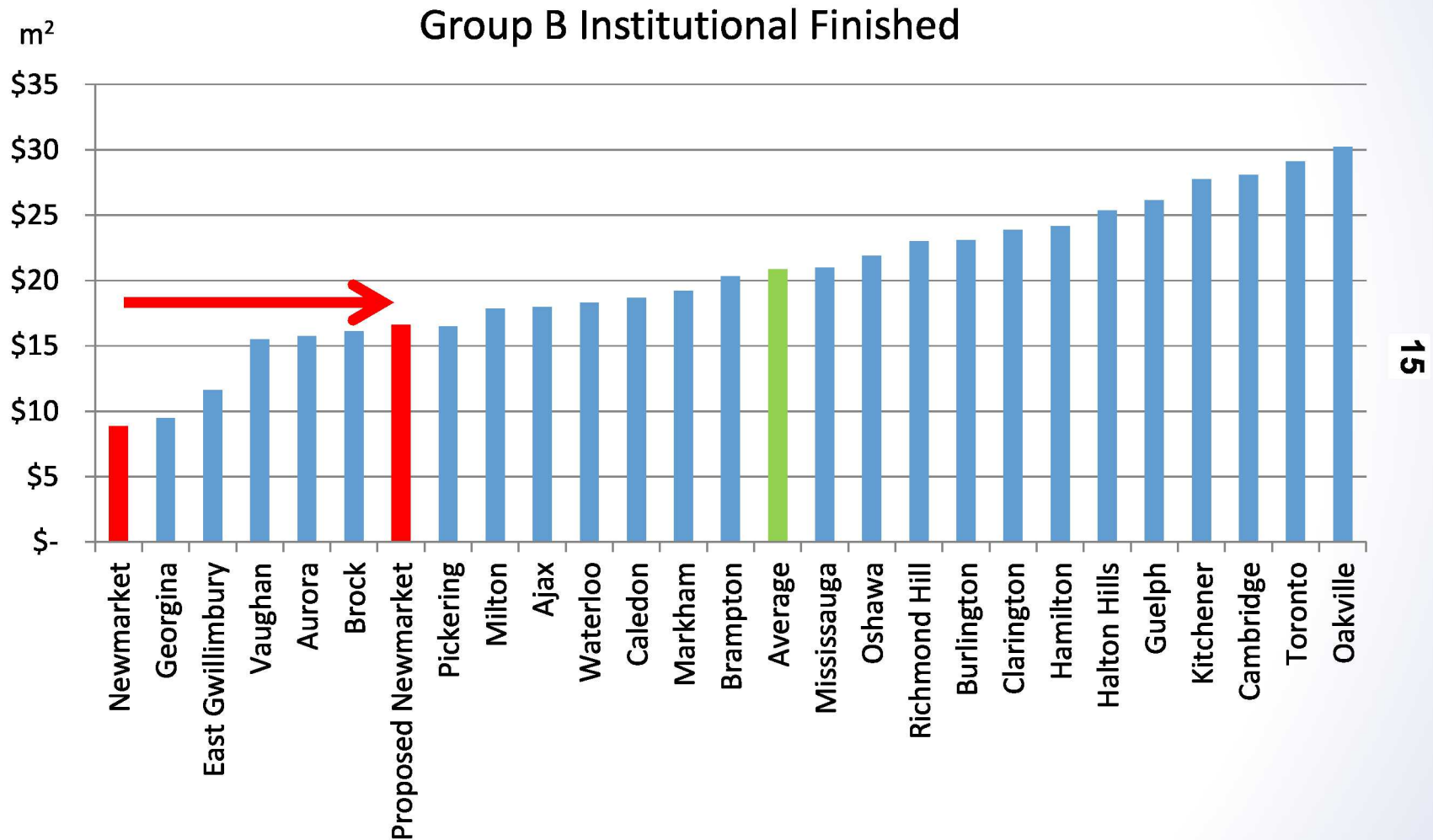
- Fees for various ICI classifications in relation to Residential fees in the Town of Newmarket is 60%-61% , well below the minimum charged by any other municipality surveyed
- Updates have been made to the fees within the ICI Groups to reflect full cost recovery

	Group A Assembly	Group B Institutional	Group D Business and Personal	Group E Mercantile	Group F Industrial
Min	81%	160%	124%	108%	79%
Average	145%	162%	126%	108%	79%
Median	135%	161%	127%	110%	78%
Max	213%	218%	174%	143%	121%
Newmarket	61%	61%	60%	61%	60%

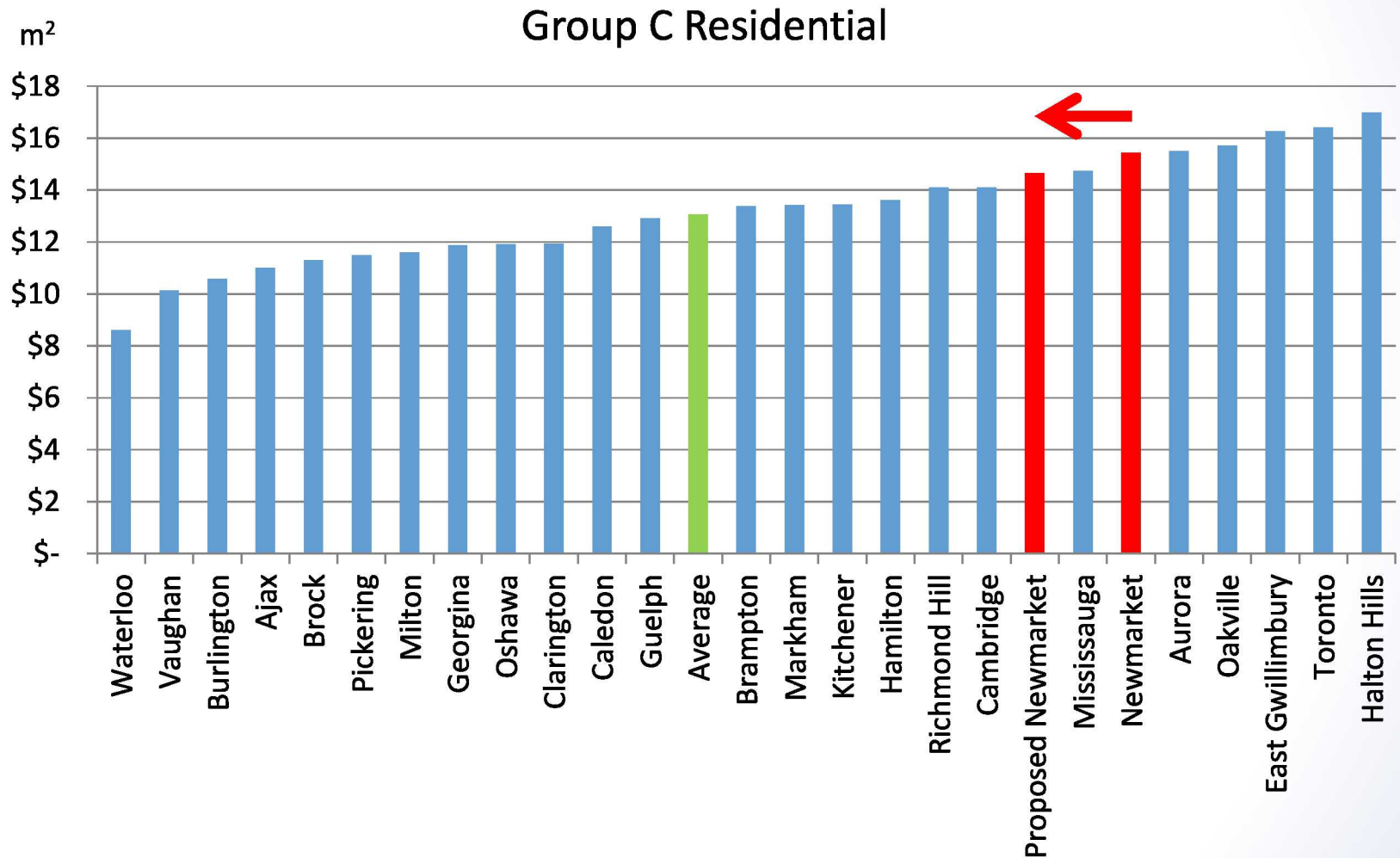
Benchmarking - New Construction Cost Per m²



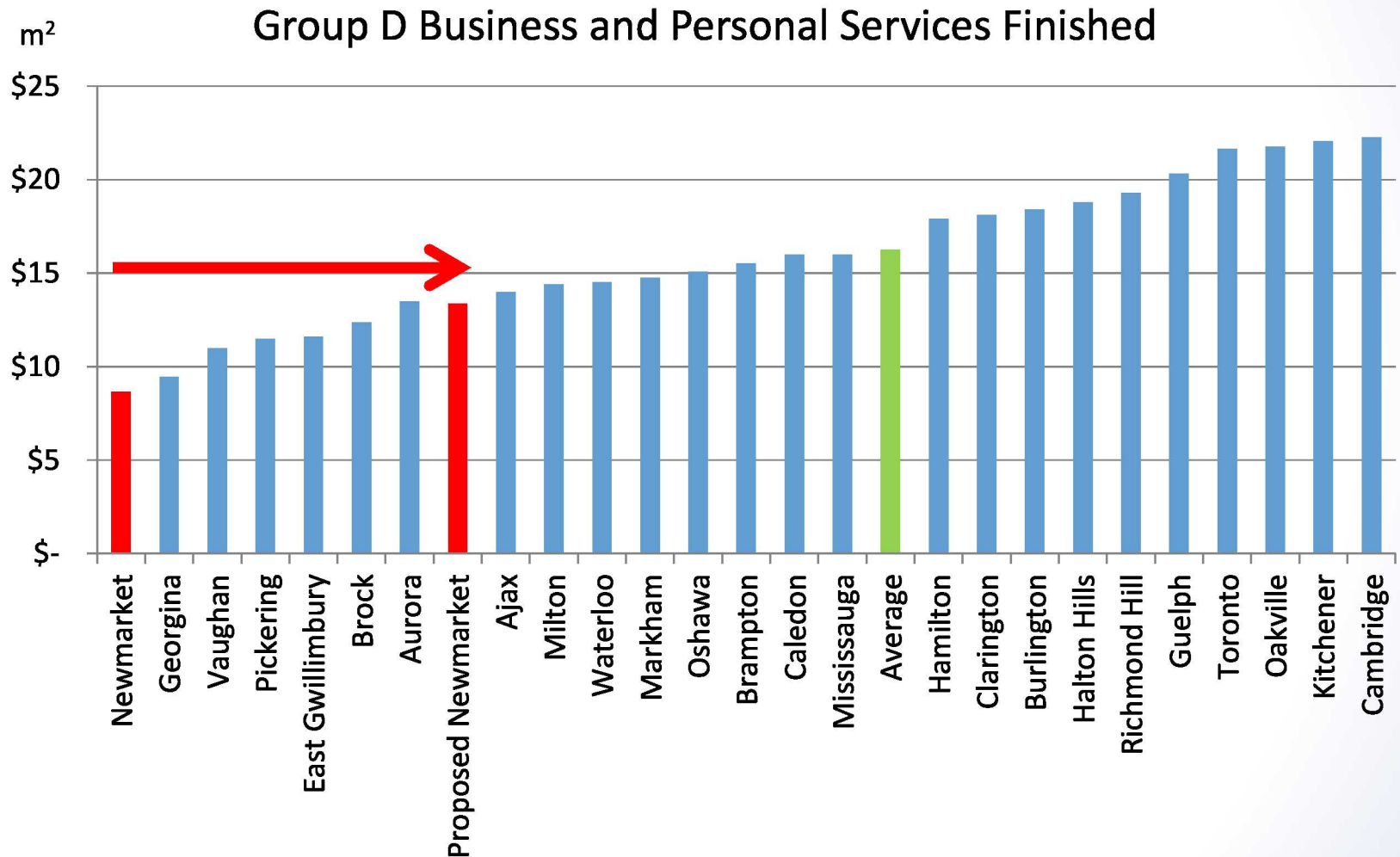
Benchmarking - New Construction Cost Per m²



Benchmarking - New Construction Cost Per m²



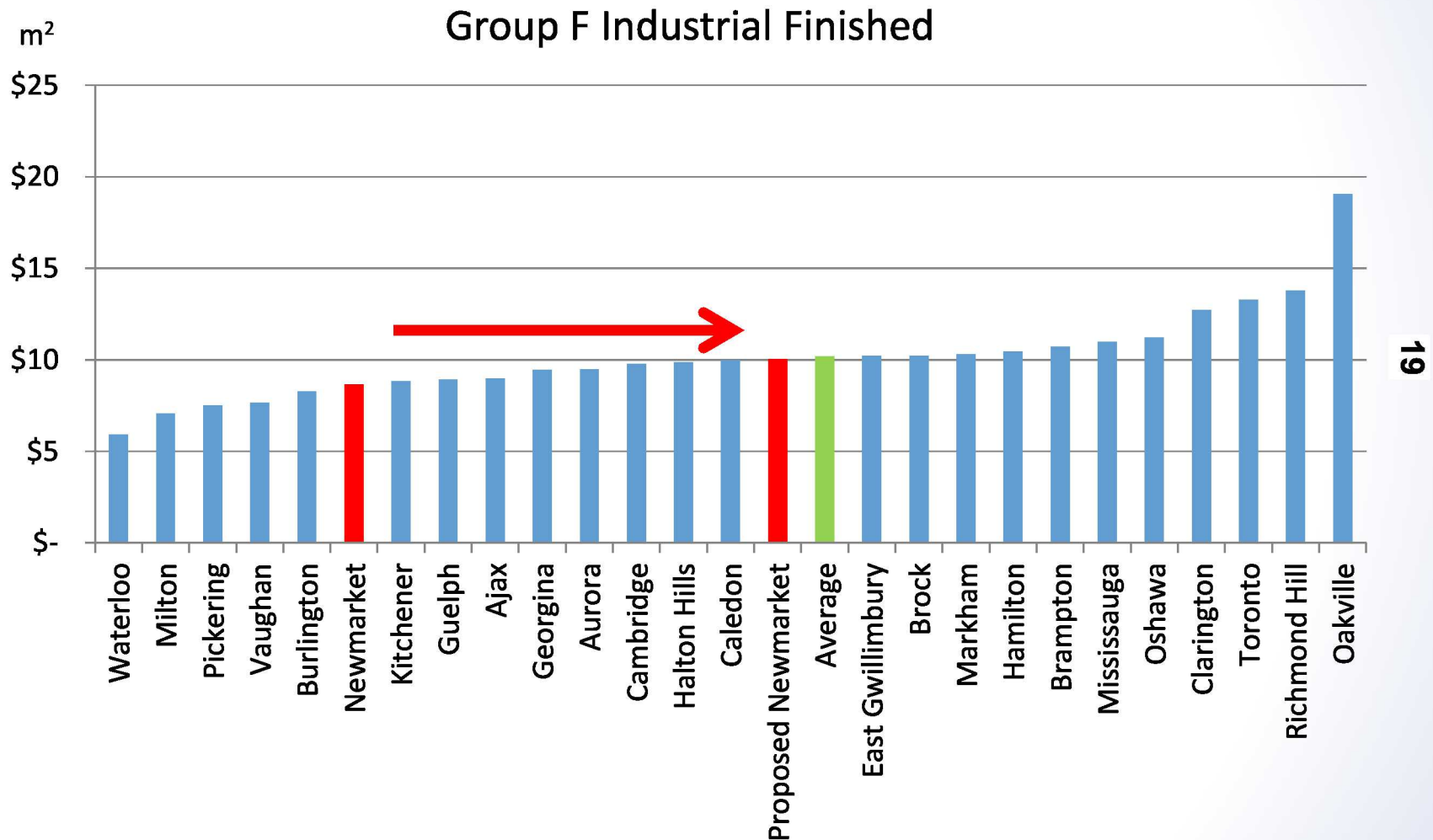
Benchmarking - New Construction Cost Per m²



Benchmarking - New Construction Cost Per m²



Benchmarking - New Construction Cost Per m²



Summary & Next Steps

- A proposed updated fee schedule has been included in the report
- It is recommended that the Town review the development application approval process cost allocations



Questions & Answers

21

CORPORATE SERVICES		
INCOMING MAIL	REFD TO	COPY TO
SEP 03 2015		

Sept. 3, 2015

Dear Council,

In our ongoing effort to educate and engage communities about waste reduction, Recycling Council of Ontario asks municipalities from across the province to demonstrate their commitment to the environment and proclaim Oct. 19 – 25, 2015 as Waste Reduction Week in Ontario.

For communities that do not formally proclaim weeks/events, we encourage additional activities for public engagement.

Waste Reduction Week in Canada is a national campaign that builds awareness around issues of sustainable and responsible consumption, encourages the selection of environmentally responsible products/services, and promotes actions that divert waste from disposal and conserve natural resources.

Your community's commitment and participation in Waste Reduction Week in Ontario demonstrates the importance of waste reduction, and encourages residents and businesses to contribute to environmental protection.

There are five ways for council to support Waste Reduction Week in Ontario.

1. Promote Waste Reduction Week in Ontario through social media using hashtag #WasteReductionWeek. Share ideas, examples, and pictures of waste reduction initiatives that show your commitment to reducing waste at home, the office, and in the community.
2. Organize Waste Reduction Week in Ontario events in your local community. Register online at www.wrwcanada.com/events.
3. Proclaim online at www.wrwcanada.com/proclamations

continued

4. Incorporate the following into a formal municipal resolution and email your resolution/proclamation to wrw@rco.on.ca:

WHEREAS the generation of solid waste and the needless waste of water and energy resources are recognized as global environmental problems and,

WHEREAS municipal and provincial governments have an important role to play in promoting waste reduction, reuse, recycling, composting and other conservation measures and,

WHEREAS communities, businesses and organizations across Canada have committed to working together to raise awareness of these issues during Waste Reduction Week in Canada, and,

NOW KNOW YE THAT We do by these presents proclaim and declare that Oct. 19 - 25, 2015, inclusive, shall be known as Waste Reduction Week.

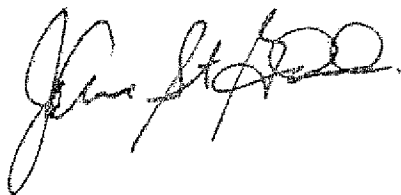
5. Utilize the attached certificate and include your municipality's logo or seal. An electronic version of the certificate is also available at www.rco.on.ca/wrw_ontario. Email your completed certificate to wrw@rco.on.ca.

Please join municipalities across Canada by participating Oct. 19 - 25, 2015 in Waste Reduction Week in Ontario.

For more information, visit www.wrwcanada.com.

Thank you for your commitment to the environment and waste reduction.

Kind regards,



Jo-Anne St. Godard
Executive Director
Recycling Council of Ontario
416.657.2797, ext. 3
wrw@rco.on.ca

Municipality

hereby recognizes

Waste Reduction Week in Canada

Oct. 19-25, 2015

As a municipality, we are committed to reducing our waste, conserving resources, and educating the community about sustainable living.

We recognize the generation of solid waste and the needless waste of resources as global environmental problems and endeavor to take the lead in our community toward environmental sustainability.

We have declared Oct. 19-25, 2015, Waste Reduction Week in

Municipality

Signed

Date

Name and Position


Waste Reduction Week in Canada
Semaine canadienne de
réduction des déchets



IAN LAING Fire Chief

984 Gorham Street
Newmarket, ON
L3Y 1L8
905-895-9222
www.cyfs.ca

September 9, 2015

Andrew Brouwer, Clerk
Town of Newmarket
395 Mulock Drive
Newmarket, Ontario
L3Y 4X7

Dear Andrew:

Re: **Council Declaration of "FIRE PREVENTION WEEK" October 4 – 10, 2015**

Each year a one week period in October is proclaimed by the Government of Canada as "Fire Prevention Week", and is used to place emphasis on the prevention of fire, and for the preparation of plans to be enacted in the event of fire.

Central York Fire Services is respectfully requesting the Town of Newmarket also proclaim the week of October 4, 2015 through October 10, 2015 Fire Prevention Week, with this year's theme being:

***"HEAR THE BEEP WHERE YOU SLEEP:
EVERY BEDROOM NEEDS A WORKING SMOKE ALARM"***

Sincerely,

Ian Laing
Fire Chief



September XX, 2015

Office of the Mayor of Newmarket
 His Worship, Mayor Tony Van Bynen
 395 Mulock Drive
 PO Box 328 Station Main
 Newmarket ON L3Y 4X7

Dear Mayor Van Bynen:

We respectfully request that November 23 to 27, 2015, be proclaimed as "Family Dispute Resolution Week" in Newmarket. We are pleased that Premier Kathleen Wynne will open the week at our conference in Toronto on November 23, 2015.

The goal of Family Dispute Resolution Week is twofold: first, to increase public awareness of the many free, subsidized, affordable and/or less adversarial resources for helping families experiencing conflict and, second, to support the professionals providing those services.

There is a dire need for people in Newmarket, indeed Ontarians, to gain access to these services. While the Canadian divorce rate has leveled off at 38%, 80% of those in Family Court are so-called Self-Represented Litigants—those who cannot afford a lawyer. Many are new Canadians, whose first language is not English, as well as those with low income. A great many cases involve mental health challenges, family violence, and limited access to legal and dispute resolution options.

Family Dispute Resolution week is the first event of its kind. We intend to make it an annual event to raise awareness of non-adversarial ways to resolve issues arising on separation and divorce, including mediation, arbitration, and collaborative practice, including free and subsidized family mediation services funded by the province across Ontario and the many agencies providing supportive divorce-related services. Along with being less adversarial and therefore less harmful to parents and their children, these other means of dispute resolution address problems, such as addictions, mental health issues, safety and family violence that traditional litigation processes often do not.

continued...



In Newmarket, we have planned two events for Family Dispute Resolution Week. On Wednesday November 25, we are holding a free public information and educational session at the Newmarket Public Library. On Thursday November 26, we are bringing family law professionals together at a meet and greet to build a community of partners interested in enhancing access to justice in our area.

Across Ontario, program components of Family Dispute Resolution Week include a free public forum at Toronto city Hall November 24; think tanks for professionals at the Law Society of Upper Canada on November 25 and 26; public forums in Barrie, Durham and elsewhere throughout the week; sessions for professionals in Barrie, Durham and Toronto, and more. More information about Family Dispute Resolution Week can be found at www.fdrweek.ca.

Family Dispute Resolution Week is spearheaded by the Family Dispute Resolution Institute, a federally incorporated not-for-profit.

We have the support of the Law Society of Upper Canada, TAG Action Group on Access to Justice, and are in the process of obtaining sponsors across the province.

I would be pleased to provide any additional details you may need. Kindly let us know if a Proclamation from His Worship Mayor Van Bynen would be possible.

Very Truly Yours,

Laura Bradford *AccFM(OAFM) PC CDFA*
Chair, FDRWeek Newmarket,
laura@summitmediationgroup.ca
289-221-6251

Proclamation

Family Dispute Resolution Week

November 23 to 27, 2015

WHEREAS:

- 80% of those in Family Court are self-represented, cannot afford a lawyer, many whose first language is not English and of low income. Many cases involve mental health challenges, family violence, and limited access to legal and dispute resolution options.
- Dealing with the trauma of dysfunctional divorce and family breakdown can affect children for years and even decades.
- There is a dire need for citizens of Newmarket, indeed Ontarians, to gain access to supportive services during the difficult time of separation and divorce.
- Family Dispute Resolution week will raise awareness of non-adversarial options including mediation, arbitration, collaborative practice, free/subsidized family mediation funded by the province and the many agencies providing supportive divorce-related services.
- Along with being less adversarial and less harmful to parents and their children, these means of dispute resolution address problems like addictions, mental health issues, safety and family violence that traditional litigation processes often do not, and are often free or subsidized.
- Dealing effectively and expeditiously with family breakdown is in the best interest of citizens of Newmarket to ensure the well being of our next generation.

THEREFORE BE IT RESOLVED THAT, on behalf of the Members of Council of the City of Newmarket, I, Mayor Tony Van Bynen, do hereby proclaim **November 23 to 27, 2015** as "**Family Dispute Resolution Week**".

The meeting of the Accessibility Advisory Committee was held on Thursday, June 18, 2015 in Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Councillor Bisanz (10:20 a.m. to 12:01 p.m.)
Gloria Couves (10:09 to 11:47 a.m.)
Steve Foglia
Linda Jones
Jeremy Slessor
Richard Wilson

Absent: Michael Morrison

Staff Present: L. Lyons, Deputy Clerk
M. Goodwin, Capital Projects Coordinator
B. Gould, Capital Projects Coordinator
C. Finnerty, Council/Committee Coordinator
T. Horton, AMCTO Intern
P. McIntosh, Recreation Programmer

The Deputy Clerk called the meeting to order at 10:09 a.m.

The Deputy Clerk suggested that the selection of a Chair and Vice-Chair should take place before further agenda items are considered.

1. Selection of Chair and Vice-Chair.

The Deputy Clerk opened the floor for nominations for Chair.

Moved by: Linda Jones
Seconded by: Jeremy Slessor

THAT Steve Foglia be appointed as Chair.

Carried

The Deputy Clerk opened the floor for nominations for Vice-Chair.

Moved by: Steve Foglia
Seconded by: Gloria Couves

THAT Linda Jones be appointed as Vice-Chair.

Carried

Steve Foglia in the Chair.

Additions & Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Deputations/Presentations

None.

Approval of Minutes

2. Accessibility Advisory Committee Minutes of September 4, 2014.

Moved by: Gloria Couves
Seconded by: Jeremy Slessor

THAT the Accessibility Advisory Committee Minutes of September 4, 2014 be approved.

Carried

Items for Discussion

3. Appointments to the Site Plan Review Committee.

Moved by: Jeremy Slessor
Seconded by: Linda Jones

THAT Richard Wilson be appointed to the Site Plan Review Committee.

Carried

4. Schedule of Meetings.

The Committee discussed the 2015 Schedule of Meetings as distributed and suggested that amendments be made to adjust the August and December dates.

Moved by: Jeremy Slessor
Seconded by: Richard Wilson

- a) THAT the 2015 meeting dates be as follows:

- i) September 17, 2015 at 10:00 a.m.
- ii) November 19, 2015 at 10:00 a.m.

- b) AND THAT meetings be scheduled at the Magna Centre where possible.

Carried

5. Discussion regarding a proposed sidewalk on Millard Avenue.

Mr. Bill Gould, Capital Projects Coordinator provided a verbal report regarding proposed sidewalk installations on Millard Avenue and Srigley Street and summarized timelines and challenges associated with each construction project.

6. Discussion regarding a proposed additional accessible parking space on Main Street between Timothy Street and Botsford Street.

Ms. Meredith Goodwin, Capital Projects Coordinator provided a verbal report regarding accessible parking on Main Street. Discussion ensued regarding accessibility requirements for parking spaces, potential locations and curb cuts at accessible spaces.

Moved by: Gloria Couves
 Seconded by: Jeremy Slessor

THAT the proposed accessible space on Main Street be supported by the Accessibility Advisory Committee;

AND THAT curb cuts be constructed adjacent to the accessible on-street parking space.

Carried

7. Discussion regarding National Access Awareness Week and 2016 events.

P. McIntosh provided a verbal update regarding the 2015 National Access Awareness Week (NAAW) planning and events. The Chair advised that in past, the Committee has formed a subcommittee to work on NAAW and recommended that the subcommittee be formed at the September meeting.

8. Accessibility Advisory Committee Workplan.

The Committee discussed the Accessibility Advisory Committee Workplan from the past term and matters referred to this term of Council. Discussion ensued regarding the Stop Gap project, an annual Accessibility Award, hosting the York Region Area Accessibility Advisory Committee meeting, amendments to the Municipal Act for offsite meetings, accessible taxi cabs, closed captioning and future action items.

New Business

- a) The AMCTO Intern provided a verbal update on the Outdoor Patio Project on Main Street, including applications, accessibility and parking implications.

Adjournment

Moved by: Linda Jones
Seconded by: Jeremy Slessor

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 12:01 p.m.

Date

Steve Foglia, Chair

Friday, June 26, 2015 at 10:00 AM
Community Centre - 200 Doug Duncan Drive

The meeting of the Newmarket Downtown Development Sub-Committee was held on Friday, June 26, 2015 in the Community Centre - 200 Doug Duncan Drive, Newmarket.

Members Present: Jackie Playter
Barbara Leibel
Councillor Sponga
Steve Whitfield

Staff Present: C. Kallio, Economic Development Officer
C. Finnerty, Council/Committee Coordinator

The meeting was called to order at 10:02 a.m.

Jackie Playter in the Chair.

Additions

The Economic Development Officer advised that the Lower Main Street South Heritage Conservation District Advisory Group met on Tuesday, June 23, 2015 to discuss façade changes at the property municipally known as 205 Main Street South. He provided a verbal update on the renovation project and potential for an application to be filed with NDDS at a future date.

Declarations of Interest

None.

Approval of Minutes

1. Newmarket Downtown Development Subcommittee Minutes of March 27, 2015.

Moved by: Councillor Sponga
Seconded by: Steve Whitfield

THAT the Newmarket Downtown Development Subcommittee Minutes of March 27, 2015 be approved.

Carried

Items

2. Financial Incentives Program Application 2014-17 – Interior Renovation and Improvement Program, 352 Doug Duncan Drive, Unit 2.

The Economic Development Officer provided a verbal update regarding the details associated with Financial Incentives Program Application 2014-17 for the property known as 352 Doug Duncan Drive, Unit 2 for Ground Burger Bar. Discussion ensued regarding whether the establishment had received a liquor licence for its patio.

Moved by: Barbara Leibel
Seconded by: Steve Whitfield

1. THAT the Interior Renovation and Improvement Program Grant Application 2014-17 in the amount of \$15,000.00 be approved;

2. AND THAT Grant Buckley, 14 Nipigon Avenue, Toronto, ON M2M 2V8 be notified of this action.

Carried

3. Financial Incentives Program Application 2014-14 – Planning and Building Fees Rebate/Credit Program, 32 Main Street South.

The Economic Development Officer provided a verbal update regarding the details associated with Financial Incentives Program Application 2014-14 for the property known as 32 Main Street South.

Moved by: Steve Whitfield
Seconded by: Barbara Leibel

1. THAT the Planning and Building Fees Rebate/Credit Program Grant Application 2014-14 in the amount of \$3,322.81 be approved;

2. AND THAT Mehdi Jafari Berenji, 30-32 Main Street South, Newmarket, ON L3Y 3Y4 be notified of this action.

Carried

4. Financial Incentives Program Application 2015-02 – Planning and Building Fees Rebate/Credit Program, Façade Improvement and Restoration Program, and Interior Renovation and Improvement Program, 189 Main Street South.

The Economic Development Officer provided a verbal update regarding the details associated with Financial Incentives Program Application 2015-02 Planning and Building Fees Rebate/Credit Program, Façade Improvement and Restoration Program, and Interior Renovation and Improvement Program, for the property known as 189 Main Street South.

Moved by: Barbara Leibel
Seconded by: Steve Whitfield

1. THAT the Planning and Building Fees Rebate/Credit Program Grant Application 2015-02 in the amount of \$4,459.60 be approved;
2. AND THAT the Façade Improvement and Restoration Program Grant Application 2015-02 in the amount of \$20,000.00 be approved;
3. AND THAT the Interior Renovation and Improvement Program No-Interest Loan Application in the amount of \$87,435.00 be approved;
4. AND THAT 189 Main Street Holdings Inc., c/o Wyse Meter Solutions, 355 Harry Walker Parkway, Unit 4, Newmarket ON L3Y 7B3 be notified of this action.

Carried

5. Community Grant Application – Caribbean and South Asian Showcase Festival (CASAS).

The Economic Development Officer provided a verbal update regarding the details associated with Community Grant Application for Caribbean and South Asian Showcase Festival (CASAS). Discussion ensued regarding various funding and sponsorship sources for the festival.

Moved by: Councillor Sponga
Seconded by: Steve Whitfield

1. THAT the NDDS Community Grant Application in the amount of \$1,000.00 be denied;
2. AND THAT the Ranji Singh Foundation, 817 Norwick Road, Newmarket, ON L3X 1K8 be notified of this action.

Carried

New Business

- a) Jackie Playter thanked everyone on the Committee for their participation as this will be the last meeting this term and a new Committee will be appointed.

Adjournment

Moved by: Councillor Sponga
Seconded by: Steve Whitfield

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 10:55 a.m.

Date

Jackie Playter, Chair

Tuesday, July 21, 2015 at 7:30 PM
Community Centre - 200 Doug Duncan Drive
- Hall #2

The meeting of the Main Street District Business Improvement Area Board of Management was held on Tuesday, July 21, 2015 in Community Centre - 200 Doug Duncan Drive - Hall #2.

Members Present: Glenn Wilson, Chair
Elizabeth Buslovich (7:37 to 9:24 p.m.)
Anne Martin
Camina Pereira
Jackie Playter
Rory Rodrigo
Siegfried Wall (7:38 to 9:24 p.m.)

Absent: Olga Paiva
Councillor Sponga

Staff Present: C. Kallio, Economic Development Officer
C. Service, Director of Recreation and Culture
L. Moor, Council/Committee Coordinator
T. Horton, AMCTO Intern

Guests: Lois Brown, Member of Parliament, Newmarket-Aurora
Members of Newmarket Stage Company

The meeting was called to order at 7:32 p.m.

Glenn Wilson in the Chair.

Additions & Corrections to the Agenda

None.

Declarations of Pecuniary Interest

The Chair advised that with respect to Item 7 of the agenda being the matter of the locked gate on the parking lot known as P2, that his wife is currently in litigation with the Town of Newmarket, however he advised, that after reflection, he does not have a pecuniary interest in the matter and will be participating in the discussion.

Approval of Minutes

1. Main Street District Business Improvement Area Board of Management Meeting Minutes of June 16, 2015.

Moved by: Jackie Playter
Seconded by: Carmina Pereira

THAT the Main Street District Business Improvement Area Board of Management Minutes of June 16, 2015 be approved.

Carried

2. Main Street District Business Improvement Area Board of Management Special Meeting Minutes of June 23, 2015.

Moved by: Rory Rodrigo
Seconded by: Carmina Pereira

THAT the Main Street District Business Improvement Area Board of Management Special Meeting Minutes of June 23, 2015 be approved.

Carried

3. Receipt of Marketing Sub-committee Meeting Minutes.

The Chair advised that the Marketing Sub-Committee has not met since June 10, 2015; hence there are no minutes to receive at this meeting.

Presentation

4. Newmarket Stage Company Presentation.

Mr. Peter Salt, on behalf of the Newmarket Stage Company addressed those present with a verbal update on the Stage Company's initiatives and funding challenges. He advised that they are looking for ways to partner with the business community and are seeking financial assistance.

Ms. Brown, MP, Newmarket-Aurora provided comments as a supporter of local theatre and advised she would investigate possible federal programs that might be accessible for some aid.

Moved by: Carmina Pereira
 Seconded by: Anne Martin

THAT the verbal update presentation by Mr. Peter Salt, on behalf of the Newmarket Stage Company be received.

Carried

Financial Report

The Economic Development Officer advised that Mr. Ted Horton, AMCTO Intern would be providing a verbal update regarding the preliminary findings of the success of the outdoor patios pilot project. Mr. Horton distributed copies of the survey document that the proprietors of patio locations are distributing to patio patrons. He advised that the preliminary results indicate that the outdoor patios pilot project is a tremendous success.

Moved by: Jackie Playter
 Seconded by: Carmina Pereira

THAT the verbal update by Mr. Ted Horton, AMCTO Intern regarding the preliminary findings of the pilot patio project be received.

Carried

5. Verbal Financial Update Report.

The Economic Development Officer distributed copies of the operating budget for the period ending June 30, 2015. He advised that the Main Street District Business Improvement Area Board of Management account currently has a balance of \$19,054.73.

Moved by: Rory Rodrigo
 Seconded by: Siegfried Wall

THAT the verbal financial update by the Economic Development Officer be received.

Carried

Items

6. Clock Tower Development.

The Economic Development Officer provided a verbal status update regarding the Clock Tower development and advised that nothing has changed to date from the original submission to the Town made approximately eighteen months ago. Discussion ensued regarding potential parking improvements associated with the proposed development of the building.

7. Summer-long locked gate at P2 parking lot.

The Chair provided a verbal update regarding the issue of the locked gate at the entrance to the parking lot known as P2. Anne Martin provided those present with photographs highlighting parking deficiencies associated with the locked gate. The Chair distributed copies of a registered land transfer easement agreement with the owner of the property known as 247 Main Street South; lands on which the locked gate is positioned. The Chair advised that as a result of the locked gate, there are sixteen parking stalls that are not accessible to the general public.

The Chair suggested that a formal motion be made to Council requesting staff direction to investigate the matter of the land transfer easement agreement and the locked gate situation. A suggestion was made to have staff analyze the situation and report back on findings. The Chair advised that a formal motion would be deferred for a period of one week subject to staff resolution of the issue and report back to the BIA membership; if staff is unsuccessful, a special meeting of the BIA membership would be called.

8. Community Centre Lands Task Force Report. (Councillor Sponga)

The Chair advised, that in the absence of the Ward Councillor, this item would be deferred to a future meeting.

9. BIA Associate Memberships.

The Chair advised that he has received requests from proprietors north of Millard Avenue to Davis Drive for possible associate membership arrangements.

Discussion ensued regarding possible associate membership fees and a suggestion was made to research this matter in greater detail and provide feedback at the next scheduled meeting.

10. Canada Day Festival Review.

The Chair advised that he has personally received very positive feedback on the success of the Canada Day festivities.

New Business

None.

Adjournment

Moved by: Anne Martin

Seconded by: Elizabeth Buslovich

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 9:24 p.m.

Date

Glenn Wilson, Chair

Dear Mayor Van Bynen,

I am writing this letter to you to confirm our conversation of June 23, 2015.

As you are aware, I recently became a member of The Ontario Guild of Town Criers and at the present represent the ARCH Committee of Newmarket and The Friends of the Elman W. Campbell Museum. I am writing to request that the Town of Newmarket consider appointing me as the Official Crier of the Town.

I have long been an active member of the community and felt that our town deserved to have our own Town Crier to represent it at civic and ceremonial occasions. I have represented the above organisations of our town at a recent International Competition in Bermuda and was pleased, even though I was the newest crier at only 3 months, I was able to place in the middle of the group of competitors. The highlight of the competition for me was that the Town Crier of Newmarket England was together with the Town Crier from Newmarket Ontario! I have Cried at 3 different locations within the Town of Newmarket and found the job both fulfilling and rewarding. This past weekend I participated in the Ontario Championships in Bracebridge. They were held there to honour the sixtieth anniversary of Santa's Village. I have attached two of the cries that I made regarding this anniversary.

On Sunday, July 26 2015, I was surprised and honoured by my Fellow Guild members to be elected a Director of the Guild of Ontario Town Criers. In this position I would be happy to represent the Town of Newmarket.

I would feel proud to represent our Town both within and without its boundaries! At present I have created a costume in the town's old colours of green, gold and blue but, should the town decide that it wishes to create its own livery, I would be pleased to wear it!

The role of Town Crier is an important one and I ask your consideration and support as I honour an age old tradition for our historic town. I would be happy to "Cry" for the Council should you deem it appropriate. I am including a page of pictures and the cry I presented in competition regarding our town.

Thank you so very much,

Crier Athol Hart

MAYOR'S OFFICE		
INCOMING MAIL	REFERRED TO	COPIED TO
COUNCIL		
CAO		
JUL 29 2015		
COMMISSIONER		
DEPARTMENT		
CLERKS		
CONCERNS		

Oyez, Oyez, Oyez!

One freezing day in June

Santa was feeling out of tune.

Santa said, "I'm getting old,

The North Pole is just too cold!

But when I'm in the southern clime

It's too hot for me all the time."

So the elves brought out the great big map.

Santa searched and gave his knee a slap!

The perfect place did there appear

Where he could spend part of every year,

For half-way between cold and hot

Santa saw a little black dot!

"I think I've found the very best spot!"

So that's how Bracebridge got its fame

For Santa's summer home it became.

He's now been here for 60 years

So give this place your loudest cheers!

God bless Santa!

Oyez, Oyez, Oyez!

**It is an important mystery
Which we can solve through history
How Santa, Bracebridge, and Newmarket
Are connected enough for us to remark it.**

**When into history we delve
And books and papers we unshelve
We find that Santa's first home in a parade
Was by the Cane factory in Newmarket made.**

**For many years this log house led,
Sticking out of the chimney was Santa's head,
Following Yonge Street, from Newmarket all the
way down**

**To Eaton's store in Toronto town,
And here in Bracebridge we now find
His summer home of logs, same kind.**

**So Santa's log house of 1910
Is rebuilt in Bracebridge in 1955 again.
Congratulations from Santa's first log home to his
second!**

God Save the Queen!

Main & Pinotly, Newmarket



St. George's, Bermuda



*International Cruisers,
Bermuda*



*Royal Naval Dockyard,
Bermuda*



The Bracebridge Criers

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DEPARTMENT		
CLERKS		
CONCERNS		



Long-Time Newmarket History Advocate Recognized with Heritage Award

OHS Carnochan Award presented June 20, 2015
Aga Khan Ismaili Centre, North York, Ontario

For Immediate Release

In 1967, The Ontario Historical Society (OHS) established an awards program to recognize individuals, organizations, corporations and authors who have contributed significantly to the preservation and promotion of Ontario's heritage.

Dr. Ian Radforth, Chair of the Honours and Awards Committee of the OHS, is pleased to announce that the 2014 Carnochan Award, which recognizes an individual who has contributed many years of service to the heritage community, was awarded to **Athol Hart** of Newmarket.

Athol Hart has been an outstanding champion of historical preservation and heritage within his community of Newmarket and beyond. He has worked with the Chippewas of Mnjikaning First Nation and as a dedicated volunteer for many community organizations.



As a founder 35 years ago of the Alexander Muir Community Association, Hart has led its long campaign to protect Newmarket's Prospect Street residential neighbourhood, one of the town's oldest, by warding off threats of commercial encroachment and the loss of its wetland.

A member and former chair of Heritage Newmarket, Hart helped lead the charge to win the town's approval in 2014 to establish a Downtown Heritage Conservation District. His work as an activist and fundraiser has been instrumental in efforts to preserve heritage buildings such as the former Post Office and the Old Town Hall, and to prepare a heritage inventory available both in print and online.

Hart believes strongly in connecting younger generations to Canadian history. As such, he helps keep history alive through historical re-enactment. Foremost among his achievements is the highly successful production "Rebel Heartland," which brings alive the dramatic confrontation of 1837 in the Newmarket area. Hart has served variously as researcher, script-writer, performer, and promoter of this event, which has become part of Newmarket's branding and tourism initiatives.

Athol expresses his own Aboriginal heritage as "White Eagle" and he has worked to bridge the Aboriginal and archaeological communities in Ontario, particularly in connection with the Mnjikaning Fish Weirs National Historic Site near Orillia.

Athol's work as a volunteer extends into nearly every aspect of community life in Newmarket, having represented Elman W. Campbell House and Doors Open Newmarket; he is also an Elder in Residence at Seneca College.

The award was presented at the annual meeting of The Ontario Historical Society at the Aga Khan Ismaili Centre in North York.

Founded in 1888, the Ontario Historical Society is a non-profit corporation and registered charity dedicated to the preservation and celebration of Ontario's history for people of all ages and cultural backgrounds. To learn more about the OHS's Honours and Awards Program, or to submit a nomination, please visit www.ontariohistoricalsociety.ca/awards or contact the Society's offices by telephone or e-mail.

Photo caption: Pictured on June 14, 2014 (centre) is Athol Hart, flanked by OHS directors Robert Leech and Ian Radforth.
Photo Andrea Izzo, OHS

-30-

The Ontario Historical Society
34 Parkview Ave. Willowdale, ON M2N 3Y2
416.226.9011 www.ontariohistoricalsociety.ca
Contact: Andrea Izzo, izzo@ontariohistoricalsociety.ca



DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES
TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

September 14, 2015

**DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT
PLANNING AND BUILDING SERVICES (2015-01)**

TO: Committee of the Whole

SUBJECT: Building Permit Fees Report and Building By-law

ORIGIN: Chief Building Official

RECOMMENDATIONS

THAT Development and Infrastructure Services Report – Planning and Building Services 2015-01 dated September 14, 2015 regarding Building Permit Fees Report and Building By-law be received and the following recommendation(s) be adopted:

- 1. THAT Committee direct staff to hold a public meeting in accordance with the Building Code Act and regulations for proposed changes to Building Permit fees collected under the Act;**
- 2. AND THAT notice be given to such persons as may be prescribed in the Building Code Act;**
- 3. AND THAT following the public meeting, the Building By-law and associated permit fee schedule be brought back to Council for adoption with an implementation date in January 2016;**
- 4. AND THAT the Building Permit Stabilization Reserve target range be established at 150% - 200% of the total operating expenditures which is consistent with industry practice;**
- 5. AND THAT a DAAP Cost Recovery review as recommended by BMA Management Consulting Inc. be undertaken;**
- 6. AND THAT the cost of the DAAP Cost Recovery review be funded by the Building Permit Reserve.**

COMMENTS

Purpose

The purpose of this report is to recommend a new fee schedule and an updated Building By-law.

Budget Impact

Although the Building Permit program is intended to be fully cost recoverable through fees, the current use of the Building Permit Reserve and the results of the DAAP analysis could impact the future operating budget for the Town.

Summary

The new fees and the by-law reflect changes that have occurred since the last update. The new by-law format is consistent with other jurisdictions throughout the province and will assist in meeting the expectations of the development industry.

Background

The passage of Bill 124 (Building Code Statute Law Amendment Act) received Royal assent on June 27, 2002. The Act primarily amended the Building Code with a focus on three main areas; streamlining, knowledge and accountability. The implementing regulations came into full force on January 1, 2006 and introduced provisions related to Building Permit fees, including requirements for reporting, the establishment of an obligatory reserve fund, mandating a public meeting for any proposed changes to Building Permit fees and establishing a code of conduct specific to the Chief Building Official and Inspectors. One of the more significant changes for Ontario municipalities was the impact on Development Application Approval Process (DAAP) user fees. DAAP reflects the administration, review, approval and enforcement services provided by municipalities with respect to development applications under the legislative jurisdiction of the Planning Act and Building Code Act.

Under the new regime, Building Permit fees collected must not exceed the anticipated reasonable cost to administer and enforce the Act. The cost for administration and enforcement include the direct costs such as review of applications and inspection of buildings and the indirect costs such as overhead and support. The regulations include an enabling provision for a municipality to establish an obligatory reserve fund to offset yearly workload fluctuations and downturns in the economy.

In accordance with the Act, staff prepare an annual report on building fees collected, amounts transferred to other departments for the indirect costs associated with the administration and enforcement of the Building Code Act and contributions or draws on the reserves.

A number of legislative changes have taken place since the last time the Town of Newmarket's Building By-law and fee structure were reviewed including Bill 212 - The Good Government Act which received Royal Assent on December 15, 2009. The Act amended several pieces of legislation including the Building Code Act. The legislative and regulatory changes affect:

- Requirements for complete Building Permit Application – effective January 1, 2011.
- Mandatory requirements for Occupancy Permits for certain types of residential occupancies – effective January 1, 2012.

Since 2006 a number of regulatory changes have been made to the Building Code increasing the scope such that the Regulation is now contained in two volumes. Significant changes include an objective based format to accommodate innovative solutions and emerging technologies, energy efficiency requirements for all building types, enhanced accessibility requirements and requirements for glass guards in balconies.

Given the number of legislative and regulatory changes since the last detailed permit fee review approximately 10 years ago, the Building Division deemed it appropriate to undertake a review at this time. BMA Management Consulting was engaged to undertake this review and a copy of their Final Report along with their recommendations is appended to this report.

Changes to the fee schedule being put forward by the consultant include:

- New fees for the on-site sewage maintenance inspection program (implementation 2016).
- Consolidating of fees (i.e. residential plumbing) and adding a number of new stand-alone categories for work not previously covered in the fee schedule (i.e. Builder's Model Change, Alternative Solutions, Occupancy Permit after a building is occupied and new Accessory Dwelling Units).
- Eliminating ambiguity in a number of areas by utilizing a new fee methodology.

Staff is taking this opportunity to also review the current Building By-law and current processes to ensure alignment with the legislative changes and overall improvement to the service delivery model. A copy of the draft by-law is included with this report. The major changes being recommended by staff in the new Building By-law include:

- Adding clarity for Occupancy Permits for unfinished buildings
- Adding a new section for Alternative Solutions
- Setting a fixed fee and clarifying that the additional fee for work which commences before applying for a Building Permit is for administrative and investigative work to deal with the non-compliance.
- Adding a new section for the fencing of construction sites which will be important as the municipality moves forward with brownfield development in urban core areas.
- It is proposed that the Building By-law along with the new fees schedule be brought back to Council for adoption in November 2015 with an implementation date of January 1, 2016.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report supports Council's Strategic Priorities by following the theme of "Efficiency/Financial Management" and the specific priority of "Ensuring Effective and Efficient Management" by pursuing a funding source that is reliable and fair to ensure the service can continue to be effectively run in the future. It also supports the Town's Strategic Plan linkages of being "Well Equipped and Managed" by implementing processes that reflect sound fiscal responsibility.

COMMUNITY CONSULTATION

Community consultation will include:

- Advertisements and Town Page Notices
- Public Information Centre

Consultation will be done in accordance with the legislative requirements of the Building Code Act. Notice will be given through advertisement on the Towns' website and the Town Page of the local newspaper for a three week period in advance of the PIC.

HUMAN RESOURCE CONSIDERATIONS

Staffing levels remain the same.

BUDGET IMPACT

Operating Budget (Current and Future)

Although the Building Permit program is intended to be fully cost recoverable through fees, the current use of the Building Permit Reserve and the results of the DAAP analysis could impact the future operating budget for the Town.

Capital Budget

The cost of the DAAP review would come from the Building Permit Reserve and have no impact on the Capital Budget of the Corporation.

CONTACT

For more information on this report, contact:

Dave Potter, Chief Building Official, ext. 2402
dpotter@newmarket.ca



Chief Building Official



Director of Planning & Building Services



Commissioner of Development and Infrastructure Services

_____: wc

Att. 2

THE CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2015-XX

Being a By-law under the *Building Code Act* respecting construction, demolition, change of use, occupancy, transfer of *permits* and inspections.

WHEREAS Section 7 of the *Building Code Act*, 1992 S.O., Chapter 23 as amended, empowers Council to pass certain By-laws respecting construction, demolition, change of use, transfer of *permits*, inspections, the setting and refunding of fees, and related matters;

AND WHEREAS The Council of the Town of Newmarket desires to repeal By-law 2005-76 as amended and enact a new Building By-law for the issuance of *permits* and related matters including a fee schedule for all applicable building *permit* fees;

THEREFORE BE IT ENACTED by the Council of the *Corporation* of the Town of Newmarket as follows:

SHORT TITLE

This By-law may be cited as the "Building By-law".

Section 1 DEFINITIONS

1.1 In this By-law;

"*Act*" means the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;

"*applicant*" means the *owner* of a building or property who applies for a *permit* or any person authorized by the *owner* to apply for a *permit* on the *owner's* behalf, or any person or *Corporation* empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or *Corporation*;

"*architect*" means the holder of a license, certificate of practice or a temporary license under the Architects Act as defined in the *Building Code*;

"*Building Code*" means the regulations made under section 34 of the *Act*;

"*Chief Building Official*" means a *Chief Building Official* appointed by Council for the purposes of enforcement of the *Act*, the *Building Code* and this By-law;

"*complete application*" means an application that meets the requirements set out in the *Building Code* for applications where the *Chief Building Official* is required to make a decision within the prescribed time period as set out in the *Building Code*;

"*conditional permit*" means a *permit* issued under subsection 8.(3) of the *Act*;

"*construct*" means to *construct* as defined in subsection 1.(1) of the *Act*;

"*Corporation*" means the *Corporation* of the Town of Newmarket;

"*demolish*" means to *demolish* as defined in subsection 1.(1) of the *Act*;

"*form*" means an applicable *form* approved by the province or a prescribed *form* as may be prescribed from time to time by the *Chief Building Official*;

"*inspector*" means an *inspector* appointed by By-law by the Corporation of the Town of Newmarket for the purpose of enforcement of the *Act*, the *Building Code* and this By-law;

"*owner*" includes, in respect of the property on which the construction or demolition will take place, the registered *owner* of the land and, except for *conditional permits*, a lessee and mortgagee in possession;

"*partial permit*" means a *permit* issued at the discretion of the *Chief Building Official* to *construct* part of a building;

"*permit*" means permission or authorization given in writing from the *Chief Building Official* to perform *work*, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the *Act* and *Building Code*;

"*permit holder*" means the *owner* to whom a *permit* has been issued or where a *permit* has been transferred, the new *owner* to whom the *permit* has been transferred;

"*plumbing*" means *plumbing* as defined in section 1.(1) of the *Act*;

"*professional engineer*" means a person who holds a license or temporary license under the Professional Engineers Act;

"*registered code agency*" means a *registered code agency* as defined in subsection 1.(1) of the *Act*;

"*revised submission*" means additional information filed with the *Chief Building Official* which depicts one or more changes to the proposed or as-constructed design of a building or part of a building for which a *permit* has already been issued and for which approval by the *Chief Building Official* is required;

"*sewage system*" means a *sewage system* as defined in subsection 1.(1) of the *Act*;

"*work*" means construction, demolition or change of use, or any combination thereof, of a building or part thereof, as the case may be.

- 1.2 Terms not defined in this By-law shall have the meaning ascribed to them in the *Act* or the *Building Code*.

Section 2 CLASSES OF PERMITS

- 2.1 Classes of *permits* required for the construction, demolition, change of use and occupancy of buildings or parts thereof and *permit* fees are set out in Schedule "A" of this By-law.

Section 3 GENERAL REQUIREMENTS FOR PERMIT APPLICATIONS

- 3.1 Every *permit* application must meet the requirements of this Section and shall:
- a) be made by an *applicant*;
 - b) be made in writing to the *Chief Building Official* on *forms* prescribed by the province or when no *form* is prescribed, on a *form* prescribed by the *Chief Building Official*; and
 - c) be accompanied by the required fees calculated in accordance with Schedule "A".

- 3.2 To be considered a *complete application*, every *permit* application shall be accompanied by the approval documents issued by the agencies responsible for applicable laws listed in the *Building Code*, where those agencies issue approval documents and the law applies to the construction or demolition being proposed.
- 3.3 An application for a *permit* may be refused by the *Chief Building Official* where it is not a *complete application*.
- 3.4 The *Chief Building Official* may as the *Chief Building Official* deems appropriate, provide prescribed *forms* in an electronic format and may allow for the electronic submission of completed *permit* application *forms*.
- 3.5 Notwithstanding Subsection 3.4, of this By-law completed *forms* generated electronically shall be accepted subject to the endorsement by the *applicant*.
- 3.6 All documents and drawings accompanying an application for *permit* shall be coordinated with each other and shall be consistent with the description of the proposed *work*.
- 3.7 *Applicants* filing an application for a *permit*, in addition to any other requirements set out in this By-law shall:
 - a) ensure that all applicable fields on the approved application *form* and required schedules are fully complete;
 - b) identify and describe in detail the *work*, use and occupancy to be covered by the *permit* for which the application is made;
 - c) identify and describe in detail the existing use(s) and the proposed uses(s) for which the premises are intended;
 - d) include the legal description, the municipal address and where appropriate the unit number of the land on which the *work* is to be done;
 - e) include complete plans and specifications, documents and other information, as described in Section 14 of this By-law;
 - f) state the name, address and contact information for the *owner*, and where the *owner* is not the *applicant*, the authorized agent;
 - g) include the construction value for the *work* covered by the application for a *permit*, exclusive of the value of the land;
 - h) state the erection and removal date of temporary structures;
 - i) be signed by the *owner* or the authorized agent who shall certify as to the truth of the contents of the application;
 - j) when Section 1.2, Division C of the *Building Code* applies, attach a signed acknowledgement of the *owner*, on the prescribed *form*, that an *architect* and/or *professional engineer*(s) have been retained to carry out the general review of the construction of the building;
 - k) when Section 1.2, Division C of the *Building Code* applies, attach a signed statement of the *architect* and/or *professional engineer*(s), on the prescribed *form*, undertaking to provide general review of the construction of the building;
 - l) include, where applicable, the *applicant's* registration number where an *applicant* is a builder or vendor as defined in the Ontario New Home Warranties Act;
 - m) ensure, where a "Schedule1:Designer Information" *form* is attached, that the plans and specifications include designer information outlining the person's name and signature, BCIN number and an acknowledgement of responsibilities for the associated design activities;
 - n) include, for buildings within the scope of *Building Code* Division B, Part 3 or non-residential Part 9, a *Building Code* Data Matrix;
 - o) include, if required by the *Chief Building Official*, for buildings requiring design and review by a *professional engineer*, a Structural Design Information Sheet;

- p) include, if applicable, information and documents demonstrating compliance with energy efficiency requirements for new buildings; and
- q) include, if applicable, a condominium construction approval letter.

Section 4 CONSTRUCTION PERMITS

- 4.1 In addition to the general requirements set out in Section 3 of this By-law, an application for a construction *permit* under subsection 8.(1) of the *Act* shall:
- a) include complete plans and specifications, documents and other information as required by Section 1.3, Division C of the *Building Code* and Section 14 of this By-law.

Section 5 DEMOLITION PERMITS

- 5.1 In addition to the general requirements set out in Section 3 of this By-law, an application for a demolition *permit* under subsection 8.(1) of the *Act* shall:
- a) include complete plans and specifications, documents and other information as required by Section 1.3, Division C of the *Building Code* and Section 14 of this By-law; and
 - b) include a completed demolition checklist on the prescribed *form* confirming that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.

Section 6 CONDITIONAL PERMITS

- 6.1 In addition to the general requirements set out in Section 3 of this By-law, an application for a *conditional permit* under subsection 8.(3) of the *Act* shall:
- a) include complete plans and specifications, documents and other information as required by Section 1.3, Division C of the *Building Code* and Section 14 of this By-law;
 - b) state the reasons why the *applicant* believes that unreasonable delays in construction would occur if a *conditional permit* is not granted;
 - c) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
 - d) be subject to the *owner*, and such other person as the *Chief Building Official* determines, entering into an agreement with the *Corporation* as provided for in subsection 8.(3) of the *Act*; and
 - e) be accompanied by the required fees for *work* covered by the *permit* and the required administrative fees for the *conditional permit* as calculated in accordance with Schedule "A" to the By-law.
- 6.2 The *Chief Building Official* may, at his discretion, issue a *conditional permit* where unreasonable delays are anticipated to obtain all the necessary approvals and where the relevant provisions of this By-law, the *Act* and the *Building Code* have been met.
- 6.3 The *Chief Building Official* is hereby authorized to execute, on behalf of the *Corporation*, the written agreement referred to in Subsection 6.1 of this By-law as part of the *conditional permit* application.
- 6.4 The issuance of a *conditional permit* shall not be construed to authorize construction beyond for which approval was given nor obligate the *Chief Building Official* to grant further *permits* for the building.

Section 7 PARTIAL PERMITS

- 7.1 In addition to the general requirements set out in Section 3 of this By-law, an application for a *partial permit* shall:
- a) require a *permit* application for the entire project;
 - b) be accompanied by plans, specifications, documents, *forms* and other information covering that part of the *work* for which the *partial permit* is made, together with such information pertaining to the remainder of the *work* as may be required by the *Chief Building Official*;
 - c) be accompanied by the required fees for *work* covered by the *permit* and the required administrative fees for the *partial permit* as calculated in accordance with Schedule "A" to this By-law; and
 - d) be accompanied by the standard indemnification and waiver acknowledging an incomplete application .
- 7.2 The *Chief Building Official* may issue a *partial permit* when the *Chief Building Official* determines it is appropriate to expedite construction before a *permit* for the entire building is available and where the relevant provisions of this By-law and the *Act* are met.
- 7.3 When determining whether to issue a *partial permit*, the *Chief Building Official* shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements while awaiting subsequent approvals.
- 7.4 The issuance of a *partial permit* shall not be construed to authorize construction beyond for which approval was given nor obligate the *Chief Building Official* to grant any additional *permits*.

Section 8 CHANGE OF USE PERMITS

- 8.1 In addition to the general requirements set out in Section 3 of this By-law, an application for a change of use *permit* shall:
- a) describe the building in which the occupancy is to be changed by a description that will readily identify and locate the building;
 - b) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made; and
 - c) include complete plans and specifications showing the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the *Building Code*, including: floor plans, details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of the existing *sewage system*, if any.

Section 9 SEWAGE SYSTEM PERMITS

- 9.1 In addition to the general requirements set out in Section 3 of this By-law, an application for a *sewage permit* shall include a site evaluation including all of the following items, unless otherwise specified by the *Chief Building Official*:
- a) the date the evaluation was done;
 - b) the name, address, telephone number and signature of the person who prepared the evaluation; and

- c) a scaled map of the site showing:
 - i. the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors;
 - ii. the location of items listed in Column 1 of, Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C, Division B of the *Building Code*;
 - iii. the location of the proposed *sewage system*;
 - iv. the location of any unsuitable, disturbed or compacted areas;
 - v. proposed access routes for system maintenance;
 - vi. depth to bedrock;
 - vii. depth to zones of soil saturation;
 - viii. soil properties, including soil permeability; and
 - ix. soil conditions, including the potential for flooding.

Section 10 TRANSFER OF PERMITS

- 10.1 *Permits may not be transferred without the approval of the Chief Building Official.*
- 10.2 To transfer a *permit*, the new owner shall complete and submit an application *form* in accordance with the requirements in Section 3 of this By-law. Such application shall include:
 - a) the names and addresses of the previous and new land owner;
 - b) the date that the land ownership change took place;
 - c) describe the *permit* that is being transferred; and
 - d) payment of the required fees as prescribed in Schedule "A".
- 10.3 Upon transfer of the *permit* by the *Chief Building Official*, the new owner shall be the *permit holder* for the purposes of this By-law, the *Act* and the *Building Code*.

Section 11 INACTIVE (Abandoned) PERMIT APPLICATION

- 11.1 Where an application for a *permit* remains inactive for six months or incomplete for six months after the *applicant* has been advised in writing of all the reasons for refusal, the application may be deemed by the *Chief Building Official* to have been abandoned and written notice thereof shall be given to the *applicant*. If an application is deemed to be abandoned a new application must be filed for the proposed work.

Section 12 CHANGES TO APPROVED PLANS - Revised Submission

- 12.1 After issuance of a *permit* under the *Act*, notice of any material change to a plan, specification, document or other information on the basis of which the *permit* was issued shall be given in writing to the *Chief Building Official* together with the details of such change which is not to be made without the prior written authorization of the *Chief Building Official*.
- 12.2 Application for authorization of any substantial change shall constitute a *revised submission* and is subject to a revision to plans fee and any additional inspection fees which may be required.

Section 13 OCCUPANCY PERMITS FOR UNFINISHED BUILDINGS

- 13.1 An application for an occupancy *permit* of an unfinished building pursuant to Section 1.3.3, Division C of the *Building Code*, shall:
- a) use the application *form* prescribed by the *Chief Building Official* that is completely filled out and accompanied by any applicable schedules;
 - b) identify in detail the occupancy, the proposed date for occupancy, the part of the building for which the application for *permit* is made and the measures to be put in place to delineate those areas still under construction;
 - c) provide detailed information demonstrating compliance with article 1.3.3.1, Division C of the *Building Code*;
 - d) be accompanied by the required fees as calculated in accordance with Schedule "A" to this By-law;
 - e) state the name, address and contact information of the *owner*, and where the *owner* is not the *applicant*, the authorized agent; and
 - f) be signed by the *owner* or authorized agent who shall certify the truth of the contents of the application.

Section 14 PLANS AND SPECIFICATIONS

- 14.1 Sufficient information including plans, specifications, documents and other information shall be submitted with each application for a *permit* to enable the *Chief Building Official* to determine whether or not the proposed construction, demolition, or change of use will conform to the *Act*, the *Building Code* and any other applicable law.
- 14.2 The *Chief Building Official* shall determine the plans, specifications, documents and other information required to be submitted in order to deem the application complete according to sentence 1.3.1.3.(5), Division C of the *Building Code*, having regard for:
- a) the scope of the proposed work;
 - b) the requirements of the *Act*, the *Building Code* and other applicable law; and
 - c) the requirements of Section 3 and other Sections of this By-law.
- 14.3 Plans, specifications, documents and other information shall be:
- a) fully coordinated among design disciplines and intended for construction, demolition or change of use;
 - b) be fully dimensioned and drawn to a suitable scale (metric or imperial) on paper or other suitable durable material, and
 - c) contain text that is clear and legible.
- 14.4 Where a site plan is required to demonstrate compliance with the *Act*, the *Building Code*, and any other applicable law, the site plan shall include:
- a) lot size and dimensions of property lines and setbacks to any existing or proposed buildings;
 - b) existing and finished ground levels or grades;

- c) existing rights-of-way, easements and municipal services; and
 - d) a copy of a current plan of survey, unless the *Chief Building Official* waives this requirement.
- 14.5 On completion of the construction of a building, the *Chief Building Official* may require the *applicant* to submit a set of as-constructed plans, including a plan of survey showing the location of the building.
- 14.6 Plans and specifications furnished according to this By-law or otherwise required by the *Act* become the property of the *Corporation* and will be disposed of or retained in accordance with all applicable legislation or By-law.

Section 15 ALTERNATIVE SOLUTIONS

- 15.1 Where approval for an alternative solution under the *Building Code* is proposed in either the application for a *permit*, or a material change to a plan, specification, document or other information on the basis of which a *permit* was issued, the *applicant* shall:
- a) use the application *form* prescribed by the *Chief Building Official* that is completely filled out and accompanied by any applicable schedules;
 - b) include documentation that identifies applicable objective, functional statements and acceptable solutions as set out in the *Building Code*;
 - c) include documentation demonstrating that the proposed alternative solution will provide the level of performance required by the *Building Code*; and
 - d) be accompanied by the required fees prescribed in Schedule "A".

Section 16 REGISTERED CODE AGENCIES

- 16.1 The *Chief Building Official* is authorized to enter into and sign contracts for service agreements with a *registered code agency* and appoint them to perform specified functions from time to time in order to maintain the time periods for *permits* prescribed in Article 1.3.1.3, Division C of the *Building Code*.
- 16.2 A *registered code agency* may be appointed to perform one or more of the specified functions described in section 15.15 of the *Act*.

Section 17 NOTICE REQUIREMENTS FOR INSPECTIONS

- 17.1 The *permit holder* shall notify the *Chief Building Official* or a *registered code agency* where one is appointed, of each stage of construction for which a notice is prescribed under Subsection 1.3.5, Division C of the *Building Code*.
- 17.2 Inspection notices are required a minimum of two business days prior to the stage of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5, Division C of the *Building Code*.
- 17.3 The *permit holder* shall provide the notice of completion as prescribed by section 11 of the *Act*, or where occupancy is required prior to completion, notice of inspection to ensure that the requirements of section 11 of the *Act* and Subsection 1.1.3, Division C of the *Building Code* are complied with.
- 17.4 In addition to the notice of completion as prescribed by section 11 of the *Act*, the *permit holder* shall provide notice after the completion of demolition work to ensure the completion of site grading and other works.

- 17.5 Notice shall be given as required by Subsection 1.3.5., Division C of the *Building Code*. A notice pursuant to this Section of the By-law is not effective until notice is actually received by the *Chief Building Official*, an *inspector* or the *registered code agency* as the case may be, makes a written record of the request for inspection.

Section 18 FEES AND REFUNDS

- 18.1 The *Chief Building Official* shall determine the required fees for the *work* proposed calculated in accordance with Schedule "A" of this By-law and the fee shall be payable in full upon the submission of an application for *permit*.
- 18.2 Where the *Chief Building Official* determines, upon a full review of *permit* drawings submitted, that additional fees are applicable in accordance with Schedule "A" based on the scope of *work* and floor area for the class of *permit*, the amount of outstanding fees shall be payable prior to *permit* issuance.
- 18.3 Any person or *Corporation* who commences construction, demolition or changes the use of a building before submitting an application for a *permit* or receiving a *permit*, shall in addition to any other penalty under the *Act*, *Building Code*, or this By-law, pay an administrative fee in the amount of \$300 where an Order to Comply has been issued and an additional \$200 where a Stop Work Order has been issued to compensate the *Corporation* for the additional administrative and investigative work incurred by such early start of *work*.
- 18.4 In the case of withdrawal of an application or the abandonment of all or a portion of the *work*, or refusal of a *permit*, or the non-commencement of any project, the *Chief Building Official* shall determine the amount of paid *permit* fees that may be refunded to the *applicant*, if any, in accordance with Schedule "A" of this By-law.
- 18.5 Prior to passing a By-law to change any fees listed in Schedule "A" of this By-law, the *Corporation* shall comply with the requirements set out in Subsection 1.9.1, Division C of the *Building Code*.
- 18.6 Any person or organization wishing to receive notice under Article 1.9.1.2, Division C of the *Building Code* should make such request in writing to the *Chief Building Official*.

Section 19 REVOCATION OF PERMITS

- 19.1 Prior to revoking a *permit* under subsection 8.(10) of the *Act*, The *Chief Building Official* may serve a notice by personal service or registered mail at the last known address to the *permit holder*, and following a thirty (30) day period from the date of service the *Chief Building Official* may revoke the *permit* if grounds to revoke still exist, without any further notice.
- 19.2 A *permit holder* may within thirty (30) days from the date of service of a notice under this Section, request in writing the *Chief Building Official* to defer the revocation by stating reasons why the *permit* should not be revoked. The *Chief Building Official* having regard to any changes to the *Act*, *Building Code* or other applicable law may allow the deferral in writing.

Section 20 FENCING AND HOARDING OF CONSTRUCTION SITES

- 20.1 Where in the opinion of the *Chief Building Official*, a construction or demolition site presents a hazard to the public the *Chief Building Official* may require the *permit holder* to erect such fencing to the standards and specifications that the *Chief Building Official* deems to be appropriate in the circumstances.

- 20.2 When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the *Chief Building Official* shall have regard to;
- a) the proximity of the construction site to occupied dwellings;
 - b) the proximity of the construction site to lands accessible by the public, including but not limited to streets, parks and commercial and institutional uses;
 - c) the hazards presented by the construction activities and materials;
 - d) the feasibility and effectiveness of site fencing; and
 - e) the duration of the hazard.
- 20.3 When the *Chief Building Official* is of the opinion that fencing is required, the *permit holder* shall, prior to commencement of any construction, demolition, or placement of materials or equipment on site, erect or cause to be erected fencing to the standards required by the *Chief Building Official* to enclose the construction or demolition site for the purposes of preventing unauthorized entry to the site. For the purposes of this Section, construction and demolition site shall include the area of the proposed construction and demolition and any area where materials or equipment are stored or operated.
- 20.4 All hoarding shall be maintained in a structurally secure manner and painted, constructed or otherwise treated to inhibit deterioration.

Section 21 SEVERABILITY

- 21.1 In the event that any provision of this By-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this By-law.

Section 22 MISCELLANEOUS

- 22.1 All Schedules shall be and form part of this By-law.
- 22.2 A reference to the singular or to the masculine shall be deemed to refer to the plural or feminine as the context may require.

Section 23 OFFENCES AND PENALTIES

- 23.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided in section 36 of the *Act*.

Section 24 CODE OF CONDUCT

- 24.1 The *Chief Building Official* and *inspectors* as appointed under the *Act* shall be governed by the Code of Conduct as set out in Schedule "B" of this By-law, with respect to exercising their power and performing their duties under the *Act*.

Section 25 REPEAL AND TRANSITION

- 25.1 By-law 2005-76, is hereby repealed on the date this By-law comes into force.
- 25.2 Notwithstanding Section 22.1 of this By-law, for any *complete application* received prior to the effective date of this By-law, the provisions of By-law 2005-76 shall remain in force and effect for the purpose of that application.

Section 26 EFFECTIVE DATE

This By-law comes into force on **XXXX**.

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Schedule "A"	Classes of <i>Permits</i> and Fees Payable
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SCHEDULE "A"

5. Miscellaneous – Charges

For Classes of *permits* not described or included in this Schedule, a reasonable *permit* fee shall be determined by the *Chief Building Official*

6. REFUNDS

Pursuant to Section 18 of this By-law, the fees that may be refunded shall be a percentage of the fees payable under this By-law, calculated by the *Chief Building Official* as follows:

- (a) 90 percent if administrative functions only have been performed;
- (b) 80 percent if administrative and zoning review functions only have been performed;
- (c) 60 percent if administrative, zoning review and plan examination functions have been performed;
- (d) 50 percent if the *permit* has been issued and no field inspections have been performed subsequent to *permit* issuance;
- (e) a \$60.00 fee for each field inspection that has been performed after the *permit* has been issued will be deducted from all refunds; and
- (f) if the calculated refund is less than the minimum fee applicable to the *work*, no refund shall be made of the fees paid.

7. INTERPRETATION

The following explanatory notes are to be observed in the calculation of *permit* fees:

- Floor area of the proposed *work* is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls. (excluding residential garages);
- In the case of interior alterations or renovations, area of proposed *work* is the actual space receiving the *work* e.g. tenant space;
- Mechanical penthouses and floors, mezzanines, lofts, habitable attics, and interior balconies are to be included in all floor area calculations;
- Except for interconnected floor spaces, no deductions are made for openings within the floor area (e.g. stairs, elevators, escalators, shafts, ducts, etc.);
- Unfinished basements for single detached dwellings (including semis, duplexes, and townhouses etc.) are not included in the floor area;
- Attached garages and fireplaces are included in the *permit* fee for single detached dwellings and attached dwellings;
- Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable;
- Ceilings are included in both new shell and finished (partitioned) buildings. The fee for ceiling applies only when alterations occur in existing buildings. Minor alterations to existing ceilings to accommodate lighting or HVAC improvements are not chargeable;
- Where demolition of partitions or alteration to existing ceilings is a part of an alteration or renovations *permit*, no additional charge is applicable;
- Corridors, lobbies, washrooms, lounges, etc. are to be included and classified according to the major classification for the floor area on which they are located;
- The occupancy categories in Schedule "A" correspond with the major occupancy classifications in the Ontario *Building Code*. For mixed occupancy floor areas, the fee for each of the applicable occupancy categories may be used, except where an occupancy category is less than 10% of the floor area;
- For Rack Storage use apply the square footage charge for industrial for the building.

2015 PROPOSED FEE SCHEDULE	
MINIMUM FEE	
Detached, semi-detached, townhouse, rowhouse, duplex or live/work residential projects	\$185.00
Non-residential projects or residential greater than three storeys, unless otherwise stated	\$277.50
PERMIT FEES	
CLASS OF PERMIT, OCCUPANCY CLASSIFICATION	Fee Multiplier (\$ per m ² or as otherwise specified)
A. CONSTRUCTION: NEW BUILDINGS; ADDITIONS TO EXISTING BUILDINGS; ALTERATION OR UNIT FINISH	
GROUP "A" ASSEMBLY	
New Recreation Facilities, Schools, Libraries, Places of Worship, Restaurants, Theatres, Arenas, Swimming Pools, Gymnasiums	\$14.92
Alteration, Renovation, Interior Finish, Unit Finish	\$4.40
GROUP "B" INSTITUTIONAL	
New Hospital, Institutional Buildings, Nursing Homes and Other Buildings	\$16.64
Alteration, Renovation, Interior Finish, Unit Finish	\$4.40
GROUP "C" RESIDENTIAL	
* New Detached Dwelling, Semi-Detached Dwellings, Townhouses, Row-houses, Duplexes, Live/Work Units	\$14.65
* Accessory Dwelling Units	Flat Fee \$400.00
* New Motels, Hotels and all other Residential Occupancies	\$18.32
* Note the above fees for residential new construction include the HVAC and Plumbing Fee	
Alteration, Renovation, Interior Finish, Unit Finish	\$4.40
GROUP "D" BUSINESS AND PERSONAL SERVICES	
Shell	\$10.70
Finished	\$13.38
Alteration, Renovation, Interior Finish, Unit Finish	\$4.40
GROUP "E" MERCANTILE	
Shell	\$9.91
Finished	\$12.39
Alteration, Renovation, Interior Finish, Unit Finish	\$4.40
GROUP "F" INDUSTRIAL	
Shell	\$8.05
Finished	\$10.06
Alteration, Renovation, Interior Finish, Unit Finish	\$4.40
Parking Garage	\$4.83

B. DEMOLITION		
All Buildings up to 600 m ²	Each	\$277.50
All Buildings > 600 m ²	Each	\$370.00
C. DESIGNATED STRUCTURE (OBC 2.1.2)		
Communication Tower (where applicable)	Flat Fee	\$555.00
Outdoor Pool, Outdoor Spa (where applicable)	Flat Fee	\$555.00
Crane Runway	Flat Fee	\$555.00
Exterior Tank and Support (where applicable)	Flat Fee	\$555.00
Pedestrian Bridge (where applicable)	Flat Fee	\$555.00
Retaining Wall	Linear Metre	\$12.30
Solar Panels (Domestic Hot Water or Photovoltaic, any area) - Low rise residential	Flat Fee	\$277.50
- Other	Flat Fee	\$370.00
Solar Collector, Satellite Dish	Flat Fee	\$370.00
D. STANDALONE AND MISCELLANEOUS WORK		
Temporary Structures		\$277.50
Tents and Temporary Buildings (<225 m2)	Flat Fee	\$185.00
Tents and Temporary Buildings (>225 m2)	Flat Fee	\$277.50
Farm Building		\$277.50
Portable Classrooms	Flat Fee	\$185.00
Residential		
Balcony Repair	Flat Fee	\$92.50
Garage - detached	Flat Fee	\$185.00
Garage - attached	Flat Fee	\$277.50
Carport, Decks, Porches, Porch Enclosures	Flat Fee	\$185.00
Basement Finish - no change in use	Flat Fee	\$185.00
Below Grade Entrance	Flat Fee	\$277.50
Door, New Opening	Each	\$92.50
Fire Code Retrofit (OFC S. 9.8)	Flat Fee	\$185.00
Fire Damage Repair	Flat Fee	\$277.50
Fireplace, wood-burning	Flat Fee	\$185.00
Window, New Opening	Each	\$92.50
Window Replacement - Part 3 - Building	Each	\$92.50
Non-Residential		
Electromagnetic locking devices	Each	\$92.50
Fire Alarm	Flat Fee	\$277.50
Ceiling - new, replacement	m ²	\$2.20
Shoring	Flat Fee	\$277.50
Sprinklers	Flat Fee	\$277.50
Standpipe and Hose System	Flat Fee	\$277.50
Fire Suppression (Other than Sprinkler System)	Flat Fee	\$277.50
Air Supported Structure	Flat Fee	\$277.50
Balcony Repair	Flat Fee	\$92.50
Door - new, man door or overhead loading	Each	\$92.50
Emergency Lighting	Each	\$46.25
Emergency Power	Flat Fee	\$277.50
Foundation for Relocated Building, each	m ²	\$4.40
Fire Code Retrofit (other than residential)	Flat Fee	\$277.50

E. STANDALONE MECHANICAL		
STAND ALONE MECHANICAL - HVAC		
Permit for heating, ventilating and air conditioning (per suite)		\$277.50
F. PLUMBING AND DRAINAGE SYSTEM FIXTURES/EQUIPMENT ROOF DRAINS - STANDALONE		
Plumbing		
For each fixture, floor drain, equipment, appliances, thermostatic mixing valve, vented traps or roof hopper	Each	\$24.67
Storm and grease interceptor	Each	\$46.25
Testable Backflow Prevention		\$46.25
Water Services - for each water service		
50 mm (2") or less		\$46.25
100 mm (4")		\$92.50
150 mm (6")		\$138.75
200 mm (8")		\$173.44
250 mm (10")		\$216.80
300 mm (12 ")		\$271.00
Drains - Residential (single family dwelling, for apartments see commercial)		
For <u>each</u> residential drain and sewer (includes both storm and sanitary, inside, outside and floor drains)		\$92.50
For each conversion to sewers		\$46.25
Miscellaneous		
For each manhole, catchbasin or area drain		\$46.25
On-site sewage system		
New Sewage System Installation	\$675.00 min. or \$5.38 / m ² of bldg to max of \$3,500	
Repair/Minor alteration		\$ 280.00
Planning Circulation - SPD, Zoning		\$ 250.00
Sewage System Maintenance and Inspection Program	\$250 plus a report from a qualified installer/hauler	
Drains- Commercial (commercial and industrial buildings and units, institutional buildings and apartment buildings for each storm or sanitary drain inside) or: for each storm or sanitary sewer		
100 mm or less		\$92.50
150 mm (6")		\$138.75
200 mm (8")		\$173.44
250 mm (10")		\$216.80
300 mm (12 ") or larger		\$271.00
Storm and grease interceptors		

G. ADMINISTRATION FEES**Miscellaneous**

For each re-inspection due to defective work		\$92.50
For each special inspection per hour, per person		\$185.00
Change of Use Permit where no construction is proposed or required		\$185.00
Transfer of Permit		\$185.00
Conditional Building Permit	20% full permit fee	
Foundation Permit (ICI)	m ²	\$ 2.20
Foundation Permit (Residential)		\$ 185.00
Compliance Letter - Building		\$157.97
Alternative Solution	min. \$555 + \$185/hr after 3 hours	
Occupancy Permit Fee (after building is occupied)		\$ 185.00
Revision to plans fee		\$185/hr
Builder Model Fee		\$ 185.00
Builder Model Change Fee (where permit has been issued)		\$ 185.00
Permitted Use Letter		\$ 92.50
Construction Activity Report (annual subscription)		\$ 185.00
Reproduction of Documents	Min. \$10 + \$80/hr	

SCHEDULE "B"

Code of Conduct for Building Officials
Corporation of the Town of Newmarket**Policy Statement**

This Code of Conduct is maintained in accordance with the provisions of the *Building Code Act*. It is intended to be read and applied in conjunction with the *Corporation of the Town of Newmarket's* ("the Town") Employee Code of Conduct in effect from time to time. Building Officials are responsible for reviewing building functions to ensure structural integrity and safety of buildings. All Town of Newmarket employees, including Building Officials, hold a special position of trust, employed at public expense for community benefit. Building Officials exercise powers and provide services that can have a significant impact on our community. The conduct and behaviour of the Town of Newmarket Building Officials reflects the Town's commitment to the highest standards of professionalism, technical competence, skill, honesty, fairness and impartiality.

Purpose

Building Officials of the Town of Newmarket are expected to behave in an ethical, professional and responsible manner, both to members of the general public and to each other. The purpose of this Code of Conduct ("the Code") is to assist Building Officials to identify and apply the standards of behaviour that are expected of all employees at the Town. The Code outlines the basic principles of integrity, honesty and impartiality and recognizes that Building Officials have a responsibility to uphold these principles.

Standards of Conduct and Professionalism

Building Officials shall comply with the Town's Employee Code of Conduct in effect from time to time and shall undertake to:

1. Always act in the public interest, particularly with regard to the safety of building works and structures;
2. Maintain their knowledge and understanding of the best current building practice, all relevant building laws and codes relevant to their building certification functions;
3. Maintain current accreditation to perform the functions assigned to them;
4. Commit themselves to a process of continuous education so as to be aware of developments in building design, practice and the law relevant to their duties;
5. Comply with the provisions of the *Building Code Act*, the *Building Code* and any other Act of Law that regulates or governs Building Officials or their functions;
6. Avoid situations where there may be or where there may appear to be a conflict between their duties to their employer, their clients, their peers and the public at large, and their personal interests;
7. Avoid acting in situations beyond their level of competence or outside their area of expertise;
8. Apply all relevant building laws, regulations and standards strictly and impartially without favour and independent of the influence of interested parties;
9. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards;
10. To keep in the strictest confidence all confidential information or material that they become privy to in the performance of their duties, except where disclosure is in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* or any other privacy legislation if effect from time to time;
11. Avoid any conduct that could bring Building Officials or the Town into disrepute;
12. Extend professional courtesy to all;

Enforcement

The *Building Code Act* provides that the performance of Building Officials will be measured against this Code of Conduct. In response to any allegation of a breach of this Code, the *Chief Building Official* or *Chief Administrative Officer* shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with the Code. Any disciplinary action shall be in accordance with the Corporate Policy.



DEVELOPMENT AND INFRASTRUCTURE SERVICES – COMMISSIONER
TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

September 8, 2015

DEVELOPMENT & INFRASTRUCTURE SERVICES COMMISSION REPORT 2015-53

TO: Committee of the Whole

SUBJECT: Ontario Municipal Cycling Infrastructure Program

ORIGIN: Commissioner, Development & Infrastructure Services

RECOMMENDATIONS

THAT Development & Infrastructure Services Commission Report 2015-53 dated September 8, 2015, regarding the Ontario Municipal Cycling Infrastructure Program be received and the following recommendation(s) be adopted:

1. **THAT Council endorse the proposed cycling infrastructure project as identified in the attached Schedule 'A' - Newmarket East-West Bikeway Map to enable staff to continue with an application for partial funding of the project through the Ontario Municipal Cycling Infrastructure Program (OMCIP);**
2. **AND THAT Council preapprove the allocation of \$325,000 from the development charges capital fund over the 2016 and 2017 Budgets.**

COMMENTS

Staff is seeking Council's endorsement of an on-street east-west cycling route, connecting Eagle Street West with Leslie Street through the downtown as part of the Council-approved Active Transportation Network. Council endorsement of the proposed cycling infrastructure project and pre-approval of funding in the 2016/17 Budgets will enable staff to continue to the next stage of the application and expedite the implementation of the east-west cycling route as described below.

The Project - Schedule 'A' attached illustrates the selected route identified in Official Plan Amendment 11, the Town's Active Transportation Network. The proposed project is an east-west cycling route of approximately 5.5 km in length connecting the intersections of Eagle Street West/Millard Avenue in the west to Leslie/Srigley Streets in the east, principally via Millard Avenue and Srigley Street. Note that the final route may be altered slightly as detailed design work is completed.

Background - The Ontario Ministry of Transportation is investing \$10 million over two years (2016 and 2017) through the Ontario Municipal Cycling Infrastructure Program (OMCIP) to help municipalities build new or improve existing cycling infrastructure. The OMCIP creates an opportunity for the Town to leverage provincial funding up to 50% of a project's costs to a maximum of \$325,000 to assist the Town with investing in cycling infrastructure as identified in the Town's Active Transportation Network.

Applying for the funding program is a two-stage process: 1) the submission of an Expression of Interest (EOI), which staff submitted August 6, 2015; and 2) an invitation to successful municipalities to submit completed applications, which includes a requirement for Council endorsement (being the subject of this report). The response to the submitted EOI is expected in late September and the deadline for submission of the completed application will be in October. Exact dates have yet to be announced. Council endorsement of the project is being sought in advance of the receipt of MTO's decision on the EOI as it may be challenging for staff to complete the application and receive Council's endorsement within the restricted timeframe. Announcements of awarded funds are anticipated by the end of 2015.

STRATEGIC LINKAGES

This report links to Newmarket's Strategic Plan direction Well Planned & Connected by improving travel within Newmarket through inter-connected neighbourhoods and providing varied transit options, including biking trails, paths, and lanes.

This report also aligns with Council's 2014-2018 Strategic Priority - Traffic Safety & Mitigation by ensuring safe streets, improving traffic congestion, and supporting major transit service enhancements.

CONSULTATION

In preparation of the Expression of Interest, consultations were held with staff from Engineering and Planning & Building Services departments, as well as the Regional Municipality of York's Active and Sustainable Transportation team. Local cycling groups and Smart Commute Central York were also consulted for their insight and recommendations for improvement to municipal cycling infrastructure.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

BUDGET IMPACT (Current and Future)

Operating Budget

There is no operating budget impact at this time.

Capital Budgets

There is no capital budget impact in 2015, however should the Town's Expression of Interest (EOI) be successful with Council's endorsement of the application through this report and to complete the proposed cycling infrastructure project, staff are seeking Council's approval of the allocation of \$325,000 funded from the development charges capital fund for the 2016 and 2017 Budget in order to leverage \$325,000 of grant funding through OMCIP. Development charge funding is available as identified in the Council approved Development Charges study, totaling \$1.5 million for investing in transportation demand management and bike lanes between 2014 and 2023. Should the Ministry of Transportation not approve the application, funds committed to this proposed project would be re-evaluated based on competing priorities within each budget year.

CONTACT

For more information on this report, contact Peter Noehammer, Commissioner, Development & Infrastructure Services, at 905-953-5300 ext. 2201.



Peter Noehammer
Commissioner, Development & Infrastructure Services

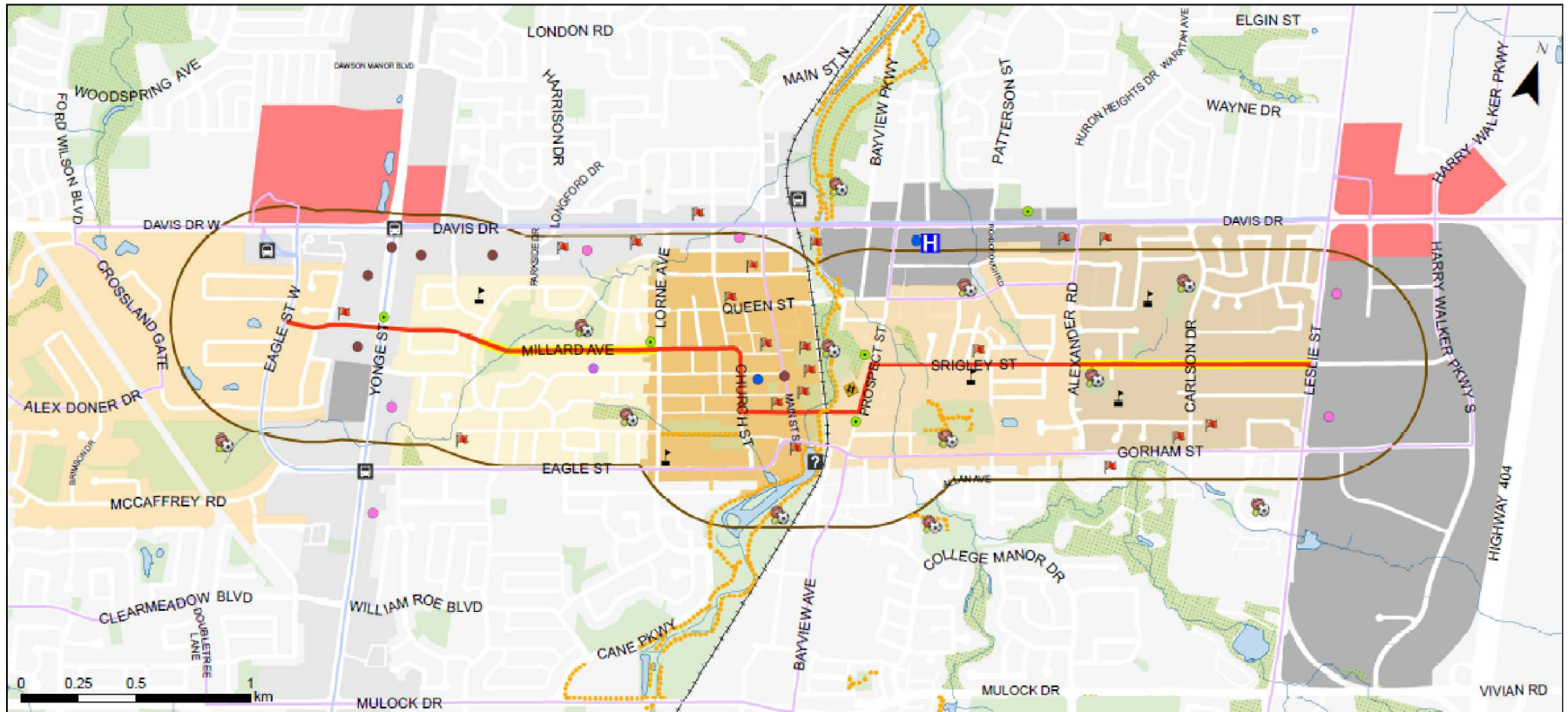
Attachment: Schedule 'A' - Newmarket East-West Bikeway Map



Legend

- | Origins & Destinations | | Safety & Security | |
|-----------------------------|--------------------------------|-----------------------------------|--------------------|
| 500m Trail Buffer | Community/Cultural Centre | Public Transit Hub | Hospital |
| Newmarket East-West Bikeway | Elementary or Secondary School | Sport or Recreation Facility/Area | Railway |
| Tom Taylor Multi-Use Trail | Major Commercial Area | Other Major Tourist Attraction | Neighbourhoods |
| Local Bus Routes | Minor Commercial Area | Shopping Centre | Parks & Open Space |
| VIVA Rapid Bus Route | Other Public Institution | Employment Area | Water Features |
| | | Intersection/Crossing Location | |
| | | High Traffic Volume Area | |
| | | Operating Space | |
| | | High Traffic Speed Area | |

[illegible]



Schedule A : Newmarket East-West Bikeway - OMCIP Project

Legend

500m Trail Buffer	Community/Cultural Centre	Public Transit Hub	Safety & Security	Hospital
Newmarket East-West Bikeway	Elementary or Secondary School	Sport or Recreation Facility/Area	Intersection/Crossing Location	Railway
Tom Taylor Multi-Use Trail	Major Commercial Area	Other Major Tourist Attraction	High Traffic Volume Area	Neighbourhoods
Local Bus Routes	Minor Commercial Area	Shopping Centre	Operating Space	Parks & Open Space
VIVA Rapid Bus Route	Other Public Institution	Employment Area	High Traffic Speed Area	Water Features

Designed & Produced by Information Technology - GIS Printed August, 2015 Source: Water Features, Bus Routes - Geomatics Division © The Regional Municipality of York, 2015. All other layers - Town of Newmarket 2015. **DISCLAIMER:** This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This document is provided for your personal, non-commercial use. The information depicted on this map has been compiled from various sources. While every effort has been made to accurately depict the information, data/mapping errors may exist. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey. Document Path: G:\Projects\1510\Office of the CAO\Communications\Map Documents\Trail_Grant.mxd



DEVELOPMENT AND INFRASTRUCTURE SERVICES – PLANNING DIVISION
TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7
www.newmarket.ca
info@newmarket.ca
905.895.5193

September 17, 2015

**DEVELOPMENT AND INFRASTRUCTURE SERVICES
PLANNING AND BUILDING SERVICES - PLANNING REPORT 2015-38**

TO: Committee of the Whole
SUBJECT: Public Meeting notification sign requirements for Planning Applications
ORIGIN: Council Motion

RECOMMENDATIONS

1. **THAT Development and Infrastructure Services, Planning & Building Services Report 2015-38 dated September 17, 2015 regarding changing the requirements for Public Meeting notification signs be received and the following recommendations be adopted:**
 - i. **THAT the requirements for Public Meeting notification signs be changed such that the wording is simpler and a map and/or drawing of the proposed development be included on the sign.**

BACKGROUND

On May 5, 2014 Council adopted a motion: that staff report back to Council on the implementation of improved signage and advertising for notification regarding Official Plan and Zoning By-law Amendments.

In response to that motion, staff have reviewed other municipalities' practices and determined that there are positive benefits to changing the requirements for our Public Meeting notification signs.

COMMENTS

Staff have undertaken a review of Public Meeting notification sign requirements of municipalities in southern Ontario. The goal of the review was, among other things, to determine which municipalities require a location map, plan and/or drawing of the proposed development to be included on public notification signs. The focus of the review was on the nine local municipalities of York Region, and in addition Orangeville, Waterloo, Guelph, Toronto, Ottawa, and Brampton were also contacted.

The City of Vaughan is the only York Region municipality that requires that a graphic be provided on public notification signs. Vaughan's notification signs for Plans of Subdivision, Zoning By-law and Official Plan Amendment applications require a plan or map of the proposed development. An artist's rendering is to be included on the notification signs for Plan of Condominium and Site Plan applications. The Cities of Ottawa, Brampton and Toronto also require that a visual be provided on their notification signs in the form of a plan, an elevation, or a rendering of the proposed development. The Cities of Waterloo and Guelph only require visuals for site plan applications containing more than one building.

The Town of Orangeville and the Cities of Vaughan, Guelph, Waterloo and Ottawa were the only municipalities that required notification signs for site plan applications.

At this time staff are recommending that our requirements for public notification signs be amended to require that a plan and/or drawing be included on public notice signs and that the wording be simplified. This will benefit the public and would not result in any additional costs to the municipality, or create additional work for staff. As shown on the attached examples, signs that contain a visual and have simple wording are easier to understand. This better informs residents and should assist them to become more engaged in the planning process.

According to the Cities of Vaughan and Ottawa, developers in those municipalities are in support of their recent changes to the requirements for public notification signs. The inclusion of plans/drawings and the simplification of the text have resulted in fewer inquiries for clarification regarding development applications. It appears that simpler signs with visuals are a more effective way of conveying information about development applications to the general public.

There would be no apparent extra cost to the Town to implement this change. There may be a slight increase in staff time to assist the applicant in preparing the sign, specifically assisting the developer in choosing the drawing or plan to be placed on the sign.

Staff have prepared a sample public notice sign with the proposed changes, attached as Appendix 1. For comparison Appendix 2, is a sample of Newmarket's current Public Meeting Notice Sign. Appendix 3 shows sample public meeting signs from other municipalities.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The proposed changes to public notice signs will support the Community Strategic Plan by being offering a method of improved communication.

COMMUNITY CONSULTATION POLICY

Staff consulted with other municipalities in York Region and beyond to canvass practices and to determine if others have made changes to their sign posting requirements to improve public communication and understanding.

HUMAN RESOURCE CONSIDERATION

Not applicable to this report.

BUDGET IMPACT (CURRENT AND FUTURE)

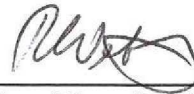
None.

CONTACT

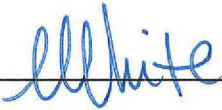
For more information on this report, contact: Meghan White, Planner, at 905-953-5321, ext 2458; mwhite@newmarket.ca.



Commissioner, Development and Infrastructure
Services



Director, Planning & Building Services



Planner

APPENDIX 1

Proposed Public Meeting Notice Sign



PUBLIC MEETING NOTICE

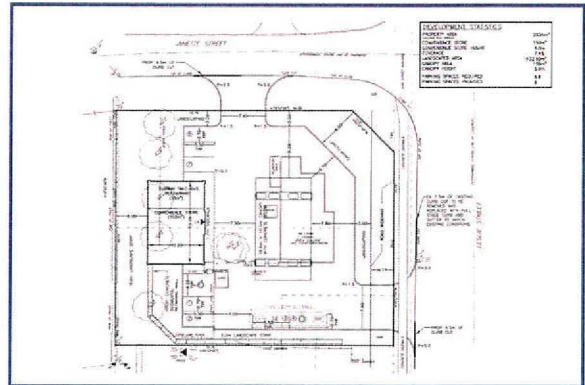
17844 LESLIE STREET, NEWMARKET

APPLICANT'S PROPOSAL

Zoning By-law Amendment

from the Service Commercial (CS) Zone
 to the Automotive Commercial (CA) Zone

to permit a proposed gas station and associated
 convenience/food store on these lands.



LET US KNOW WHAT YOU THINK

PLANNING DIVISION



905-953-5300



planning@newmarket.ca



visit newmarket.ca and search "Current Applications" for more information

MEETING INFORMATION

Date: Monday May 4, 2015

Time: 7 p.m.

Location: Council Chambers
 395 Mulock Drive
 Newmarket Town Hall

Appendix 2

Current Public Meeting Notification Sign – Town of Newmarket

PUBLIC NOTICE

APPLICATION (D14 NP14-10)

FOR ZONING BY-LAW AMENDMENT HAVE BEEN MADE

TO REZONE FROM THE EXISTING

SERVICE COMMERCIAL (CS) ZONE TO THE AUTOMOTIVE COMMERCIAL (CC) ZONE

TO PERMIT A GAS STATION ON THESE LANDS

FOR BACKGROUND INFORMATION, INCLUDING A COPY OF THE WRITTEN

NOTICE OF THE PUBLIC MEETING, CONTACT THE TOWN OF NEWMARKET

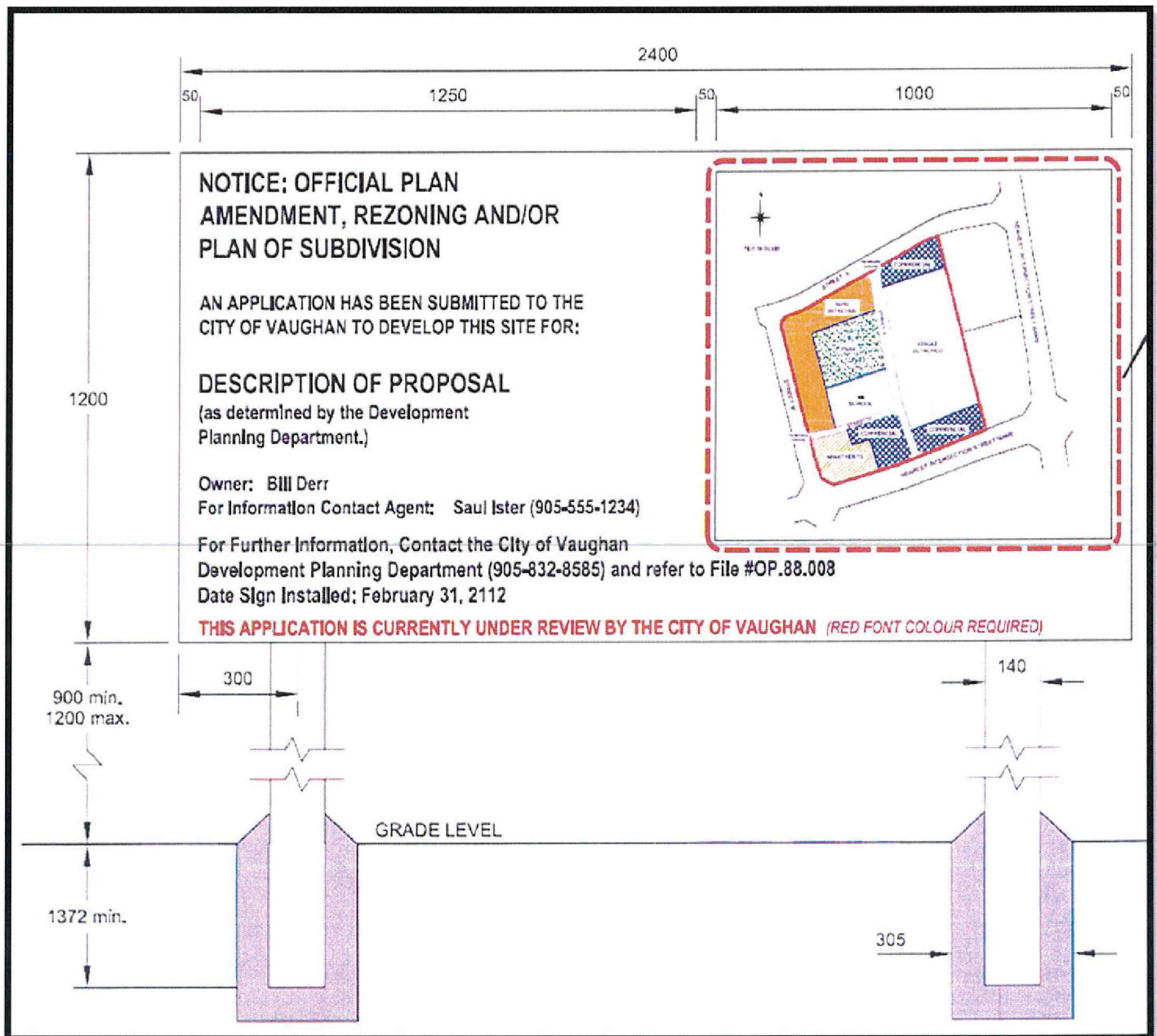
PLANNING DEPARTMENT – 905-953-5321

PUBLIC MEETING TO BE HELD AT THE MUNICIPAL OFFICES,

395 MULOCK DRIVE, ON:

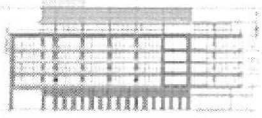
MONDAY OCTOBER 29, 2012 AT 7:00 P.M.

Appendix 3 Sample Public Notification Sign – City of Vaughan



Sample Public Notification Sign – City of Ottawa

		90, rue Elgin Street		PLANNING AND GROWTH URBANISME MANAGEMENT ET GESTION DE LA CROISSANCE	
<h3>Applicant's proposal</h3> <p>The City of Ottawa has received a Site Plan Control application to develop a 17 storey office building with ground floor retail and a three storey underground parking garage.</p>				<h3>Proposition du requérant</h3> <p>La Ville d'Ottawa a reçu une proposition visant la réglementation du plan d'implantation pour l'aménagement d'une tour de bureau de 17 étages, dont le rez-de-chaussée sera occupé par des commerces de vente au détail et qui comprendra trois niveaux de stationnement souterrain.</p>	
<h3>Let us know what you think.</h3> <p>Melissa Jort-Conway ☎ 613-580-2424 extension 16187 ✉ melissa.jort-conway@ottawa.ca</p> <p>Visit: Ottawa.ca/devapps for more information on this application</p>		<h3>Qu'en pensez-vous? Dites-le nous.</h3> <p>Melissa Jort-Conway ☎ 613-580-2424 poste 16187 ✉ melissa.jort-conway@ottawa.ca</p> <p>Visitez : Ottawa.ca/demdam pour plus de renseignements sur cette demande</p>			
<p>Posted on June 23, 2014 / Affiché le 23 juin, 2014</p>					

Sample Public Notification Sign – City of Toronto

Development Proposal

**2000 - 2200 Any Street and
2300 - 2400 Any Street**

An application to amend the zoning by-law to permit a six-storey mid-rise building with commercial on the ground floor and 44 residential units. The development provides 66 parking spaces.

STATUTORY PUBLIC MEETING:

Information will be posted once meeting is scheduled



FILE# 10 123456 STE 27 0Z

For Information:

www.toronto.ca/planning/developmentapplications

City Planner: John Smyth

416-394-1234 jsmyth@toronto.ca

NOTICE: OFFICIAL PLAN AMENDMENT

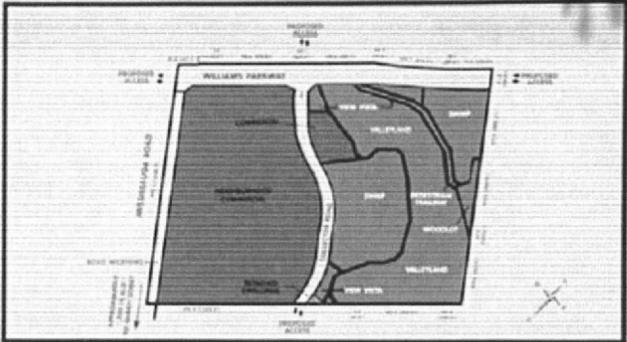
A PROPOSAL HAS BEEN MADE TO:

**REDESIGNATE FROM
NEIGHBORHOOD RETAIL
TO DISTRICT RETAIL AND
STORMWATER
MANAGEMENT POND**

Owner:
Agent:

For further information, phone the City of Brampton Planning, Design & Development Department 905-874-2050 and refer to File #C4W8.3

DATE SIGN ERECTED: JULY 25, 2005





TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

September 17, 2015

**DEVELOPMENT AND INFRASTRUCTURE SERVICES
PLANNING AND BUILDING SERVICES - PLANNING REPORT 2015-39**

TO: Committee of the Whole

SUBJECT: Parking and Storage of Recreational Vehicles in Residential Zones

ORIGIN: Deputation to Council and Council resolution

RECOMMENDATIONS

1. **THAT Development and Infrastructure Services/Planning & Building Services Report 2015-39 dated September 17, 2015 regarding parking and storage of recreational vehicles in residential zones be received and the following recommendations be adopted:**
 - i. **THAT Council authorize a Zoning By-law amendment to amend the zoning provisions for the parking and storing of recreational vehicles on a driveway from 72 hours per month to 4 calendar days per month as outlined in the attached draft by-law;**
 - ii. **AND THAT staff bring forward a by-law to the next Council meeting;**
 - iii. **AND THAT Laurie Smith of 371 Burford Street, Newmarket, ON, L3Y 6P9, be notified by the Clerk of this action;**
 - iv. **AND THAT Laura and Mike Kyte of 367 Burford Street, Newmarket ON, L3Y 6P9, be notified by the Clerk of this action.**

BACKGROUND

Committee of the Whole received a presentation on January 12, 2015 regarding the current restrictions in the Zoning By-law on the ability of residents to park recreational vehicles on residential driveways. On August 10, 2015 the statutory public meeting was held, after a phone survey to 401 random Newmarket residents and an online survey was made available to the public. Staff also attended the Newmarket Farmers' Market on July 22, 2015 to solicit input and answer any questions.

Current recreational vehicle parking restrictions

The current zoning standards date back to Newmarket's earlier comprehensive Zoning By-law 1979-50.

Currently residents in Newmarket can park one recreational vehicle, less than 7 metres long, in their driveway for a maximum of 72 hours in any one calendar month. When recreational vehicles are stored

internally (i.e. within a garage), they must be entirely contained in the building. In zones R1 and R2, recreational vehicles, less than 7 metres long, can be stored in a side or rear yard for any length of time all year long.

The Town's Zoning By-law defines a recreational vehicle as follows:

- 1) a vehicle or trailer which may provide short term occupancy that is intended and used exclusively for travel, recreation and vacationing, designed to be towed or propelled by a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes or other similar travel vehicles but does not include a mobile home; and/or
- 2) boats, personal watercraft, snowmobiles, all terrain vehicles and other similar vehicles used for recreational pursuits.

The intent of these rules is to restrict the storage and parking of recreational vehicles to side or rear yards or temporarily on driveways.

Comparators

Many other municipalities have similar restrictions. The specific restrictions vary, based on zoning classifications, with zones that tend to have larger lot sizes typically permitting larger vehicles. A set of example comparators are set out in the chart below. Most municipalities appear to regulate recreational vehicles based on size and location on the lot. There are a few which have time limits on parking on the driveway, either hours per month or by season. Sixteen municipalities were contacted and of these, seven do not permit parking on a driveway at all. Leamington, Cambridge, and Burlington use the seasonal restriction. Barrie does not have any restrictions or limitations on recreational vehicles parked in residential zones. Mississauga also uses the 72 hour per month restriction. Guelph only allows temporary parking for a maximum of 48 hours.

Municipality	Permitted driveway	Restrictions
Newmarket	Yes	Only permitted in R1 or R2 zones up to 7m in length exclusive of hitch or tongue in driveway up to 72 hours in any 1 calendar month. Permitted in interior side yard to the rear of the front wall of the main building. Setbacks 7.6 metres from the exterior or rear lot line for corner lots
Mississauga	Yes	Allow parking in driveway up to 5.2m in length/ 2m in height , plus setbacks Or up to 7m in length or 3m in height in driveway up to 72 hours a month
East Gwillimbury	No	2 vehicles side or rear yard, with required setbacks
Georgina	No	Storage not permitted, officer discretion(maintenance/cleaning) to enforce on complaint basis Boats – only permitted in interior side yard or rear yard, up to 8m

Municipality	Permitted driveway	Restrictions
		length 2.5m height Provisions currently under review
Whitchurch-Stouffville	No	1 permitted in rear yard only
Aurora	No	2 vehicles, rear or interior side yard no longer than 7.5m in length
Bradford/West Gwillimbury	Yes	Up to 6.5m in length 2.7m height front or exterior yard Rec. vehicle, In rear up to 10m in length 4m in height + 1m setback
Leamington	Yes	Permitted in driveway from April to October. Offseason must be stored in internal side yard and or required rear yard + setbacks
Oshawa	Yes (Drivable RV)	Up to 6m length 2.6m height in driveway Anything towable - Allowed in interior side yard driveway
Pickering	Yes	Up to 6.7 m length and 2.6m height must be on driveway in front yard or Side or rear must not exceed 8m length 3.5m height
Kingston	No	Up 8.2m length in interior side or rear yard + setbacks
Orangeville	Yes	Maximum length 7m, maximum height 3.5m. Also permitted in rear and side yard
Burlington	No	Permitted seasonally. Maximum height 1.82m to 3.65m
Vaughan	No	Permitted in the rear and side yard
Barrie	Yes	No restrictions
Guelph	Yes	Permitted on driveway maximum 48 hrs. Permitted in garage, rear or side yard with 1m setback
Cambridge	Yes	Permitted in rear or side yard with 1.2m setback. Permitted on driveway from April to October.

Options presented to Council

In Planning Report 2015-16, staff presented four options Council could pursue in changing the By-law:

1. Maintain current zone standards and do not implement any changes.
2. Amend the zone standards to remove the 72 hour parking restriction per month and replace it with 4 calendar days.
3. Amend the zone standards to remove the 72 hour parking restriction per month and replace it with seasonal parking.
4. Remove the zone standards from the zoning by-law and have no restrictions on parking recreational vehicles in residential zones.

Option 2 considers replacing the temporary parking on driveway for 72 hours per month with permissions to temporarily park a recreational vehicle in the driveway for four calendar days a month.

Option 3 considers replacing the temporary parking on driveway for 72 hours per month with the ability to park one recreational vehicle seasonally. The type of vehicle would be restricted to one which could be used in that season. For instance a snowmobile could be parked on the driveway from November to March, and a boat or camper trailer could be parked from April to October.

Staff also proposed other technical revisions to the current standards. The general wording requires some updating as there has been some confusion with the definitions and terms used in the zone standards, specifically regarding utility trailers and trailers used for hauling recreational vehicles. Staff would take this time to address these issues as well.

With the changes proposed there would still be a limitation of one recreational vehicle which could be stored on the property or temporarily parked on the driveway. Residents would still be permitted to store one recreational vehicle in their side or rear yard. Residents could still store recreational vehicles in their garages, so long as it is wholly contained within the structure. Some of the other proposed revisions would include adding a minimum setback from curbs and sidewalks. This could address the concerns about sight lines.

COMMENTS

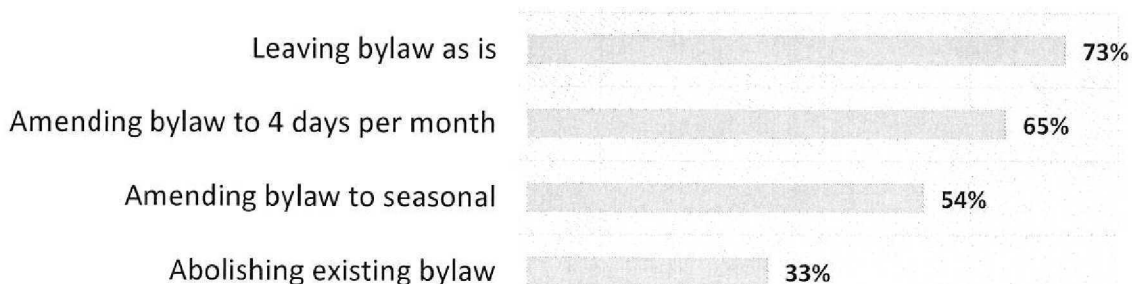
Public Comments Received

At the statutory Public Meeting five persons addressed Council. They all had concerns with the current restrictions on only being able to store recreational vehicles on driveways temporarily. They would all prefer the seasonal option wherein a summer recreational vehicle could be stored on the driveway for the spring-summer season (approximately May to October).

Phone Survey

In early July, Forum Research, on behalf of the town completed 401 random phone surveys (3 to 5 minutes each) with Newmarket residents in order to assess their appetite for changing the zoning rules for parking recreational vehicles in driveways. Contacting the public in this manner allows the findings to be random and not self-selecting. Forum asked each respondent if they would support the 4 options. They were allowed to answer yes to multiple answers. The graph below shows which options residents could support, not just which one is their favourite. Therefore this survey shows that leaving the by-law as is, changing to 4 days per month, and amending to seasonal all have strong support (more than 50%) with the first two having the most support.

Resident Support for Amending By-law (n=401)



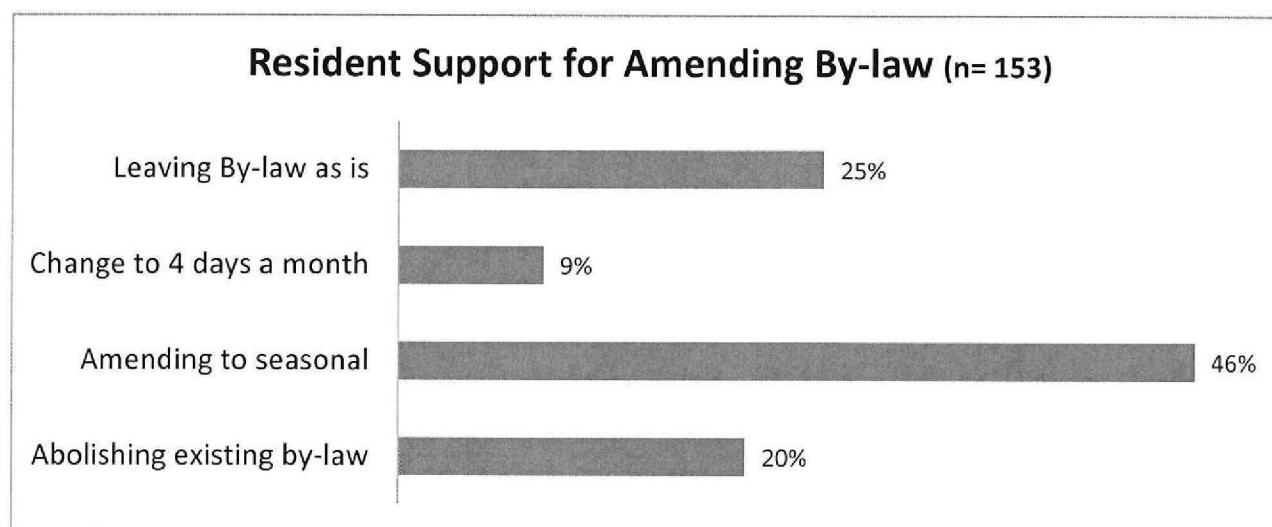
Results of the phone survey also show that 18% of those surveyed own a recreational vehicle; thus Forum estimates over 80% of Newmarket residents **do not** own a recreational vehicle. Respondents who **do not** own a recreational vehicle are significantly more likely to support leaving the by-law as is, than those who do. Respondents who **do** own a recreational vehicle are more likely to support amending the by-law to seasonal (over any other option) than those who do not.

The last question asked in the phone survey was if respondents had any additional thoughts to share. The responses can be categorized as:

- “Live and let live”- i.e. if it can fit on a driveway people should be able to do what they want
- Property rights and freedoms – i.e. it’s my property and I should be able to do what I want with the property I pay taxes for
- Concerns regarding aesthetics – i.e. parking recreational vehicles can devalue a neighbourhood because they do not look nice and therefore should not be permitted
- Safety concerns – i.e. can infringe on sight lines and therefore should not be permitted
- “I want to be able to do it on my property” – i.e. I have a recreational vehicle and I want to be able to park it on my driveway

Online Survey

From the beginning of July until the end of August the Town offered residents the opportunity to comment on the proposed changes through an online survey. The survey was available through the Town’s website. The same questions from the Forum survey were used to create the online survey. One hundred and fifty three (153) residents chose to fill out the online survey; of those 51% own a recreational vehicle and 48% do not. Below are the responses from the online survey with regard to which option residents would prefer. The difference from the online survey to the phone survey was that respondents were encouraged to pick the option they most preferred (i.e. they could only pick one option). In terms of the respondents themselves, those filling out the online survey are self-selecting; it is not a random sample and is therefore more difficult to generalize these results to the entire Newmarket community.



Of the 153 respondents who filled in the survey, 99 provided comments. They echo the comments from the phone survey in that they are wide ranging from supporting change to maintaining the existing rules. Comments speak to allowing residents to have the freedom to do whatever they want on their driveways and to restricting parking recreational vehicles for aesthetic and neighbourhood value concerns.

Further to the two surveys, the Planning Department has received several emails expressing residents' concerns with and support for changes to the rules governing recreational vehicles. There have also been several Letters to the Editor in the Era Banner regarding this process, some in favour of changing to more relaxed rules for recreational vehicles and some opposed to any changes.

ANALYSIS

From the comments received, the arguments for such restrictions tend to rely on concerns of safety, aesthetics, property values, or parking demand. Residents are concerned that larger vehicles restrict sightlines for pedestrians and drivers and increase the likelihood of an accident. Residents have expressed displeasure with the appearance of recreational vehicles being parked for extended periods in their neighbourhoods. The visual appearance of the streetscape is an issue and acceptability is subject to individual preferences. Residents have also expressed concerns that allowing recreational vehicle parking on driveways will lead to excessive on-street parking.

Residents have advised that they are against such restrictions due to their perception of their property rights, necessity, and affordability. Residents have objected to being prevented from using their property as they see fit by being prohibited from parking their vehicles on their own driveways. Other residents have expressed the need to frequently access their boats or trailers and find the need to pay for additional storage and to frequently retrieve the recreational vehicle to their home for loading or unloading is burdensome and unaffordable.

It is staff's opinion that some form of regulation is required as not all residents want to have recreational vehicles parking in their neighbourhood for the reasons mentioned above. On the other hand, there does need to be some ability for land owners to store, maintain, load and unload their recreational vehicles. It is not possible to satisfy everyone based on the diverse opinions around this subject matter. The challenge is to find a compromise between the needs of the property owner for ready access to their vehicle while respecting the interests of adjacent neighbours for a safe and visually acceptable streetscape.

Staff have recommended that Council adopt Option 2, which would keep the parking of recreational vehicles on driveways to a temporary timeframe, but change the way time is measured from hours to days. This becomes much easier for enforcement staff, but essentially maintains the current permissions. This is in keeping with the opinions gathered through the random phone survey, which can be more reliably extrapolated to represent the opinion of Newmarket as a whole community.

The recommended option does slightly increase the amount of time a recreational vehicle could be parked on a driveway. The current provisions allow for the equivalent of 3 days per month of temporary parking for a recreational vehicle on a driveway. The proposed changes would allow for 4 days per month. The temporary parking of a recreational vehicle on a driveway allows for the maintenance and/or loading and unloading of the vehicle (i.e. making a small repair to a boat, or loading up a camper trailer before leaving for vacation). Four days would in essence permit one day per weekend.

Staff are recommending slightly increasing the length of time residents can temporarily park a recreational vehicle in a driveway as it is acknowledged that most properties in town cannot accommodate a

recreational vehicle in their side yard. Over the last 20 years or so, lots have become smaller and houses closer together. Based on the typical zone standards of 0.6m, 1.2m, or 1.8m sideyard setbacks for single detached dwellings, few houses built in the last few decades have a side yard big enough to accommodate a small recreational vehicle (i.e. snowmobile or personal watercraft) let alone a medium to large sized recreational vehicle (i.e. a camper trailer, a boat on a trailer, or a motor home).

Should Council feel that the increase from 3 to 4 days is not substantial enough to accommodate those with concerns about affordable access to their recreational vehicles the number of days per month could be increased. Council could choose 8 days per month, which in theory would allow for one day before a weekend or vacation and one day afterwards for loading/unloading and cleaning.

Planning staff have recommended that a new provision of maintaining a minimum setback of 1m from the sidewalk or road curb be included as part of this amendment. This will address potential safety concerns with regard to keeping the bottom portion of the driveway clear for sightlines.

There are no planning rationales, theories, or philosophies to guide decision making around this issue. The safety and sightline issues can be addressed as noted above, and the remainder becomes how Newmarket, as a community, sees itself. The phone survey shows that generally Newmarket residents are satisfied with the current rules and that relatively few people in Newmarket own recreational vehicles. The online survey, the emails received and the Letters to the Editors shows that there are some residents with strong opinions on this matter both for and against.

It is staff's opinion that the recommended minor changes will satisfy, or not impact, most residents, they will provide a little more freedom to the few residents with recreational vehicles and should not overly disrupt those who are opposed to parking recreational vehicles in driveways in general.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The proposed Zoning By-law amendment will support the Community Strategic Plan by being *Well-Balanced*.

CONSULTATION

The public was consulted through a random phone survey completed by Forum Research. An online survey was available through the Town's website. Notification of the surveys and the Public Meeting was provided through the Town Page and by staff attending the Newmarket Farmer's Market. The statutory Public Meeting was held August 10, 2015.

HUMAN RESOURCE CONSIDERATIONS

None.

BUDGET IMPACT

None.

CONCLUSION

There are some issues with the current zoning standards for parking recreational vehicles in residential areas. It is recommended that a Zoning By-law amendment outlined in Appendix 'A' be brought forward for approval.

Attachments: Appendix 'A' - Amended Zoning Provisions

CONTACT

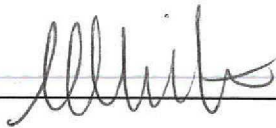
For more information on this report, contact: Meghan White, Planner, at 905-953-5321, ext 2458; mwhite@newmarket.ca



Commissioner, Development and Infrastructure
Services



Director, Planning & Building Services



Planner

APPENDIX 'A' – DRAFT Amended Zoning Provisions

Amend Section 3.0 Definitions by removing the definition for “Recreational Vehicles and Trailers” and replace it with:

Recreational Vehicle means:

- 1) a vehicle or trailer which may provide short term occupancy that is intended and used exclusively for travel, recreation and vacationing, designed to be towed or propelled by a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes or other similar travel vehicles but does not include a *mobile home*; and/or
- 2) boats, personal watercraft, all terrain vehicles and other similar vehicles used for recreational pursuits; and
- 3) a trailer designed to carry any of the items listed in Sections 1) and 2) of this definition.

Amend Section 3.0 Definitions by removing the definition for “Trailer, Vehicular” and replacing it with:

Utility Trailer means:

A vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and is capable of being used for the transport of goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed.

Remove Section 5.8.2 and replace it with:

5.8.2 Recreational Vehicles and Utility Trailers in a Residential Zone

The following regulations apply to the parking and storage of recreational vehicles and utility trailers on lots within any Residential Zone:

- i. Only one recreational vehicle or utility trailer may be externally parked on a lot.
- ii. The maximum permitted length of the recreational vehicle or trailer is 7 metres exclusive of hitch or tongue.
- iii. Where the recreational vehicle or utility trailer is stored internally, such recreational vehicle or utility trailer must be wholly contained within the dwelling unit or private garage or carport.
- iv. No recreational vehicle or utility trailer may be parked in the required parking spaces on the lot.
- v. No recreational vehicle or utility trailer may be parked on a driveway without being affixed with a valid license plate or being located on a trailer affixed with a valid license plate.
- vi. No recreational vehicle or utility trailer may be parked in a side or rear yard within 1 metre of a fence or property line.
- vii. No recreational vehicle or utility trailer is permitted to park in the front yard, unless it is on a driveway, subject to the provisions listed above.
- viii. A recreational vehicle or utility trailer parked on a driveway must be setback 1m from the sidewalk or curb.

- ix. Notwithstanding the above, in the case of a lot where the exterior side and/or rear lot line abuts a street or a 0.3 metre reserve, parking or storage may be permitted in the exterior side yard or rear yard but not closer than 7.6 metres from the exterior or rear lot line.
- x. Notwithstanding 5.8.2 vii, only one recreational vehicle or utility trailer may be temporarily parked or stored on a driveway for no more than 4 different days, consecutive or not, within the same calendar month. For greater clarification, if the recreational vehicle or utility trailer is observed in the driveway for any amount of time, it is deemed to have been there for one of the four different days during the calendar month.

Amend Section 5.8.4 by replacing the word “trailer” with the words “utility trailer”.



September 10, 2015

CORPORATE SERVICES – LEGISLATIVE SERVICES 2015-12

TO: Committee of the Whole

SUBJECT: Public Records Access Improvements

ORIGIN: Legislative Services

RECOMMENDATIONS

THAT Corporate Services – Legislative Services Report 2015-12 dated September 10, 2015 regarding “Public Records Access Improvements” be received and the following recommendation be adopted:

- 1. THAT the Routine Disclosure of Records Policy CORP.1-09 (attached as Appendix A) be approved.**

COMMENTS

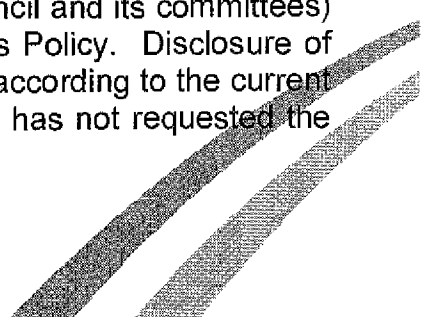
Purpose

The purpose of this report is to outline improvements to policy and administrative practices intended to enhance public access to the municipality's records, enhancing transparency.

Routine Disclosure Policy

The proposed Routine Disclosure of Records Policy establishes principles and procedures for releasing certain types of records retained by the Town without requiring the submission of a formal Freedom of Information (FOI) request made under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). The proposed policy also sets out a framework for staff to manage requests for records under various circumstances, including requests made by researchers, law enforcement agencies and the coordination of requests for voluminous records and/or records requested from various departments.

Confidential records (including records of closed session meetings of Council and its committees) will not be disclosed through the proposed Routine Disclosure of Records Policy. Disclosure of confidential records must be reviewed against MFIPPA and are assessed according to the current situation. If a legal or property related matter is still ongoing and Council has not requested the



matter be made public, the Clerk will refuse access to information that falls under the mandatory exemptions and may choose to refuse access under the discretionary exemptions such as solicitor-client privilege, economic or other interests of the municipality and interference with a law enforcement matter. Once the matter is concluded the possible harms for disclosure decrease and the discretionary exemptions are assessed in the new situational context and the records disclosed, as appropriate. Both Council (who may direct confidential records to be disclosed) and members of the public must adhere to the same requirements of MFIPPA, including review and determination by the Clerk prior to release.

The proposed Routine Disclosure of Records Policy makes it clear which records are readily available to the public improving transparency and gives staff guidelines on what can be released routinely and how records requests will be handled, improving administrative efficiency.

The proposed Routine Disclosure of Records Policy is attached as Appendix A to this report.

Routine Disclosure of FOI Requests

In support of the Town's commitment to transparency, the Clerk will publish the records requested through an MFIPPA request on the Town's website on a go-forward basis, to start in the fall of 2015, once administrative protocols and web page content have been established. Initially, online posts will be a basic chronological list of MFIPPA requests and over time, staff will develop a user-friendly search/query tool.

Posting MFIPPA records online provides all members of the public access to records requested under MFIPPA, enhancing transparency and efficiency for the public and Town staff administering the MFIPPA process. A similar practice is currently in place in the cities of Toronto and Ottawa.

The MFIPPA records posted online:

- Will not include the name of the requestor, as this information is required to be kept confidential by the Information and Privacy Commissioner (IPC), an independent provincial body which adjudicates municipal decisions related to MFIPPA requests;
- Will exclude any information required to be redacted under MFIPPA should it be made available to the public (such as personal information and third party information);
- Will comply with accessibility requirements under the *Accessibility for Ontarians with Disabilities Act*. Where a record cannot be made available in an accessible format, they will be referred to the Clerk's Office to obtain a copy in an accessible format;
- Will not include extremely voluminous records or records which cannot be readily digitized to be made available online. In these circumstances, records will be identified and a notation will be made to contact the Clerk's Office to obtain such records;
- Will not include MFIPPA request records made prior to the date the web page content goes live. MFIPPA requests made prior to the date the web page content goes live may be added over time, depending on available resources and departmental priorities; and,

- Will note if an MFIPPA request has been appealed to the IPC and any supplemental decisions of the IPC or records provided will be posted with the original request when available. As well, links to any relevant IPC orders will be provided.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This policy relates to the key area of focus "Well-Equipped and Managed" of the Strategic Plan. The clear definition of what records and information can be routinely disclosed to the public links directly to the Core Values of Accountability and Accessibility.

CONSULTATION

All departments across the municipality were consulted in the development of the Routine Disclosure of Records Policy and appendices. Other municipalities in Ontario were consulted with respect to their practices and procedures for routine disclosure.

HUMAN RESOURCE CONSIDERATIONS

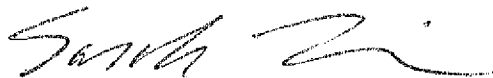
There are no human resource considerations associated with this report.

BUDGET IMPACT

There are no budget considerations associated with this report.

CONTACT

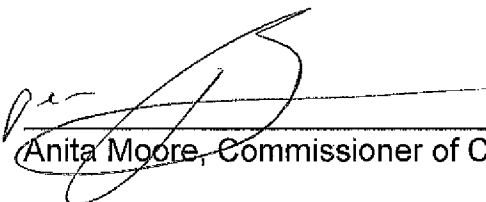
For more information, please contact Sarah Niezen, Records and Projects Coordinator at 905-953-5300, ext. 2213 or sniezen@newmarket.ca.



Sarah Niezen, Records/Projects Coordinator



Andrew Brouwer, Director of Legislative Services/Town Clerk



Anita Moore, Commissioner of Corporate Services



Newmarket

CORPORATE POLICY

Sub Topic:	Routine Disclosure	Policy No. CORP.1-09
Topic:	Corporate Records	Employees Covered: All Employees
Section:	Corporate Services	Council Adoption Date: Oct. 5, 2015
Effective Date: Oct. 5, 2015	Revision No:	Date:

Policy Statement & Strategic Plan Linkages

Routine Disclosure of information is a process that supports government transparency, a principle important to the Town of Newmarket and other governing legislation such the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* and the *Municipal Act, 2001*.

This policy relates to the key area of focus "Well-Equipped and Managed" of the Strategic Plan. The clear definition of what records and information can be routinely disclosed to the public links directly to the Core Values of Accountability and Accessibility.

Purpose

In order to improve public accessibility to records and information and support improved transparency, this policy will establish principles and procedures, for releasing certain types of records and information without requiring the submission of a formal Freedom of Information (FOI) request. The policy will identify to public and staff, the records and information that may be requested and disclosed routinely. It will also identify records and information that could be regularly and actively shared with the public.

Definitions

Active Dissemination means the periodic release or publication of government records and information.

Confidential information means any information that is of a personal nature to Town employees or clients or information that is not available to the public and that, if disclosed, could result in loss or damage to the Corporation or could give the persons to whom it is disclosed an advantage - as defined in Employee Code of Conduct Policy CORP.1-03

Freedom of Information (FOI) means a formal written request made under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

Personal Information as defined in MFIPPA means recorded information about an identifiable individual, including,

- a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- c) any identifying number, symbol or other particular assigned to the individual,
- d) the address, telephone number, fingerprints or blood type of the individual,
- e) the personal opinions or views of the individual except if they relate to another individual,
- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- g) the views or opinions of another individual about the individual, and
- h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

Responsible Department refers to the department, division, or service area which holds custody and control of the original records for the length of time required under the retention schedule; as defined in Records Retention Policy Corp.1-06 Appendix A;

Routine Disclosure is the routine or automatic release of certain records and information in response to informal requests;

Third Party Information is personal information of a person other than the requester or scientific, technical, commercial, financial or labour relations information supplied in confidence by someone other than the requester or the Town of Newmarket.

Procedures

1. This policy does not apply to records or information subject to the exemptions in section 6 (1), 7 (1), 8 (1) (2), of the *Municipal Freedom of Information and Protection of Privacy Act*. (Appendix A)
2. Records or information identified in Appendix B will be provided or made available to the public or to any requester according to the noted conditions for releasing records. Records can be provided on request or actively disseminated as appropriate.
3. No records containing personal information will be disclosed to anyone other than the individual to whom the information pertains unless first severed; unless authorized by policy, bylaw or legislation. See Protection of Privacy Policy CORP.1-08

Requests for Routine Disclosure

4. Requests may be verbal or in writing. The Town reserves the right to require that a request be submitted in writing where the request is unclear or where the information being requested is of a personal, detailed, or sizeable nature.
5. Requests for records made under this policy should be directed to the responsible department. Notwithstanding, the Town reserves the right to require at any time that requestors make their requests through a single point of contact to be determined by the Town.
6. Records containing personal information will be disclosed to a law enforcement agency in Canada to aid in an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. All such requests must be made in writing to the Clerk or designate (See Request Form Appendix E). Records containing Confidential or Third Party information will not be disclosed to a law enforcement agency without a subpoena.
7. Requests for personal information for the purposes of any type of research or analysis shall require the completion of a signed research agreement (see appendix C) and shall be authorized by the department head or designate. All original completed forms shall be forwarded to the Clerk or designate.
8. Requests for creation of records including compilations, opinions, interpretations, analysis and research by staff may be made by contacting the appropriate department. The Director or Commissioner will evaluate the request following the procedures outlined in Appendix D.

9. Repetitive requests by an individual or organization for significant volumes of records, the separation of a request into several small requests totaling a large volume, requests made to more than one department related to a specific subject or issue will be centrally coordinated and referred to the Clerk or designate.
10. Requests determined to be frivolous or vexatious according to the Staff Guidelines for Assessing Frivolous and Vexatious Requests and Complaints (TBD) may be refused by the department head or designate.
11. Fees may be charged for the reproduction of records where authorized by policy, bylaw or statute.

Active Dissemination

12. Records and information that are to be published will be made available in the appropriate formats as determined by the department head or designate.
13. Where possible, records and information will be published or made available in accessible formats.

Responsibilities of Employees

1. Routine access requests are to be handled by the responsible department.
2. Each department will utilize the attached schedule (Appendix B) to identify records for routine disclosure or active dissemination.
3. Responses to requests for records made under this policy will be acknowledged in a reasonable timeframe in accordance with corporate standards. Requests will be completed in a reasonable timeframe as determined by staff workload.

Review Period

Periodic reviews to attached appendices will be undertaken by the Clerk or designate.

Cross References

Employee Code of Conduct Policy CAO.3-01

Municipal Freedom of Information and Protection of Privacy Act, R.S.O., 1990, C. M.56

Municipal Act, 2001, S.O. 2001, c .25

Records Retention Policy CORP.1-06

Protection of Personal Information Policy CORP.1-08

Accountability and Transparency Policy CORP.1-03

Fees and Charges Bylaw 2014-58

Appendices (Which may be amended)

Appendix A: Sections 6 (1), 7 (1), 8 (1) (2) of the Municipal Freedom of Information and Protection of Privacy Act

Appendix B: Records for Routine Disclosure or Active Dissemination

Appendix C: Research Agreement

Appendix D: Procedures for evaluating Requests for Creation of Records including Compilations, Opinions, Interpretations, Analysis and Research

Appendix E: Law Enforcement Request Form

Appendix A

**Sections 6 (1), 7 (1), 8 (1)(2) of the Municipal Freedom of Information and
Protection of Privacy Act R.S.O., 1990, C.M.56**

6. (1) A head may refuse to disclose a record,
- (a) that contains a draft of a by-law or a draft of a private bill; or
 - (b) that reveals the substance of deliberations of a meeting of a council, board, commission or other body or a committee of one of them if a statute authorizes holding that meeting in the absence of the public.
7. (1) A head may refuse to disclose a record if the disclosure would reveal advice or recommendations of an officer or employee of an institution or a consultant retained by an institution.
8. (1) A head may refuse to disclose a record if the disclosure could reasonably be expected to,
- (a) interfere with a law enforcement matter;
 - (b) interfere with an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
 - (c) reveal investigative techniques and procedures currently in use or likely to be used in law enforcement;
 - (d) disclose the identity of a confidential source of information in respect of a law enforcement matter, or disclose information furnished only by the confidential source;
 - (e) endanger the life or physical safety of a law enforcement officer or any other person;
 - (f) deprive a person of the right to a fair trial or impartial adjudication;
 - (g) interfere with the gathering of or reveal law enforcement intelligence information respecting organizations or persons;
 - (h) reveal a record which has been confiscated from a person by a peace officer in accordance with an Act or regulation;
 - (i) endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required;
 - (j) facilitate the escape from custody of a person who is under lawful detention;
 - (k) jeopardize the security of a centre for lawful detention; or
 - (l) facilitate the commission of an unlawful act or hamper the control of crime. R.S.O. 1990, c. M.56, s. 8 (1); 2002, c. 18, Sched. K, s. 14 (1).

Idem

- (2) A head may refuse to disclose a record,

- (a) that is a report prepared in the course of law enforcement, inspections or investigations by an agency which has the function of enforcing and regulating compliance with a law;
- (b) that is a law enforcement record if the disclosure would constitute an offence under an Act of Parliament;
- (c) that is a law enforcement record if the disclosure could reasonably be expected to expose the author of the record or any person who has been quoted or paraphrased in the record to civil liability; or
- (d) that contains information about the history, supervision or release of a person under the control or supervision of a correctional authority. R.S.O. 1990, c. M.56, s. 8 (2); 2002, c. 18, Sched. K, s. 14 (2).

