



Town of Newmarket
MINUTES

COMMITTEE OF THE WHOLE

Monday, January 14, 2013 at 1:30 p.m.
Council Chambers, 395 Mulock Drive

For consideration by Council
on January 21, 2013

The meeting of the Committee of the Whole was held on Monday, January 14, 2013 at 1:30 p.m. in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor (1:32 to 2:23 p.m.)
Councillor Di Muccio
Councillor Emanuel
Councillor Hempen
Councillor Kerwin
Councillor Sponga
Councillor Twinney
Councillor Vegh

Staff: R. Prentice, Acting Chief Administrative Officer
A. Moore, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
A. Brouwer, Director of Legislative Services/Town Clerk
L. Moor, Council/Committee Coordinator

The meeting was called to order at 1:30 p.m.

Mayor Van Bynen in the Chair.

Moved by Councillor Emanuel
Seconded by Councillor Vegh

THAT the order of the agenda be altered by including the following items for consideration:

CORRECTION

Item 11 Copies of the Newmarket-Tay Power PowerPoint Presentation regarding Payments in Lieu (PILS) is not available for distribution with the addendum agenda as indicated on the original agenda.

DISTRIBUTION

Item 9 Development and Infrastructure Services Report – Public Works Services 2013-01 dated January 7, 2013 regarding the Emerald Ash Borer Long Term Management Plan.

ADDITIONS

- Item 12 Development and Infrastructure Services/Planning and Building Services Report 2013-04 dated January 9, 2013 regarding Ontario's Feed-in Tariff Program – Rooftop Solar Projects – 800 Mulock Drive.
- Item 13 Development and Infrastructure Services/Planning and Building Services Report 2013-05 dated January 9, 2013 regarding Ontario's Feed-in Tariff Program – Rooftop Solar Projects – 1 Crusader Way and 715 Kingsmere Avenue.
- Item 14 Development and Infrastructure Services/Planning and Building Services Report 2013-06 dated January 10, 2013 regarding Ontario's Feed-in Tariff Program – Rooftop Solar Projects – 800 Joe Persechini Drive and 960 Leslie Valley Drive.
- Item 15 Corporate Services – Procurement Services Department and Development and Infrastructure Services – Facility Services Joint Report 2013-02 dated January 9, 2013 regarding the RFP 2012-27 – Solar Photovoltaic FIT and MicroFIT – Strathcona Solar Initiatives.

CARRIED

DECLARATIONS

None.

Moved by Councillor Emanuel
Seconded by Councillor Kerwin

THAT the following items be adopted on consent:

1. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 1
NEWMARKET PUBLIC LIBRARY BOARD MINUTES**

THAT the Newmarket Public Library Board Minutes of September 25 and October 24, 2012 be received.

2. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 2
NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES**

THAT the Newmarket Downtown Development Subcommittee Minutes of November 30, 2012 be received.

3. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 3
NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES**

THAT the Newmarket Economic Development Advisory Committee Minutes of November 15, 2012 be received.

4. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 4
HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES**

THAT the Heritage Newmarket Advisory Committee Minutes of December 11, 2012 be received.

5. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 5
CORPORATE SERVICES COMMISSION – LEGAL SERVICES AND CORPORATE
POLICY COMMITTEE JOINT REPORT 2012-09
SALE OF LAND POLICY LEGAL 1-01**

THAT Corporate Services Commission – Legal Services and Corporate Policy Committee Joint Report 2012-09 dated October 29, 2012 regarding the New Corporate Policy – Sale of Land Policy LEGAL. 1-01 be received and the following recommendations be adopted:

1. THAT By-law 1995-43 be repealed;
2. AND THAT Council approve the attached Sale of Land Policy LEGAL.1-01.

6. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 6
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PUBLIC WORKS
SERVICES – EMERALD ASH BORER LONG TERM MANAGEMENT PLAN**

THAT Development and Infrastructure Services Report – Public Works Services 2013-01 dated January 7, 2013 regarding 2013 Emerald Ash Borer Long Term Management Plan be received and the following recommendations be adopted:

1. THAT the proposed recommendations in the 2013 Town of Newmarket Emerald Ash Borer Long Term Management Plan be adopted in principal and staff proceed with its implementation for 2013;
2. AND THAT staff report back to Council in the fall of 2013 with an annual update on the Emerald Ash Borer Long Term Management Plan;
3. AND THAT staff develop a program that will allow private property owners the ability to fund the injection of a Town owned tree, not covered by the Town's TreeAzin® injection program, at full cost recovery;
4. AND THAT staff work with Newmarket Environmental Advisory Committee for public education and possible fund raising assistance.

**7. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 7
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-04 – ONTARIO’S FEED-IN TARIFF PROGRAM
ROOFTOP SOLAR PROJECTS – 800 MULOCK DRIVE**

THAT Development & Infrastructure Services/Planning & Building Services Report 2013-04 dated January 9, 2013 regarding a request for Council support for a rooftop solar project over 10 kilowatts up to 500 kilowatts located at 800 Mulock Drive be received and the following recommendations be adopted:

1. THAT Council provide a resolution (in the form prescribed by the Ontario Power Authority) as requested by SunEdison Origination Health 2 LP for the following project:

171kW rooftop solar panels at 800 Mulock Drive

2. AND THAT Natalie Tutunzis of Hill+Knowlton Strategies, 160 Bloor Street East, Suite 800, Toronto, ON M4W 3P7 be advised of this decision.

**8. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 8
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-05 – ONTARIO’S FEED-IN TARIFF PROGRAM
ROOFTOP SOLAR PROJECTS – 1 CRUSADER WAY, 715 KINGSMERE AVENUE**

THAT Development and Infrastructure Services/Planning and Building Services Report 2013-05 dated January 9, 2013 regarding requests for Council support for rooftop solar projects over 10 kilowatts up to 500 kilowatts located at 1 Crusader Way and 715 Kingsmere Avenue be received and the following recommendations be adopted:

1. THAT Council provide resolutions (in the form prescribed by the Ontario Power Authority) as requested by AMP Solar Group Inc. on behalf of the York Catholic District School Board for the following projects:

180kW rooftop solar panels at 1 Crusader Way

75kW rooftop solar panels at 715 Kingsmere Avenue

2. AND THAT Bobby MacCannell of Renewable Energy Consulting, 55 Port Street East PORT CREDIT, ON L5G 4P3 be advised of this decision.

9. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 9
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-06 – ONTARIO’S FEED-IN TARIFF PROGRAM
ROOFTOP SOLAR PROJECTS
800 JOE PERSECHINI DRIVE, 960 LESLIE VALLEY DRIVE**

THAT Development & Infrastructure Services /Planning & Building Services Report 2013-06 dated January 10, 2013 regarding requests for Council support for rooftop solar projects over 10 kilowatts up to 500 kilowatts located at 800 Joe Persechini Drive and 960 Leslie Valley Drive be received and the following recommendations be adopted:

1. THAT Council provide resolutions (in the form prescribed by the Ontario Power Authority) as requested by Windfall Ecology Centre on behalf of York Solar Co-operative Inc. for the following projects:

100kW rooftop solar panels at 800 Joe Persechini Drive

100kW rooftop solar panels at 960 Leslie Valley Drive

2. AND THAT Brent Kopperson of Windfall Ecology Centre, 93A Industrial Parkway South AURORA, ON L4G 3V5 be advised of this decision.

10. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 10
CORPORATE SERVICES – PROCUREMENT SERVICES DEPARTMENT AND
DEVELOPMENT AND INFRASTRUCTURE SERVICES – FACILITY SERVICES JOINT
REPORT 2013-02 – RFP 2012-27**

THAT Corporate Services – Procurement Services Department and Development and Infrastructure Services – Facility Services Joint Report 2013-02 dated January 9, 2013, regarding the RFP2012-27 Solar Photovoltaic FIT and MicroFIT, in consultation with the Manager of Procurement Services be received and the following recommendations be adopted:

1. THAT the RFP2012-27 Solar Photovoltaic FIT and MicroFIT contract be awarded to Strathcona Solar Initiatives of Napanee, Ontario at an estimated value of \$852,022.70 (excluding, bonding fees, maintenance, LDC connection fees and applicable taxes);
2. AND THAT Strathcona Solar Initiatives proceed with an engineering review of each proposed facility structure and submit both FIT and MicroFIT applications, on behalf of the Town for all proposed sites;
3. AND THAT the Mayor and Town Clerk be authorized to execute the contract on Council’s behalf for sites approved through both the engineering review and Ministry of Energy application process;

4. **AND THAT Staff be directed to report to Council following the engineering review and project implementation with respect to the final cost, terms of the internal loan including interest rate and amortization period and that this reporting be provided in conjunction with the 2014 budget;**
 5. **AND THAT the Procurement Services Department be directed to notify the other Proponents after execution of the Agreement;**
 6. **AND THAT staff be authorized to enter into agreements for photovoltaic installations on other municipal facilities under this contract during 2013 provided the evaluation demonstrates that the project would have a payback period within 11 years under the current MicroFIT and FIT programs.**
11. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 11**
LIST OF OUTSTANDING MATTERS

THAT the list of outstanding matters be received.

CARRIED

This concludes the consent portion of the minutes.

Regional Councillor Taylor arrived at 1:32 p.m.

12. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 12**
NEWMARKET TAY POWER PRESENTATION – PAYMENTS IN LIEU

Mr. Paul Ferguson addressed the Committee with a PowerPoint presentation regarding Payments in Lieu (PILS). A request was made to have hard copies of the presentation distributed to Mayor Van Bynen and Members of Council.

Moved by Councillor Hempen
Seconded by Councillor Di Muccio

THAT the PowerPoint presentation by Mr. Paul Ferguson of Newmarket-Tay Power regarding Payments in Lieu (PILS) be received.

CARRIED

13. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 13**
COMMUNITY SERVICES/PLANNING AND BUILDING SERVICES REPORT 2013-01
APPLICATION FOR ZONING BY-LAW AMENDMENT AND
DRAFT PLAN OF SUBDIVISION S/E CORNER OF DAVIS DRIVE AND BATHURST
MOSAIK GLENWAY HOMES INC. (McGREGOR FARM)

Community Services/Planning and Building Services Report 2013-01 dated January 3, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision – Mosaik Glenway Homes Inc. (McGregor Farm).

**Moved by Councillor Emanuel
Seconded by Councillor Kerwin**

THAT Community Services/Planning and Building Services Report 2013-01 dated January 3, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

- 1. THAT approval be given to Draft Plan of Subdivision 19TN-2012 002, subject to the schedule of conditions set out in Appendix "A" attached to and forming part of this Report;**
- 2. AND THAT staff be directed to prepare the necessary Zoning By-law Amendment;**
- 3. AND THAT the approval for Draft Plan of Subdivision 19TN-2012-002 shall only be issued upon the execution of a "No Pre-Sales Agreement" by the Owner of the said Draft Plan with the Town of Newmarket;**
- 4. AND THAT Nick Pileggi, Malone Given Parsons Ltd., 140 Renfrew Drive, Suite 201 Markham L3R 6B3 be notified of this action.**

CARRIED

**14. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 14
COMMUNITY SERVICES/PLANNING AND BUILDING SERVICES REPORT 2013-02
FEED-IN TARIFF PROGRAM ROOFTOP SOLAR REQUEST – 1155 STELLAR DRIVE**

Community Services Report – Planning and Building Services 2013-02 dated January 3, 2013 regarding Ontario's Feed-In Tariff Program – Rooftop Solar Project – 1155 Stellar Drive.

**Moved by Councillor Kerwin
Seconded by Councillor Twinney**

THAT Community Services Report – Planning and Building Services 2013-02 dated January 3, 2013 regarding a request for Council support for a rooftop solar project over 10 kilowatts up to 500 kilowatts located at 1155 Stellar Drive be received and the following recommendations be adopted:

- 1. THAT Council provide a resolution (in the form prescribed by the Ontario Power Authority) as requested by CEW ALGONQUIN VI for the following project:

200 kW rooftop solar panels at 1155 Stellar Drive**
- 2. AND THAT Bryn Davies of Ontario Solar Provider Inc., 1 Atlantic Avenue, Suite 105, Toronto, ON M6K 3E7 be advised of this decision.**

CARRIED

**15. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 15
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-01
REGULATION OF CLOTHING DONATION BINS**

Corporate Services Report – Legislative Services 2013-01 dated January 3, 2013 regarding Regulation of Clothing Donation Bins.

**Moved by Councillor Emanuel
Seconded by Councillor Sponga**

THAT Corporate Services Report – Legislative Services 2013-01 dated January 3, 2013 regarding Regulation of Clothing Donation Bins be received and the following recommendation be adopted:

THAT staff bring forward a by-law for the licensing of clothing donation bins with the following scope:

- **Applies to donation bins operated by registered charities, non-profit and private organizations;**
- **Permitted on commercially zoned private property in the Town of Newmarket**
- **Requires written agreement of the property owner;**
- **Not permitted on Town property (with delegated authority approval in special circumstances); and**
- **An appropriate fee structure**

CARRIED

**16. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 16
REPORTS BY REGIONAL REPRESENTATIVES**

Mayor Van Bynen advised that the Regional budget has been approved with a 1.94% tax increase.

**17. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 17
NEW BUSINESS**

- a) Councillor Kerwin advised that the Historical Society meeting scheduled for January 16, 2013 beginning at 7:00 p.m. at the Community Centre will feature Mr. Tom Taylor as a special guest who will address historical questions from the Committee.
- b) Councillor Twinney requested a placeholder on the February 4, 2013 Committee of the Whole agenda for discussion related to the Glenway lands.
- c) Regional Councillor Taylor suggested that if a placeholder for discussion takes place at the February 4, 2013 Committee of the Whole meeting related to Glenway lands, that also a Closed Session placeholder be added.

- d) Councillor Vegh requested more information related to the financial aspects of the Glenway development proposal be brought to the February 4, 2013 Committee of the Whole meeting.
- e) Councillor Emanuel advised that with respect to the Glenway lands proposal, a financial analysis should be considered as part of the planning report and base decisions on the merits of such.
- f) Councillor Sponga requested that staff continue to investigate available opportunities for affordable housing and rentals throughout the corridors. The Director of Planning and Building Services advised that he will re-familiarize himself with this initiative. Mayor Van Bynen advised that this is part of the Region's existing work plan.
- g) Councillor Sponga requested that staff investigate the feasibility of using rubberized materials on sidewalks and trails and report back on the findings.
- h) Councillor Sponga requested staff investigate the need for an accessible parking space on Main Street between Ontario Street and Davis Drive and report back by April 2013.
- i) Councillor Di Muccio requested that the Economic Development Officer provide her with information as soon as possible regarding the Financial Incentives Program Application process.
- j) Councillor Di Muccio provided a notice of motion for the next scheduled Committee of the Whole meeting regarding a request to the Province of Ontario to cover all the appeal costs associated with the Town's growth plan exercises.
- k) Mayor Van Bynen advised of two upcoming meetings with members of the Newmarket Economic Development Advisory Committee; January 22, 2013 and February 21, 2013. He advised that at the next formal meeting of NEDAC, the election of a new Vice-Chair will be an item on the agenda.

**Moved by Councillor Kerwin
Seconded by Councillor Di Muccio**

THAT Committee of the Whole resolve into a closed session for the purpose of discussing a proposed or pending acquisition or disposition of land by the municipality or local board.

CARRIED

The Committee resolved into a Closed Session at 2:18 p.m.

The Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Committee resumed into public session at 2:22 p.m.

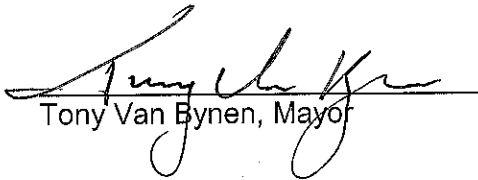
Mayor Van Bynen advised that the recommendations from the Closed Session meeting will be placed on the Council agenda of January 21, 2013.

**Moved by Councillor Sponga
Seconded by Councillor Hempen**

THAT the meeting adjourn.

CARRIED

There being no further business, the meeting adjourned at 2:23 p.m.


Tony Van Bynen, Mayor


Andrew Brouwer, Town Clerk