



Town of Newmarket
AGENDA

COUNCIL

Monday, March 4, 2013 at 7:00 p.m.
Council Chambers

OPEN FORUM 6:45 P.M.

PUBLIC NOTICE

ADDITIONS TO THE AGENDA

Please note there may be further items added to this agenda – contact the Legislative Services Department at (905) 895-5193 for the most up-to-date listing.

DECLARATIONS OF INTEREST

PRESENTATIONS

1. Award of the Queen Elizabeth II Diamond Jubilee Medal.
2. Mayor Van Bynen and Council, along with Ms. Stephanie Dyriv, Recreation Programmer – Community and Special Events, to present the High School Art Awards.
3. Ms. Suzanne Craig, Integrity Commissioner, to address Council with respect to her Memorandum and Report dated February 21, 2013 regarding Code of Conduct Complaint Investigation.

DEPUTATIONS

1. Mr. John Dowson and Ms. Colleen Zakoor, on behalf of Community Living Newmarket/Aurora District, to address Council with a PowerPoint presentation regarding the organization's 11th Annual Tribute Dinner honouring Mr. Jim Alexander on March 30, 2013.

ANNOUNCEMENTS – COMMUNITY EVENTS

APPROVAL OF MINUTES

1. Council Minutes of February 11, 2013.

CORRESPONDENCE

REPORTS BY REGIONAL REPRESENTATIVES

REPORTS OF COMMITTEES AND STAFF

1. Special Committee of the Whole Minutes of February 11, 2013.
(for confirmation only)

2. Special Committee of the Whole (Closed Session) Minutes of February 11, 2013.
(for confirmation only)
3. Committee of the Whole Minutes of February 25, 2013.
4. Committee of the Whole (Closed Session) Minutes of February 25, 2013.

RESOLUTIONS

- R7-2013 A Resolution regarding a Breach of the Council Code of Conduct.
- R8-2013 A Resolution regarding the Declaration and Sale of Surplus Land, being a portion of Sawmill Valley Drive.

BY-LAWS

- 2013-08 A By-law to Permanently Close Part of a Highway. (Sawmill Valley Drive)
(Council Minutes of January 21, 2013 – Item 23)

NOTICE OF MOTION

UNFINISHED BUSINESS

NEW BUSINESS

CONFIRMATORY BY-LAW

- 2013-09 A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING HELD ON MARCH 4, 2013.

ADJOURNMENT



TOWN OF NEWMARKET
 Legislative Services Department
 395 Mulock Drive www.newmarket.ca
 P.O. Box 328 clerks@newmarket.ca
 Newmarket, ON L3Y 4X7 905.895.5193

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 Legislative Service's Department by the following deadline:

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.

PLEASE PRINT

COUNCIL/COMMITTEE DATE: March 04, 2013 - 7:00 p.m.

AGENDA ITEM NO. _____

SUBJECT: Community Living Newmarket/Aurora District's 11th Annual Tribute Dinner, honouring Jim Alexander

NAME: John Dowson, Colleen Zakoor

ADDRESS: 757 Bogart Avenue
Street Address

Newmarket, Ontario
Town/City

L3Y 2A7
Postal Code

PHONE: : _____ BUSINESS: 905-898-3000 Ext. 246 or 256

FAX NO.: 905-898-6441 E-MAIL ADDRESS: scancelli@clnad.com

NAME OF GROUP OR PERSON(S) BEING REPRESENTED (if applicable)

Community Living Newmarket/Aurora District

BRIEF STATEMENT OF ISSUE OR PURPOSE OF DEPUTATION

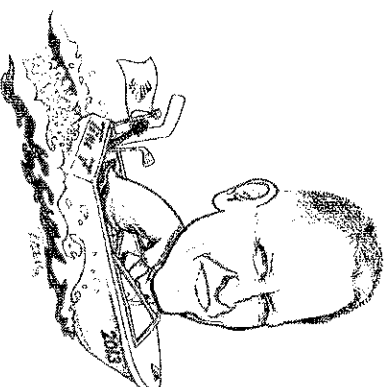
To announce Community Living Newmarket/Aurora District's 11th Annual Tribute Dinner honouring Jim Alexander on March 20, 2013 being held at The Manor Carrying Place, Golf and Country Club.

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.



Newmarket / Aurora District

Inspiring Possibilities



11th Annual Community Tribute Dinner

This year's Honouree and Recipient of the "Community Service

Award" is Jim Alexander.



CP24's Jackie Crandles is our Tribute Dinner emcee

NEW THIS YEAR – SILENT AUCTION

When: March 20, 2013 from 6:00 p.m.

The Manor Carrying Place, Golf & Country Club, Kettleby, ON



Inspiring Possibilities

Community Living Newmarket-Aurora District is a non-profit, charitable organization which provides support to people who have an intellectual disability. towards our vision, *a community where everyone belongs.*



www.clnad.com

or

(905) 898-3000 Ext. 238



March 4, 2013

Moved by: _____

Seconded by: _____

RESOLUTION R7 – 2013

WHEREAS the Report of the Integrity Commissioner dated February 21, 2013 has found that Councillor Maddie Di Muccio did breach Part II.2 of the Council Code of Conduct through her disclosure in a September 2012 Guest Columnist newspaper article, of some of the substance of the deliberations of the August 27, 2012 *in camera* meeting;

AND WHEREAS Part II.2 of the Code contains an imperative directed to all Members of Council which prohibits public office holders from disclosing or releasing by any means all information, documentation or deliberation received, reviewed or taken during an *in camera* meeting and that such information is confidential until the matter ceases to be confidential, as determined by Council;