Appendix B
Schedule of Records/Information for Routine Disclosure and/or Active Dissemination

Type of Record	Responsible Department(s)	Notes / Conditions on Release of Records
Accessory Dwelling Units	Legislative Services	A list of addresses with registered units is publicly available. Confirmation of registration date is provided verbally. Letters confirming registration dates for specific addresses are provided on request to the property owner or their representative.
Agendas of Council, Committee of the Whole and Advisory Committees	Legislative Services	Excludes Closed Session Materials.
Assessment Rolls	Financial Services	Ownership information can be viewed at the Municipal Office but is not provided over the phone to the public. Information is provided to government or law enforcement organizations upon request.
Agreements and Contracts	Subdivision Site Plan Encroachment	Excludes draft agreements. Signed and approved agreements are provided.
	Employment	Excludes draft agreements and individual employment contracts. Contracts and Agreements with Unions are provided.
	Lease	
	Facility Rental Contracts	Copies are provided to the signing parties.
	Sponsorship	Copies are provided to the parties only. A general summary of the terms of the agreement can be provided on request.
Audit Reports	Financial Services	Unofficial & Official Bid Results released on request and in public reports to Committee of the Whole as required.
Bids and Tenders	Results	
	Procurement Services	

Type of Record		Responsible Department(s)	Notes / Conditions on Release of Records
	Call Documents	Procurement Services	Except for Confidential documents.
	Names of Bidders	Procurement Services	Public information, often announced publicly at bid or tender openings, with the exception of bids for cultural acquisitions.
Budgets – Operating and Capital BMA Study Bylaws		Financial Services	
		Financial Services	
		Legislative Services	
Corporate Policies and Procedures		Human Resources	
		Strategic Initiatives and any department with written procedures	
Corporate structure / Organizational Charts		Human Resources	
Employment and salary statistics		Human Resources	
Expenses	Councillor	Financial Services	
	Departmental		
Freedom of Information Requests		Legislative Services	Identity of requesters is not provided.
Heritage property register & List of designated properties		Legislative Services Planning and Building Services	
Legal Proceedings – Outcomes and status reports		Legal Services	Excludes draft reports, draft decisions and any records subject to solicitor client privilege.
			Confirmation of issuance of a license for a specific driver is only provided to law enforcement or other government agencies as requested.
Licenses	Taxi	Legislative Services	
Maps		Information Technology	Excludes any maps subject to external copyright.
Minutes of Council, Committee of the Whole and Advisory Committees		Legislative Services	Excludes Closed Session Minutes.
Permits	Building	Planning and Building Services	Permit application forms are released to property owner or their representative. Permit application forms with information of owner removed are released upon request.

Type of Record	Responsible Department(s)	Notes / Conditions on Release of Records
Sign	Legislative Services	Copies of applications may be given to applicant or property owner. Confirmation of permits issued is provided verbally. A list of addresses issued permits is provided.
	Legislative Services	Copies of applications may be given to applicant or property owner. Confirmation of permits issued is provided verbally. A list of addresses issued permits is provided on request.
Planning Applications	Planning and Building Services	Formal comments from internal departments or external agencies can be provided on request.
Planning Policy Documents (Official Plan, Secondary Plan, Zoning By-law, Site Plan Approval process manual and more)	Planning and Building Services	Related background information may be provided on request.
Plans and Drawings	As constructed and profiles	Copies are provided on request. Copyright act applies to some drawings and plans
	Building Plans	Released to property owner or their representative. Copyright Act applies
	Construction specifications and drawings for Roads, Sewer, Watermain, Bridges, etc.	Copies are provided on request. Copyright Act applies to some drawings and plans

Type of Record		Responsible Department(s)	Notes / Conditions on Release of Records
	Site Plans and related information	Planning and Building Services	Site Plans for institutional, commercial, industrial are released on request. Residential site plans are released to property owner or representative only. No correspondence with other members of the public to be released.
	Site Servicing and Grading	Engineering Services	Copies are provided on request. Copyright Act applies to some drawings and plans.
	Subdivision Plans	Planning and Building Services	
Receipts	Recreation Program Registration	Customer Services	Payment receipts for program registrations are provided to account holder.
	Information and Director's	Legislative Services	Excludes confidential reports and memorandums.
Reports	Building Inspection	Planning and Building services	Released to property owner or representative only.
	Property Standards Inspections	Legislative Services	Photos and inspection reports released to property owner or representative only. Verbal confirmation of orders issued and the status of an investigation is provided on request.
	Sewer or water main lateral condition inspections – residential	Public Works Services	Sewer or water main back-up inspection reports released to property owner or their representative.
	Animal Control Incidents	Legislative Services – Licensing	Witness statement of incident provided to witness and pet owner. Personal information about witness to be removed from pet owner's copy. Animal Control officer's notes and report may be provided to parties involved.
	Incident / Accident	Recreation & Culture and Legislative Services	Copies of reports can be provided to individual involved or parent/guardian if identity and relationship verified. Copies will be provided to municipal insurer on request.

Type of Record		Responsible Department(s)	Notes / Conditions on Release of Records
	Playground Inspections	Public Works Services	Provided to School Boards on request where shared use agreements apply. Shared with municipal insurer as needed. Confirmation of inspections completed can be provided on request.
	Sidewalk Inspections	Public Works Services	Shared with municipal insurer as needed.
Security Camera footage		Public Works Services – Facilities, Planning and Building Services	Provided to law enforcement organizations.
Taxes - Property	Statement of Account	Financial Services, Customer Services	Provided to the property owner.
	Tax Certificate	Financial Services	
	Statement of taxes paid	Financial Services	Provided to the property owner.
Voters' List		Legislative Services	Available for viewing during and immediately prior to the election. Not available at any other time. Copies are provided to candidates during election period for election purposes.
Water – Annual Quality Reports		Public Works Services	

**Appendix D - Evaluation Procedures –
Requests for Creation of Records including Compilations, Opinions,
Interpretations, Analysis and Research**

1. All requests will be evaluated fairly and objectively.
2. Such requests must be made in writing and contain sufficient detail to understand the expected result.
3. The Director or Commissioner will review the request to:
 - assess the availability of requested data;
 - time required to complete the project;
 - staff availability to complete the project;
 - the benefit of the report and analysis as compared to the cost (as measured in staff time) to produce the report;
 - consideration will also be given whenever possible, to use prior reports and analysis in lieu of generating new reports and analysis.
4. The Director or Commissioner will delegate the request to the appropriate staff or handle directly.
5. The Director or Commissioner or delegated staff will contact the requestor with a time estimate for accommodating the request and to clarify any questions.
6. Responses will be provided to the requester in writing and will comply with corporate service standards.
7. If the Director or Commissioner determines that the cost of the request is prohibitive they may ask the requester to wait until staff has time to complete the request.
8. Responses may be provided to Town Council or published online as deemed appropriate by the Director or Commissioner.



Research Agreement

This agreement is made between referred to below as the researcher and **The Town of Newmarket** referred to below as the institution.

The researcher has requested access to the following records which contain personal information and are in the custody or in control of the institution:

The researcher understands and promises to abide by the following terms and conditions:

1. The researcher will not use the information in the records for any purpose other than the following research purpose unless the researcher has the institutions written authorization to do so: (Describe research purpose below)

2. The researcher will give access to personal information in a form in which the individual to whom it relates can be identified only to the following persons: (Name the persons below)

3. Before disclosing personal information to persons mentioned above, the researcher will enter into an agreement with those persons to ensure that they will not disclose it to any other person.

4. The researcher will keep the information in a physically secure location to which access is given only to the researcher and to the persons mentioned above.

5. The researcher will destroy all individual identification in the information by:

--

6. The researcher will not contact any individual to whom personal information relates directly or indirectly without the prior written authority of the institution.

7. The researcher will notify the institution in writing immediately upon becoming aware that any of the conditions set out in this agreement have been breached.

Researcher

Name:	Signature:
Mailing Address:	
Telephone:	Email:

Representative of the institution

Name:	Signature:
Position:	Telephone:
Mailing Address:	

Signed at:	Date:
------------	-------



Law Enforcement Officer Request Form: Access to Personal Information

The following information is being requested under section 32(g) of the Municipal Freedom of Information and Protection of Privacy Act which allows for the disclosure of records containing personal information for the purposes of aiding a law enforcement investigation.

This form is not to be used for requests for third party or confidential information held by the Town of Newmarket. All such requests are to be referred to the Town Clerk or designate.

This section to be completed by attending Law Enforcement Officer (including: York Regional Police, OPP, RCMP, Correctional Service of Canada, and Ontario Ministry of Correctional Services).	
Subject Name:	
Occurrence No.:	Warrant of Apprehension No.:
Review Original Documents: Yes <input type="checkbox"/> No <input type="checkbox"/>	
<input type="checkbox"/> Copies Requested <input type="checkbox"/> Original Requested (release original under subpoena only)	
I _____ request the personal information described below to aid an investigation undertaken by _____ with view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.	

This section to be completed by Town Staff:
Description of Records and personal information requested:

Description cont'd	
Location of Records (if known):	
Town staff contact name:	Phone #:

Signature of Investigating Officer

Badge/Identification No.

Date

Signature of Staff Member

Date

Return all completed ORIGINAL forms to the Town Clerk's Office.

September 16, 2015

**CORPORATE SERVICES REPORT –
LEGISLATIVE SERVICES 2015-13**

TO: Committee of the Whole

SUBJECT: *VivaNext D1 Project (Noise By-law Exemption)*

ORIGIN: Director, Legislative Services/Town Clerk & Supervisor, By-law Enforcement

RECOMMENDATIONS

THAT Corporate Services Report – Legislative Services 2015-13 dated September 16, 2015 regarding vivaNext D1 Project Request for Exemption from the Noise By-law be received and the following recommendations be adopted:

1. **THAT the request from Kiewit EllisDon for a noise exemption to perform necessary works for the vivaNext D1 project between the hours of 10:00 pm to 7:00 am from December 25, 2015 until December 25, 2016 be approved;**
2. **AND THAT this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council.**

COMMENTS

This report is to seek Council's approval of request for an exemption from the Noise By-law (By-law 2004-94) from Kiewit EllisDon in regarding to the vivaNext D1 project located at various locations on Davis Drive. Appendix A includes a letter of request from Anthony Fanelli, Civil Field Engineer, Kiewit EllisDon. The request relates to various works to be performed for the vivaNext project. The work is to take place from December 25, 2015 to December 25, 2016.

Attachment "A" outlines details to the request.

Corporate Services Department

TOWN OF NEWMARKET
395 Mulock Drive
PO Box 328 STN Main
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca

The Region's request is to undertake the work at non-peak hours being (10 p.m. through 7a.m.) when the traffic is less congested so as to minimize disruption to businesses and residents

The Noise By-law restricts the operation of construction equipment or the conduct of any alteration or repair of any building between the 8 p.m. and 7 a.m. Monday through Friday and 8 p.m. to 9 p.m. on Saturdays, Sundays and holidays.

The York Region Rapid transit Corporation's Liaison Specialists will coordinate advanced communication and notification with the public.

Similar noise exemption requests have been granted by Council since January 2013.

Given the context for the process required to be undertaken, staff recommends approval of the exemption request to the Noise By-law during the hours requested.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report relates to the "Well Equipped and Managed" link of the Town's community vision implementing policy and processes that reflect sound, accountable governance.

CONSULTATION

There was no consultation required in regard to this report.

HUMAN RESOURCE CONSIDERATION

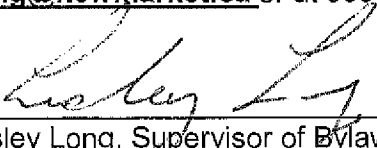
There are no human resources considerations related to this report.


BUDGET IMPACT (CURRENT AND FUTURE)

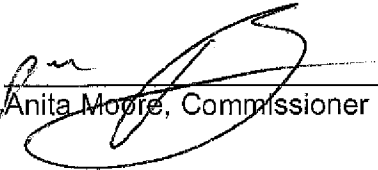
There are no budget impacts related to this report.

CONTACT

For more information on this report, please contact Lesley Long, Supervisor of Bylaws at llong@newmarket.ca or at 905 953-5300, ext. 2222


Lesley Long, Supervisor of Bylaw Enforcement


Andrew Brouwer, Director, Legislative Services /Town Clerk


Anita Moore, Commissioner of Corporate Services



2015-August-7

Attention: Ms. Janice Bondi

Subject: 2016 vivaNext Noise By-Law Exemption

Dear Ms. Janice Bondi,

Please include the following "Noise By-Law Exemption Request" in the addendum report for the next Committee of the Whole meeting:

Kiewit-EllisDon, A Partnership (KED) is respectfully requesting an exemption from the Town's Noise By-Law to perform the following work during irregular working hours:

- Construction lane closures to create temporary work areas
- Boulevard & Median construction
- Planting of trees and shrubs
- Warranty repairs

This work will be done as part of the vivaNext D1 project. The project is scheduled for completion in December 2015, and the following work will be part of our two year handover and warranty obligation. This work will take place between December 25, 2015 and December 25, 2016. A portion or all of the operations listed above are required to be performed between the hours of 10pm and 7am in order to reduce traffic congestion, minimize business and public disturbance and allow uninterrupted vivaNext Bus service. York Region Rapid Transit Corporation's Community Liaison Specialists will coordinate advanced communication and notification to the public.

Please let me know if any additional information is required for the Committee of the Whole and the agenda.

Sincerely,

Anthony Fanelli
vivaNext | D1 Project
647-539-3031
afanelli@ellisdon.com

AF/

KIEWIT-ELLISDON, A PARTNERSHIP
8000 Jane Street, Building A, Suite 100, Vaughn, On, L4K 5B8.
T: (905) 532-4100 F: (905) 698-1063



TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

September 3, 2015

**JOINT OFFICE OF THE CAO - STRATEGIC INITIATIVES
& CORPORATE SERVICES COMMISSION - LEGISLATIVE SERVICES REPORT 2015-10**

TO: Mayor Van Bynen & Members of Council

SUBJECT: Corporate Policy Approval Authority Framework

ORIGIN: Strategic Initiatives & Legislative Services

RECOMMENDATIONS

THAT Office of the CAO-Strategic Initiatives and Corporate Services Commission-Legislative Services Report 2015-10 dated September 3, 2015 regarding "Corporate Policy Approval Framework" be received and the following recommendations be adopted:

- 1) THAT Council adopt corporate policy CAO.1-06 "Corporate Policy Approval Authority Framework," attached as Appendix 'A';**
- 2) AND THAT the delegation by-law be updated to reflect these items of delegated authority.**

COMMENTS

Legislative Services Report 2013-06 (see Appendix 'C,' attached) was received by Council on March 26, 2013 and included suggestions on improving the efficiency of governance processes and the conduct of public meetings. The report recommended that corporate policies of an administrative nature within the purview of the CAO as well as procedures implementing corporate policies be approved and updated as required by the CAO. Currently, all corporate policies regardless of their nature are approved by Council. In an effort to improve efficiency, it is recommended that a framework be established to delineate between Council and CAO approved corporate policies consistent with the existing Council-CAO governance model (see Draft Corporate Policy CAO.1-06 "Corporate Policy Approval Authority Framework," attached as Appendix 'A'). A Council-CAO delineated corporate policy approval framework exists in many other municipalities within the GTA and abroad, including York Region.

The following are examples of Council and CAO approved policies.

Council-approved policies:

- Policies affecting the Town's governance and Members of Council, including;
- Policy matters directed by Council or requiring Council's approval;
- Policies substantively impacting customer service levels;
- "Outward" facing policies affecting residents and businesses; and,

- Policies related to financial sustainability.

CAO-approved policies (provided the impact of the corporate policy is within the relevant Council-approved budget):

- Administrative matters (e.g., promotional/reference checking)
- Employment and working conditions
- Implementing procedures, routine updates to corporate policy appendices

Appendix B outlines how existing corporate policies are delineated between policies approved by Council and those approved by the CAO. Historically, the majority of the corporate policies identified as CAO-approved have been approved by Council by consent.

Draft Corporate Policy CAO.1-06 further provides:

- Authority for the CAO to request Council approval of CAO-approved corporate policies, should he or she feel there is a need to do so;
- A process to notify Council of new CAO-approved corporate policies and substantive amendments to CAO-approved corporate policies; and,
- A requirement to post all corporate policies (and any procedures referenced in a corporate policy), regardless if it is approved by Council or the CAO on the Town's website.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

In being Well-Equipped and Managed, the Town implements "policy and processes that reflect sound and accountable governance".

CONSULTATION

The Strategic Leadership Team (SLT) and Operational Leadership Team (OLT) were consulted in the course of preparing this report.

HUMAN RESOURCE CONSIDERATIONS

There are no human resource considerations applicable to this report.

BUDGET IMPACT


There are no budget impacts associated with this report.

CONTACT


For more information on this report contact either Andrew Brouwer at (905) 953-5300 Ext. 2211 or abrouwer@newmarket.ca.



Andrew Brouwer, Director, Legislative Services



Cindy Wackett, Corporate Project
Consultant, Strategic Initiatives



Anita Moore, Commissioner, Corporate
Services



Bob Shelton, CAO



CORPORATE POLICY

Sub Topic: Corporate Policy Approval
Authority Framework

Policy No.: CAO.1-06

Topic: Governance

Employees Covered: All Employees
and Elected Officials

Section: CAO

Approval Authority: Council

Adoption Date:

Effective Date:

Revision No:

Date:

Policy Statement & Strategic Plan Linkages

Council and Administration of the Town of Newmarket will support the Community Vision of being a community well beyond the ordinary by implementing policies, programs and procedures that reflect the efficient management of municipal services, and sound and accountable governance, aligning with the Strategic Plan direction of Well-Equipped and Managed.

Purpose

This Policy provides:

- 1) Authority for Council to approve new and amended corporate policies of a governance nature in line with the role of Council established by the *Municipal Act, 2001* and relevant Town by-laws, including but not limited to:
 - a. Policies affecting the Town's governance and Members of Council;
 - b. Policy matters directed by Council or requiring Council's approval;
 - c. Policies substantively impacting customer service levels;
 - d. "Outward" facing policies affecting residents and businesses; and,
 - e. Policies related to financial sustainability.
- 2) Authority for the Chief Administrative Office (CAO) to approve new and amended corporate policies of an administrative nature in line with the role of the CAO established by the *Municipal Act, 2001*, Delegation of Authority By-law

and other relevant Town by-laws provided the impact of the corporate policy is within the relevant Council-approved budget, including but not limited to:

- a. Administrative matters; and,
 - b. Employment and working conditions.
- 3) Authority for the CAO to approve new and amended procedures and appendices which implement CAO and Council-approved policies.
 - 4) Despite the authority granted to the CAO in 2) and 3), the CAO may request Council input and/or approval.
 - 5) A process for advising Council of CAO approved corporate policies. (see Appendix A);
 - 6) That CAO and Council approved corporate policies and procedures/appendices references in a corporate policy be posted on the Town of Newmarket's website.

Cross-References

Corporate Policy Index

Appendices (which may be amended from time to time)

Appendix 'A' – Process for Advising Council of CAO Approved Corporate Policies

Appendix 'A' – Process for Advising Council of CAO Approved Corporate Policies

A: New CAO-approved policies:

1. Prior to the intended effective date, the CAO or designate shall circulate an email or memorandum together with the new corporate policy to all Members of Council advising of, at a minimum:
 - a. The purpose and impacts of the corporate policy;
 - b. Intended effective date;
 - c. How the impacts of the corporate policy will be reported on corporately; and,
 - d. Appropriate staff contact for a Member of Council to seek further information.

B: Amendments to CAO-approved policies of a substantive nature:

1. Prior to the intended effective date, the CAO or designate shall circulate an email or memorandum together with the amendment to the CAO-approved corporate policy of a substantive nature to all Members of Council advising of, at a minimum:
 - a. The purpose and impacts of the corporate policy amendment;
 - b. Intended effective date;
 - c. How the impacts of the corporate policy amendment will be reported on corporately; and,
 - d. Appropriate staff contact for a Member of Council to seek further information.

Corporate Policies Recommended to be Approved by Council	Purpose
Harassment & Discrimination Free Workplace HR.13-04	To provide a description workplace harassment and discrimination; the duties and responsibilities of the employer and employees; and addresses how incidents or complaints of workplace harassment or discrimination will be dealt with.
Accessibility Standards for Customer Service CORP.2-01	To ensure support for and compliance with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) and relevant regulations, by providing customer service to people with various kinds of disabilities.
Accountability and Transparency CORP.1-03	To ensure that the Municipality is accountable to the public for its actions, and the manner in which its actions are transparent to the public.
Committee Administration Policy CORP. 3-02	To provide guidance to Council, staff, and Committee members on the establishment, amendments to and dissolution of all Committee of the Town, and the necessary framework to ensure consistent administrative practices.
Committee Public Appointment Policy CORP. 3-01	To provide guidance on the governing the recruitment and appointment practices for all Committees, to make sure that a fair and equitable application and selection process in place.
Corporate Financing Lease Policy FIN.1-01	Allowing for the provision of Municipal Capital Facilities if the lease may or will require payment by the municipality beyond the term for which Council was elected.
Council Code of Conduct CO-1.01	To identify the Town of Newmarket's expectations of Members of Council and establish guidelines for appropriate conduct.
Council Compensation CO-1.03	To provide a process for fair evaluation of Council's rate of compensation each term of Council.
Council-Staff Request for Info & Use of Res. CAO.1-01	To provide a process for Members' of Council requests for information employee responsibilities to meet Council requests for information.
Debt Policy	To set forth the parameters for issuing debt and managing the debt portfolio and provides guidance to decision makers.

Corporate Policies Recommended to be Approved by Council	Purpose
Deferral of Payment of Development Charges and Planning Application Fees	To encourage development through deferral of payment of development charges and Planning Application fees within the Urban Centres in order to stimulate high-rise mixed-use residential and high-rise office users.
Elected Officials Expense Policy CORP .1-07	To guide expenditures, including payment and reporting, of Elected Officials.
Integrated Accessibility Standards Regulation (IASR) Policy CORP .2-02	To establish the Integrated Accessibility Standards Regulation in the areas of Employment, Information and Communications and Transportation for the Town of Newmarket in accordance with Ontario Regulation 191/11.
Internet & E-Mail Acceptable Use IT.1-01	To ensure that the e-mail and internet systems continue to be a reliable and productive tool for the Corporation.
Investment Policy FIN. 3-01	To set out guiding principles for the management of the Corporation of the Town of Newmarket's surplus funds and investment portfolio.
Long-term Use of Town Facilities by Commercial, Non-Profit & Community Org. PRC.8-01	To guide the Town on making decisions on the long-term use of properties and buildings to ensure the decisions are based upon sound financial principles and the best interests of the community.
Media Relations COMM.5-01	To support staff throughout their dealings with the media to ensure effective, corporately consistent messages.
Members of Council Severance CO-1.02	To set out the parameters for Council severance pay.
Municipal Flag Policy CORP.1-05	To ensure that flags at the Municipal Offices and properties owned by the Town are flown and displayed in an appropriate and consistent manner.
Notice Policy CORP.1-02	To outline the circumstances of notice and the form, manner and times that notice shall be given on matters where there is no statutory notice required pursuant to the Municipal Act, 2001 as amended.

Corporate Policies Recommended to be Approved by Council	Purpose
Operating and Capital Financial Policy FIN. 2-01	To ensure that all programs approved by Council are carried out within the budget allocation.
Professional Development Expenses CAO.1-02	To provide Members of Council and employees with clear procedures regarding attendance, funding, reimbursement, and reporting on reasonable and necessary expenditures incurred while on official municipal business.
Protection of Personal Information Policy CORP. 1.08	To outline the standards and procedures for the collection, use and management of personal information by all Town employees.
Public Services Awards Program CO-3.01	To establish parameters around providing gifts to departing Members of Council.
Records Retention Policy CORP.1-06	To establish principles and procedures for managing both paper and electronic records according to relevant legislation. Appendices/Procedures updated under delegated authority.
Sale of Land Policy LEGAL.1-01	To ensure compliance by the Town with section 270(1) of the Municipal Act, 2001, as amended, which requires municipalities to adopt policies and develop procedures that are accountable and transparent regarding the sale and other disposition of municipally owned land.
Service Pricing Policy CAO.1-03	To outline the high level framework that recommends target cost recovery levels from 0 to 100% for specific types of users and services.
Sidewalk Installation Policy PWES.1-01	To promote pedestrian safety, sidewalk links between sidewalks, and promote safe school pedestrian traffic on streets that feed local school sites.
Use of Corporate Logo Crest and Images Policy COMM.2-01	To guide the proper use and display of the official Town logo, the Town crest, and other Town Images.
Use of Corporate Resources & Election Campaign Activities CORP.1-01	To clarify that all election candidates, including members of Town Council, are required to follow the provisions of the municipal Elections Act 1996 and clarify procedures for all Town employees to maintain the highest standards of ethical conduct throughout the election campaign period.

Corporate Policies Recommended to be Approved by Council	Purpose
Violence Free Workplace HR.13-03	To demonstrate the Town's commitment to the Occupational Health & Safety Act by protecting employees and elected officials from sources of workplace violence.

Corporate Policies Recommended to be Approved by CAO	Purpose
Alternative Work Arrangements HR.2-07	To support alternative work arrangements for eligible employees where it does not adversely impact services provided to customers and staff.
Adjustments to Temporary Salary Rates HR.9-06	To recognize that employees who temporarily assume higher level and/or additional duties as a result of a secondment, appointment or assignment should receive appropriate compensation.
Benefits Policy HR.6-01	To outline the criteria under which employees are eligible for benefit coverage.
Benefits Coverage for Early Retirement HR.6-02	To outline a consistent form of benefit subsidization offered to employees choosing to retire between the ages of 55 and 65.
Bereavement Leave Policy HR.11-06	To provide regular full time and regular part time employees with a paid leave of absence for the purpose of Bereavement Leave.
Definition of Non-Union Employee Status HR.1-01	To provide a definition for Regular Part-Time, Contract Employee, Casual Employee and Sessional/Seasonal Employee.
Drug and Alcohol Policy HR. 5-02	To protect the public and Town employees from risks, which result from employee drug or alcohol, induced behaviour.
Economic Adjustment Policy HR. 9-03	To review the Consumer Price Index (CPI) – Toronto annually to determine the annual economic adjustment and to ensure that an annual assessment on economic/annual adjustments is conducted with the 9 comparator municipalities.
E.R.I.C. CAO.2-01	To describe the non-management group of Town employees who make recommendations to the Executive Management Team on the Town's operations and policies.
e-Mail Service Standards CI.1-02	To set out clearly defined standards that staff should adhere to when dealing with e-mails.
Emergency Leave HR.11-07	To provide regular full time and regular part time employees with an unpaid leave of absence for the purpose of Emergency Leave.
Employee Code of Conduct	To identify the expectations of employees and establishes

Corporate Policies Recommended to be Approved by CAO	Purpose
CAO.3-01	guides for appropriate conduct of employees.
Employee Complaint HR.4-02	To outline the practices and procedures for dealing with employee complaints.
Film Policy CORP. 1-04	To provide a description of the film approval process that assists in ensuring that Town property and the rights, safety and privacy of the citizens of the Town of Newmarket are protected.
Floater Day HR.3-04	To define and set out the procedures for utilizing the Floater Day for employees.
Health and Safety Policy Statement	To make a formal commitment to health safety for all staff.
Honorarium HR.9-09	To define honorarium and its application to Co-op students.
Inclement Weather HR.8-02	To ensure effective communication of Municipal Office and/or other facilities closure to staff and the public due to inclement weather.
Job Evaluation HR.9-08	To assess new positions and revised positions through a process that supports consistent application, internal equity, the development of salary structures (wages) and for determining the placement of approved new or revised positions at the appropriate salary grade.
Jury Duty/Court Appearances HR.11-05	To provide regular full time and regular part time employees with a paid leave of absence for the purpose of Jury Duty and for employees summoned with Subpoena.
Management Compensation Lieu Days HR.3-02	To implement a program that recognizes additional hours worked over the course of the calendar year by eligible management employees.
Mileage Allowance, License & Automobile Insurance HR.8-05	To define standards for compensating employees using their vehicle on Town business and sets out expectations with respect to drivers' licence, qualifications, insurance requirements and internal monitoring controls.
Normal Hours of Work HR.2-06	To define the expectations with respect to Normal Hours of Work for employees.

Corporate Policies Recommended to be Approved by CAO	Purpose
Operating & Capital Financial Policy	To ensure that all programs approved by Council are carried out within the budget allocation.
Overtime HR.2-02	To outline the conditions under which employees will be compensated when required to work in excess of their normal weekly regularly scheduled hours.
Parental Leave HR.11-03	To grant, upon written request, an unpaid parental leave of absence to full-time and part-time employees who have at least 13 weeks continuous service before the date the parental leave is expected to start.
Personal Leave of Absence HR.11-01	To recognize that under certain circumstances an employee may require time away from work to deal with personal and/or family matters.
Position Administration HR.9-07	To establish consistent processes to support the development and maintenance of accurate position descriptions.
Pregnancy Leave HR.11-02	To grant, upon written request, an unpaid pregnancy leave of absence to full-time and part-time employees who have at least 13 weeks continuous service before the estimated date of delivery.
Progressive Discipline HR.4-01	To provide the framework, process and outcome of Progressive Discipline.
Promotions, Transfers, Secondments, & Acting Assignments HR.9-04	To provide standards and procedures for ongoing salary administration, equitable staff development opportunities and salary practices.
Recruitment & Selection HR.12-01	To define the Town's recruitment and selection process, to ensure the policy is in compliance with relevant legislation, that the selection process is consistent throughout the organization in order to attract, select and retain capable and qualified individuals.
Red Circle Rates HR.9-05	To outline standards and procedures when red circling is contemplated to support fair and equitable treatment of employees or as elsewhere provided for in any other Corporate policy.
Resignation/Termination of	To ensure that employee termination processes are in

Corporate Policies Recommended to be Approved by CAO	Purpose
Employment HR.4-03	compliance with employment legislation.
Retirement Notification HR.6-03	To outline the process under which employees give notice to whether they will retire or continue working beyond the age of 65 years.
Return to Work HR.8-06	To provide employee(s) unable to perform his/her regular work duties, regardless of the cause of injury/disability, a Return to Work Program that facilitates early and safe rehabilitation to work, and accommodation of an injured and/or disabled employee.
Salary Administration HR.9-01	To compensate employees in a manner that supports internal equity, marketplace competitiveness and is in compliance with legislative requirements, including the Pay Equity Act.
Salary Progression HR.9-02	To establish consistent processes for salary progression and provide procedures for ongoing salary administration.
Security-Employee ID Badges HR.8-04	To ensure that appropriate security measures are at all Town locations and to support and reinforce employee awareness and knowledge on matters of workplace security.
Service Recognition & Retirement Awards HR.8-03	To present qualifying employees with Service and Retirement Awards in recognition of their years of service with the municipality.
Shift Premium HR.2-04	To establish standards and procedures to compensate employees who are scheduled to work outside the core hours and to ensure consistent application of shift premium procedures.
Sick Leave HR.11-04	To provide eligible regular full time employees with a paid sick leave for personal illness or injury.
Standby & Call-Out Duty HR.2-03	To establish standards and procedures to compensate employees who are assigned to call-out and standby duty.
Telephone Service Standards CI.1-01	To clearly define standards that staff should adhere to when dealing with telephone calls.
Public/Town Paid Holidays	To define Town Paid Holidays and Public Holidays, and to

Corporate Policies Recommended to be Approved by CAO	Purpose
HR.3-03	define payment and/or days off in lieu of the Public or Town Paid Holidays.
Tuition Assistance HR.10-01	To provide financial assistance to those employees who wish to further their education on a part-time basis, through a recognized institution, on their own time.
Vacation HR.3-01	To provide all eligible employees with annual paid vacation.
Wearing Apparel & Dress Code HR.7-01	To encourage employee pride and professionalism through guidelines for appropriate attire for the work environment.
Wellness HR.8-07	To support health-related programs that will assist employees in maintaining their physical, mental, and emotional well-being which contributes to a lower absenteeism rate, higher productivity and a reduction in benefit costs.
Workplace Safety Insurance Act related Absences Policy HR.11-08	To support the Workplace Safety and Insurance Act absences.

Appendix 'C' to Joint Strategic Initiatives/Legislative Services Report 2015-10

February 18, 2013

CORPORATE SERVICES REPORT - LEGISLATIVE SERVICES REPORT 2013-06

TO: Committee of the Whole
SUBJECT: Meeting Efficiency Recommendations
ORIGIN: Director, Legislative Services/Town Clerk

RECOMMENDATIONS

THAT Corporate Services Report – Legislative Services 2013-06 dated February 18, 2013 regarding Meeting Efficiency Recommendations be received and the following recommendation be adopted:

THAT Council provide feedback on the proposed meeting efficiency recommendations for Council and Committee of the Whole meetings outlined in Appendix "A" of this report.

COMMENTS**Purpose**

The purpose of this report is to seek Council's feedback on recommendations intended to enhance the efficiency of Council and Committee of the Whole meetings outlined in Appendix "A" of this report.

Background

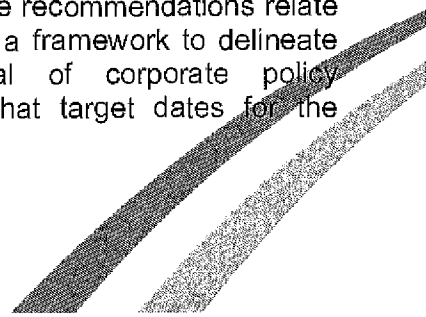
A number of public meeting process initiatives are under way, including:

- Review of Council's Procedure By-law;
- Introduction of a meeting management suite to support web streaming, vote record system and electronic agendas; and,
- New open and closed meeting protocols.

In addition, concerns have been raised by Members of Council with respect to the numerous agenda items, number and length of meetings in recent months.

In line with these initiatives and feedback from Council, the Operational Leadership Team (OLT) and Senior Leadership Team (SLT) identified recommendations intended to further enhance the efficiency of Council and Committee of the Whole meetings.

The recommendations were developed following a review of meeting practices in other GTA municipalities and a workshop held with OLT and SLT members. Recommendations were considered by staff to have the greater potential impact on meeting efficiency. As outlined in Appendix A, the recommendations relate to: (1) exploring expanded delegation of Council authority to staff; (2) creating a framework to delineate between Council and CAO-approved corporate policies and approval of corporate policy appendices/procedures by CAO; and (3) identifying a process to ensure that target dates for the



presentation of staff reports to Council are met, to the extent possible (particularly significant reports supporting strategic directions and key corporate projects).

Next Steps

Following initial feedback from Council, staff will bring forward reports to address each recommendation in greater detail.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Meeting efficiency opportunities support the Town's strategic directions of a well-equipped, managed and respected municipality by ensuring service excellence and promoting engagement in civic affairs.

CONSULTATION

This report was prepared with input from OLT and SLT as well as from input from various GTA municipal clerks and other senior staff.

HUMAN RESOURCE CONSIDERATIONS

There are no human resource considerations.

BUDGET IMPACT

There are no budget impacts.

CONTACT

For more information on this report, contact:

(original signed)

Andrew Brouwer, Director of Legislative Services/Town Clerk

(original signed)

Anita Moore, Commissioner of Corporate Services

Appendix A – Meeting Efficiency Recommendations

Recommendation	Explanation	Key Questions & Considerations	Next Steps
<p>1. Explore expanding the delegation of Council authority to staff.</p>	<p>Delegated authority to staff allows for Council to better focus on more substantive matters & support meeting efficiency.</p> <p>Information reports help to keep Council informed of decisions made through delegated authority. Some delegated matters may suit a “bump up” of matters to Council, others may not require this.</p> <p>Current delegated authority by-law has not been comprehensively reviewed since 2010.</p> <p>Council is encouraged to view delegated authority within a broader context of operational & community interests & opportunities for efficiency, among other factors. A comprehensive report will assist to provide Council with this framework.</p>	<ul style="list-style-type: none"> - Are there areas of delegated authority which could be further explored? - What are the issues/concerns related to delegated authority? - Which mechanisms can be used to ensure Council & public are informed of matters dealt with through delegated authority? 	<ul style="list-style-type: none"> - Departments to identify areas of potential expanded delegated authority - Legislative Services to research & share examples of delegated authority from other municipalities with OL T/SLT - Legislative Services to research examples of routine matters delegated to a committee of the whole/standing committee in other municipalities - Future staff report to come forward

Appendix A – Meeting Efficiency Recommendations

Recommendation	Explanation	Key Questions & Considerations	Next Steps
<p>2. Create a framework to delineate between Council & CAO-approved corporate policies, & approval of corporate policy appendices/procedures by CAO.</p>	<p>Currently, all corporate policies are considered by Council, regardless if a corporate policy is normally within the jurisdiction of the CAO.</p> <p>Many municipalities delineate between Council & CAO approved policies (as well as implementing procedures & routine updates to appendices) through Council approved criteria. Delineation may be, for example:</p> <p><i>Council:</i></p> <ul style="list-style-type: none"> - Governance - High-level (executive) organizational change - Outward facing policy, community - Policies affecting Council - Council policy statements <p><i>CAO:</i></p> <ul style="list-style-type: none"> - Administration/staff - Working conditions - Administrative (e.g., promotional/reference checking, etc.) - Implementing procedures, routine updates to corporate policy appendices <p>Council may be circulated CAO approved corporate policies to help</p>	<ul style="list-style-type: none"> - What types of corporate policies should & should not require Council approval? - Could a process be created whereby Council could “bump up” CAO-approved policies to Council? - How can the public be made aware of or have access to CAO-approved policies? 	<ul style="list-style-type: none"> - Further review with Strategic Initiatives, CAO/SLT, Corporate Policy Committee - Future staff report to come forward

Appendix A – Meeting Efficiency Recommendations

Recommendation	Explanation	Key Questions & Considerations	Next Steps
<p>3. Identify measures to ensure that target dates for the presentation of staff reports to Council are met, to the extent possible (particularly significant reports supporting strategic directions & key corporate projects).</p>	<p>Staff wish to review opportunities to improve the timing of reports to Council, particularly those which are linked to strategic directions or are considered key municipal projects.</p>	<ul style="list-style-type: none"> - What are the challenges & opportunities with the current agenda management process? - How can challenges be overcome? - How can strategic & key projects be managed on the agenda to ensure sufficient discussion relative to other agenda items? - Could special meetings be used to ensure strategic & key projects meet target meeting dates? 	<ul style="list-style-type: none"> - Further review with Strategic Initiatives, CAO/SLT - Future staff report to come forward

**ENGINEERING SERVICES****Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953 5138

August 6, 2015

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT
ENGINEERING SERVICES 2015-47**

TO: Committee of the Whole

SUBJECT: Patti McCulloch Way – Parking Restrictions
File No.: T.08 T.30 Patti McCulloch

ORIGIN: Director, Engineering Services**RECOMMENDATIONS**

THAT Development and Infrastructure Services Report – ES 2015-47 dated August 6, 2015 regarding “Patti McCulloch Way – Parking Restrictions” be received and the following recommendation be adopted:

THAT no additional parking restrictions be implemented on Patti McCulloch Way.

COMMENTS

Through the Ward Councillor, Engineering Services received a concern from a resident regarding parking on Patti McCulloch Way. Engineering Services undertook the process outlined in the Corporate Parking Policy which begins with contacting the community for their feedback. The Town received no response from the community.

Therefore, it is recommended that there be no changes to the existing parking restrictions on Patti McCulloch Way at this time.

PUBLIC CONSULTATION

A letter was sent to the Patti McCulloch community (just south of Woodspring Avenue) on May 22, 2015 to solicit their comments on the proposed changes to parking restrictions. A total of six (6) households would be impacted by the proposed changes and were contacted. Out of the households contacted, the Town did not receive any responses.

A copy of this report will be forwarded to affected residents prior to the Committee of the Whole Meeting so that residents may attend the Committee of the Whole meeting or present a deputation if they so wish.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

- Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

HUMAN RESOURCE CONSIDERATIONS

No impact on current staffing levels.

IMPACT ON BUDGET

Operating Budget (Current and Future)

No impact on the Operating Budget.

Capital Budget

No impact on the Capital Budget.

CONTACT

For more information on this report, please contact Mark Kryzanowski at 905-895-5193 extension 2508; mkryzanowski@newmarket.ca.

Prepared by:



M. Kryzanowski, M.C.I.P., R.P.P.
Senior Transportation Coordinator



R. Prudhomme, M.Sc., P.Eng.
Director, Engineering Services



P. Noehammer, P.Eng., Commissioner
Development & Infrastructure Services

TOWN OF NEWMARKET

Outstanding Matters

	Item Subject	Recommendation	Date to come back to Committee	Comments
1.	Council - January 20, 2014 – Item 33	<p>D & I Services Report – ES 2013-49 Checking Consultant Professional Consulting Services Contract Extension</p> <hr/> <p>THAT Council approve the execution of the Professional Consulting Services Agreement with R.J. Burnside Associates Ltd. for a period of up to two (2) years from the date of Council approval to provide checking consulting services at preferred client discounted rates adjusted annually in accordance with industry standards;</p> <p>AND THAT staff report back to Council after a year and a half with options regarding the Checking Consultant Professional Consulting Services Contract.</p>	Q4, 2015	Engineering Services working with Procurement to research the history of the contract.
2.	Council - May 5, 2014 – Item 54	THAT staff report back to Council on the implementation of improved signage and advertising for notification regarding Official Plan and Zoning By-law Amendments.	September 28, 2015	
3.	Council – June 23, 2014 – Item 3	<p>Mr. Scott Cholewa regarding a petition for a splash pad in the Copper Hills subdivision (Ward 1).</p> <hr/> <p>THAT the deputation of Mr. Scott Cholewa regarding a petition for a splash pad in the Frank Stronach Park be received;</p> <p>AND THAT the request for a splash pad in Frank Stronach Park be referred to the 2015 budget process and added to the Recreation Master Plan.</p>	2015	Item referred to as part of the Recreation Playbook process.

Strikethrough indicates that the item will be removed from the outstanding list prior to the next OLT meeting

Bold indicates that the item will be on the upcoming agenda

Last revisions made on September 15, 2015

(Updated and including the Committee of the Whole Minutes of August 31, 2015)

	Item Subject	Recommendation	Date to come back to Committee	Comments
4.	Council – December 15, 2014 – Item 7	<p>Corporate Services Report - Financial Services 2014-36 dated November 24, 2014 regarding 2015 User Fees and Charges - Water and Wastewater Rates.</p> <p>a) THAT Corporate Services Report - Financial Services 2014-36 dated November 24, 2014 regarding 2015 User Fees and Charges - Water and Wastewater Rates be received and the following recommendations be adopted:</p> <p>i) THAT the attached Schedule 'A' being the Town of Newmarket Water and Wastewater Rates be approved and adopted by By-law;</p> <p>ii) AND THAT the Water and Wastewater Rate adjustments come into full force and effect as of January 1, 2015;</p> <p>iii) AND THAT staff be directed to update the 6-Year Water and Wastewater Financial Plan and to include further review of the rate structure in this update.</p>	<p>Master Plan Update and 2015 Water Rate Review</p> <p>Q4, 2015</p>	

	Item Subject	Recommendation	Date to come back to Committee	Comments
	Council – March 30, 2015 – Item 33 Corporate Services Report – Financial Services 2015-20 regarding Decision Packages and Infrastructure Levy.	<p>THAT Council direct staff to bring back a report providing phasing options that allow for achieving Council enhancement priorities related to traffic mitigation, sidewalk plowing and CreateIT at Southlake while maintaining the Council motion to target a budgeted tax increase of 2% to 2.5%;</p> <p>a) AND THAT staff provide a report within 120 days on the use of the funds budgeted for the Business Development Officer;</p> <p>b) AND THAT staff advise of the recommended approach for realignment of the added resource and provide goals, timelines, implementation and projected outcomes for each of the next five years;</p> <p>c) AND THAT staff provide a report within 90 days outlining the required resources, related costs and sources of funding available to implement a targeted marketing program to advance the redevelopment of Davis Drive properties for implementation by Q4 2015;</p> <p>d) AND THAT the report include how this can be accomplished without impacting the current and proposed economic development plans initiatives.</p>	<p>July, 2015 August, 2015 Q4</p> <p>August, 2015 Q4</p> <p>June, 2015 Q4</p>	
8.	Committee of the Whole – April 13, 2015 – Item 28 Joint Development and Infrastructure Services Report – Planning and Building Services and Engineering Services 2015-12 dated April 2, 2015 regarding a Proposed Trail from Yonge Street to Rita's Avenue.	THAT staff bring back a report with the intent of significantly reducing the impact that the trail will have on residents' properties by lessening the size and right-of-way of the path, preserving existing trees, plantings, privacy fence and low impact lighting.	Q4, 2015	
9.	Council – April 20, 2015 – Item 7	THAT staff provide a report within six months related to internet voting.	Q4, 2015	Workshop scheduled October 5, 2015 – 10:00 a.m.

	Item Subject	Recommendation	Date to come back to Committee	Comments
10.	Committee of the Whole – May 25, 2015 – Item 2 – Parkland Dedication By-law	<p>THAT the Parkland Dedication By-law for the Town of Newmarket as contained in Attachment 1 be received;</p> <p>ii) AND THAT staff be directed to provide notice to the public, the development community and BILD of the proposed by-law;</p> <p>iii) AND THAT following public input that staff summarize in a report to the Committee of the Whole the issues identified and the comments received along with the final recommendation for the Parkland Dedication By-law for Council's approval;</p> <p>iv) AND THAT staff be directed to report back to Committee of the Whole on the other funding strategies to address the identified shortfall of Town-wide parkland in conjunction with the Parkland Implementation Strategy identified in the Implementation Strategy for the Newmarket Urban Centres Secondary Plan.</p>	Q4, 2015	
12.	Committee of the Whole – May 25, 2015 – Item 20 – Motion – Councillor Sponga	THAT staff review the Film Permit Policy and Permitting Process and report back within 150 days to include maps with designated locations for parking and production and that the cost of additional parking enforcement be added to the permit on a cost recovery basis.	October, 2015	Information Report to be provided advising of status
14.	Council – June 22, 2015 – Item 31 D & I Services Report – ES 2015-34 – McCaffrey Road – Traffic Review	<p>THAT a report be prepared for an upcoming Committee of the Whole or Council meeting following a site visit by the Ward Councillor and Town staff that includes alternate traffic mitigation measures including but not limited to chicanes, roundabouts, pedestrian islands, road watch program or crosswalk;</p> <p>AND THAT this report address traffic impacts related to new development on the Glenway lands, York Region Annex building and the Yonge Street VivaNext project.</p>	Q4	
15.	Committee of the Whole – August 31, 2015 – Item 17 – CAO/Human Resources Report 2015-06 NTAG Deputation – June 22, 2015.	THAT in accordance with Council's Strategic Priority of Community Engagement, an open house and Public Information Centre be scheduled prior to the end of 2015 as an opportunity to inform and engage all interested residents and stakeholders on matters of general public interest.	Q4	

	Item Subject	Recommendation	Date to come back to Committee	Comments
16.	Committee of the Whole – August 31, 2015 Item 30 – Stormwater Management Rate	<p>THAT staff be directed to inform and consult with the public regarding the potential of establishing a stormwater management rate;</p> <p>AND THAT staff report back on the feedback received in January, 2016.</p>	January, 2016	

September 3, 2015

CORPORATE SERVICES COMMISSION REPORT - LEGISLATIVE SERVICES 2015-11

TO: Mayor Van Bynen & Members of Council

SUBJECT: Housekeeping Matters: Regular Meeting Schedule, Procedure By-law & Municipal Flag Policy

ORIGIN: Legislative Services

RECOMMENDATIONS

THAT Corporate Services Commission Report – Legislative Services 2015-11 dated September 3, 2015 regarding the “Housekeeping Matters: Regular Meeting Schedule, Procedure By-law and Municipal Flag Policy” be received and the following recommendations be adopted:

1. THAT Council determine whether regular Committee of the Whole and Council meetings will be scheduled on Tuesdays effective November, 2015;
2. AND THAT Council adopt the recommended housekeeping amendments to the Procedure By-law (By-law 2013-46) outlined in Appendix A;
3. AND THAT Council provide direction on the options related to deputations outlined in Appendix B;
4. AND THAT Council adopt the recommended housekeeping amendments to the Municipal Flag Policy outlined in Appendix C in highlight.

COMMENTS

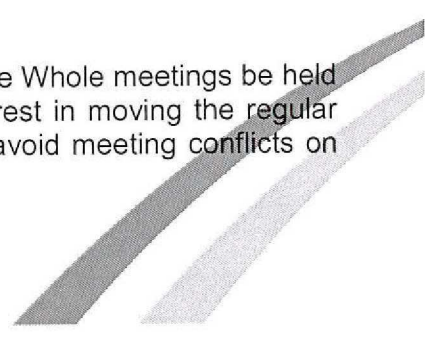
Purpose

The report seeks Council's direction on options and approval of recommendations related to Council's meeting schedule, Procedure By-law and Municipal Flag Policy.

Background

Meeting Schedule

Council's current regular meeting schedule provides that regular Committee of the Whole meetings be held on Mondays. Feedback from some Members of Council has indicated an interest in moving the regular Committee of the Whole and Council meetings from Mondays to Tuesdays to avoid meeting conflicts on



holiday Mondays (note: staff have not surveyed individual Members of Council to determine their preference). Scheduling Committee of the Whole and Council meetings on Tuesday would have the benefit of providing an additional day for Members of Council and the public to review meeting agenda materials.

From an administrative perspective, there are no concerns with re-scheduling the regular Committee of the Whole and Council meetings from Mondays to Tuesdays. Currently, Rogers Television broadcasts Newmarket Council meetings live on Mondays and Aurora Council meetings live on Tuesdays. According to Rogers Television, if both Newmarket and Aurora Council meetings are held on Tuesdays, one meeting will be live and the other meeting will air at a different time.

Should Council move their regular Committee of the Whole and Council meeting schedule from Mondays to Tuesdays, it is recommended that this commence November, 2015 to provide time for the change to be communicated broadly.

Procedure By-law

The *Municipal Act, 2001* (the Act) requires Council to pass a by-law to govern its rules of procedure for Council and its committee meetings. Council's current Procedure By-law (By-law 2013-46) was passed in a consolidated fashion in 2013 following a comprehensive review.

Since approval of the current Procedure By-law, Members of Council and staff have noted potential housekeeping amendments (outlined in Appendix A) and requested options related to deputations which balance opportunities for public input and a desire to ensure meetings are efficient (outlined in Appendix B). As well, themes such as electronic participation at public meetings by members of council and advice of closed meeting investigators has helped to inform meeting practices and are addressed in Appendix A.

Public notice standards in By-law 2008-54 and the Notice Policy will be reviewed separately and integrated into the Public Engagement Policy, currently in development. In the interim, the public notice standards set out and appended to By-law 2008-54 remain in place.

Subject to Council's direction, amendments to the Procedure By-law will be brought forward at the next regular Council meeting.

Municipal Flag Policy

In 2012, Council adopted a corporate policy governing display of flags at the Municipal Offices and properties owned by the Town of Newmarket. Since the policy was adopted, there have been occasions where individuals have passed away and the policy has not provided sufficient clarity or flexibility to allow flags to be lowered to half-staff. To rectify this, an amendment to the policy is recommended whereby flags may be lowered to half-staff for "any individual determined by the Mayor in consultation with the CAO or Clerk" (currently, the policy provides that flags may be lowered to half-staff for a "prominent public figure" only, in addition to a number of specific individuals). The Clerk will retain a record and advise the Mayor of occasions where flags have been lowered to half-staff under this provision.

In addition, Central York Fire Service (CYFS) has requested that the policy reflect the current practice of lowering flags at all CYFS facilities (in accordance with the practices of the Town of Newmarket, Aurora and CYFS) to half-staff, regardless if the facility is located in Newmarket or Aurora. This approach provides a consistent expression of mourning from CYFS and reflects the fact that CYFS serves the communities of Newmarket and Aurora. Therefore, an amendment to the policy is recommended whereby flags may be lowered to half-staff at CYFS facilities in the Town of Newmarket "in accordance with the practices of the CYFS, Town of Aurora, upon being notified of the death of a firefighter in the line of duty in

another municipality across Canada or when notified of the death of a police officer in the line of duty across Ontario".

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

A review of policies supports the Town's strategic directions of a well-equipped, managed and respected municipality by ensuring service excellence and promoting engagement in civic affairs.

CONSULTATION

This report was prepared with input from senior staff. External input was sought from municipal clerks within York Region and select GTA municipalities.

HUMAN RESOURCE CONSIDERATIONS

There are no human resource considerations. Any training/orientation required as a result of Council's adoption of a new procedure by-law will be accommodated within the current staff level.

BUDGET IMPACT

There are no budget impacts.

CONTACT

For more information on this report, contact Andrew Brouwer, Director of Legislative Services/Town Clerk.



Andrew Brouwer, Director of Legislative Services/Town Clerk



Anja Moore, Commissioner of Corporate Services

Appendix A to Corporate Services Commission – Legislative Services Report 2015-11

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
1.	1. Definitions	Adds definition of “property” in reference to a closed session meeting related to “security of the property of the municipality” (reflects current practice).	n/a	cc) Property in Section 9 a) i) is defined broadly to include physical, financial and intellectual property, among other things.
2.	8. Meetings a) Location & Schedule of Meetings of Council, Committee of the Whole & other Committees	Removes requirement that a meeting be held at the Municipal Office or at another location “within the municipality”. From time to time, a meeting may be constituted outside the geographic boundary of the municipality (captures evolving practice).	a) i) Meetings of Council and Committee of the Whole take place at the Municipal Office or at another location within the Municipality when Notice is given.	a) i) Meeting of Council and Committee of the Whole take place at the Municipal Office or at another location when Notice is given.

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
3.	8. Meetings a) Location & Schedule of Meetings of Council, Committee of the Whole & other Committees	Clarifies that the schedule of regular meetings of Council and Committee of the Whole may be amended after approval (reflects current practice).	a) iii) Council approves a schedule of regular Meetings of Council and Committee of the Whole for each calendar year. The schedule of Meetings is made available to the public on the Town's website and from the Municipal Office.	a) iii) Council approves a schedule of regular Meetings of Council and Committee of the Whole for each calendar year, which may be amended . The schedule of Meetings is made available to the public on the Town's website and from the Municipal Office.
4.	8. Meetings b) Notice of Meetings of Council & Committee of the Whole	Reflects achievable and current notice practice, which can be met by posting a notice on the Town's website and time permitting on the Town's regular advertising page in the local newspaper (reflects current practice).	b) iv) Posting a Notice, time permitting on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the Meeting of Council or Committee of the Whole.	b) iv) Posting a Notice on the Town's website and time permitting, on the Town's regular advertising page in the local newspaper that indicates the date and time of the Meeting of Council or Committee of the Whole.

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
5.	8. Meetings b) Notice of Meetings of Council & Committee of the Whole	Provides that a closed session agenda for Committee of the Whole may be circulated with the regular agenda. This recognizes an evolving practice of providing an open session report to correspond with a closed session report (captures evolving practice).	<p>The Clerk gives Notice of a Meeting of Council or Committee of the Whole by:</p> <ul style="list-style-type: none"> i) Providing Council with a regular agenda on each Thursday preceding a Meeting day of Council and each Thursday ten days in advance of a Meeting day of a Committee of the Whole. ii) Providing Council with regular addenda and closed session agendas on each Thursday preceding Council and on each Thursday preceding the Meeting day of the Committee of the Whole. iii) Providing Council with additional regular addenda and closed session agendas up to and including the Meeting days of Council or Committee of the Whole. iv) Posting a Notice, time permitting, on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the Meeting of Council or Committee of the Whole. 	<p>The Clerk gives Notice of a Meeting of Council or Committee of the Whole by:</p> <ul style="list-style-type: none"> i) Providing Council with a regular agenda on each Thursday preceding a Meeting day of Council and each Thursday ten days in advance of a Meeting day of a Committee of the Whole. ii) Providing Council with regular addenda on each Thursday preceding Council and on each Thursday preceding the Meeting day of the Committee of the Whole. iii) Providing Council with additional regular addenda up to and including the Meeting days of Council or Committee of the Whole. iv) Where required, providing Council with a closed session agenda in accordance with the publishing timeframes set out of regular, addenda and additional addenda set out in Sections 8b) i), ii) and iii). v) Posting a Notice, time permitting, on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
6.	8. Meetings e) Notice of Meetings of Special Council & Committee of the Whole	Reflects achievable and current notice practice, which can be met by posting a notice on the Town's website and time permitting n the Town's regular advertising page in the local newspaper (reflects current practice).	e) ii) Posting a Notice, time permitting on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the special Meeting of Council or Committee of the Whole and the general nature of the matters to be discussed.	e) ii) Posting a Notice on the Town's website and time permitting on the Town's regular advertising page in the local newspaper that indicates the date and time of the special Meeting of Council or Committee of the Whole and the general nature of the matters to be discussed.
7.	8. Meetings h) Workshop Meetings	The Mayor and/or CAO may convene workshop meeting to discuss issues in an informal venue. Case law and recent closed meeting investigator reports indicate that a meeting can occur in non-traditional meeting settings such as bus tours (notes evolving practice).	n/a	n/a

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
8.	8. Meetings i) Notice of Workshop Meetings	Reflects achievable and current notice practice, which can be met by posting a notice on the Town's website and time permitting on the Town's regular advertising page in the local newspaper (reflects current practice).	i) ii) Posting a Notice, time permitting on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the workshop Meeting and the general nature of the matters to be discussed.	i) ii) Posting a Notice on the Town's website and time permitting on the Town's regular advertising page in the local newspaper that indicates the date and time of the workshop Meeting and the general nature of the matters to be discussed.
9.	9. Open & Closed Meetings f) Reporting Out & Confidentiality of Closed Session Discussions	Clarifies that the release of closed session information is specifically subject to review by the Head or designate under the <i>Municipal Freedom of Information and Protection of Privacy Act</i> (MFIPPA) or if directed to release information by a court. This is helpful as the MFIPPA prescribes the disclosure process as well as discretionary and mandatory	f) iii) No Member shall disclose or discuss, through written electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public or as required by law.	f) iii) No Member shall disclose or discuss, through written electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the Head or designate under the <i>Municipal Freedom of Information and Protection of</i>

Item Number	Current Procedure By-Law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
		exemptions for disclosure of records, including closed session records (reflects current practice).		Privacy Act (MFIPPA) or if directed to do so by a court.
10.	18. Order of Business – Committee of the Whole	Provides for the order of business at Committee of the Whole meetings. Not all sections may be required, so words "where provided for" are recommended to be added to clarify (reflects current practice). Recommend removing Correspondence and Petitions as a separate section. These matters are typically dealt with as a consent or action item (reflects	<p>a) The order of business for the Committee of the Whole is set out in the agenda as follows:</p> <ul style="list-style-type: none"> i) Additions & Corrections to the Agenda ii) Declarations of Pecuniary Interest iii) Presentations & Recognitions iv) Deputations v) Determination of Items Requiring Separate Discussion vi) Adoption of Items not Requiring Separate Discussion vii) Consideration of Items Requiring Separate Discussion viii) Action Items ix) Correspondence & Petitions x) Reports by Regional Representatives xi) Notices of Motion xii) Motions xiii) New Business xiv) Closed Session (if required) 	<p>a) The order of business for the Committee of the Whole is set out in the agenda as follows, where provided for:</p> <ul style="list-style-type: none"> i) Additions & Corrections to the Agenda ii) Declarations of Pecuniary Interest iii) Presentations & Recognitions iv) Deputations v) Consent Items vi) Action Items vii) Reports by Regional Representatives viii) Notices of Motion ix) Motions x) New Business xi) Closed Session (if required) xii) Public Hearing Matters xiii) Adjournment

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
		<p>current practice).</p> <p>Recommend removing three sections identified in the order of business in v), vi) and vii) not currently reflected in the agendas produced as a result of the introduction of the meeting management suite (reflects current practice).</p>	<p>xv) Public Hearing Matters</p> <p>xvi) Adjournment</p>	
11.	22. Open Forum	<p>Current exclusion of Open Forum matters from the minutes may contravene the <i>Municipal Act, 2001</i> requirement to record the proceedings of Council (practice change based on review of legislation).</p>	<p>a) In the Open Forum that occurs fifteen (15) minutes prior to a Council Meeting, any individual may address Council to make informal inquiries or to comment on matters of municipal business. Persons speaking at the Open Forum are limited to five (5) minutes each. Generally, up to three (3) individuals may be heard at the Open Forum at one Meeting.</p> <p>b) Generally, no motions are passed related to matters raised during Open Forum.</p>	<p>a) In the Open Forum that occurs fifteen (15) minutes prior to the formal portion of a Council Meeting, any individual may address Council to make informal inquiries or to comment on matters of municipal business. Persons speaking at the Open Forum are limited to five (5) minutes each. Generally, up to three (3) individuals may be heard at the Open Forum at one Meeting.</p> <p>b) Generally, no motions are passed</p>

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
			c) The discussion of Open Forum matters does not form a part of the Council minutes.	related to matters raised during Open Forum.
12.	20. Order of Business – Council	Not all sections may be required or provided for in an agenda, so words “where included” are recommended to be added to clarify (reflects current practice). Recommend removing Correspondence and Petitions as a separate section. These matters are typically dealt with as a consent or action item (reflects current practice).	<p>a) The order of business of Council is set out in the agenda, as follows:</p> <ul style="list-style-type: none"> i) Open Forum ii) Public Notices (if required) iii) Additions & Corrections to the Agenda iv) Declarations of Pecuniary Interest v) Presentations & Recognitions vi) Deputations vii) Approval of Minutes viii) Correspondence & Petitions ix) Reports by Regional Representatives x) Reports of Committees and Staff xi) By-laws xii) Notices of Motion xiii) Motions xiv) Announcements & Community Events xv) New Business xvi) Closed Session (if required) xvii) Confirmatory By-law xviii) Adjournment 	<p>a) The order of business of Council is set out in the agenda, as follows, where provided for:</p> <ul style="list-style-type: none"> i) Open Forum ii) Public Notices (if required) iii) Additions & Corrections to the Agenda iv) Declarations of Pecuniary Interest v) Presentations & Recognitions vi) Deputations vii) Approval of Minutes viii) Reports by Regional Representatives ix) Reports of Committees and Staff x) By-laws xi) Notices of Motion xii) Motions xiii) Announcements & Community Events xiv) New Business xv) Closed Session (if required) xvi) Confirmatory By-law xvii) Adjournment

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
13.	23. Additional Items & Corrections to Agendas of the Council or Committee of the Whole	CAO to outline additional items, notes and any corrections after the call to order to ensure all Members of Council and public have clear outline of these matters (practice change to enhance transparency).	<p>a) Council and Committee of the Whole are required to consent to the introduction of additional items, including addenda and closed session agendas, as well as items for distribution.</p> <p>b) The CAO provides, as required, a summary of the additional items and notes any corrections prior to the Meeting of Council or Committee of the Whole.</p>	<p>a) Council and Committee of the Whole are required to consent to the introduction of additional items, including addenda and closed session agendas, as well as items for distribution.</p> <p>b) The CAO provides, as required, a summary of the additional items and notes any corrections to the Meeting of Council or Committee of the Whole.</p>
14.	32. Correspondence	Reflects current practice of placing items on a Council or Committee of the Whole agenda where requested (reflects current practice).	<p>a) Where Council approval is required, or on the request of a Member of Council to the Clerk, correspondence is placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, correspondence may be considered directly by Council as an item of New Business.</p> <p>b) Staff may prepare recommendations related to the matter for Council's consideration.</p> <p>c) Where Council approval is not required, correspondence is circulated by the Clerk to Members of Council, the CAO, Commissioners and applicable staff for their information, and forms a part of the Clerk's records.</p>	<p>a) Where correspondence has been requested to be included on a Council or Committee of the Whole agenda or on the request of a Member of Council to the Clerk, correspondence is placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, correspondence may be considered directly by Council as an item of New Business.</p> <p>b) Staff may prepare recommendations related to the matter for Council's consideration.</p> <p>c) Council and staff will direct, to the Clerk, correspondence clearly intended to be considered as part of an agenda of Council or</p>

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
			<p>d) Council and staff will direct, to the Clerk, correspondence clearly intended to be considered as part of an agenda of Council or Committee of the Whole.</p> <p>e) The Clerk is required to verify whether it is the intent of an individual to include his/her correspondence on a public agenda. For reasons of privacy, irrelevant personal information will be severed from correspondence. General correspondence between Councilors or staff, and constituents or stakeholders, will not be included unless the Clerk is satisfied it was clearly the individual's intent to include his/her correspondence on a public agenda.</p> <p>f) Correspondence related to items already decided on by Council will form a part of the Clerk's records and be circulated to Members of Council, but not placed on an agenda.</p> <p>g) Correspondence must be legible and not contain any defamatory statements. Anonymous correspondence will not be acknowledged, circulated, or placed on an agenda.</p> <p>h) The Council's receipt of correspondence does not constitute</p>	<p>Committee of the Whole.</p> <p>d) The Clerk is required to verify whether it is the intent of an individual to include his/her correspondence on a public agenda. For reasons of privacy, irrelevant personal information will be severed from correspondence. General correspondence between Councilors or staff, and constituents or stakeholders, will not be included unless the Clerk is satisfied it was clearly the individual's intent to include his/her correspondence on a public agenda.</p> <p>e) Correspondence related to items already decided on by Council will form a part of the Clerk's records and be circulated to Members of Council, but not placed on an agenda.</p> <p>f) Correspondence must be legible and not contain any defamatory statements. Anonymous correspondence will not be acknowledged, circulated, or placed on an agenda.</p> <p>g) The Council's receipt of correspondence does not constitute endorsement of the correspondence by the Town of any recommendations it may</p>

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
			<p>endorsement of the correspondence by the Town of any recommendations it may contain or actions it may advocate.</p>	<p>contain or actions it may advocate.</p> <p>h) Where correspondence is not requested to be included in a Council or Committee of the Whole agenda, it is circulated by the Clerk to Members of Council, the CAO, Commissioners and applicable staff for their information, and forms a part of the Clerk's records.</p>
15	34. Motions from Other Municipalities & Organizations	Reflects current practice of placing motions from other York Region municipalities on a Council or Committee of the Whole agenda (reflects current practice).	<p>a) Motions from other municipalities and organizations that request endorsement or action by Council are placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, motions from other municipalities and organizations that request endorsement or action by Council may be considered directly by Council as an item of New Business.</p> <p>b) Staff may prepare recommendations related to the matter for Council's consideration.</p> <p>c) The Council's receipt of motions from other municipalities and organizations does not constitute endorsement by the Town of any recommendations or actions they</p>	<p>a) Motions from other York Region municipalities are placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, motions from other municipalities and organizations that request endorsement or action by Council may be considered directly by Council as an item of New Business.</p> <p>b) Staff may prepare recommendations related to the matter for Council's consideration.</p> <p>c) The Council's receipt of motions from other York Region municipalities does not constitute endorsement by the Town of any recommendations or actions they may contain.</p>

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
16	37. Information Reports	Clarifies that Council Member request to have an Information Report placed on a Committee of the Whole or Council agenda is made through the Clerk (reflects current practice).	<p>a) An information report is prepared for the information of Council and generally relates to a matter considered at Council or Committee of the Whole, or is a matter of Town business.</p> <p>b) An Information Report does not contain recommendations.</p> <p>c) An Information Report requested by Council or Committee of the Whole will be in the form of a motion.</p> <p>d) Information Reports are circulated directly to Council Members and made available to the public on the Town's website. Information Reports are not published on a Committee of the Whole or Council agenda unless a Member of Council makes such a request. Where required due to urgency or timing, Information Reports may be considered directly at Council as an item of New Business.</p> <p>e) Confidential Information Reports are not made available to the public on</p>	<p>a) An information report is prepared for the information of Council and generally relates to a matter considered at Council or Committee of the Whole, or is a matter of Town business.</p> <p>b) An Information Report does not contain recommendations.</p> <p>c) An Information Report requested by Council or Committee of the Whole will be in the form of a motion.</p> <p>d) Information Reports are circulated directly to Council Members and made available to the public on the Town's website. Information Reports are not published on a Committee of the Whole or Council agenda unless a Member of Council makes such a request to the Clerk. Where required due to urgency or timing, Information Reports may be considered directly at Council as an item of New Business.</p>
			may contain.	<p>d) Motions from municipalities outside of York Region and requests for endorsement or action from other organizations will be dealt with as a matter of correspondence under Section 32 of this By-law.</p>

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
17	61. Acting Mayor	Reflects Council resolution creating Office of Deputy Mayor and Regional Councillor (reflects current practice).	<p>a) When the Mayor is absent through illness or absent from the Municipality, the Regional Councillor serves as Acting Mayor.</p> <p>b) The Acting Mayor has, and may exercise all the rights, powers, and authority of the Mayor as Head of Council.</p> <p>c) In the event that both the Mayor and Regional Councillor are absent through illness or absence from the Municipality, an alternate Acting Mayor is determined as follows:</p> <p>i) The alternate Acting Mayor is the Ward Councillor in ascending order of Ward number for each calendar month, starting with Ward 1, following the organization of Council in each new term of Council, based on his/her availability.</p> <p>ii) The Clerk will prepare a</p>	<p>e) Confidential Information Reports are not made available to the public on the Town's website and may only be placed on a Committee of the Whole or Council agenda if the nature of the confidential information satisfies the requirements of Section 9 a) of this By-law.</p> <p>a) When the Mayor is absent through illness or absent from the Municipality, the Deputy Mayor and Regional Councillor serves as Acting Mayor.</p> <p>b) The Acting Mayor has, and may exercise all the rights, powers, and authority of the Mayor as Head of Council.</p> <p>c) In the event that both the Mayor and Deputy Mayor and Regional Councillor are absent through illness or absence from the Municipality, an alternate Acting Mayor is determined as follows:</p> <p>i) The alternate Acting Mayor is the Ward Councillor in ascending order of Ward number for each calendar month, starting with Ward 1, following the organization of Council in each new term of Council, based on his/her</p>

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
			<p>calendar outlining the monthly assignment of alternate Acting Mayors in accordance with Section 61 c) i) for the term of Council for distribution to Council Members, CAO, and Commissioners.</p> <p>iii) Where a Councillor is not available to serve as alternate Acting Mayor, the alternate Acting Mayor will be the next available Councillor in ascending sequential order.</p> <p>iv) Availability is to be provided in writing to the Clerk, and the Clerk's determination of an alternate Acting Mayor is final.</p> <p>v) The Clerk provides, as required, Notice by electronic mail to Council Members, CAO, and Commissioners when the Acting Mayor and alternate Acting Mayor assume the duties of the Mayor. The alternate Acting Mayor has all the rights, powers, and authority of the Mayor as Head of Council.</p>	<p>availability.</p> <p>ii) The Clerk will prepare a calendar outlining the monthly assignment of alternate Acting Mayors in accordance with Section 61 c) i) for the term of Council for distribution to Council Members, CAO, and Commissioners.</p> <p>iii) Where a Councillor is not available to serve as alternate Acting Mayor, the alternate Acting Mayor will be the next available Councillor in ascending sequential order.</p> <p>iv) Availability is to be provided in writing to the Clerk, and the Clerk's determination of an alternate Acting Mayor is final.</p> <p>v) The Clerk provides, as required, Notice by electronic mail to Council Members, CAO, and Commissioners when the Acting Mayor and alternate Acting Mayor assume the duties of the Mayor. The alternate Acting Mayor has all the rights, powers, and authority of the Mayor as Head of Council.</p>

Background

- Deputation rules are established by Council as it sees fit, in accordance with applicable legislation.
- Deputation rules should strike a balance between reasonable opportunity for public input and efficient disposition of other items of business on an agenda.
- It is the right of the municipality to determine whether it hears deputations at any one meeting. The deputation heading is excluded from the agenda where they are not being heard. Council Workshops are forums for Members of Council to discuss issues or receive training, so deputations are typically not heard here. Similarly, deputations are not heard at the Inaugural Council meeting as the meeting is ceremonial in nature.
- Deputation rules vary by municipality, reflecting established practices in the community and business needs of the municipality.
- Current deputation rules are set out in Chart A, which were established as part of the review of the Procedure By-law in 2013. The deputation rules reflect an open approach, where deputations are permitted on a broad scope of matters at both Committee of the Whole and Council meetings.
- In addition to the rules in Chart A, the Procedure By-law provides that "individuals who request to make a deputation may be encouraged by a Councillor or senior staff to consider resolving an issue or concern with staff in lieu of, or prior to, submitting a deputation request". This provision will be recommended regardless of other rules.
- Feedback from Members of Council has indicated a desire to review deputation rule options currently in place in other municipalities (set out in Chart B) to determine if there are any opportunities to enhance efficiency while maintaining reasonable opportunities for public input. Variations and combinations of options outlined in Chart B are possible.
- Council is asked to provide direction on the options related to deputations.

Chart A: Current Deputation Rules **rules may be waived with consent of Council*

Rule	Pros	Cons
1. Deputations permitted at Committee of the Whole and Council meetings	<ul style="list-style-type: none"> - Provides opportunities for Council to hear the public at both Committee of the Whole and Council meetings - Provides daytime and evening options for individuals to make a deputation - Allows for individuals who may have made a deputation at a Committee of the Whole meeting to attend the Council meeting to present new information 	<ul style="list-style-type: none"> - Depending on matter, deputations made at Council meetings may not allow sufficient time for Council and public to consider input prior to decision - Deputations related to the same matter made by the same individual at Committee of the Whole and Council meetings in the same meeting cycle may be repetitive (where new information is not presented)
2. Deputations can address “any matter of business on an agenda or any matter of municipal business or community interest” for up to 5 minutes	<ul style="list-style-type: none"> - Broad criteria allows Council to hear public on many issues affecting municipality and community - Supports public engagement on a broad municipal and community interests - Generally, individuals making deputations have met the criteria 	<ul style="list-style-type: none"> - Where background information is not provided in advance, Council, staff and public do not have the benefit of context prior to deputation being heard on matters which are not on agenda - On many occasions, Council has waived the 5 minute limit, affecting meeting efficiency
3. Limited to 5 deputations per meeting	<ul style="list-style-type: none"> - Generally, 5 or fewer deputations are requested in any one meeting 	<ul style="list-style-type: none"> - Should Council waive this provision to allow for more than 5 deputations, it may affect meeting efficiency

Chart B: Deputation Rule Options **rules may be waived with consent of Council*

Rule	Pros	Cons
4. Individuals who wish to make a deputation at a meeting of Council or Committee of the Whole not related to a matter on the agenda must submit a deputation request for inclusion with the regular agenda	<ul style="list-style-type: none"> - Provides greater notice to Council, staff and public on deputation request - Allows deputation to be scheduled at a set meeting - Allows Council to better manage efficiency of meeting - Majority of persons making deputation requests related to matters which are not on an agenda are flexible in terms of time 	<ul style="list-style-type: none"> - Public may feel nature of matter is urgent enough to be heard immediately
5. Individuals who wish to make a deputation at a meeting of Council or Committee of the Whole not related to a matter on the agenda, must receive consent of the majority of the Members present	<ul style="list-style-type: none"> - Allows Council to evaluate urgency and complexity of matter and determine whether deputation could be better accommodated at a future meeting - Allows Council to better manage efficiency of meeting - Should a matter be more complicated in nature, allows Council to request additional information be provided in advance of deputation 	<ul style="list-style-type: none"> - Inconveniences individual should they attend in person and have their deputation request denied - Public may not feel engaged, should their deputation request be denied

<p>6. Approval of deputations related to "any matter of municipal business or community interest" which are not on an agenda will be considered by Committee of the Whole and if approved, scheduled for a future Committee of the Whole or Council meeting or referred to another forum to be heard</p>	<ul style="list-style-type: none"> - Provides greater notice to Council, staff and public on deputation request - Allows Council to better manage efficiency of meeting - Allows deputation to be scheduled at a set meeting - Should a matter be more complicated in nature, allows Council to request additional information be provided in advance of deputation (where not provided with deputation request form) - Allows Council to refer deputation requests to more appropriate forums, such as a committee, consultation process or staff - Majority of persons making deputation requests related to matters which are not on an agenda are flexible in terms of time 	<ul style="list-style-type: none"> - Process to approve deputation request may not accommodate time sensitive matters (concern may be mitigated by waiving rules to allow deputation to be heard or Member of Council may raise matter under new business and allow deputation to be heard at that point in the meeting). As noted, majority of persons making deputation requests are flexible in terms of time - Should Council refer the deputation request to other forums, public may perceive their concerns are not being heard
<p>7. Unless new information is being presented, individuals making a deputation at Committee of the Whole will not be heard on the same matter at the subsequent Council meeting</p>	<ul style="list-style-type: none"> - Helps to avoid repetition and allows Council to better manage efficiency of meeting 	<ul style="list-style-type: none"> - Public may feel nature of matter under discussion is significant enough to warrant their input being heard again prior to a Council decision

<p>8. Deputations will not be heard on a matter decided upon by Council until 90 days have passed from the date of the matter's disposition by Council, except upon a vote in the affirmative of two thirds majority of the Members present</p> <p>*will require amendment to Section 58 of Procedure By-law which allows Council to receive information (where no action has been sought or taken) within 90 days of the Council decision on a matter</p>	<ul style="list-style-type: none">- Respects Council's decision on a matter- Allows Council to better manage efficiency of meeting- Infrequent occurrence	<ul style="list-style-type: none">- Public may not feel engaged, should their deputation request be denied
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CORPORATE POLICY

Sub Topic: Municipal Flag Policy

Policy No. CORP.1-05

Topic: Community Engagement

Employees Covered: All Employees

Section: Legislative Services

Council Adoption Date: September 24, 2012

Effective Date: September 24, 2012

Revision No

Date:

Repeal Date:

Policy Statement & Strategic Plan Linkages

The Corporation of the Town of Newmarket recognizes the symbolism of displaying flags as a visual statement that speaks to the solidarity that is shared by all citizens. This policy upholds the Well-Respected component of the Strategic Plan as it allows the Town to honour individuals and recognize significant efforts of groups and organizations within the community.

Purpose

The policy will provide a framework to ensure that flags at the Municipal Offices and properties owned by the Town are flown and displayed in an appropriate and consistent manner. The policy outlines the circumstances under which the Town will fly its flags at half-mast, sets out the procedure for flag raisings to recognize a visit by a foreign dignitary and addresses the flying of courtesy flags, in recognition of a special event, cause or effort within the Town of Newmarket.

Definitions

Courtesy Flag: a flag of a recognized charity or community group.

Peace Park Flagpole: means the flagpole located at the Peace Park on Cane Parkway designated for community flag raisings.

Procedures

Display of Flags:

Flags will be displayed in accordance with the guidelines set out in the "Flag Etiquette in Canada" guide provided by the Department of Canadian Heritage. The raising of flags

on municipal properties shall be limited to Canadian, Provincial, Municipal and other governmental flags to recognize a visit by a foreign dignitary, as set out by this policy.

The Town Clerk is responsible for administering the half-masting procedures set out in the Flag Policy. Flags will be raised and lowered during regular business hours, when staff resources are available.

Half-Staffing

Flags at all Town facilities will be lowered to half-staff to recognize a period of official mourning or to commemorate significant dates. The half-staffing of flags applies to all municipal properties that have flagpoles. The Town will fly its flags at half-staff upon receiving notification of the death of any of the following individuals:

- The Sovereign or Member of the Canadian Royal Family
- The Governor General of Canada, or a former Governor General
- The Prime Minister of Canada, or a former Prime Minister
- The Lieutenant Governor of Ontario, or a former Lieutenant Governor of Ontario
- The Premier of Ontario, or a former Premier of Ontario
- The Local Member of the House of Commons, or a Local Member of the Provincial Legislature
- The Regional Chair, or a former Regional Chair
- The Mayor, a former Mayor, a Member of Council, a former Member of Council
- Any actively employed Staff Member of the Municipality
- Any York Regional Police Officer killed in the line of duty
- A resident of Newmarket, who is a member of the Canadian Armed Forces, killed while deployed on operations
- Any other individual determined by the Mayor in consultation with the CAO or Town Clerk

Flags will be flown at half-staff upon receiving notification of the death, up to and including the day of the funeral service, unless circumstances prohibit the lowering of the flag for that time period, as determined by the Town Clerk in consultation with the Mayor and/or CAO.

Flags will be flown at half-mast on an annual basis on November 11, in accordance with Remembrance Day ceremonies.

In addition to the circumstances above, flags at Central York Fire Services facilities in the Town of Newmarket will be flown at half-staff in accordance with the practices of the CYFS and Town of Aurora, upon being notified of the death of a firefighter in the line of duty in another municipality across Canada or when notified of the death of a police officer in the line of duty across Ontario.

Visit by a Foreign Dignitary

In the event of a visit by a foreign dignitary to Town facilities, the Town may fly the flag of the appropriate governmental entity in recognition of their presence. The flag will be

flown at the flagpole in front of the Municipal Offices for the duration of the dignitary's visit to Town facilities.

Courtesy Flag Raising

The Town does not entertain courtesy flag raisings at any of its facilities, including the Peace Park.

Flag Procedures:

The procedures for the flying of flags at all municipal facilities are incorporated as an appendix to this policy. Appendix A includes the procedures for circumstances where the Town will fly its flags at half-mast. Flag Procedures are subject to the approval of the Town Clerk.

Cross References

Heritage Canada Guidelines

Appendices (which may be amended from time to time)

Appendix 'A' - Flag Procedures to Municipal Flag Policy CORP.1-05

Councillor Kerwin –

THAT staff be directed to report back within 120 days on the potential of demolishing the Old Fire Hall at 140 Main Street South with the intent to repurpose it as a parking lot that would be in keeping with the downtown area.

**PLANNING & BUILDING SERVICES****Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

**PUBLIC MEETING CONCERNING A
PROPOSED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT AND
PROPOSED DRAFT PLAN OF SUBDIVISION**

TAKE NOTICE that the Council of the Corporation of the Town of Newmarket will hold a Public Meeting on:

MONDAY SEPTEMBER 28, 2015 AT 7:00 P.M.

At the **Council Chambers at the Municipal Offices, 395 Mulock Drive**, to consider a proposed Zoning By-Law Amendment under Section 34 of the Planning Act, RSO 1990, c. P. 13 as amended and a proposed Official Plan amendment under Section 17 of the Planning Act, RSO 1990, c. P. 13 as amended and a proposed Plan of Subdivision under Section 51 (20) (a) of the Planning Act, RSO 1990, c. P. 13 as amended.

An application has been submitted for Official Plan and Zoning By-Law Amendment and Draft Plan of Subdivision for lands located as detailed on the location map of the reverse of this page. The net effect of this application is to permit a proposed draft plan of subdivision (19TN 2013 001) to accommodate 91 freehold townhomes, 27 stacked condominium townhomes, 78 condominium townhomes, 2 mid-rise (4 storey) apartments the preservation of a Historic Home and additional land for stormwater management and parks on the subject lands.

ANY PERSON may attend the public meeting to make written or verbal representation either in support of or in opposition to the proposed Official Plan Amendment, Zoning By-Law Amendment or Draft Plan of Subdivision. If you wish to use the Town's audio/visual system, please contact the Clerk's Office not later than noon on the day of the meeting to make the appropriate arrangements. Should you be unable to attend the public meeting, your written submission will be received up to the time of the meeting.

IF YOU WISH TO BE NOTIFIED of the adoption of the proposed Zoning By-Law Amendment or Draft Plan of Subdivision, you must make a written request to the Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN MAIN NEWMARKET, ON L3Y 4X7. If you wish to be notified of the adoption of the proposed Official Plan amendment, or of the refusal of a request to amend the official plan, you must make a written request to the Region of York, 17250 Yonge Street, Newmarket, ON, L3Y 6Z1.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Town of Newmarket before the by-law is passed; Official Plan Amendment Adopted or the Draft Plan approved, the person or public body is not entitled to appeal the decision of the Town of Newmarket to the Ontario Municipal Board.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Newmarket before the by-law is passed, Official Plan Amendment Adopted or the draft plan approved, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there is reasonable grounds to do so.

ADDITIONAL INFORMATION relating to the proposed Official Plan and Zoning By-Law Amendment and Draft Plan of Subdivision is available for inspection between 8:30 a.m. and 4:30 p.m. on weekdays at the Municipal Offices, 395 Mulock Drive, Newmarket.

Dated September 8, 2015

**Direct any inquiries to the
Planning Department 905-953-5321
Please refer to File No. D9-NP1312, D12-
NP1312, D14-NP1312**

12. Development and Infrastructure Services - Planning and Building Services Report 2015-35 dated August 20, 2015 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision - 16920 and 16860 Leslie Street.
- a) THAT Development and Infrastructure Services - Planning and Building Services Report 2015-35 dated August 20, 2015 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:
- i) THAT the Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by The Newmarket Cemetery Corporation on behalf of 2394237 Ontario Inc. for lands being composed of Pt Lt 31, Con 2; Pt E1/2 Lt 32, Con 2, EYS be referred to a public meeting;
- ii) AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
- iii) AND THAT Groundswell Urban Planners, 30 West Beaver Creek Road, Unit 109, Richmond Hill, ON L4B 3K1 be notified of this action by the Clerk.

**PLANNING AND BUILDING SERVICES****Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

August 20, 2015

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2015-35

TO: Committee of the Whole

SUBJECT: Application for Official Plan & Zoning By-Law Amendment and Draft Plan of Subdivision
 16920 & 16860 Leslie Street. West side of Leslie street North of Mulock Drive
 Pt Lt 31, Con 2; Pt E1/2 Lt 32, Con 2
 Newmarket Cemetery Corporation/2394237 Ontario Inc.
 (Forest Green Homes)
 Files: D9-NP1312, D12-NP1312, D14-NP1312

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2015-35 dated August 20, 2015 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:

1. THAT the Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by The Newmarket Cemetery Corporation on behalf of 2394237 Ontario Inc. for lands being composed of Pt Lt 31, Con 2; Pt E1/2 Lt 32, Con 2, EYS be referred to a public meeting.
2. AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.
3. AND THAT Groundswell Urban Planners, 30 W Beaver Creek Road, Unit 109, Richmond Hill L4B 3K1 be notified of this action by the Clerk.

COMMENTS**Location**

Lands located on the west side of Leslie Street, north of Mulock Drive. (See Location Map attached)

Proposal

An application for draft plan approval, Official Plan amendment and zoning bylaw amendment has been submitted by The Newmarket Cemetery Corporation on behalf of Forest Green Homes (2394237 Ontario Inc.) to rezone the 16.44 hectare subject lands from the Cemetery (I-C) zone, Residential Apartment Dwelling 1 (R5-S) zone, Environmental Protection/Open Space (OS-EP) zone and Residential Detached Dwelling 30m (R1-B) zone to the Residential Townhouse Condominium Plan Dwelling (R4-CP), Residential Townhouse Dwelling 3 (R4-R) zone, Open Space (OS-1) zone, the Residential Apartment Dwelling 2 (R5-T) zone and a new stacked townhouses condominium zone. This is to permit a draft plan of subdivision consisting of 91 freehold townhouses, 27 stacked townhouses, 78 condominium townhouses and 2 mid-rise apartments. The applicant has not indicated the number of units within the proposed mid-rise apartment blocks at this time. The subject lands also contain the John Bogart House designated under the Heritage Act which is intended to be restored and used for residential purposes. The proposed Draft Plan as well as Master Landscaping Plan are attached to this report.

Preliminary Review

Official Plan Considerations

The subject property is designated Major Institutional and Natural Heritage System – Woodlot in the 2006 Official Plan.

The applicant has requested a designation of Stable Residential for the development portions and Major Institutional for the woodlot. If these applications are deemed appropriate, it would be fitting to designate the development lands Emerging Residential with a site specific exception that would permit the proposed mid-rise apartments. It would also be appropriate to re-establish the Natural Heritage designation for the woodlot.

Section 3.3.2(3) of the residential policies of the Official Plan discuss compatibility requirements where new housing stock is proposed against existing residential stating that they should generally have a physical character similar to the existing neighbourhood in terms of density, lot sizes, maximum building heights and minimum setbacks. This proposal is directly adjacent to the Bogart Trail Condominium (5 storey condominium building) to the south. In this location, the applicant is proposing a buffer area on an existing treed slope then a mid-rise apartment block (4 storey). The proposal also abuts the existing townhouse condominium on William Curtis Circle and McKinnon Court. The applicant is proposing freehold townhouses adjacent to these condominium townhouses. Finally, this proposal abuts existing condominium townhouses on Doak Lane. The applicant is proposing condominium townhouses adjacent to the condominium townhouses of a similar size and scale. Compatibility will be further discussed in a future report after receiving comments from community residents though the public meeting recommended by this report.

Zoning Bylaw Considerations

The Subject Property is currently zoned Cemetery (I-C) zone, Environmental Protection Open Space (OS-EP) zone, Residential Apartment Building 1 (R5-S) zone and Residential Detached 30m (R1-B) zone by Bylaw Number 2010-40, as amended. The applicant has applied to rezone the subject lands to the Residential Townhouse Condominium Plan Dwelling (R4-CP), Residential Townhouse Dwelling 3 (R4-R) zone, Open Space (OS-1) zone, Residential Apartment Dwelling 2 (R5-T) zone and a new stacked townhouses condominium zone. This is to permit a draft plan of subdivision consisting of 91 freehold townhouses, 27 stacked townhouses, 78 condominium townhouses and 2 mid-rise apartments.

The applicant has also requested the mid-rise apartment block have dual zoning to also permit townhouses to enable them to react to the housing market.

The preliminary review of the applications has raised a concern with the proposed rezoning of the woodlot from the Environmental Protection – Open Space (OS-EP) zone to the Open space-1 (OS-1) zone. It would be appropriate to retain the existing OS-EP zone on the woodlot to ensure its continued preservation and conservation. The only permitted uses in the OS-EP zone are conservation uses and trails while the OS-1 zone would permit other uses such as community centres and outdoor recreation facilities among other uses.

Servicing Allocation

Servicing allocation has not been granted for this proposal.

Provincial Policy Statement

The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters “shall be consistent” with this policy statement. The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS discusses the promotion of healthy, liveable and safe communities that have access to recreational activities in the forms of parks, open spaces and trails. The PPS also promotes storm water management best practices, including low impact design. The proposed draft plan of subdivision is consistent with the PPS by providing a mix of housing types within the settlement area of the Town of Newmarket while protecting environmental features and providing trails and parkland in accordance with the Planning Act. The development is proposed adjacent to existing built up areas and allows for the efficient use of land, infrastructure and services. The applicant has proposed low impact design elements as part of the storm water management system.

The PPS requires that Natural features and areas will be protected for the long term for their economic, environmental and social benefits. The applicant has submitted an Environmental Impact Study in accordance with Town policy to ensure no negative impacts will occur on the natural heritage feature (woodlot) as a result of this development going forward.

The PPS also discusses the importance of encouraging a sense of place by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes. The subject land contains a dwelling designated under the Ontario Heritage Act. The applicant has indicated that they intend to restore the dwelling and incorporate it into the plan for use as a single detached dwelling. This heritage home is further discussed below.

John Bogart House

Constructed in 1811 for John Bogart, a Quaker pioneer from Pennsylvania who operated a saw mill and grist mill on the creek near the house. One of the earliest dwellings extant in the Newmarket area and is an example of the second dwelling constructed by pioneers having been preceded by a log structure. Two-storey frame dwelling, clad in narrow clapboard, which rests on a stone rubble foundation. Simple vernacular dwelling constructed only nine years after the area was settled, is one of the few reminders that Bogarttown was a significant centre in the early nineteenth century. The John Bogart House is designated under the Ontario Heritage Act by By-law 1987-40.

It is the intent of the developer to preserve and restore this important heritage home and retain as residential dwelling accessed from a road internal to the plan. The house would be moved southerly to the corner of Leslie Street and Bogart Mill Trail.

Parkland

The developer is intending on providing the required 5% parkland dedication through the conveyance of a 0.74 hectare block with frontage on the proposed public road. The proposed parkland is also adjacent to the retained woodlot which, if the woodlot ultimately ends up in public ownership, could benefit from the proximity in terms of providing public access to the woodlot.

Departmental and Agency Comments

Department and Agency comments will be addressed throughout the planning process and outlined in a comprehensive report as required.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The continued development of this parcel of land is in accordance with the Newmarket Official Plan and has linkages to the Community Strategic Plan as follows:

Living Well: protecting and enhancing environmentally sensitive features

Well Balanced: encouraging a sense of community through an appropriate mix of land uses and amenities.

CONSULTATION

The application has been circulated for comment to internal departments and external agencies. This report recommends the applications be referred to a statutory public meeting.

BUDGET IMPACT

Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan Amendment, zoning bylaw amendment and draft plan of subdivision. The Town will also receive revenue from development charges and assessment revenue with the development of this subdivision.

Capital Budget


There is no direct capital budget impact as a result of this report.

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments


- 1 - Location Map
- 2 - Proposed Draft Plan of Subdivision
- 3- Landscape Master Plan



Director of Planning and Building Services



Commissioner of Development and Infrastructure
Services



Senior Planner – Community Planning







S.B.K.
 STAYBOS BARRON KING
 ARCHITECTURAL

J.S.W. + ASSOCIATES

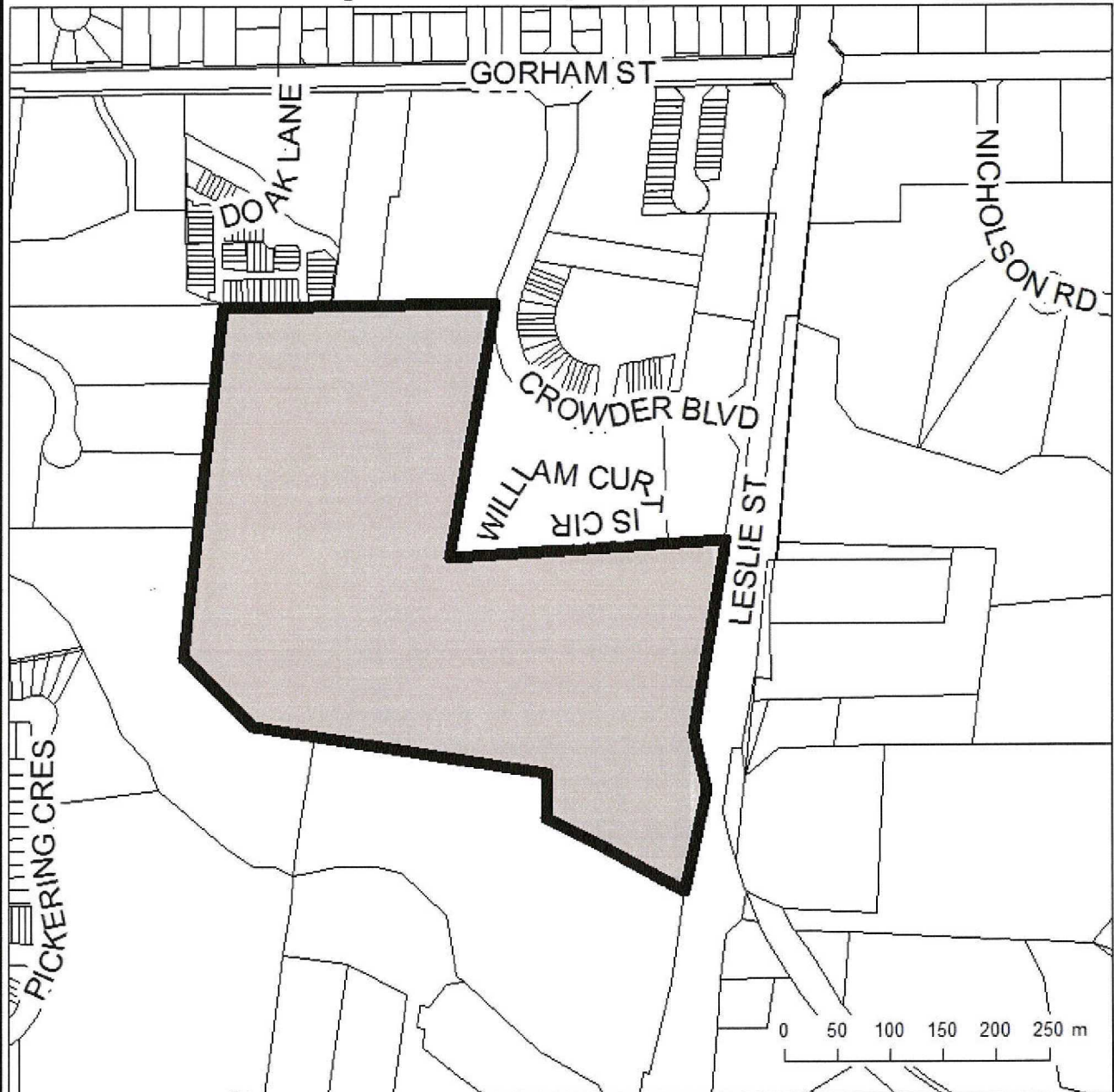
MASTER PLAN
 PROPOSED RESUBDIVISION
 TOWN OF NEWMARKET, ONTARIO
 SCALE: 1" = 100'


DILLON
 CONSULTING

FOREST GREEN HOMES

AUGUST 2014

LOCATION MAP
 Part Lot 31, Con 2
 West Side of Leslie Street North of Mulock Drive
 Town of Newmarket
 Regional Municipality of York



 Subject Lands

TOWN OF NEWMARKET PLANNING DEPARTMENT

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Town of Newmarket

Deputation September 28 2015



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Support and Welcome Business





Town of Newmarket Building Permit Fee Review

September 2015



Prepared by BMA Management Consulting Inc.

BMA
MANAGEMENT CONSULTING INC.

Town of Newmarket—Building Permit Fee Review

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Town of Newmarket—Building Permit Fee Review

Introduction

Introduction

Study Objectives

BMA Management Consulting Inc. was engaged by the Town of Newmarket to undertake a review and make recommendations with respect to building permit fees. The last detailed review was undertaken approximately 10 years ago and as the legislative and regulatory requirements have changed during this time as well as the work processes, the Town deemed it an appropriate time to undertake a fee review.

The purpose of the review is to establish the full cost of service and determine appropriate fees as permitted under Provincial legislation. The objectives were to establish fees and related policies that:

- Support financial sustainability;
- Are fair and equitable;
- Recover the full cost of service; and
- Are compliant with all relevant legislative and regulatory requirements.

Review Process

The review process included:

- Reviewing resources/costs to support the programs/services;
- Identifying all costs related to the plans examination and inspection processes (full cost recovery);
- Reviewing the existing fee structure and identifying if there are opportunities to improve the current structure to support principles of fairness and equity;
- Developing process maps to identify the staff involved and the time required to complete each process;
- Developing activity based costing;
- Reviewing the historical and projected levels of construction activity, reserve balances, budgets; and
- Benchmarking fees in Newmarket in relation to other municipalities in terms of the fees and as well as the fee structure .

Legislative and Regulatory Environment

To recover the cost of providing *Building Code* services, municipalities are permitted to charge fees for processing building permit applications. The *Building Code Act (the Act)* requires that permit fees not exceed “the anticipated reasonable costs to administer and enforce the *Building Code* during building construction.” In addition, municipalities are required to prepare annual reports that record the amount of fees received and the costs incurred in administering the process. Ontario Regulation 305/03 is the regulation associated with the *Building Code Statute Law Amendment Act, 2002*. The regulation provides details on the contents of the annual report and the public requirements for changing fees or implementing new fees.

The annual reports must include the following information:

- Provide an estimate of the costs of providing *Building Code* services:
 - Direct costs include the costs of reviewing building permit applications and inspecting buildings.
 - Indirect costs include the support and overhead costs of administering and enforcing the process.
- Balance of any building permit reserve funds.



The regulation also includes the following requirements when fees are updated:

- Hold at least one public meeting.
- Provide 21 days notice of the public meeting.

Town of Newmarket—Building Permit Fee Review

Municipal Benchmarking

The following municipalities were included in the benchmarking analysis to provide a comprehensive analysis of fees and fee structures across Ontario. The most current fee structure were used in the analysis, as of March 2015.

Municipality	Region
Ajax	Durham
Aurora	York
Brampton	Peel
Brock	Durham
Burlington	Halton
Caledon	Peel
Cambridge	Waterloo
Clarington	Durham
East Gwillimbury	York
Georgina	York
Guelph	Guelph
Halton Hills	Halton
Hamilton	Hamilton
Kitchener	Waterloo
Markham	York
Milton	Halton
Mississauga	Peel
Oakville	Halton
Oshawa	Durham
Pickering	Durham
Richmond Hill	York
Toronto	Toronto
Vaughan	York
Waterloo	Waterloo

Town of Newmarket—Building Permit Fee Review

Residential Building Permit Fees—Town of Newmarket

The following table reflects the Residential Group C, new construction rates in the Town of Newmarket from 2008-2014. As shown below, the fee has remained the same since 2010.

Group C m ²	
2008	\$ 14.29
2009	\$ 14.29
2010	\$ 14.50
2011	\$ 14.50
2012	\$ 14.50
2013	\$ 14.50
2014	\$ 14.50

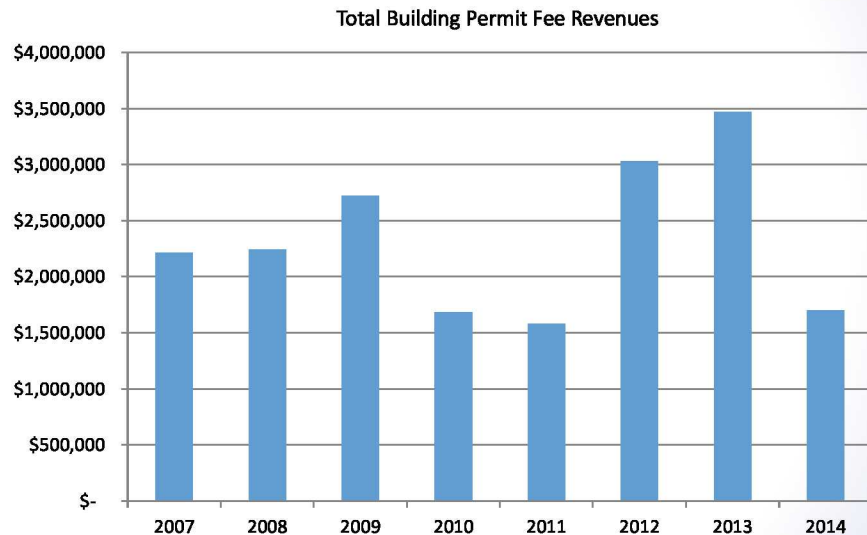
- As shown above, the Town's building permit fees have remained the same since 2010, despite increases in expenditures.
- While higher than anticipated activity levels have helped to support the operations in a number of years whereby surplus earning were transferred to the Building Stabilization Reserve Fund, in 2014 with activity levels returning to average levels, full funding has proven to be more challenging, requiring contributions from the Reserve Fund.
- Actual expenditures from 2010 (actual) to 2015 (budget) increased, on average, over 6.6% annually at the same time that fees have remained the same.
- Additional staffing requirements were incorporated into the 2015 budget to support the efficient and effective delivery of service. These will require supporting funding through fees.

Town of Newmarket—Building Permit Fee Review

Construction Activity and Reserves

Town of Newmarket—Building Permit Fee Review

Construction Revenues



The above noted graph reflects the construction revenues generated from 2007 to 2014. Building activity is cyclical in nature which has a direct impact on the revenues generated and to a lesser extent the cost of operations. For example:

- One large project can result in a spike in revenues. As illustrated above, increases in 2009 and 2012 were the result of above average commercial activity and the increase in 2013 was the result of a large increase in institutional activity;
- An unanticipated economic slowdown can result in an operating deficit; and
- A number of the costs of operations are fixed or are difficult to immediately adjust to changes in the levels of construction activity.

There is considerable fluctuation in the construction activity from year to year. It is anticipated that there will continue to be fluctuations in the number of permit applications, the construction value and the amount of permit revenues. In years of high activity (e.g. 2012-2013), revenues exceeded costs and the balance was transferred to the Building Stabilization Reserve which will be discussed in the next section of the report. However, in slower periods costs may exceed revenues (as is the case in 2014) whereby funds were transferred from the Reserve as a result of lower than anticipated revenues.

Over the past eight years, 68% of the total building construction value is related to Residential construction (residential new and alterations). While the mix will vary from year to year, as has been the case in the past 8 years, it is anticipated that there will continue to be higher construction activity in the residential sector.

Town of Newmarket—Building Permit Fee Review

Forecast New Development

The following assumptions have been incorporated into the revenue forecast for the next five years to ensure that fees set to recover only the anticipate expenditures.

Residential

The following provides the forecast growth in number of Residential units over the next five years (source: Development Charges Background Study):

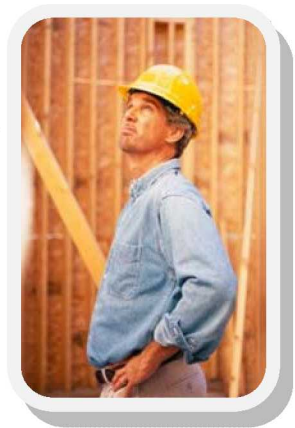
	Singles & Semis	Rows and Others	Apartments	Total
2015	292	41	24	357
2016	297	41	23	361
2017	132	63	159	354
2018	134	65	163	362
2019	135	66	168	369

As illustrated above, the total number of units are consistent over the next five years, however, it is anticipated the number of new single family dwelling units will decrease significantly while apartments will increase during this time.

Non-Residential

The following provides the forecast growth in Non-Residential space over the next five years (source: Development Charges Background Study):

	m2
2015	20,520
2016	20,928
2017	31,957
2018	32,525
2019	33,110



As illustrated above, non-residential activity is projected to increase beyond 2016. Because of the anticipated changes in the group of construction activity, it is important to ensure that the various groups are charged a fair and equitable fee. Existing fee challenges have been addressed later in the report.

Building Permit Stabilization Reserve Fund

Building Departments are typically operated as an “Enterprise Model” which means that building permit fees are established to recover 100% of the costs of the operations. The vast majority of municipalities surveyed operate on a full cost recovery basis, consistent with the approach undertaken in the Town of Newmarket since 2005.

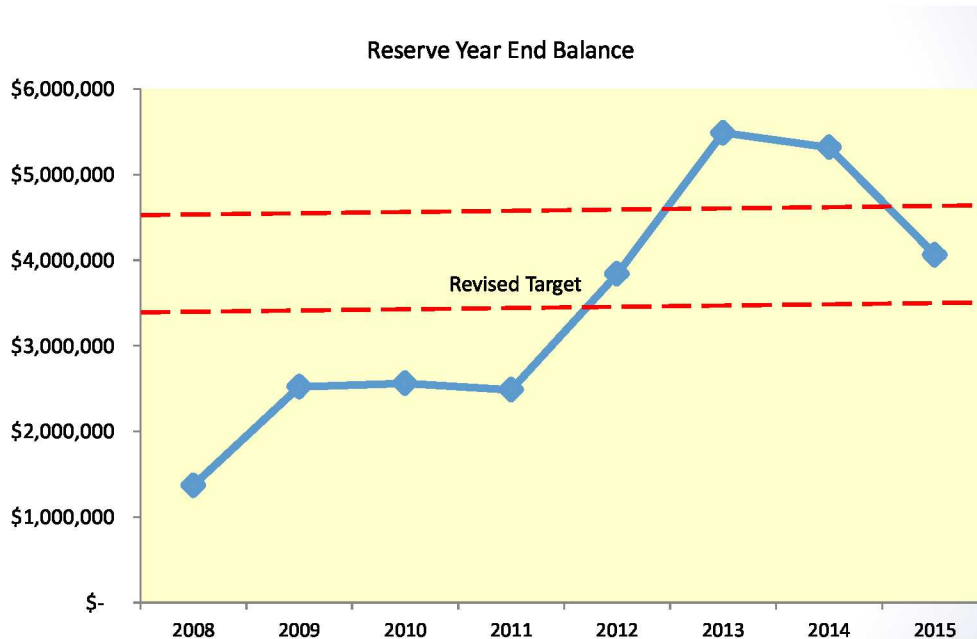
Optimally, a matching of revenues and expenditures, on an annual basis, ensures that the cost of service is fully recovered from the associated fee revenues but, to balance the revenues and expenditures on an annual basis is challenging given that there is considerable fluctuation in activity, as shown earlier in the report. Further, given that building operations do not have sufficient elasticity to adjust operating expenditures (which is primarily driven by staffing costs and overhead allocations), to align with the fluctuations in building activity, a best practice of municipalities is to establish a dedicated reserve fund to smooth the impact as permitted under the *Act*. This was established in 2005 whereby the net revenues/expenditures of the Building Department operations are deposited to/drawn from the Building Permit Stabilization Reserve Fund. The stabilization reserve manages the risk associated with an economic downturn; spreads the impact of market fluctuations across an economic cycle; avoids fluctuations in fees and is available to fund one-time capital requirements.

The Building Department surpluses can be used to smooth the operating budget or for Building Department related capital requirements however, it cannot be used to fund general Town expenditures. Maintaining a segregated Reserve Fund ensures that the reserve remains available to support service delivery to the building industry during economic downturns and avoid levy impacts.

Annually, the Finance Department prepares a report summarizing the total cost of service and the revenues generated (on an accrual basis) and transfers the surplus revenues to a dedicated Building Stabilization Reserve to offset possible future economic slow downs. The Town’s existing target is to maintain one year’s worth of Building expenditures in the reserve fund to offset economic fluctuations in Building Permit revenues. As a result of higher than expected construction activity, contributions to the segregated Building Permit Stabilization Reserve were made in four of the past five years. Over the past five years, the reserve balance is above the target of one year of operating expenditures.

Town of Newmarket—Building Permit Fee Review

The Building Permit Stabilization Reserve Fund year end balance is shown below since 2008.



Typically municipalities establish a target reserve maximum balance of 100%-300% of operating budget expenditures to ensure that sufficient funds are available for economic downturns. Based on an analysis of economic downturns, municipalities typically lose 150%-200% of revenues. As such, it is recommended that the Town consider revising the target to 150%-200% of operating expenditures from the current 100%.

The Town may wish to consider a policy that establishes a mechanism to review Reserve Fund balances should the Building Permit Stabilization Reserve exceed the ceiling established for an ongoing period of time. For example, if the reserve balance exceeds the target for more than three consecutive years, a review of the existing building permit fees may be undertaken in conjunction with an updated forecast of construction activity levels to ensure that existing fees are appropriate.

Town of Newmarket—Building Permit Fee Review

Fee Structure Analysis

Town of Newmarket—Building Permit Fee Review

Fee Structure Analysis

An analysis of the fee structure was undertaken to review existing practices in Newmarket in relation to municipal best practice research. The following summarizes the findings.

Separate Plumbing Permit

Unlike the vast majority of municipalities surveyed, the Town of Newmarket has a separate plumbing fee charged on a per fixture basis for new construction. This amount is added to the cost of a building permit which is charged on a per m² basis. Of 24 municipalities surveyed, 21 recover the plumbing cost from new construction as part of the cost per m². As such, this distorts direct comparisons of building permit fees on a cost per m² basis. By consolidating the costs into the per m² fee, transparency of fees is improved, as is administration. Recommendations have been made in this report to include the plumbing costs for new construction in the per m² fee.

Ratio of Residential and Non-Residential Fees

- The Town's new construction Non-Residential building permit fees have not been rationalized in 10 years. They are extremely low and are not recovering the full cost of plans review and inspections. Many municipalities, in setting fees consider the ratio of the fee in Residential to Non-Residential to reflect the relative effort required to undertake inspections and plans examinations. For example, Assembly (Group A) and Institutional (Group B), typically have a higher fee per m² compared with Residential (Group C).
- The Town does not differentiate between the type of Non-Residential construction being undertaken within the various Non-Residential construction types. For example, municipalities typically recognize, in setting their fees, that industrial warehouses take less time to inspect and undertake plans examinations than an institution facility of the same size.
- The table on the following page illustrates the Town's ratio in relation to Group C (Residential construction) for each of the classes compared with the survey minimum, average, median and maximum of the 24 municipalities surveyed.

Town of Newmarket—Building Permit Fee Review

	Group A Assembly	Group B Institutional	Group D Business and Personal	Group E Mercantile	Group F Industrial
Min	81%	160%	124%	108%	79%
Average	145%	162%	126%	108%	79%
Median	135%	161%	127%	110%	78%
Max	213%	218%	174%	143%	121%
Newmarket	61%	61%	60%	61%	60%

- As shown in the table above, the Industrial fee (Group F) in relation to the Residential fee (Group C) is 79% (average) compared with 162% in the Institutional class (Group B) in the peer group.
- The ratio of building permit fees for various ICI classifications in the Town of Newmarket is 60%-61% in relation to Residential construction fee, well below the minimum charged by any other municipality surveyed. For example, in Group A which is Assembly construction, the average of the other municipalities surveyed is 145% higher than the Residential fee, compared with Newmarket which is only 61% of the Residential fee.
- The recommended fee structure rectifies this problem.

Shell Versus Finished

- For ICI new construction, most municipalities surveyed have a different fee for shell construction and finished construction. The Town does not distinguish its building permit fees for finished versus shell for new construction. Applicants pay the same regardless of whether it is finished or is a shell for new construction. Newmarket is not recovering the additional costs associated with a finished unit.
- Another issue is that if an applicant initially develops at the shell completion level and then later applies for an alteration permit (to finish the shell), the fee is based on \$28.39 per \$1,000 of construction. This approach is somewhat subjective in that the cost of construction is sometimes difficult to estimate. The majority of other municipalities surveyed charge for alteration permits based on a per m². Based on an analysis of the fees being charged for alterations, Newmarket's fee for finishing, in most cases is higher than other municipalities surveyed. This has been addressed in the new fee structure.

Town of Newmarket—Building Permit Fee Review

- As previously mentioned, the vast majority of other municipalities establish a shell and finished fee based on per m². This approach is recommended for the Town of Newmarket. The following table illustrates the differences in approach across the 24 municipalities surveyed in relation to the Town of Newmarket.
- As shown below, the average shell permit fee as a percentage of finished building permit fee is 77%-80%, compared with 100% in Newmarket.

Shell as a % of Finished	Group D	Group E	Group F
Min	78%	77%	80%
Average	78%	77%	80%
Median	79%	77%	77%
Max	86%	85%	100%
Newmarket	100%	100%	100%

Town of Newmarket—Building Permit Fee Review

Building Permit Fee Calculation

Building Permit Fee Calculation

The following provides an overview of the process used to calculate the fees.

- ***Identify Cost of Service***
- ***Process Mapping and Time Estimates***
- ***Calculate Fees***
- ***Validate Revenue and Workloads***

Identify Cost of Service

Newmarket's Building Department Operating Budget includes both direct costs (associated with plans examination and inspection services to support the *Building Code*) and indirect costs (support and overhead costs of administering and enforcing the process). The approach is to establish the fees using a 100% cost recovery model which is consistent with the practices of the majority of municipalities surveyed, operating as an "Enterprise Model." Further, the *Act* requires that permit fees not exceed "the anticipated reasonable costs to administer and enforce the Building Code during building construction".

This section of the report provides an analysis of the direct and indirect costs of processing building permit applications.

- **Direct Costs**—This includes salaries, wages and benefits of the staff undertaking and overseeing the inspection and plans examination work.
- **Indirect Department Costs**—This includes the support and overhead costs related to the direct service providers such as office supplies, training, car allowance, etc. Departmental indirect costs such as an allocation of a portion of the commissioner's salary has also been included.

Town of Newmarket—Building Permit Fee Review

- Indirect—Corporate Cost Allocations & Development Application Approval Processes (DAAP)—Corporate cost allocations have been attributed as overhead support. Corporate costs that have been calculated by the Finance Department related to supporting the Building Department include legal, finance, human resources, communications, accommodation expenses, clerks, information technology, accounting, customer service and insurance. DAAP recovery includes the costs related to Fire inspections, support provided by Finance, Legal and enforcement related activities.

The following provides a summary of the 2015 approved budgeted costs for the Building Department.

	2015	% of Total
Direct Costs - Salaries, Wages and Benefits	\$ 1,221,929	56%
Direct Department Costs	\$ 120,645	5%
DAAP Allocations	\$ 462,404	21%
Corporate Overhead	\$ 392,187	18%
Total Expenditures	\$ 2,197,165	100%

The Town operates its Building Department based on a full cost recovery basis which is a common practice across Ontario municipalities and is in accordance with regulatory requirements. The approach undertaken by municipalities in allocating costs may vary, as will the service delivery practices.

As illustrated above, the develop application approval process (DAAP) and corporate overhead allocation represents approximately 39% of the total budget expenditures. An extensive review of the DAAP allocation methodology has not been undertaken since 2005. Given that it has been over 10 years since a detailed review has been undertaken, it is recommended that this take place during the next budget cycle.

Process Mapping and Time Estimates

A process mapping exercise was completed by staff and facilitated by BMA. This was used to identify all steps in the process and to estimate the “average” time involved as well as an identification of the staff involved in the process.

Utilization of time estimates is a reasonable and defensible approach, especially since these estimates were developed by experienced staff members who understand service levels and processes unique to the Town of Newmarket.

BMA worked with the Town’s staff in developing time estimates with the following criteria:

- Estimates are representative of average times for providing service. Extremely difficult or abnormally simple projects are excluded from the analysis; and
- Estimates were reviewed by BMA for “reasonableness” against experience with other municipalities and validated against activity levels, staffing levels and available hours which are reasonable.

Validate Revenue and Workloads

In addition to the collection of time estimate data for each fee or service, construction activity assumptions were also a critical component of the revenue and workload validation process. Collecting historical data on the volume of activity for each fee or service was undertaken to ensure that this has been taken into consideration in calculation of the fees. Assumptions were also made with respect to future construction activity. The Town’s Development Charges Background Study was used to estimate growth, as discussed earlier in the report.

As discussed previously, it is difficult, with any level of certainty to forecast revenues from year to year. However, the analysis reflects that the Town revenues should fall within a reasonable level.

Summary of Recommendations

1. That the Building Permit Stabilization Reserve target range be established at 150%-200% of the total operating expenditures which is consistent with industry practice.
2. That the DAAP Cost Recovery from other departments to the Building Department be reviewed.
3. That the new fee structure and fees be implemented, in accordance with Appendix A.

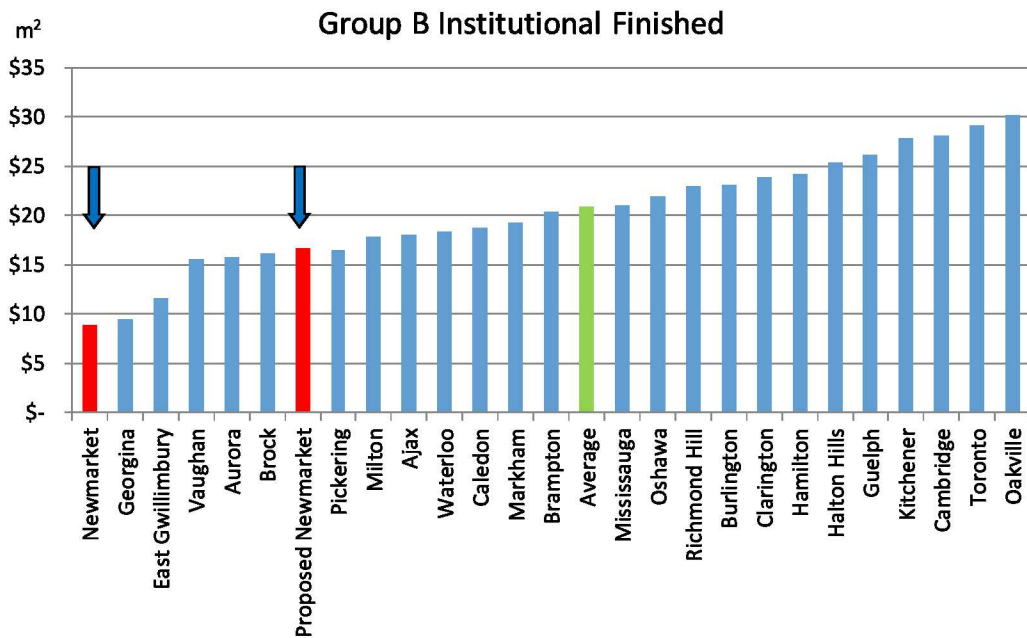
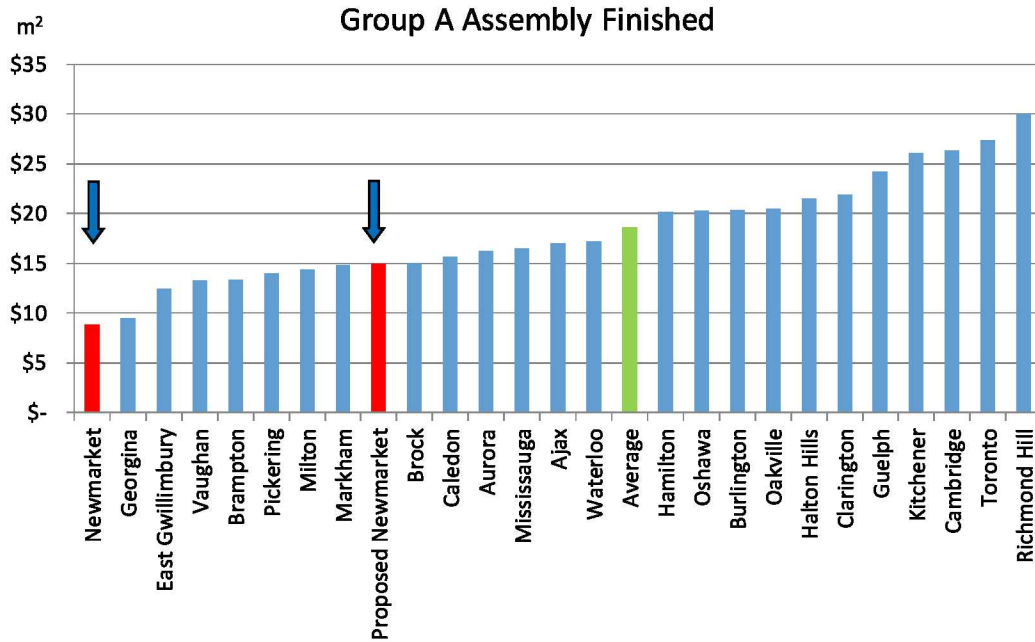
Benchmarking of Fees

Permit fees are intended to be set to cover all costs of service within the municipality. As such, direct comparison to other municipalities is not meant to set the standard upon which future permit fee changes would be made. They have been included to provide decision-makers with an understanding of the cost of service in relation to other municipalities. This also provides applicants with an understanding of the fees in Newmarket in relation to other municipalities surveyed.

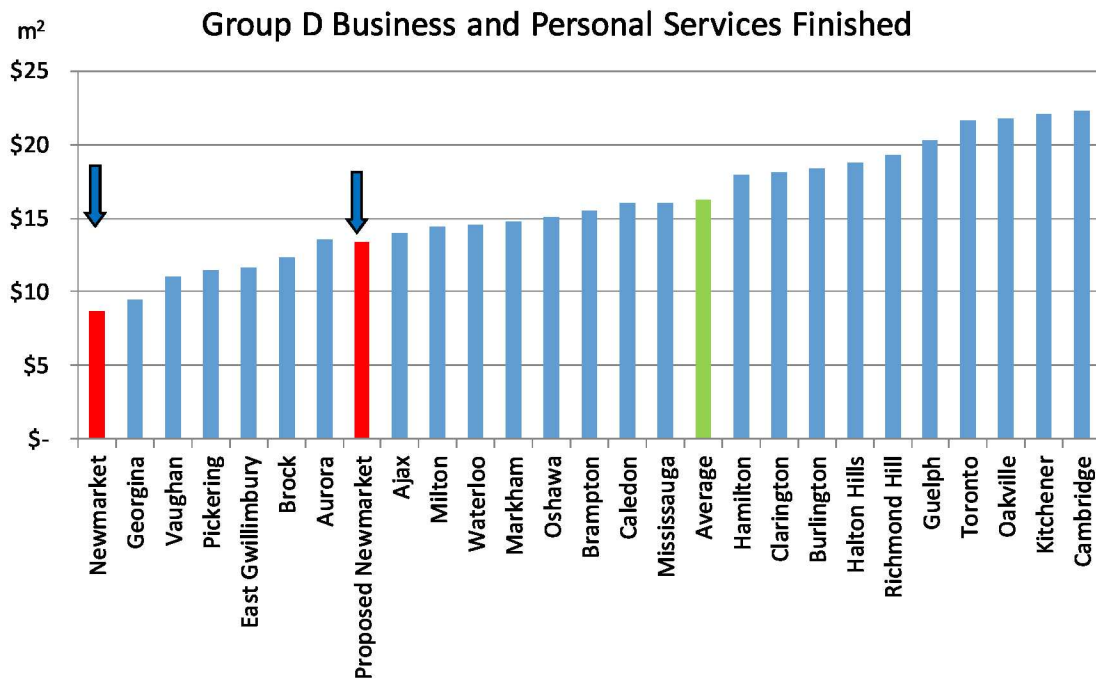
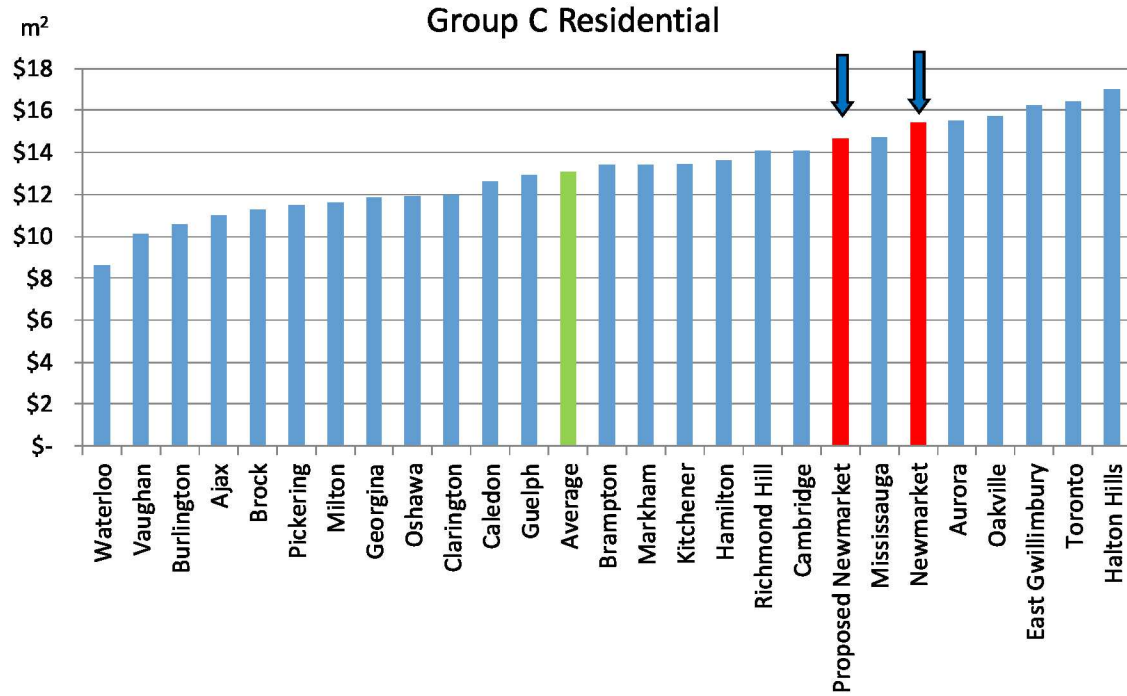
As discussed previously, there are differences in fee structures which presents challenges in direct comparison of fees. For example, the Town's Residential new construction includes a cost of \$14.50 per m² but also includes a separate plumbing fixture fee of \$24.19 per fixture. As such, the comparative analysis must consider these additional costs. To this end, an assumption was made that the Residential new construction would include 9 plumbing fixtures.

The graphs on the following pages reflects the existing and proposed fees in Newmarket in relation to the other municipalities surveyed. The recommended Residential new construction fee is \$14.65 per m² including the plumbing fixture fee, resulting in a 5% reduction in the total cost of an average residential permit for new construction. Increases are recommended in the ICI sector for new construction to reflect the cost of service. It is also recommended that a shell and a finished rate be implemented. While there is an increase in fees for the ICI sector, the fees are close to the survey average.

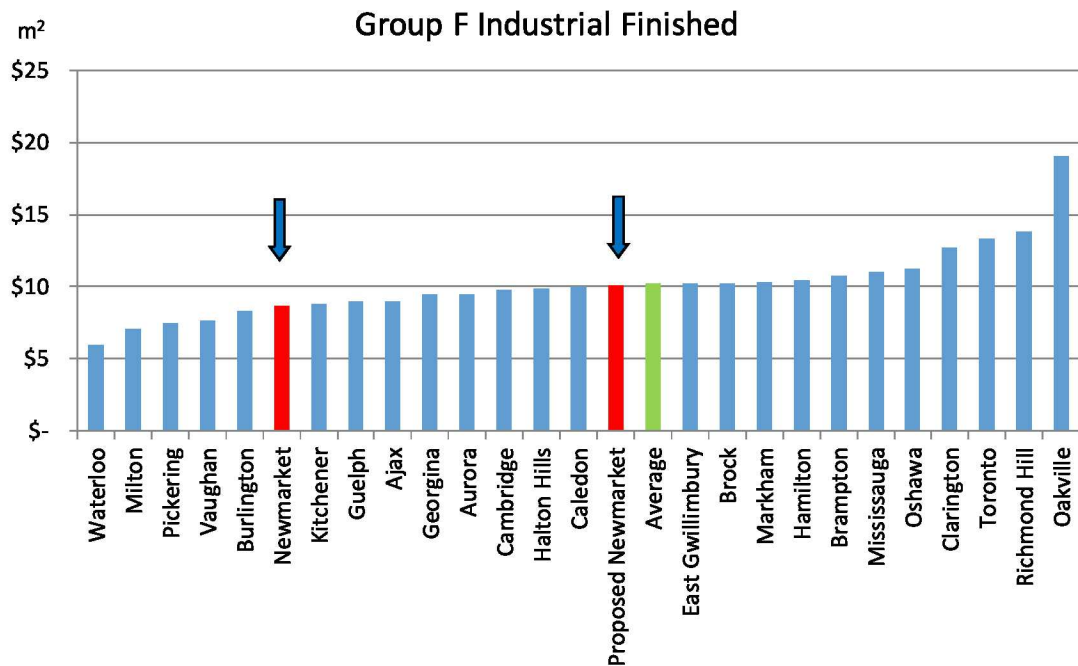
Town of Newmarket—Building Permit Fee Review



Town of Newmarket—Building Permit Fee Review



Town of Newmarket—Building Permit Fee Review



Town of Newmarket—Building Permit Fee Review

Appendix A—Summary of Fees

Town of Newmarket—Building Permit Fee Review

2015 PROPOSED FEE SCHEDULE				
MINIMUM FEE				
	Detached, semi-detached, townhouse, rowhouse, duplex or live/work residential projects			\$185.00
	Non-residential projects or residential greater than three storeys, unless otherwise stated			\$277.50
PERMIT FEES				
CLASS OF PERMIT, OCCUPANCY CLASSIFICATION				Fee Multiplier (\$ per m² or as otherwise specified)
A. CONSTRUCTION: NEW BUILDINGS; ADDITIONS TO EXISTING BUILDINGS; ALTERATION OR UNIT FINISH				
GROUP "A" ASSEMBLY				
New Recreation Facilities, Schools, Libraries, Places of Worship, Restaurants, Theatres, Arenas, Swimming Pools, Gymnasiums				\$14.92
Alteration, Renovation, Interior Finish, Unit Finish				\$4.40
GROUP "B" INSTITUTIONAL				
New Hospital, Institutional Buildings, Nursing Homes and Other Buildings				\$16.64
Alteration, Renovation, Interior Finish, Unit Finish				\$4.40
GROUP "C" RESIDENTIAL				
* New Detached Dwelling, Semi-Detached Dwellings, Townhouses, Row-houses, Duplexes, Live/Work Units				\$14.65
* Accessory Dwelling Units			Flat Fee	\$400.00
* New Motels, Hotels and all other Residential Occupancies				\$18.32
* Note the above fees for residential new construction include the HVAC and Plumbing Fee				
Alteration, Renovation, Interior Finish, Unit Finish				\$4.40
GROUP "D" BUSINESS AND PERSONAL SERVICES				
Shell				\$10.70
Finished				\$13.38
Alteration, Renovation, Interior Finish, Unit Finish				\$4.40
GROUP "E" MERCANTILE				
Shell				\$9.91
Finished				\$12.39
Alteration, Renovation, Interior Finish, Unit Finish				\$4.40
GROUP "F" INDUSTRIAL				
Shell				\$8.05
Finished				\$10.06
Alteration, Renovation, Interior Finish, Unit Finish				\$4.40
Parking Garage				\$4.83

Town of Newmarket—Building Permit Fee Review

B. DEMOLITION		
All Buildings up to 600 m ²	Each	\$277.50
All Buildings > 600 m ²	Each	\$370.00
C. DESIGNATED STRUCTURE (OBC 2.1.2)		
Communication Tower (where applicable)	Flat Fee	\$555.00
Outdoor Pool, Outdoor Spa (where applicable)	Flat Fee	\$555.00
Crane Runway	Flat Fee	\$555.00
Exterior Tank and Support (where applicable)	Flat Fee	\$555.00
Pedestrian Bridge (where applicable)	Flat Fee	\$555.00
Retaining Wall	Linear Metre	\$12.30
Solar Panels (Domestic Hot Water or Photovoltaic, any area) - Low rise residential	Flat Fee	\$277.50
- Other	Flat Fee	\$370.00
Solar Collector, Satellite Dish	Flat Fee	\$370.00
D. STANDALONE AND MISCELLANEOUS WORK		
Temporary Structures		\$277.50
Tents and Temporary Buildings (<225 m ²)	Flat Fee	\$185.00
Tents and Temporary Buildings (>225 m ²)	Flat Fee	\$277.50
Farm Building		\$277.50
Portable Classrooms	Flat Fee	\$185.00
Residential		
Balcony Repair	Flat Fee	\$92.50
Garage - detached	Flat Fee	\$185.00
Garage - attached	Flat Fee	\$277.50
Carport, Decks, Porches, Porch Enclosures	Flat Fee	\$185.00
Basement Finish - no change in use	Flat Fee	\$185.00
Below Grade Entrance	Flat Fee	\$277.50
Door, New Opening	Each	\$92.50
Fire Code Retrofit (OFC S. 9.8)	Flat Fee	\$185.00
Fire Damage Repair	Flat Fee	\$277.50
Fireplace, wood-burning	Flat Fee	\$185.00
Window, New Opening	Each	\$92.50
Window Replacement - Part 3 - Building	Each	\$92.50

Town of Newmarket—Building Permit Fee Review

Non-Residential		
Electromagnetic locking devices	Each	\$92.50
Fire Alarm	Flat Fee	\$277.50
Ceiling - new, replacement	m ²	\$2.20
Shoring	Flat Fee	\$277.50
Sprinklers	Flat Fee	\$277.50
Standpipe and Hose System	Flat Fee	\$277.50
Fire Suppression (Other than Sprinkler System)	Flat Fee	\$277.50
Air Supported Structure	Flat Fee	\$277.50
Balcony Repair	Flat Fee	\$92.50
Door - new, man door or overhead loading	Each	\$92.50
Emergency Lighting	Each	\$46.25
Emergency Power	Flat Fee	\$277.50
Foundation for Relocated Building, each	m ²	\$4.40
Fire Code Retrofit (other than residential)	Flat Fee	\$277.50
E. STANDALONE MECHANICAL		
STAND ALONE MECHANICAL - HVAC		
Permit for heating, ventilating and air conditioning (per suite)		\$277.50
F. PLUMBING AND DRAINAGE SYSTEM FIXTURES/EQUIPMENT ROOF DRAINS - STANDALONE		
Plumbing		
For each fixture, floor drain, equipment, appliances, thermostatic mixing valve, vented traps or roof hopper	Each	\$24.67
Storm and grease interceptor	Each	\$46.25
Testable Backflow Prevention		\$46.25
Water Services - for each water service		
50 mm (2") or less		\$46.25
100 mm (4")		\$92.50
150 mm (6")		\$138.75
200 mm (8")		\$173.44
250 mm (10")		\$216.80
300 mm (12 ")		\$271.00

Town of Newmarket—Building Permit Fee Review

Drains - Residential (single family dwelling, for apartments see commercial)				
For each residential drain and sewer (includes both storm and sanitary, inside, outside and floor drains)				\$92.50
For each conversion to sewers				\$46.25
Miscellaneous				
For each manhole, catchbasin or area drain				\$46.25
On site sewage system				
New Sewage System Installation			\$675.00 min. or \$5.38 / m ² of bldg to max of \$3,500	
Repair/Minor alteration				\$ 280.00
Planning Circulation - SPD, Zoning				\$ 250.00
Sewage System Maintenance and Inspection Program			\$250 plus a report from a qualified installer/hauler	
Drains- Commercial (commercial and industrial buildings and units, institutional buildings and apartment buildings for each storm or sanitary drain inside) or: for each storm or sanitary sewer				
100 mm or less				\$92.50
150 mm (6")				\$138.75
200 mm (8")				\$173.44
250 mm (10")				\$216.80
300 mm (12 ") or larger				\$271.00
Storm and grease interceptors				
G. ADMINISTRATION FEES				
Miscellaneous				
For each reinspection due to defective work				\$92.50
For each special inspection per hour, per person				\$185.00
Change of Use Permit where no construction is proposed or required				\$185.00
Transfer of Permit				\$185.00
Conditional Building Permit			20% full permit fee	
Foundation Permit (ICI)			m ²	\$ 2.20
Foundation Permit (Residential)				\$ 185.00
Compliance Letter - Building				\$157.97
Alternative Solution			min. \$555 + \$185/hr after 3 hours	
Occupancy Permit Fee (after building is occupied)				\$ 185.00
Revision to plans fee				\$185/hr
Builder Model Fee				\$ 185.00
Builder Model Change Fee (where permit has been issued)				\$ 185.00
Permitted Use Letter				\$ 92.50
Construction Activity Report (annual subscription)				\$ 185.00
Reproduction of Documents				Min. \$10 + \$80/hr

Deputation and Further Notice Request Form ²¹⁸

Please complete this form to speak at a meeting of Town Council or Committee of the Whole. If filling out by hand please print clearly.

Please email to clerks@newmarket.ca, fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Subject:

Date of Meeting: Agenda Item No.:

☒ I wish to address Council / Committee

☐ I request future notification of meetings.

Name:

Organization / Group/ Business represented:

Address: Postal Code:

Email:

Home Phone: Business Phone:

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Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100.

219
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Thank you

The Bogart Mill Development Committee & our residents, thank the Mayor, Regional Councillor, Council & staff for the opportunity to present our comments at this Public Meeting which addresses the development to the north & also on the Bogart (Elliott) Farm House abutting our condo property line, known as the FGH. Our goal is to work proactively with the amendments submitted by The Newmarket Cemetery Corp. on behalf of FGH, Council, & planning staff. We understand that development is a fact of life. We are here to express some concerns as well as positive comments in a collaborative & productive way to ensure everyone's best interests & in respect to the existing neighbourhood, woodlots & wildlife.

Our committee thanks Gilles Bisnaire, Director of Development – FGH's for the communications & discussions since 2012. As well, thank you to Dave Ruggle, Sr. Planner, Community Planning, Town of Newmarket with whom we have had several discussions & assistance. We also recently reviewed the report by Dave Ruggle 2015 – 35 re: this project. Thanks to the Lake Simcoe Conservation Authority for the general conservation input.

Our Committee has worked collaboratively with FGH's & the Town, with a goal to ensure positive end results for all stakeholders. Our wish is that the outcome will be a win-win partnership. We will strive to continue to work with all parties throughout the entire process of approvals & building.

To be respectful of time & eliminate duplication of questions/comments, we asked the Bogart Committee speakers to present in approximately 5-7 minute segments to various development topics. Our comments & concerns are summarized at the end of our presentation.

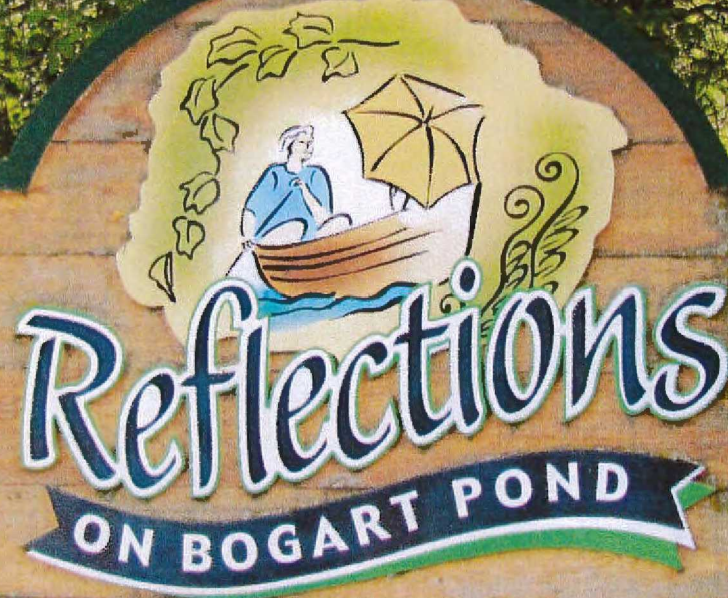
Thank you Bogart Development Committee

Presenters for the Clerks record include:

All presenters are residents & reside at:
900 Bogart Mill Trail, Newmarket, ON.
L3Y 8V5 (note - suite #'s below)

Harold Davidson	Suite 218
Diane Humeniuk	Suite 425
Don Hutchinson	Suite 123
Debora Hutchinson	Suite 123
Mary Miller	Suite 516
Pam Jones	Suite 217
Bob Arbuckle	Suite 423
Barbara Mildon	Suite 521

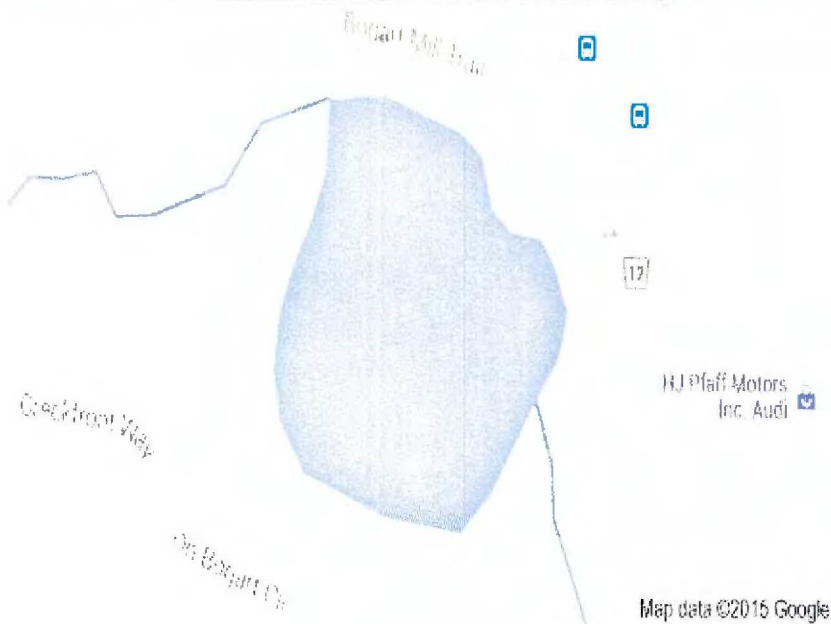
Presented by Pam Jones



900 BOGART MILL TRAIL

05/31/2014

Presented by Pam Jones



OUR HOME

~ REFLECTIONS ON BOGART POND ~

900 Bogart Mill Trail, Newmarket, L3Y 8V5

- We are a condominium - Registered as: YRSC - 1013
- Date Registered: March 16th, 2004
- 132 Condominium Suites
- 210 Parking Spaces
- bus stop at corner of condo entrance on Leslie
- 5 Storeys
- Suites range in size from: 694 s.f. to 1,383 s.f.
- The Forrest Group was the Developer
- Condo building faces north & south

TRAFFIC ACCESS & EGRESS to the our site:

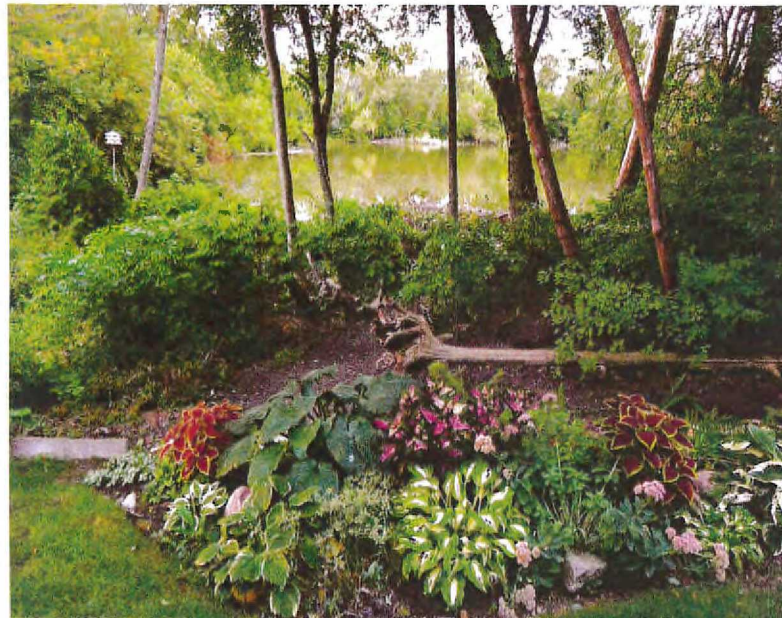
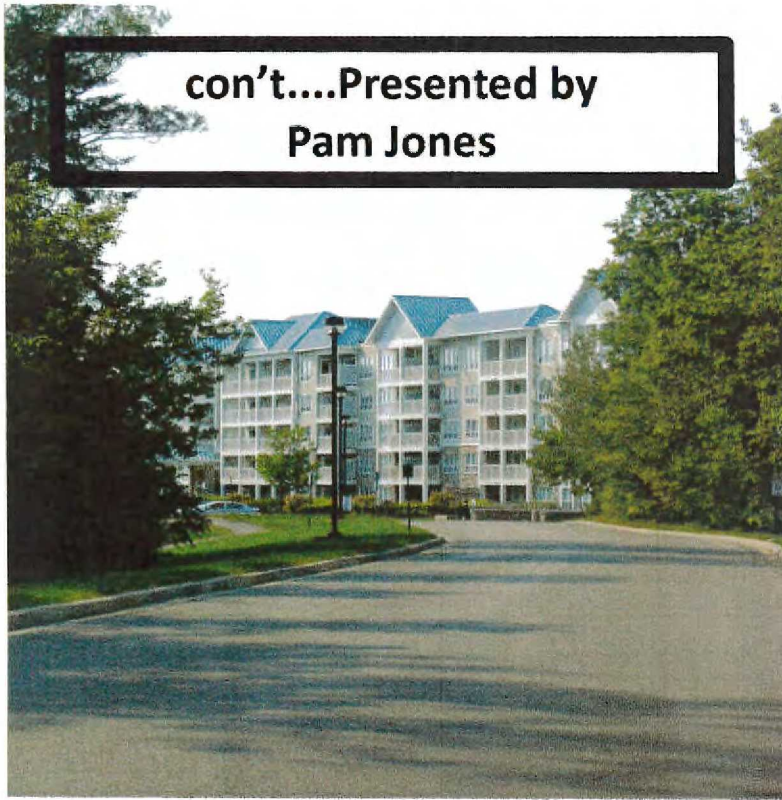
Est. **500 vehicles & trucks / day for:

- | | |
|---------------------------|------------------------------------|
| * building maintenance | * repair services |
| * visitors & family | * deliveries |
| * support workers | * social & recreational activities |
| * cleaning services | * mail services – Can. Post |
| * handyman services | * Fed Ex., UPS & pkg. delivery |
| * taxi cabs | * CHATS Vehicle rides |
| * gardening / landscaping | * Adapt Bus Services |
| * YR Mobility Bus | * Adapt service rides |
| * Medical Services | |

Note:

• YR Traffic Study, states that YR residents average 7-10 trips per day per vehicle, therefore the above stated number of 500 vehicles will be greater (SOURCE - Annual Average Daily Traffic – YR Road Safety & Traffic Data Management & also the York Region Safety Group, 2014 Study)

con't....Presented by
Pam Jones



REFLECTIONS ON BOGART POND
900 Bogart Mill Trail, Newmarket, L3Y 8V5

BOGART DEVELOPMENT COMMITTEE
(formed in 2012) includes
a representative from the Condominium Board
of Directors & interested Bogart condo
homeowners

Diane Humeniuk – Development Committee Chair

Judy Fink – Past Committee Chair

Harold Davidson – Board of Directors Representative

Valerie Arbour

Bob Arbuckle

Dorothy Brace

Jane Gracey

Don Hutchinson

Debbie Hutchinson

Pam Jones

Dot Kelly

Barbara Mildon

Mary Miller

Pat Stuart

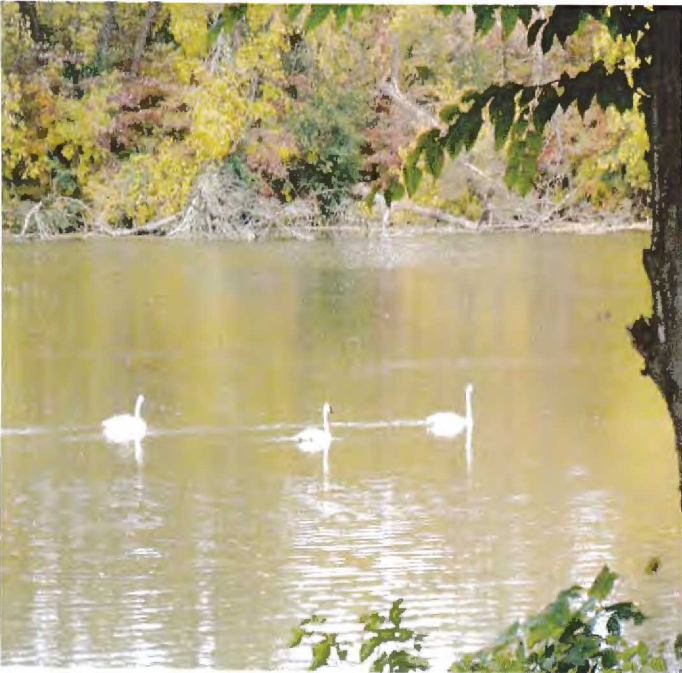


Presented by
Harold Davidson

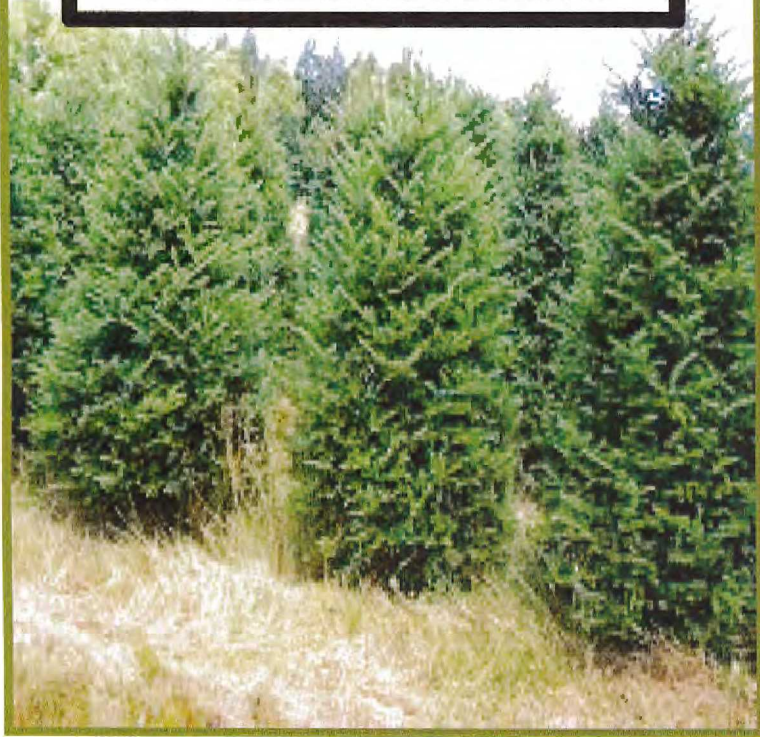
Bogart Development Committee ~ Minute Highlights

2012 – 2015 - Forest Green Homes (FGH) Meetings with representative Gilles Bisnaire (FGH) & Condo Committee & Residents

- **Our Committee has kept in touch with Gilles Bisnaire - FGH** re: the various versions of the site plan & held several mtgs. since 2012
- **Dave Ruggle – Sr. Planner for the Town** – has been helpful in providing the Committee with requested relevant Town planning information
- **Condo Residents Meetings** – 4 mtgs. have occurred since March 2012 re: site plan amendments – the most recent was April 2015
- **2012 Site Walk** – with Gilles Bisnaire & the Committee
- **Ward Councillor David Kerwin** attended residents general info mtg., received copies of correspondence, & has done on-site conservation work with the Rangers over the past 10 yrs
- **In 2012 - 115 out of 132 residents questionnaires were completed** commenting on the development & an est. 110-115 residents attended each general condo owners information meeting
- **Questionnaire – over 95% of residents requested the protection & preservation** of the treed hill & trees on the property line, also the preservation of a woodlot, W. of the Bogart Farmhouse Townhomes & the buffer at the entrance to Bogart Mill Trail. **Traffic & safety continues to be a great concern**
- **November 2012 – Committee sent letter to Richard Nethery**, Dir. of Planning & Bldg. Services - copies to: Councillor D. Kerwin, the Mayor, Members of Council, & Gilles Bisnaire (FGH) – re: buffer treed hill area, fencing, trails, zoning, density, recommendations etc.
- **NOTE: FGH - re-situated the buildings to run N. & S. vs. E.& W. on the top of hill** – a very positive amendment



con't....Harold Davidson



NOTE: The following month of December, the trees were bulldozed without being relocated & transplanted to the hill which was in contradiction to the Committees agreement with FGH

Preliminary Disappointment


Previous Drysdale Farm Trees on the Cemetery Lands

- as discussed with FGH's & recorded in the Bogart Committee Minutes of April 2012 , & in a letter to Richard Nethery, Dir. of Planning (c.c. Mayor, Council, Staff, Gilles Bisnaire – FGH) dated November 29th, 2012, FGH's stated that the coniferous trees situated on the Cemetery Lands (Drysdale Farm Trees) would be relocated (bare rooted) to the buffer area on the hill area between the development site & our condo building
- **A condition of Drysdale Farms was that the trees could not be SOLD, but FGH stated that the trees would be relocated to the hill when.....**
 - ✓ the FGH's road was built &
 - ✓ the FGH's equipment was on the development site



**Presentation by
Diane Humeniuk – Chair**

CUDIOS for the Town “green” initiatives to date. We do feel however that indigenous, woodlot, trees & wildlife specific protective initiatives as well as INFILL PROJECTS should have greater attention in your “Key Initiative Priorities 2014 – 2018”, in dealing specifically with infill projects.



Our Committee has been active with what the Town has asked of residents - & that is to “be green, be healthy & be involved”“feed the tree” (the Town’s quote). Our actions are part of good planning & have engaged public participation of our home owners. We ask Council & staff to continue to be green & protect our heritage & significant woodlots & wildlife on this infill project as Planners work with this site plan now & in the long term future.

➤ The Towns VISION & MISSION refers to: well-balanced green & open spaces, parks etc. & preserving Newmarket’s natural & historical heritage, which our Committee applauds.

➤ QUESTION – The Committee has a concern with the proposed rezoning of the woodlots from Environmental Protection – Open Space (OS-EP) zone to Open Space 1 (S-1) zone, & asks that you retain the existing OS-EP zone on the woodlot to ensure its continued preservation & conservation. Therefore the only permitted uses in the OS-EP zone would be conservation uses & trails etc. The OS-1 zone permits other uses ie. community centres, recreation facilities etc.

➤ Therefore, we believe it is premature to accept the amendments tonight until these restrictions can be imposed on the identified contiguous & significant woodlot portions & lands.

➤ We request a “forever” OPA & ZBA protection for these significant lands which may also include a restricted covenant or deed to restrict a further sale or usages on the designated woodlots as well as recreation building restrictions. This would then allow the natural woodlands to continue to function the way they have for hundreds of years.

➤ We ask the Town to follow Newmarket’s WOODLOT BYLAW – which protects small woodlots on privately owned lands again supported through covenants, the OP & Zoning amendments to preserve the natural woodlot/forest landscape

➤ We ask the Town to re-establish the Natural Heritage designation for the woodlots.

con'tPresented by
Diane Humeniuk



Town's Objectives - a commitment to:

- ✓ preserve all woodlots, other surrounding lots & linkages which also provide wildlife habitat
- ✓ this area & its tributaries, provide a linked natural space system for both residents & wildlife alike



& the existing community

Our Committee asks that FGH & the Town to:

- ✓ plan with respect of the surrounding, existing residential areas
- ✓ respect & protect the woodlots, trees, wildlife trails etc. in creating 3 buffer zones; (Zone #1 - hill, north of the condo, Zone #2 - woodlot, just E. of our condo between the building & the new townhomes, & Zone #3 - N. side of our condo private road adjacent to the townhomes).
- ✓ Partner through an environmental approach in protecting these lands which is in keeping with the FGH corporate culture ... Quote - *"a green builder with an environmental conscience, which is of utmost importance for a safe future environment"*.
- ✓ Today, through agricultural & urban development, the natural landscape continues to be reduced.
- ✓ We must stop this trend in Newmarket & protect more for the future.

AS A GREEN BUILDER – we ask FGH's to apply their greening approach:

- this will economically & aesthetically enhance the purchase price & value of the FGH's, demonstrating that they are a good corporate "green" citizen
- that the development will be architecturally compatible with the existing character of the neighbourhood

WE ASK ALL PARTIES TO PROTECT THE SURROUNDING NATURAL HERITAGE SYSTEM "forever"- which are locally significant & must be protected

FYI - FLOODPLAIN NOTE: In 1954 Hurricane Hazel encroached half way up the our hill, (Zone #1 buffer hill on the N. Side of our property). Also, the Holland March suffered flooding from 4' – 20'. Therefore flood control, run-off (down the hill) etc. is key to the condo home owners on the ground floor of our condo building.



Presented by Mary Miller

Committee Member - Formerly with the
Toronto Conservation Authority

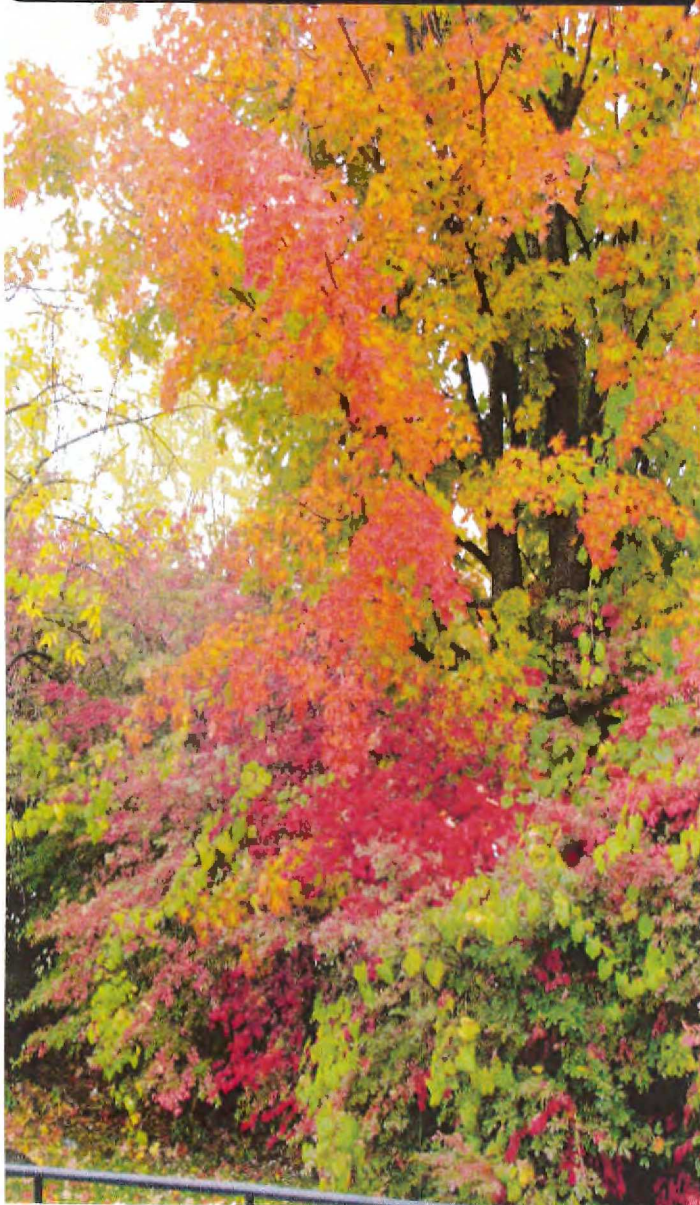
~ BENEFITS OF TREES ~

Trees foster healthy places to live, work & play. Planting & saving trees & woodlots is one of the most responsible & beneficial things we can all do for the local environment & wildlife. Can you imagine a community without trees?...trees have social, economic, environmental direct benefits. Here are some facts & stats:

- 923 tonnes of pollutants are removed from the air each year in YR by the urban forests (current forest coverage is 22.8%)
- trees add a 20% increase our property values
- trees provide shade & save energy
- just ONE healthy tree is equivalent to 10 room-size air conditioners running 20 hrs. /day
- trees intercept & absorb water, reducing storm water runoff & soil erosion
- 100 mature trees reduce rainfall runoff by *100,000 gallons
- trees remove co2 from the atmosphere, reduce greenhouse gases, & the carbon footprint, make carbohydrates for plants & air to breath
- trees reach their most productive stage at 10 yrs & from then on, absorb 48 lbs of co2 / yr. & release oxygen back into the atmosphere
- trees provide winter windbreaks - saving energy & cooling the air & water.
- trees provide food & shelter for birds, small animals & wildlife
- trees reduce noise pollution *up to 10 decibels

* Source New Jersey Forest Services

con't....Presented by
Mary Miller



Newmarket's Official Plan supports "Building a strong community".

We request that Council make a commitment to
continuing to do just that:

- ENHANCING, PROTECTING, & UPDATING the key features of our natural heritage system & significant woodlots of this infill project in Ward 2.
- We must:
 - * maintain biological diversity;
 - * avoid habitat fragmentation;
 - * promote & ensure protection of corridors & linkages;
 - * maintain watershed balance;
 - * establish 3 buffer zone areas as defined in this presentation
 - * through an OPA, ZBA specific change & a restricted covenant, protect the future of these lands
 - * integrate these above actions into the FGH plan

The Town's Official Plan refers to: "NO NET LOSS" of trees in the area of development through the preservation & protection of existing trees & woodlots. If some replacement of trees are required, that they will be the same size & calibre.

Presented by Barbara Mildon – 521

We were wondering if members of Council have had an opportunity to visit the Bogart Mill Trail site ?

We know that Ward 2 Councillor Kerwin, has often been on site, but have others on Council?

For members of Council & staff who may not be familiar with our Bogart Mill Trail Site & the proximity of the northerly development, & easterly Townhome development..... here are a few pictures to demonstrate what our homes back on to from the N., S., E., & W.



How high will the buildings be at
the top of the hill?

PRESENTER..... Barbara Mildon

N. side – balcony looking N. to the top of the hill of the FGH development. We anticipate that the break between the 2 FGD buildings slated for the top of this hill, hopefully will provide a break for our residents to see a sky area between the buildings.



Presenter Barbara Mildon
Looking N. at the sky, top of the hill

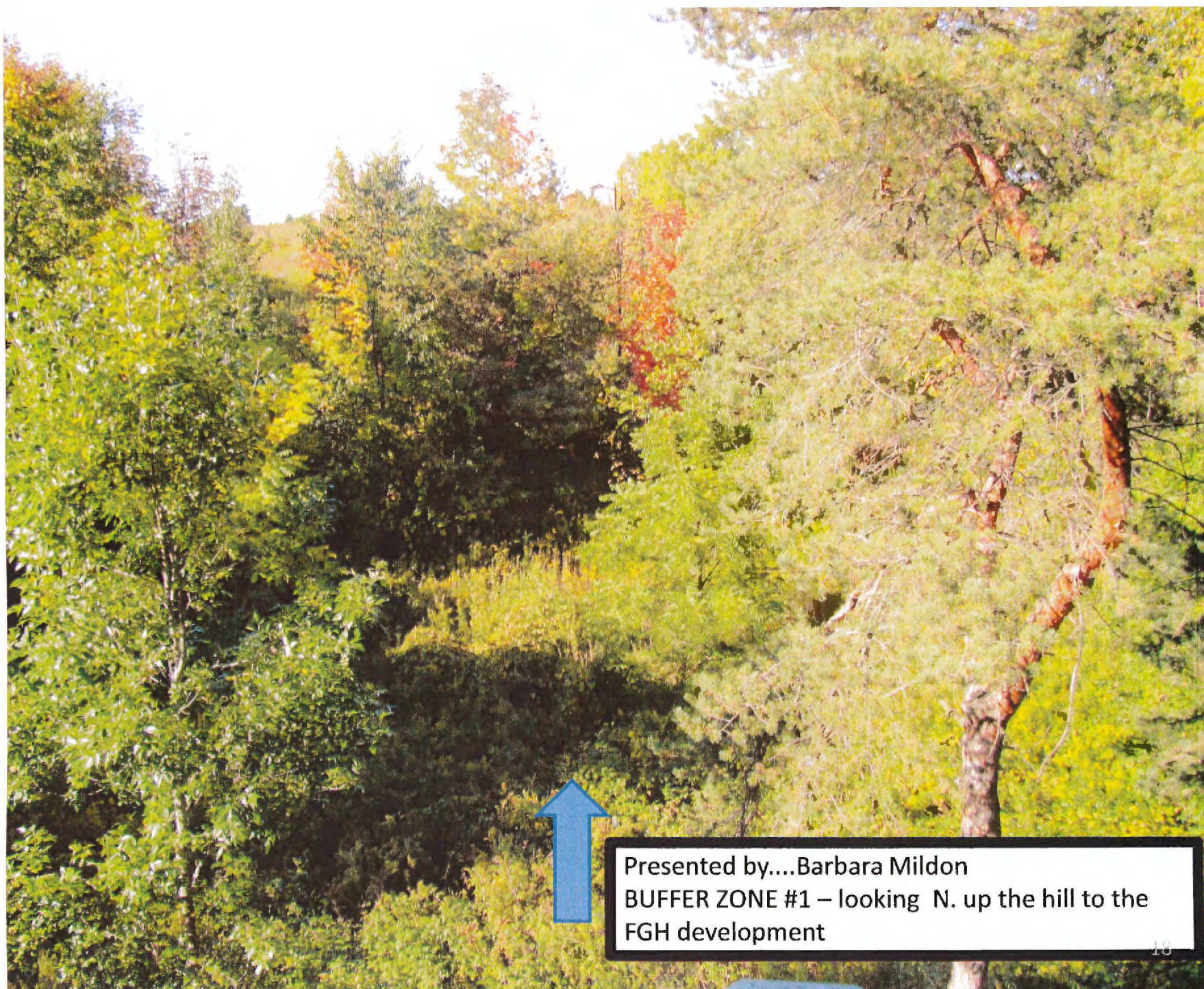




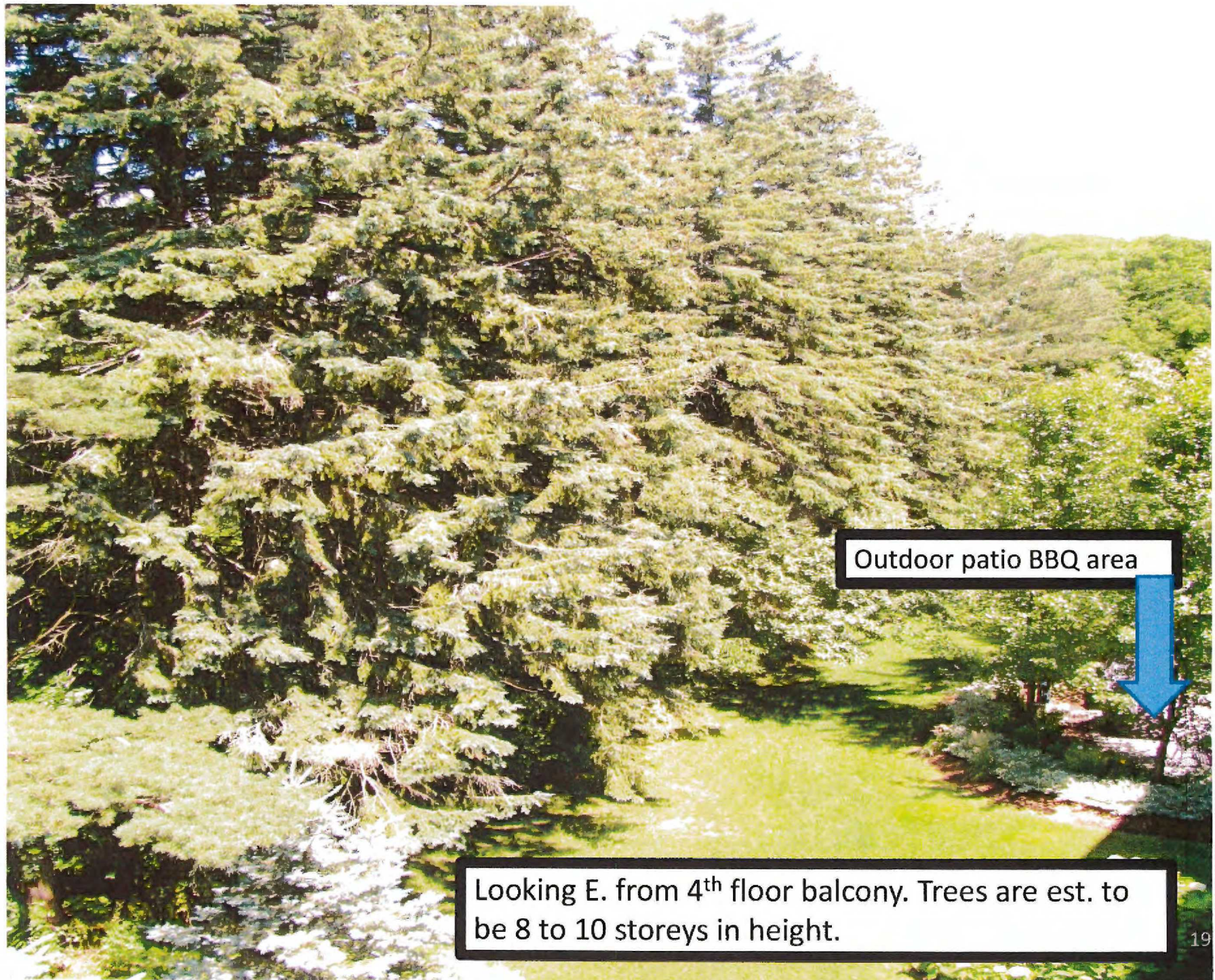
06/29/2014



Presented by....Barbara Mildon
View from 4th floor looking W. on our condo
property. Mature trees are est. to be 8 to 10 storeys
in height.



Presented by....Barbara Mildon
BUFFER ZONE #1 – looking N. up the hill to the
FGH development

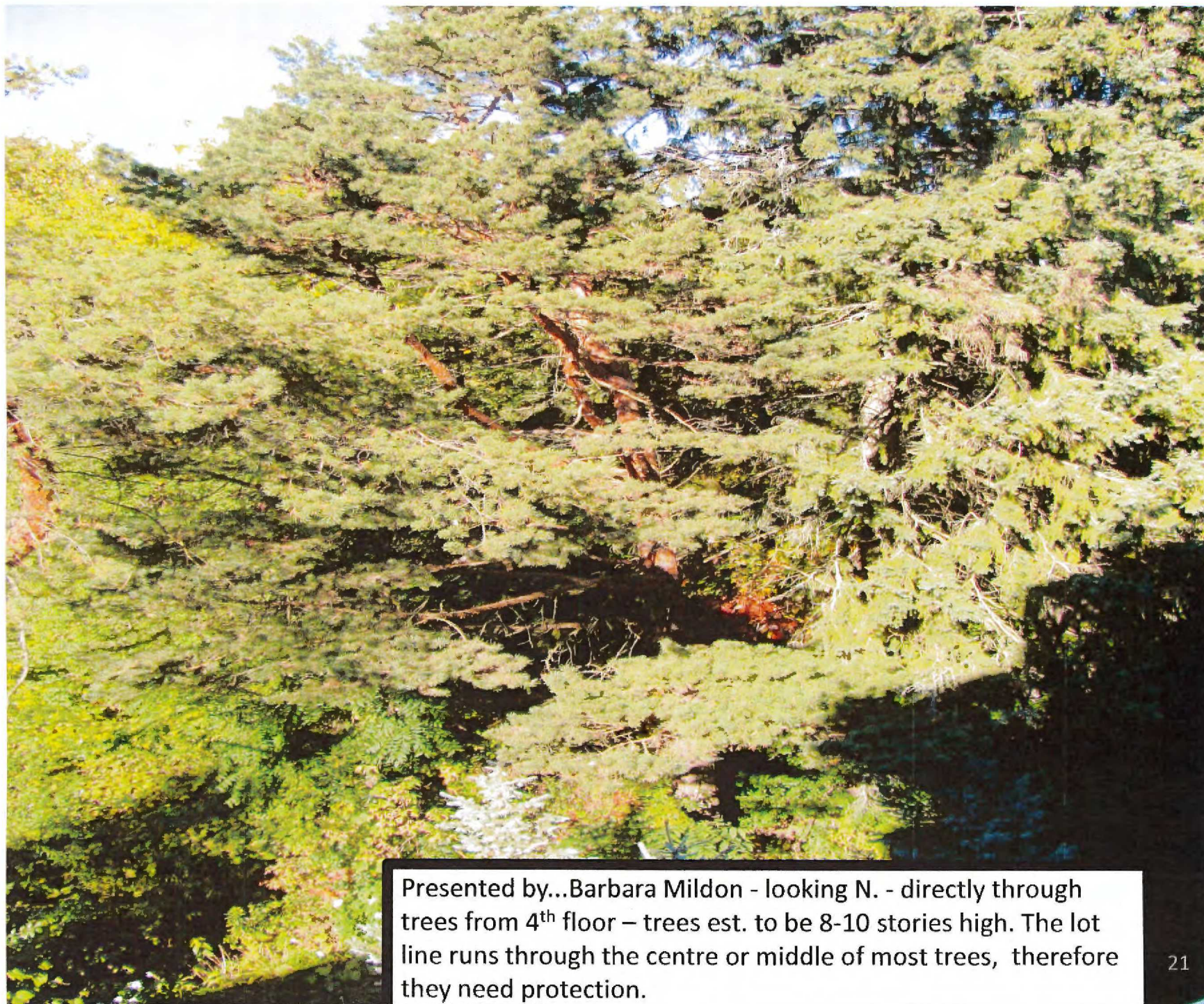


Outdoor patio BBQ area

Looking E. from 4th floor balcony. Trees are est. to be 8 to 10 storeys in height.



Presented by Barbara Mildon – River - S. side of condo building
running W. from the waterfall



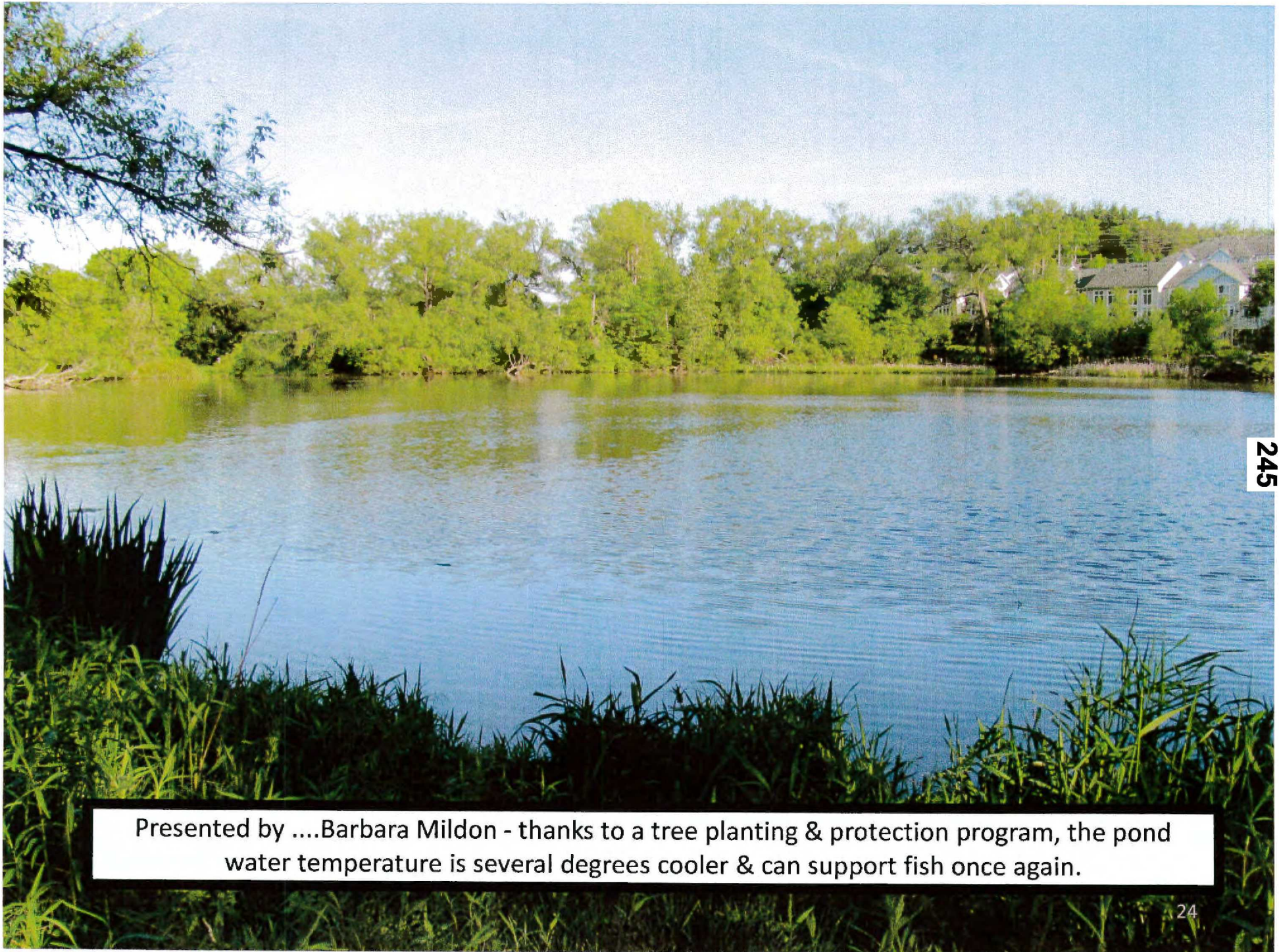
Presented by...Barbara Mildon - looking N. - directly through trees from 4th floor – trees est. to be 8-10 stories high. The lot line runs through the centre or middle of most trees, therefore they need protection.



Presented by Barbara Mildon...pond
- nests are often found in the pond



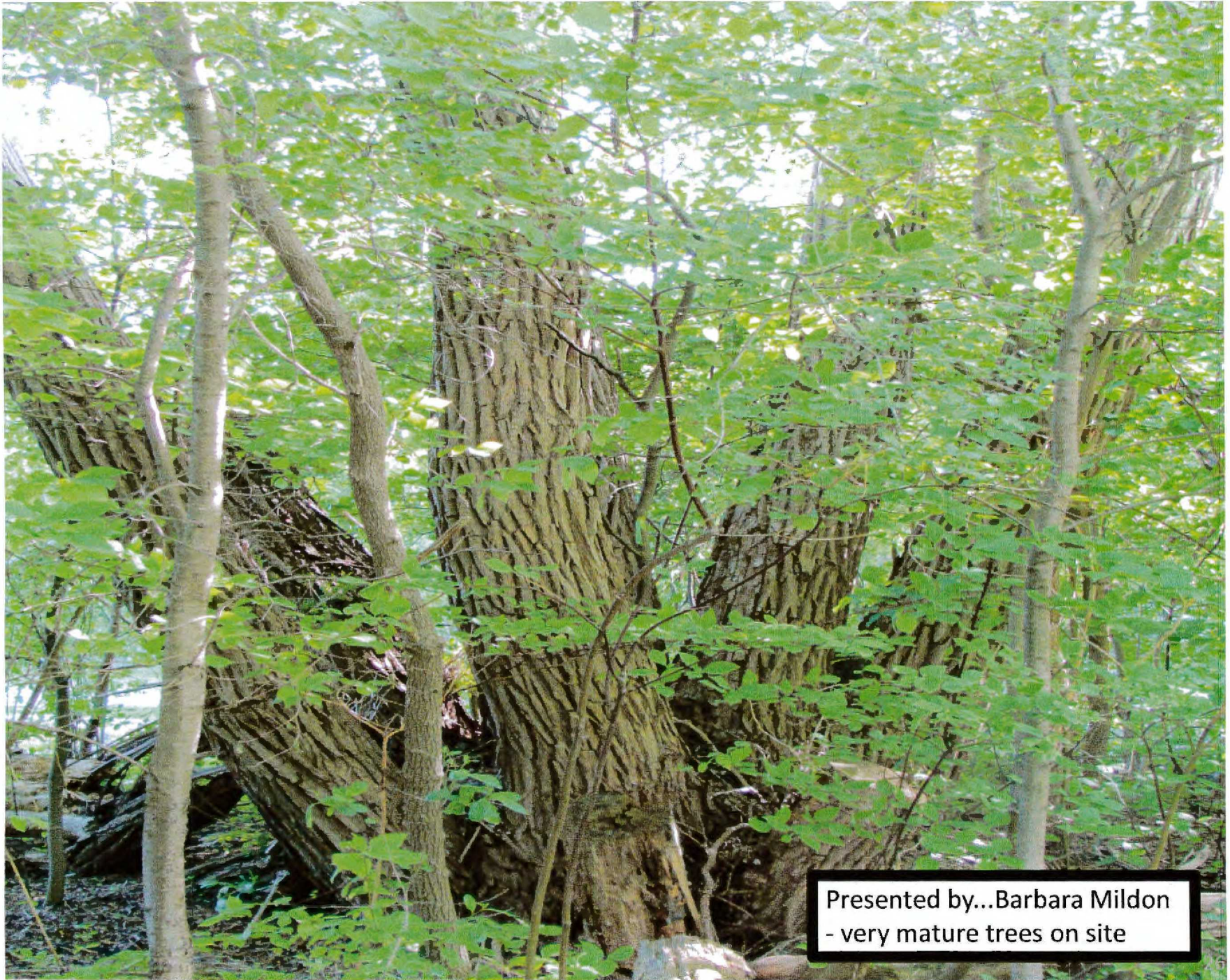
Presented by Barbara
Mildon Pond - looking S.

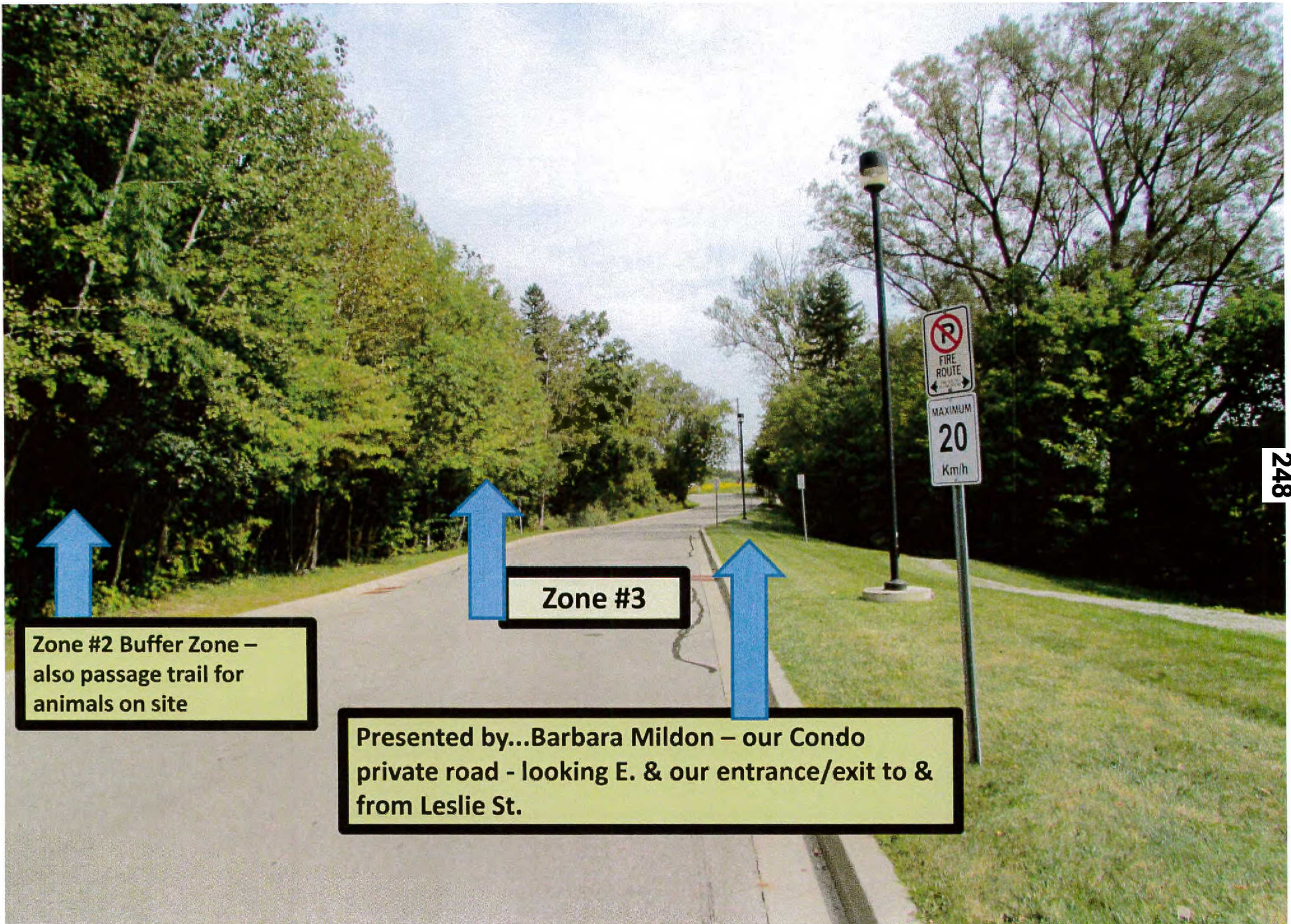


Presented byBarbara Mildon - thanks to a tree planting & protection program, the pond water temperature is several degrees cooler & can support fish once again.



Presented by...Barbara Mildon
– S. side Pond Bridge & Dam





**Zone #2 Buffer Zone –
also passage trail for
animals on site**

Zone #3

**Presented by...Barbara Mildon – our Condo
private road - looking E. & our entrance/exit to &
from Leslie St.**



Condo Bldg.

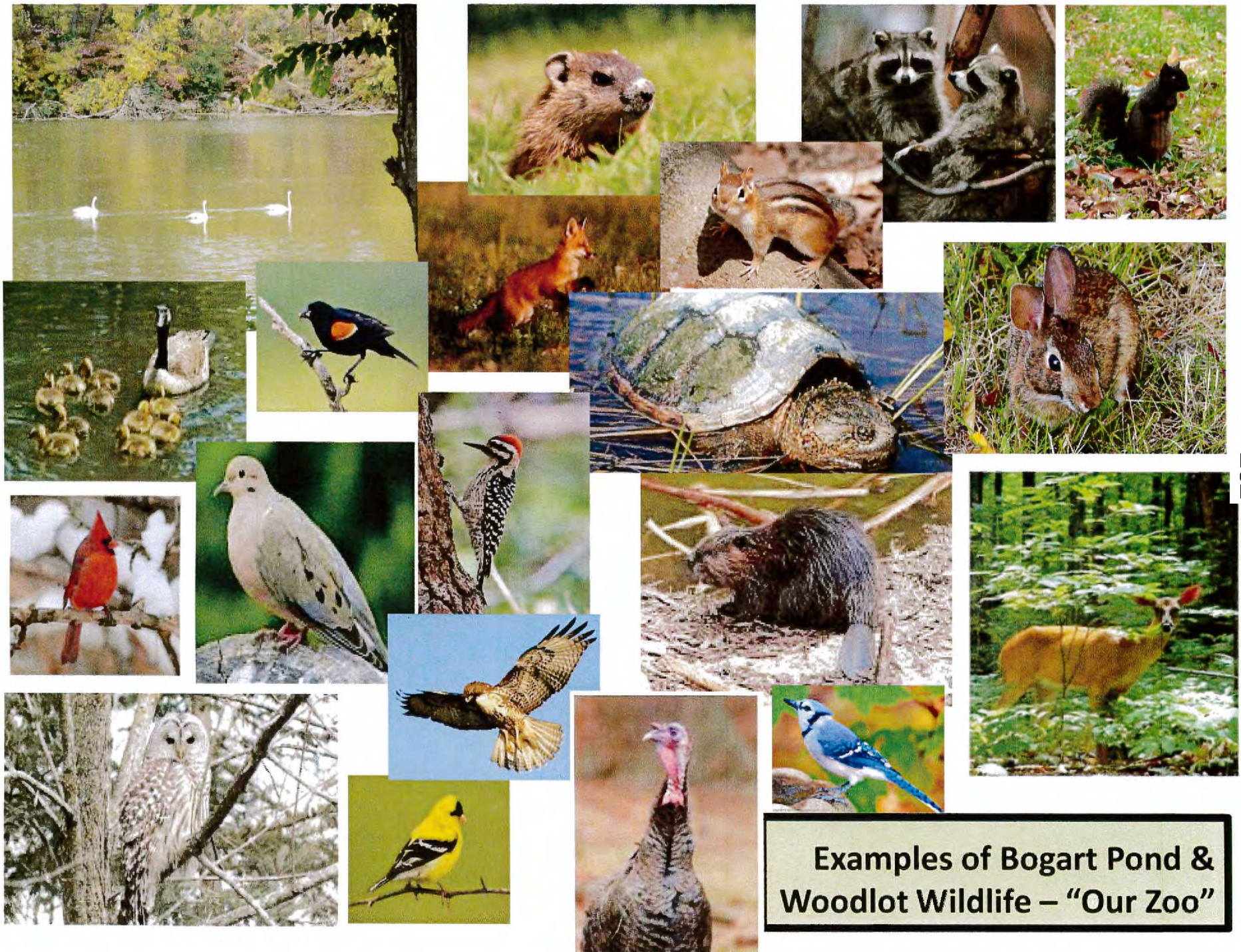
Presented by....Barbara Mildon - Zone #2 –
Buffer Woodlot, animal habitat– between
condo bldg. & FGH townhouse development



Presented by... Barbara Mildon – Looking N.E - Zone #2
woodlot between condo & proposed FGH townhome
development (Bogart (Elliott) Farmhouse lands)



Presented by...Barbara Mildon –condo suites also overlook W. parking lot which is surrounded by the forested area & abuts FGH to the N.



Examples of Bogart Pond & Woodlot Wildlife – “Our Zoo”

Wildlife con't



THERE ARE OVER 200 ENDANGERED SPECIES ON THE ONTARIO LIST.

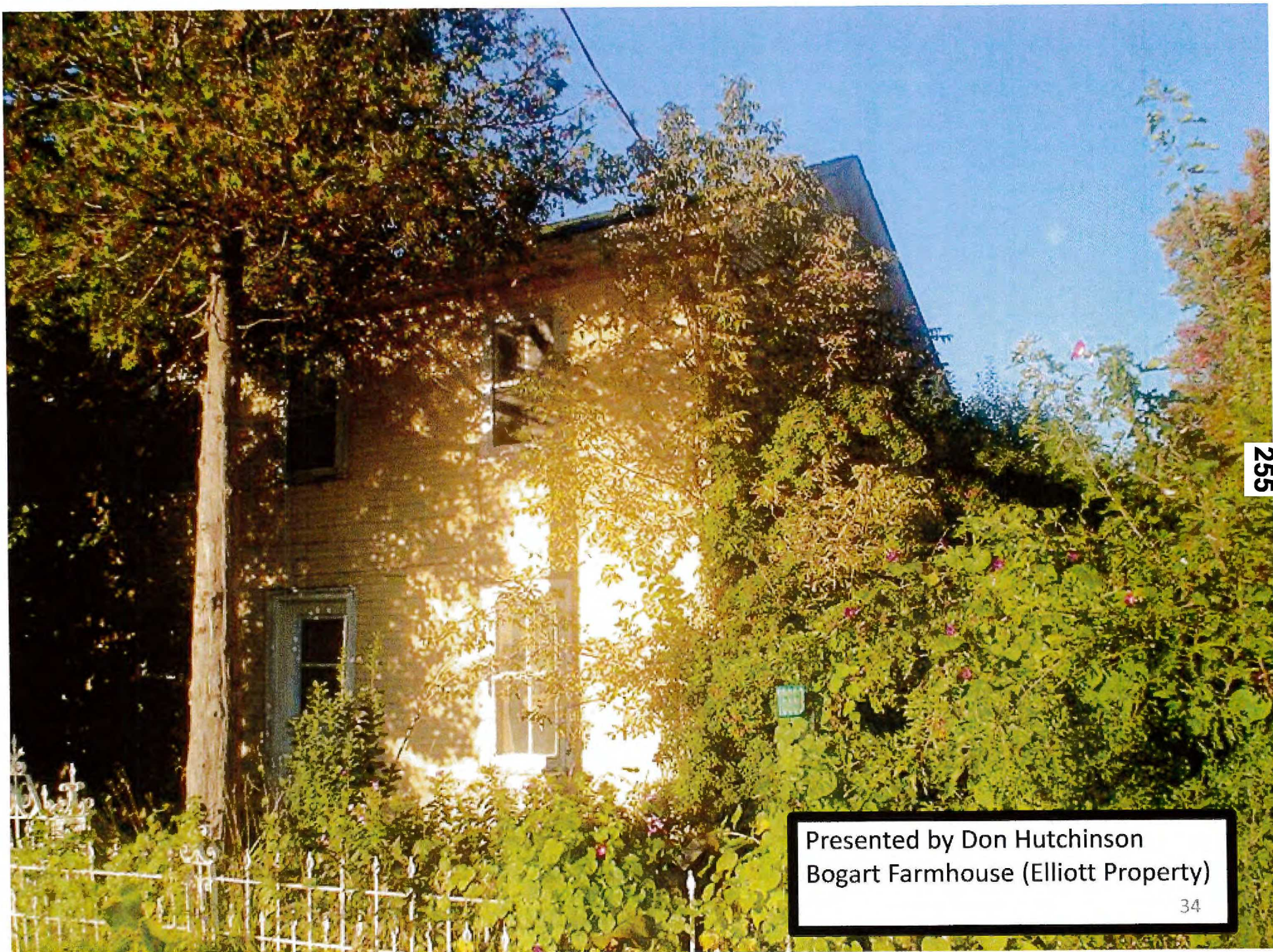
The Snapping turtle is in decline. It is of special concern to both the federal & provincial governments.

Bogart Mill Pond has a resident snapping turtle.



Snapping Turtle....did you know?

- this turtle is Canada's largest freshwater & terrestrial turtle
- turtles can live to be 150 years old but only 20-50 years in captivity
- found most often in shallow waters, hiding under soft mud & leaf litter
- threatened by hunting, road mortality & habitat loss, the snapping turtle is in decline in Ontario
- Snapping turtles have a delayed sexual maturity with reproduction beginning at 15 - 20 years of age
- typically only seven to twenty in 10,000 eggs laid survive to adulthood
- this species is especially vulnerable & any increase in adult mortality will have detrimental effects on a population
- adult mortality greatly affects the species' survival
- during the summer, many turtles cross roads in search of mates, food & nest sites, as is the case with the turtle crossing our Condo private road to the woodlot
- this is risky for turtles as they are too slow to get out of the way of moving vehicles
- eggs in nests around urban & agricultural areas are subject to predators such as raccoons & striped skunks



Presented by Don Hutchinson
Bogart Farmhouse (Elliott Property)

Presented by
Don Hutchinson
President, GSC, CHAP



This house is one of the few reminders that Bogarttown was a significant business & economic centre in the early nineteenth century.



2014

John Bogart Farmhouse (Elliott Home)

Preserving our history

- **SITE** - is 2.5 acres of land
- **FARMHOUSE WAS BUILT BY PIONEERS IN** – 1811
- **DESIGNATED** - by the Town of Newmarket 1987- 40
- **HERITAGE SITE** - listed in Heritage Newmarket file
- **ONTARIO HERITAGE ACT** - on March 9th, 1987 was recognized under the Ontario Heritage Act
- **HISTORICAL PLACES** - recognized in the Canadian Register of Historic Places
- **HERITAGE PLACES** - noted in Historical Places Canada
- **OLDEST STRUCTION** - House is one of the oldest residential structures in Newmarket & 2 storey home in the GTA
- **BOGARTTOWN** – was an economic hub in industry, mills, school house, trade & business
- **ECONOMY** – early years, it surpassed the Town of Newmarket in its economic vibrancy
- **EXPORTS** - Bogart Mills exported flour to England & for trading industry activity around the Mill Pond as well as at the 4 corners of Leslie/Mulock
- **THE TOWN** can not continue to dispose of, tear down, or give-a-way our historical homes or buildings as has been done in the past.
- The Bogart (Elliott) Farmhouse has a past of historical activities which were a vital part of our community & history.



Example of damaged exterior boards



Example of damaged exterior boards

Presented by Don Hutchinson

Farmhouse – proposed for a future residential home within the FGH's townhome development.

- FGH is intending to preserve & restore this important heritage home & retain as residential dwelling accessed from a road internal to the site plan, which the Committee supports.
- We question if the farmhouse can be saved in its current condition? Is it becoming a case of demolition by neglect due to the damage to date, over-growth, holes in the clapboard, gang logos on the garage & it has been broken into & lived in?
- It is also the intent of the developer to move the house southerly to the corner of Leslie St. & Bogart Mill Trail.
- Could the move cause the demise of the house?
- Could the house remain in its currently location (savings to FGH's vs. moving) & reconfigure the Townhome site plan?



Presented by....Bob Arbuckle



TRAFFIC VOLUME - there are daily challenges & safety issues in entering /exiting Bogart Mill Trail, N. onto Leslie St. due to increasing traffic volume.

➤ **ENGINEERING REPORT** - we reviewed the Mark Engineering Traffic Report – however figures are different than as referred to by YR Data Management & the YR Safety Group Traffic Study over a 7 day period

➤ **CHALLENGES** - new cars delivered to the Leslie St. for car dealerships cause lane closures while new cars are off-loaded. This often occurs during peak traffic hours. Dealerships can accommodate deliveries on site!

➤ **ACCIDENTS** - have occurred at Bogart Condo entrance when turning in/out of Bogart Mill Trail

➤ **Insufficient marking or length of the turning lane** - when traveling N. on Leslie to turn into Bogart Mill Trail - only 2-3 cars are accommodated in this turning lane. Dangerous since cars travelling S. on Leslie St. wishing to turn E. at the Mulock intersection, often cut into this lane prematurely. This could cause a head on collision which is waiting to happen.

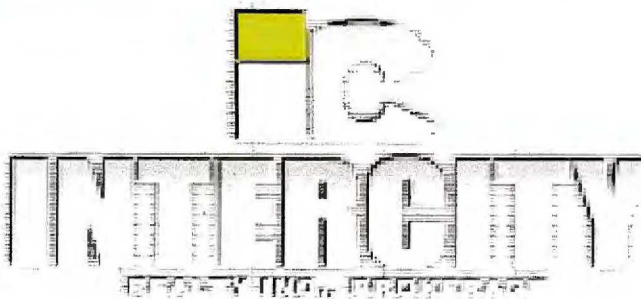
➤ **Additional Traffic** - What is the estimate traffic count for the FGH PLUS any proposed Apartments for FGHas well as the Mulock Vista Luxury Townhomes on Mulock & the Bogart Condo Building?

Drivers: ...did you know that.....?

➤ Y.R. have more cars per household than anywhere else in the GTA
➤ **66% of the households have 2+ cars & 16% of households have 3-4 cars
➤ the number of household **TRIPS** in YR is higher than in the GTA, with 7 to 10 average household trips per day. **Has this stat been factored into the current traffic report?**

➤ (** YR Traffic Data Management)

Presented by Bob Arbuckle



Additional Area Traffic

January 2015 – Public Meeting was held re: Mulock Vistas on Mulock - W. of the existing Bogart Townhomes on Mulock.

Was this NEW development considered in the estimates in the recent Mark Engineering Traffic Study re: FGH?

- Mulock Vistas – 955 & 995 Mulock Dr. is another Ward 2 area infill development which will impact the overall area traffic – there is already an existing question re: safe access to & from Mulock into the Bogart Townhomes.
- There will be an additional estimate of 73 to 85 ground related luxury townhomes with an average of 1.5 or 2 vehicles per household with an additional 7-10 vehicle trips per day.
- Note- Mulock Vista construction will require removal of a portion of the area woodlot

Some questions to be addressed & resolved

1. Cut & fill plans – storage of soil off site
2. Regional Traffic Lights – agreement – when installed – length of light to create gaps in traffic
3. Traffic – solutions to Mulock & Leslie intersection for a better flow of traffic E.W.N.S., & turning lanes
4. Turning Lane - Leslie & Bogart Mill Trail to safely improve in/our access & turning lane
5. Buffer Zones - #1 , #2, #3 - clearly define size, shape etc.
6. Size of the Zone #1 Buffer up the hill from FGH S. property line
7. Size of the #2 Buffer Zone Woodlot
8. Size & treatment to the Buffer Zone #3 area
9. Storm Water Run-off LID System (Low Impact Development) – protection down the hill to the Bogart Mill Condos
10. Protection of the Pond & River
11. Fencing – confirm top of hill location on the FGH development
12. ZBA - Zoning Bylaw Amendment – restrictions – Report 2015-35 – D. Ruggle
13. OPA - Official Plan Amendments - restrictions - Report 2015-35 – D. Ruggle
14. Environmental Impact Study Status –Provincial & Town requirements
15. Building Heights – top of hill apartments or condos, height of Townhomes on Bogart Farmhouse property – elevation
16. Buildings Set-back from top of hill on FGH lands defining the size of the buffer zone (s)
17. Bogart Mill Condo Property Line - Protection of the mature trees along the property line N. of Bogart Mill Trail
18. Estimated project commencement construction date – Phase #1
19. Estimate commencement of reservations & sales date.
20. Projections for subsequent Phases & Build-out
21. Site Lines top of hill – for those living in the Bogart Condos facing N.
22. Water & Sewer allocation
23. Daily dust & dirt control
24. Noise Bylaw – construction times
25. Parking of personal vehicles for construction crew
26. Equipment stored on site
27. Disposal of garbage & building materials on site
28. Sales office location – parking, exterior lighting
29. Protective measures used to protect the stream & pond, especially with the residential construction of the Bogart Farmhouse & Townhomes

Committee Development SUMMARY for reference purposes & resolve.

- Application for draft plan approval, Official Plan Amendment, & Zoning Bylaw Amendment submitted by the Newmarket Cemetery Corporation on behalf of Forest Green Homes (2394237 Ont.)
- 16.44 hectare subject lands from Cemetery (I-C) zone
- Residential Apartment Dwelling 1 (R5-S) zone
- Environmental Protection/Open Space (OS-EP) zone and Residential Detached Dwelling 30 m (R1-B) zone to Residential Townhouse Condominium Plan Dwelling (R4-CP)
- Residential Townhouse Dwelling 3 (R4-R) zone
- Open Space (OS-1) zone
- Residential Apartment Dwelling 2 (R5-T) zone
- New stacked Townhouse Condominium zone
- 2 mid rise Apartments

This zone is to permit a Draft Plan of Subdivision to include:

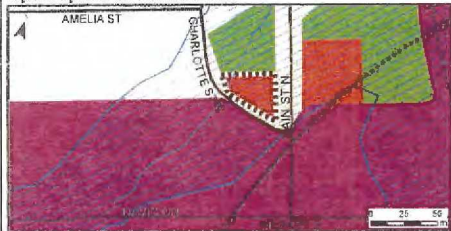
- 91 Freehold Townhouses
- 27 Stacked Townhouses
- 78 Condominium Townhouses
- 2 mid rise Apartments (# of units not indicated at this time)
- Bogart House (designated) intended to be restored and used for residential purposes



MASTER PLAN
PROPOSED RESIDENTIAL
DEVELOPMENT, COUNTY OF OKLAHOMA
ZONING OF PERFORMANCE DISTRICT
SW PROJECT No. 100-101
SCALE 1/8"=1'



OPA # 4 - Amended from Parks & Open Space to Commercial



Schedule A Land Use Town of Newmarket

- Stable Residential
- Emerging Residential
- Major Institutional
- Business Park - General Employment
- Business Park - Mixed Employment
- Commercial
- Urban Centre
- Parks & Open Space
- Natural Heritage System
- Oak Ridges Moraine Area
The lands labelled Oak Ridges Moraine are subject to policies of Official Plan Amendment 28
- Flood Plain
Floodable limits are shown for screening purposes only and may not reflect the most up-to-date data. The LSRCA should be contacted to confirm the actual floodable limits & to obtain the most up-to-date data. A topographic survey may be required in order to determine the level of predicted flooding at a specific site
- Waterbodies
- Watercourse
- Watercourse - Intermittent
- Waste Disposal Assessment Area
- 500m Waste Disposal Area of Influence
- Regional Health Care Centre Inset Map
- Site Specific Amendments/OMB Referrals
- Yonge-Davis Provincial Urban Growth Centre Boundary
- Regional Water Wells
- Municipal Boundary
- Railway
- Roads

OPA # 5 - Amendment from Stable Residential to Commercial

Town of East Gwillimbury

OPA # 5 - Amendment from Business Park & Mixed Employment to Commercial

OPA # 1 - Site specific amendment to permit Convenience Commercial. Subject to Section 3.8.2100

Area Referred to the Ontario Municipal Board

OPA # 2 - Site Specific Amendment Policy 3.8.2(a) does not apply to subject lands

Oak Ridges Moraine
(Official Plan Amendment 28)
The lands labelled Oak Ridges Moraine are subject to policies of Official Plan Amendment 28

Town of Aurora

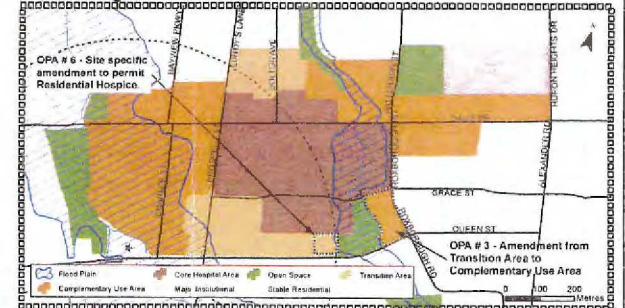
Scale 1:15,000

0 500 1,000 2,000 Metres

OPA # 8 - Site specific amendment from Emerging Residential to Commercial



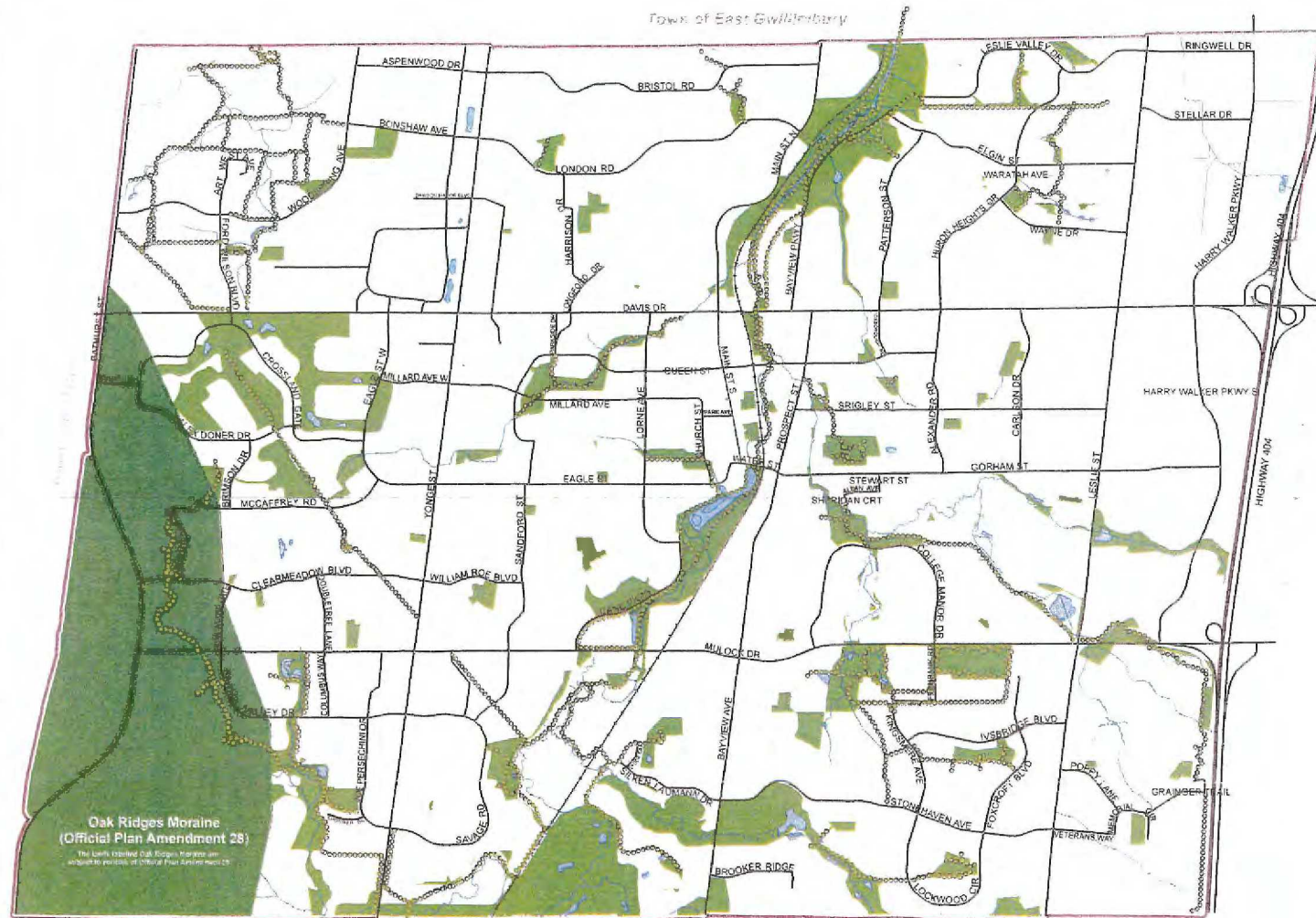
Inset A: Regional Healthcare Centre



OPA # 6 - Site specific amendment to permit Residential Hospice

OPA # 3 - Amendment from Transition Area to Complementary Use Area

Schedule E Off-Street Trails Plan Town of Newmarket

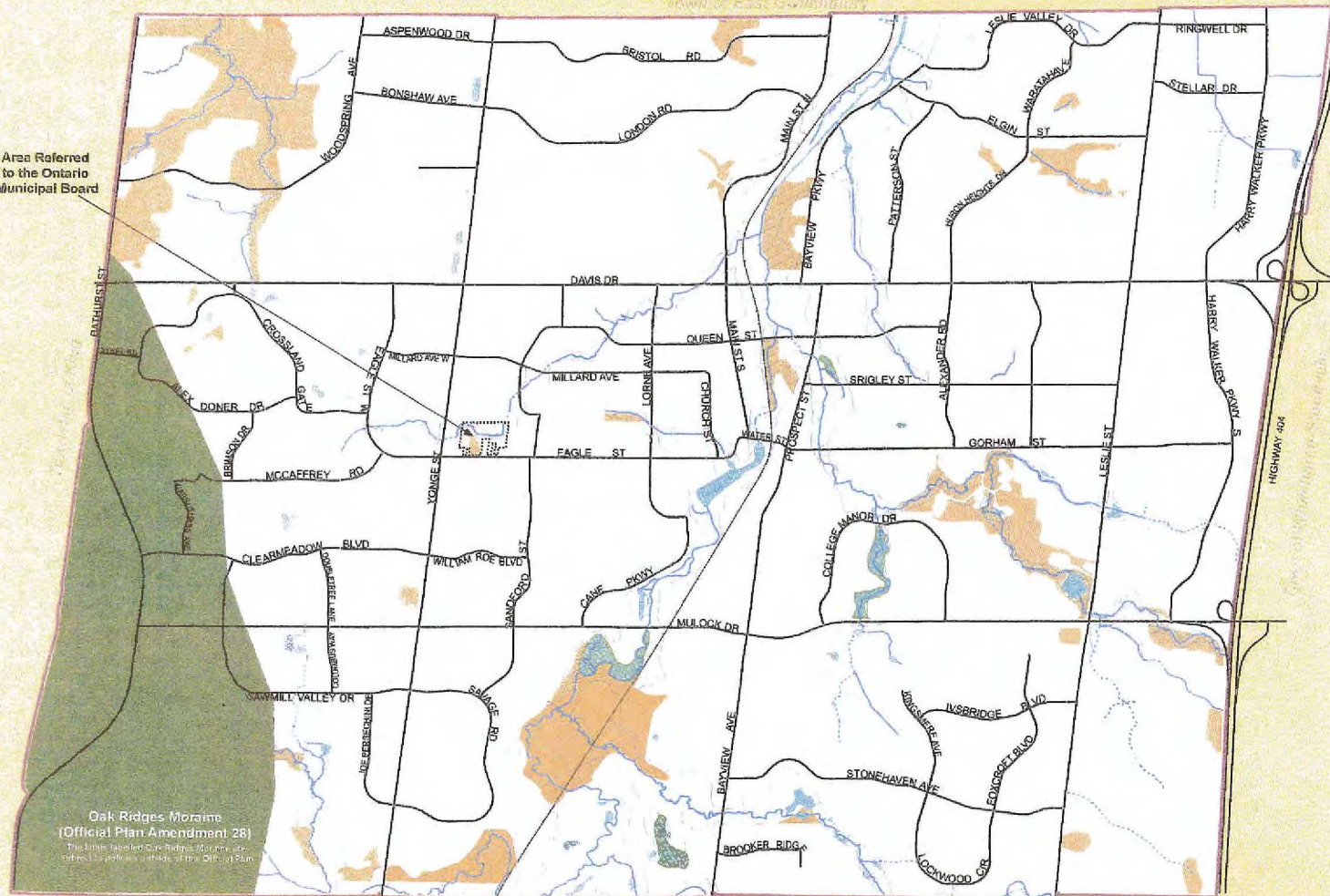


- Conceptual Trail System
- Parks & Open Space
- Oak Ridges Moraine Area
The lands labelled Oak Ridges Moraine are subject to policies outside of this Official Plan
- Waterbodies
- Watercourse
- Watercourse - Intermittent
- Roads
- Railway
- Municipal Boundary

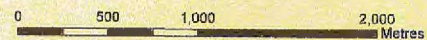















Area Referred
to the Ontario
Municipal Board



Scale 1:15 000



Schedule B Natural Heritage System Town of Newmarket

-  Meadow
 -  Wetland
 -  Woodlot
 -  Flood Plain
 -  Oak Ridges Moraine Area
 -  Waterbodies
 -  Watercourse
 -  Watercourse - Intermittent
 -  Collector Road
 -  Railway
 -  Municipal Boundary
- Floodplain limits are shown for screening purposes only and may not reflect the most up-to-date data. The LERCA should be contacted to confirm the actual floodplain limits & to obtain the most up-to-date data. A topographic survey may be required in order to determine the limit of predicted flooding at a specific site.
- The lands labelled Oak Ridges Moraine are subject to policies outside of this Official Plan



A community
well beyond the ordinary



DEVELOPMENT & INFRASTRUCTURE SERVICES – PUBLIC WORKS SERVICES
 TOWN OF NEWMARKET
 395 Mulock Drive
 P.O. Box 328
 Newmarket, ON L3Y 4X7

www.newmarket.ca
 info@newmarket.ca
 905.895.5193

September 18, 2015

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT
 PUBLIC WORKS SERVICES 2015-55**

TO: Committee of the Whole

SUBJECT: Snow Storage Alternatives Update

ORIGIN: Director, Public Works Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report Public Works Services – PWS 2015-55, dated September 18, 2015 regarding Snow Storage Alternatives Update, be received and the following recommendation(s) be adopted:

- 1. THAT staff continue to work with the private land owners and York Region to finalize arrangements for snow storage for the 2015/2016 winter season;**
- 2. AND THAT staff include any estimated additional cost for alternative snow storage in the 2016 draft budget proposal, if required;**
- 3. AND THAT staff be authorized to execute required agreements for temporary storage of snow for the 2015/2016 and subsequent winter seasons if required, as described.**

BACKGROUND

This Report has been prepared as a follow-up to Development and Infrastructure Services Report – PWS 2015-43, dated July 31, 2015 with respect to finding alternatives to snow storage at the Ray Twinney Complex, and which was presented to Committee of the Whole on August 10, 2015. At that meeting, Committee adopted the following motion:

i) THAT the Town request the Regional Municipality of York to advance the timing of a permanent snow storage site located on Harry Walker Parkway for the 2015/2016 winter season;

ii) AND THAT staff report back on various potential alternate sites, solutions and costs no later than September 30, 2015.

The previous report from Public Works Services #2015-43 has been provided as an appendix.

COMMENTS

Town staff made inquiries to locate alternative snow storage sites within and outside of the Town of Newmarket boundaries. To date staff have had very positive and fruitful discussions with both a private property owner in Town as well as the Region of York and are now in the process of securing a suitable alternate site for the 2015/2016 winter season.

Staff have successfully reached an agreement in principle for the storage of snow on a private commercial site on Harry Walker Parkway for the 2015/2016 winter season. The specific site would address most of the previously noted variables within the Provincial Guidelines for Snow Disposal Operations in Ontario, and it would keep the transportation costs equivalent to previous years. A finalized agreement with this property owner will have to be executed, which will include the installation of an oil-grit separator at the Town's cost, to mitigate environmental concerns regarding meltwater runoff from this site. The private land owner is currently drafting the agreement to present to staff based on the Town's space requirements, and staff are also engaging an engineering consultant to design and install the required oil-grit separator which is estimated to cost between \$30,000 and \$40,000 depending on depth of installation and required restoration.

As a further contingency, staff has also confirmed with York Region that the Town's requirements for snow disposal have been included on their Request for Tender for snow clearing and disposal related to the Davis Drive vivaNext Rapidway. The Region's Tender has recently closed, and Newmarket has exercised a piggyback clause to take advantage of this contract for the snow disposal section. In this scenario Town staff would remove and transport snow to the snow storage location of the successful contractor. The Tender for this contract has closed, but it is still in the blackout stage so the location of the site has not been disclosed. The cost of transportation and disposal is estimated to be very high. The disposal cost alone is estimated to be \$20,000 with transportation costs estimated at \$65,000, conservatively assuming a 40 km trip with fuel at \$1.20/litre. Accordingly, staff have included an enhancement item of \$85,000 for additional transportation and disposal costs related to this potential alternative in the draft 2016 budget request. This option ensures that the contractor disposes of the snow in a proper and environmentally acceptable manner as suggested by the Province.

For future snow storage needs beyond 2015/2016, the Town, in partnership with York Region, has been working toward a permanent alternative snow storage site on the south-east side of Town, off Harry Walker Parkway South. To date there have been preliminary discussions and planning meetings; however, the site has not been developed. A Zoning By-Law Amendment, public meeting and Site Plan approval is still required before construction can proceed. Council will be updated on the progress of this project as it moves forward. As plans for this project solidify, Newmarket staff will ensure that all efforts are made to support the Region in properly developing this site so that it moves forward expeditiously and snow storage needs of the Town will be made available.. No new operating costs beyond those currently budgeted are expected with the implementation of the permanent alternative site.

PUBLIC CONSULTATION

When developed, the Region's future snow storage site on Harry Walker Parkway will also be used for Newmarket's permanent snow storage site. As this project moves through the planning and development stages, public consultation will be required as part of this site plan. Future Reports to Council will also be coming forward as part of that process.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

To provide efficient, effective and environmentally sound maintenance services to an appropriate level that achieves Council and/or Provincially mandated service levels, which meet public health and safety requirements and enhances quality of life while ensuring that system capital assets retain their value and are managed and funded according to sustainable, lifecycle based principles and practices.

HUMAN RESOURCE CONSIDERATIONS

No impact to current staffing levels.

IMPACT ON BUDGET**Operating Budget (Current and Future)**

If alternative snow storage provisions are secured through the York Region Snow Disposal contract for the Davis Drive vivaNext Rapidway, then costs for additional Town-related snow transportation and disposal, at a yet to be determined alternative site, is currently estimated at \$85,000. This estimated cost may be included in the 2016 proposed winter maintenance budget as an enhancement, if required.

Capital Budget

Previous budget approval for up to \$100,000 has been made available in the 2015 capital budget to select, design and use an alternative snow storage site. These funds could be used for the design and installation of an oil-grit separator to meet the requirements of an agreement with a private property owner for snow storage and disposal.

CONTACT

For more information on this report, please contact Christopher Kalimootoo at extension 2551; ckalimootoo@newmarket.ca.

Attachment

Appendix 1 – Development and Infrastructure Services Report – Public Works Services 2015-43



C. Kalimootoo, BA, P. Eng., MPA, PMP
Director, Public Works Services



Peter Noehammer P. Eng.
Commissioner, Development & Infrastructure Services



DEVELOPMENT & INFRASTRUCTURE SERVICES – PUBLIC WORKS SERVICES
 TOWN OF NEWMARKET
 395 Mulock Drive
 P.O. Box 328
 Newmarket, ON L3Y 4X7

www.newmarket.ca
 info@newmarket.ca
 905.895.5193

July 31, 2015

DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT PUBLIC WORKS SERVICES 2015-43

TO: Committee of the Whole

SUBJECT: Snow Storage Alternative Update

ORIGIN: Director, Public Works Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report Public Works Services – PWS 2015-43, dated July 31, 2015 regarding Snow Storage Alternative Update, be received and the following recommendation(s) be adopted:

- 1. THAT staff continue to look for alternatives for snow storage sites and work with partners such as York Region and private landowners to establish alternatives sites;**
 - 2. AND THAT staff include any estimated additional cost for alternative snow storage in the 2016 draft budget proposals.**
-

BACKGROUND

This Report has been prepared to address a Committee motion on February 9th, 2015 with respect to finding alternatives to snow storage at the Ray Twinney Complex.

The snowfalls and accumulation over the past two years has necessitated the requirement to move snow from certain areas and streets in the downtown core; certain parking lots; and a large number of the 400 courts/wide elbows and curb face sidewalks that have limited storage area.

Timing of snow clearing in the downtown core is also limited, due to the sensitive businesses, limited space and customer and vehicular volumes. Except for Monday's, clearing is not recommended to take place between 6:00 am and 6:00 pm. This also limits the timing of bringing that material to any snow storage sites.

The Ministry of the Environment (MOE) created Guidelines on Snow Disposal Operations in Ontario with a latest revision date of February, 2011. Within those Guidelines (not Regulations) there are six variables to consider when selecting a snow disposal site; these include Accessibility, Noise, Alternative Use of the Site, Visual Considerations, Drainage Factors and

Sub-Surface Drainage. Taking these variables into consideration along with other environmental factors such as an on-site oil grit separator and land ownership, the Ray Twinney Complex was previously selected as the most suitable site for snow disposal. As requested, other sites have been analyzed through these variables.

Over the past 16 years the snow storage area for Newmarket has been behind the Ray Twinney Complex. This area is large with an impermeable surface with good access and an oil grit separator installed for meltwater processing. There is also large distance between the meltwater entering the storm system before it enters any water body to cool the water and decrease the effect on the stream. There are however, restrictions within the area also. For example, snow piles cannot be within 10 feet of the hydro lines, there are adjacent residential homes on one side (although buffered) and access to the site is through a collector, not arterial road. Previous sites such as All Our Kids Play Park, the current Mercedes/Dave Woods dealership lands on Mulock Dr. south and the end of Bayview Parkway were previously utilized as snow storage area, however as more environmentally stringent guidelines were put in place, the Ray Twinney Complex site became more viable for proper snow storage.

Although not ideal in every category, the current snow storage area does have tall trees on a large, adjacent berm creating a visual barrier from the neighbouring residential properties of approximately 10-12 homes. To try and accommodate the visual considerations during operation, the snow is first placed on the outlying area of the parking lot to create a buffer for the neighbouring properties, yet maximizing the amount of useable space in the remainder of the parking lot for visitors to the Complex. It also maintains enough space to safely operate equipment and minimize back up of vehicles, which in turn minimizes noise. In 2013 and 2014 additional fencing and signage was placed around the snow piles to deter people from entering the area, and ingress and egress was restricted to Eagle St. to reduce disruption to the neighbouring lands. Entering the site was also restricted to before 4:00pm and garbage and debris pickup during melting periods was increased.

Ministry of the Environment and Climate Change Officials have visited the site as recently as January 2015 and do not have any concerns at this time.

Through previous investigations, it was identified that there are currently no other Town owned sites within Newmarket that can hold the amount of material required and has viable access on an impermeable surface with proper drainage and environmental mitigation factors.

To obtain an alternative site for Newmarket's snow, a partnership with a second party would be required. Funds of \$100,000 were approved in the 2015 budget for this alternative. To date, none of these monies have been expended as alternative sites are still being sought.

COMMENTS

Town staff have made inquiries to locate alternative sites within and outside of the Town boundaries. To date staff have not been able to secure a suitable alternate site for the 2015/2016 winter season, however a number of discussions have/are taking place as noted below:

1. For the 2015/2016 winter season, the Town has asked a number of municipalities throughout York Region if they have suitable storage for Newmarket's snow. Unfortunately none of the municipalities that were asked have enough appropriate land for the material.
2. Staff are currently working with York Region on a joint Request for Tender for acceptance of Newmarket snow. The Region will be releasing a Request for Tender for snow clearing and disposal of Davis Dr. snow, and Newmarket will be piggybacking on this Tender for the snow disposal section. In this scenario Town staff will remove and transport snow to the successful contractor. Although this does provide an alternative to Ray Twinney Complex, the cost of transportation and disposal may be very high depending on the award of the Tender and the location of the disposal site. Staff have included as an enhancement \$93,000 for additional transportation and disposal costs to this potential alternative site in the draft 2016 budget request. The Tender is expected to close in September. This option ensures that the contractor disposes of the snow in a proper and environmentally acceptable manner as suggested by the Province.
3. Regional staff have also offered the use of their portable snow melter to reduce the space requirement for snow storage. The cost to run this melter is approximately \$4,000/day for each use. This cost includes water and fuel to run the machine for approximately 6-8 hours when needed. Unfortunately, due to the high volume of effluent, environmental restrictions and current infrastructure, the Ray Twinney Complex would be the only viable place for this machine to be set up (when needed). Therefore staff have not moved forward on this alternative.
4. Staff have also reached out to private land owners, specifically on Harry Walker Parkway, for snow storage for the 2015/2016 season. The specific site(s) would address most of the noted variables within the Provincial Guidelines and also keep the transportation costs the same as previous years. If an agreement can be reached, an oil grit separator would be required to be installed, at the Town's cost, to decrease environmental concerns for this alternative area. The private land owners are currently in negotiations with potential tenants and have not yet determined if there is available space in the parking lot(s) for the Newmarket snow material. Staff continue to work with the private land owners for a final decision on the ability for material storage.

5. For future snow storage needs beyond 2015/2016, the Town, in partnership with York Region, has been working toward an alternative snow storage site for material on the south-east side of Town off Harry Walker Parkway South. To date there have been preliminary discussions and planning meetings, however the site has not been developed. A Zoning By-Law Amendment, public meeting and Site Plan approval is still required before construction can proceed. Council will be updated on the progress of this project as it moves forward. As this opportunity solidifies, Newmarket staff will ensure all efforts are made to support the Region in properly developing this site so the project can be moved forward expeditiously and snow storage will be available for future needs of the Town.

Although no site has been confirmed yet for this upcoming winter season, Town staff will continue to work with private land owners, York Region and other municipal partners to find an alternative area for the Town of Newmarket snow storage site.

PUBLIC CONSULTATION

When developed, the Region's future snow storage site on Harry Walker Parkway will also be used for Newmarket's permanent snow storage site. As this project moves through the planning and development stages, public consultation will be required as part of this site plan. Future Reports to Council will also be coming forward as part of that process.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

To provide efficient, effective and environmentally sound maintenance services to an appropriate level that achieves Council and/or Provincially mandated services levels, which meet public health and safety requirements and enhances quality of life while ensuring that system capital assets retain their value and are managed and funded according to sustainable, lifecycle based principles and practices.

HUMAN RESOURCE CONSIDERATIONS

No impact to current staffing levels.

IMPACT ON BUDGET

Operating Budget (Current and Future)


If contracted out through the Regional Tender, costs for additional snow transportation and disposal, at a yet to be determined alternative site, is currently estimated at \$93,000. This estimate will be included in the 2016 proposed winter maintenance budget as an enhancement. Due to timing of selecting an alternative site and the budget schedule, this figure could be changed if a site is selected before budget requests are presented to Council.

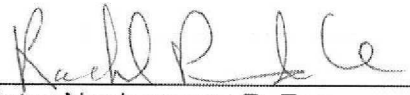
Capital Budget



\$100,000 has been approved in the 2015 capital budget to select, design and use an alternative snow storage site. These funds could be used for an oil grit separator design and installation and be utilized for requirements of any agreement with a second party for snow storage and disposal.

CONTACT

For more information on this report, please contact Christopher Kalimootoo at extension 2551; ckalimootoo@newmarket.ca.

Prepared by: 
C. Kalimootoo, BA, P. Eng., MPA, PMP
Director, Public Works Services

Reviewed by: 
Acting for: Peter Noehammer P. Eng.
Commissioner, Development & Infrastructure Services

Approved by: 
 Bob Shelton P. Eng.
CAO



COMMUNITY SERVICES – RECREATION & CULTURE
 TOWN OF NEWMARKET
 395 Mulock Drive
 P.O. Box 328
 Newmarket, ON L3Y 4X7

www.newmarket.ca
 info@newmarket.ca
 905.895.5193

September 16, 2015

COMMUNITY SERVICES – Recreation & Culture # 2015 – 28

TO: Committee of the Whole

SUBJECT: Hollingsworth Arena Replacement Follow Up

ORIGIN: Community Services – Recreation & Culture

RECOMMENDATIONS

THAT the Community Services – Recreation & Culture, Report # 2015 – 28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow up be received and the following recommendations be adopted:

1. THAT staff work with Pickering College to:

- i) Finalize an agreement subject to Council approval with respect to capital and operating costs regarding a replacement arena at Pickering College;**
- ii) Bring back a professionally prepared project estimate and recommended capital and operating agreement to Council for review within the next 45 days;**

2. AND THAT in the event negotiations with Pickering College do not advance to the point of recommending an agreement that staff:

- i) Commission a professionally prepared architects' project costing with respect to the construction of a third ice pad at the Ray Twinney Complex;**
- ii) Develop a capital and operating forecast regarding a new ice pad at the Ray Twinney Complex;**
- iii) Bring back 2 i) and 2 ii) to Council for review within the next 60 days;**

3. AND THAT staff initiate a public process addressing a replacement arena and proposed disposition of land at Hollingsworth Arena.

COMMENTS

The purpose of this report is to provide recommended next steps with respect to the replacement of Hollingsworth Arena.

BACKGROUND

Hollingsworth Arena is a forty-three year old single pad arena. It is approaching the end of its serviceable life. A proposed development opportunity related to its current location coupled with a partnership opportunity with Pickering College result in excellent timing to address this aging facility.

In June, 2014, Council adopted that, *"...staff be authorized to enter into discussions with Pickering College on an exclusive basis for the development of a joint venture for the development of a single pad arena on that site to replace the Hollingsworth Arena with staff to report back to Council with options for an agreement in Q1, 2015"*.

In June, 2015 related to the go forward continuity of service level for municipal ice pads Council adopted that, *"...the sale of the Hollingsworth Arena site be subject to satisfactory arrangements being made to maintain 7 (seven) municipally permitted ice surfaces for the continuity of service for Town residents"*.

Staff has prepared and received positive feedback from Pickering College on a draft MOU that relates to capital and operating of a facility to be constructed at Pickering College. A facility floorplan and site plan has been discussed and is being costed at this time with an architect. Pickering College is coordinating this costing exercise and the Town will conduct a peer review upon receipt.

The recommendations contained within this report indicated the detailed next steps and reporting back to Council milestones in the short term.

Another option for Hollingsworth Arena replacement would be to construct an additional ice pad at the Ray Twinney Recreation Complex. While this option is a viable option given the land available at this location and that it would have minimal site servicing (parking, landscaping, connections, etc), it is not the recommended preferred option at this time given this would not achieve the following key considerations to the same extent as the Pickering College option:

Consideration	Pickering College	Ray Twinney Complex
Shared capital cost	X	
Reduced ongoing operating cost	X	
Increased energy efficiency	X	X
Increased prime Time Use	X	X
Increased Daytime Use	X	
Economic/Development partnership potential	X	

In June, 2015 in the same report Council also adopted that, "...the sale of the Hollingsworth Arena site be subject to Council's declaration of the property as surplus to municipal needs and staff being directed to following the Town's land disposition process". To support the initiation of the land disposition process staff has provided replacement plans and associated recommendations within this report outlining a course of action and reporting back process to ensure Council is able to provide financial and strategic directions with respect to the replacement of Hollingsworth Arena.

CONSULTATION

There are ongoing discussions with Pickering College.

It is recommended in the report that public processes be initiated specific to decommissioning Hollingsworth Arena at its current location, as well as, a public process with area residents, sport user groups and the community as a whole regarding a replacement arena at Pickering College. If negotiations with Pickering College do not lead to an agreement for Council's review then a public process with area residents, sport user groups and the community as a whole regarding a replacement arena at the Ray Twinney Complex would be initiated.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Council 2014- 2018 Strategic Themes and Priorities Alignment:

- *Economic Development/Jobs:* Creating a strategy for vibrant and livable corridors along Davis and Yonge Street
- *Economic Development/Jobs:* Supporting innovative projects and partnerships with various sectors
- *Enhanced Recreational Opportunities:* Enhancing recreational and community facilities
- *Efficiency / Financial Management:* Ensuring effective and efficient services

Well-balanced

- Recreation facilities and services
- Meeting the needs of all life-cycle stages

Well-equipped & managed

- Fiscal responsibility
- Service excellence
- Efficient management of capital assets and municipal services to meet existing and future operational demands
- Clear vision of the future and aligned corporate/business plans

Well-respected

- Being well thought of and valued for our judgment and insight
- Discovering innovative and creative solutions for future well-being
- Being a champion for co-operation and collaboration
- Being tradition-based and forward-looking

BUDGET IMPACT

Replacement Arena at Pickering College: The draft design floor plan and site plan is currently being costed by an architect. This costing will then be subject to a peer review by another architect. A conservative, preliminary total project estimate would be in the ten million dollars + range (including a land value calculation, site servicing, parking, etc) of which the capital budget impact for the Town would be fifty percent of a to be agreed upon portion of the project scope. Both parties are seeking a mutually beneficial capital and operating agreement that lends itself to a long term, successful project.

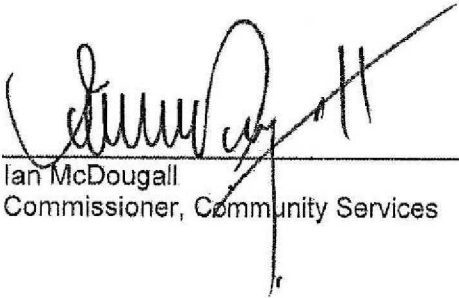
Replacement Arena at the Ray Twinney Complex: A draft floor plan and site plan would need to be developed and costed in consultation with an architect. Preliminary research indicates that as a high level reference for construction of a single pad arena could cost approximately nine million dollars (excludes contingency, site/fees). Ongoing operating of an arena at this location would be the responsibility of the Town.

CONTACT

For more information on this report contact: Colin Service (cservice@newmarket.ca or extension 2601) or Ian McDougall (imcdougall@newmarket.ca or extension 2441).



Colin Service
Director, Recreation & Culture
Community Services



Ian McDougall
Commissioner, Community Services

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