AND WHEREAS it has been observed by the Integrity Commissioner that upon entering elected office after the 2010 Ontario municipal election, all elected officials of the Town of Newmarket Council received a Council Orientation Package which contained documents regarding the lawful policies and procedures of the Town, which included the Town Council Members' Reference Manual Section -13. Confidentiality;

AND WHEREAS the Town Council Members' Reference Manual Section – 13. Confidentiality states that respect for confidentiality cannot be over emphasized and that each and every member of Council and Staff must abide by a majority decision of Council to deliberate a matter *in camera*;

AND WHEREAS the Town Council Members' Reference Manual Section – 13. Confidentiality also states that where an elected official of Newmarket Town Council has serious difficulty with considering a matter confidentially, and they are not able to convince the majority of Council to consider the matter publicly, then the remedy for such Councillor or staff is to withdraw from consideration of that particular matter on the basis that they cannot, in good conscience consider the matter confidentially despite the majority will of Council;

AND WHEREAS the Report of the Integrity Commissioner dated February 21, 2013 has found that Councillor Maddie Di Muccio chose to disregard the observance of the Code rules in force around confidentiality;

AND WHEREAS the Integrity Commissioner has found that it is improper for Councillor Maddie Di Muccio, to have disclosed information that was discussed at an *in camera* meeting of the Town of Newmarket and this action has undermined the public trust of Newmarket Town Council;

AND WHEREAS contained in the Report of the Integrity Commissioner is the ruling that whether a Member of Council agrees or disagrees with the decision to convene a meeting into closed session, a decision by Committee or Council to hold an *in camera* meeting deems the matter confidential until such time as determined by Council. Disagreement with the majority decision to hold an *in camera* meeting does not justify a Member of Council's decision to disclose information discussed at an *in camera* meeting.

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

THAT Councillor Maddie Di Muccio be formally reprimanded for breaching Part II.2 of the Council Code of Conduct and therefore in accordance with the Council Code of Conduct refrain from the disclosure by any means of any information that is discussed in a duly convened *in camera* meeting of a Committee or Council of the Town of Newmarket.

Mayor Tony Van Bynen



March 4, 2013

Moved by: _____

Seconded by: _____

RESOLUTION R8 – 2013

WHEREAS the sale of municipal land is governed by the Town's Sale of Land Policy enacted under the *Municipal Act, 2001*, as amended;

AND WHEREAS the recommendations in Corporate Services (Legal) (Closed Session) Report 2013-01 (Property Matter) dated January 9, 2013 to Committee of the Whole regarding a Conveyance of Land to the Regional Municipality of York were received and adopted by Council on January 21, 2013;

AND WHEREAS a portion of Sawmill Valley Drive, being Part of Lot 90, Concession 1, further described as Part 11 on Plan 65R-23699, Newmarket, Regional Municipality of York, being the lands comprising of part of PIN 03626-0214 (the "Land") is deemed to be surplus;

AND WHEREAS the Town intends to convey the Land to the Regional Municipality of York.

THEREFORE BE IT RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. **THAT the Land is hereby declared surplus as to the needs of the Town of Newmarket;**
2. **AND THAT the Land be conveyed to the Regional Municipality of York;**
3. **AND THAT public notice of the foregoing be given in accordance with the Town's Sale of Land Policy LEGAL. 1-01 and By-law 2002-168;**
4. **AND THAT Council enact the necessary by-laws and resolutions to give effect to the foregoing;**
5. **AND THAT the Chief Administrative Officer and/or Municipal Solicitor be authorized to execute all agreements and documents necessary to give effect to the foregoing and that the Associate Solicitor be authorized to electronically register all transfer deeds of land.**

Mayor Tony Van Bynen



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2013-08

A BYLAW TO PERMANENTLY CLOSE PART OF A HIGHWAY described as lands comprising a portion of Sawmill Valley Drive, more specifically being part of PIN 03626-0214, described as Part 11 on Plan 65R-23699, Newmarket, Regional Municipal of York.

WHEREAS the Council of the Corporation of the Town of Newmarket has declared the above-noted land surplus and deems it advisable to permanently close the above-noted portion of the said highway;

AND WHEREAS public notice in accordance with the Town of Newmarket Sale of Land Policy LEGAL 1-01 and Notice By-law 2002-168 of the Town's intention to enact a by-law to permanently close and to sell surplus lands was published in the local newspaper, The Era Town Page on February 21, 2013 and posted on the Town's website as of February 19, 2013;

AND WHEREAS the Council of the Corporation of the Town of Newmarket has complied with the Sale of Land Policy LEGAL 1-01 and By-law 2002-168.

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

1. THAT a portion of the highway declared surplus, legally described as lands comprising a portion of Sawmill Valley Drive, more specifically being part of PIN 03626-0214, further described as Part 11 on Plan 65R-23699, Newmarket, Regional Municipality of York, be and the same is hereby permanently closed;
2. AND THAT the Chief Administrative Officer and/or the Municipal Solicitor be authorized to execute all agreements and documents necessary to give effect to the foregoing;
3. AND THAT the Associate Solicitor is hereby authorized and instructed on behalf of the Corporation to electronically sign and register all documents to give effect to the foregoing and to complete the real estate transaction.

ENACTED THIS 4TH DAY OF MARCH, 2013.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2013-09

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL – MARCH 4, 2013.

WHEREAS s. 5(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council;

AND WHEREAS s. 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Council of the Town of Newmarket deems it advisable to pass such a by-law;

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

1. THAT subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. AND THAT the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. AND THAT nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. AND THAT any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

ENACTED THIS 4TH DAY OF MARCH, 2013.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk