Town of Newmarket
MINUTES

COMMITTEE OF THE WHOLE

Monday, February 23, 2015 at 1:30 PM
Council Chambers

For consideration by Council
on March 2, 2015

The meeting of the Committee of the Whole was held on Monday, February 23, 2015 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present:	Mayor Van Bynen Regional Councillor Taylor Councillor Vegh Councillor Twinney Councillor Hempen Councillor Broome-Plumley Councillor Bisanz
Absent:	Councillor Kerwin Councillor Sponga
Staff Present:	R.N. Shelton, Chief Administrative Officer A. Moore, Commissioner of Corporate Services P. Noehammer, Commissioner of Development and Infrastructure Services I. McDougall, Commissioner of Community Services A. Brouwer, Director of Legislative Services/Town Clerk C. Kalimootoo, Director of Public Works Services C. Finnerty, Council/Committee Coordinator

The meeting was called to order at 1:35 p.m.

Mayor Van Bynen in the Chair.

The Chief Administrative Officer advised of the addendum item, being Development and Infrastructure Services Report - Public Works Services Report 2015-18 regarding Snow Storage at Ray Twinney Complex as it was requested by Council at their meeting on February 9, 2015.

Additions & Corrections to the Agenda

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

THAT the items listed on the agenda as addendum items be included.

Carried

Declarations of Pecuniary Interest

a) Councillor Broome-Plumley declared a pecuniary interest with respect to Item 15 of the agenda being correspondence from Ms. Suzanne Craig in relation to a Council Code of Conduct complaint received by the Chief Administrative Officer on December 1, 2014 as her employer is mentioned in the report.

b) Regional Councillor Taylor declared an interest with respect to Item 3 being a deputation by Mr. John Blommesteyn related to the Integrity Commissioner correspondence and Item 15 of the agenda being correspondence from Ms. Suzanne Craig in relation to a Council Code of Conduct complaint received by the Chief Administrative Officer on December 1, 2014 as the matters relate to a potential Integrity Commissioner investigation against him.

Presentations & Recognitions

1. Mr. Paul Ferguson, President, Newmarket Hydro Holdings Inc. addressed the Committee regarding Newmarket Hydro Holdings Inc. Annual General Meeting.

Moved by: Councillor Bisanz
Seconded by: Councillor Broome-Plumley

a) THAT the Newmarket Hydro Holdings Inc. Report of the President dated January 12, 2015 regarding the financial statements of Newmarket Hydro Holdings Inc. (the "Corporation"), the written resolutions of Newmarket – Tay Power Distribution Ltd. ("NT Power") and appointment of the sole director and auditors be received and the following recommendations be adopted:

i) WHEREAS the Corporation of the Town of Newmarket (the "Sole Shareholder") is the sole shareholder of the Corporation;

ii) AND WHEREAS the Sole Shareholder by a Shareholder Declaration dated November 1, 2000 appointed the Mayor as its legal representative for the purpose of communicating any shareholder consent or approval required by either the terms of the Shareholder Declaration or the *Business Corporations Act* (Ontario) (the "*OBCA*");

iii) AND WHEREAS the Corporation owns a majority of the common shares of NT Power;

iv) AND WHEREAS pursuant to s.102(2) of the *OBCA* where a body corporate is the shareholder of a corporation the corporation shall recognize any individual properly authorized by the body corporate to represent it at meetings of shareholders of the corporation;

v) AND WHEREAS pursuant to s.104 of the *OBCA* a written resolution dealing with all the matters required to be dealt with at a shareholders meeting and signed by the shareholders entitled to vote at that meeting satisfies all requirements of the *OBCA* relating to that meeting of shareholders;

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

1) THAT the Mayor, as the Sole Shareholder's legal representative, is directed to sign the following Corporation Shareholder resolutions:

a) THAT the Corporation's financial statements for the financial year ended December 31, 2013 together with the report of the Corporation's auditors, Collins Barrow, thereon dated June 26, 2014 be approved and adopted.

b) THAT Collins Barrow, Chartered Accountants, be appointed auditors of the Corporation to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the sole director and the sole director is authorized to fix such remuneration.

c) THAT R.N. Shelton be appointed as the sole director of the Corporation to hold office until the next annual meeting of shareholders or until his successor is elected or appointed.

d) THAT R.N. Shelton, so long as he is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power;

e) AND THAT all acts, contracts, by-laws, proceedings, appointments elections and payments, enacted, made, done and taken by the sole director and sole officer of the Corporation to December 31, 2013, as the same are set out or referred to in the resolutions of the sole director, or in the financial statements of the corporation, are approved, sanctioned and confirmed.

2) AND THAT the Mayor, as the Sole Shareholder's legal representative, direct R.N. Shelton, the sole director and legal representative of the Corporation, to sign the following NT Power shareholder resolutions in lieu of an annual meeting:

a) THAT the financial statements of NT Power for the financial year ended December 31, 2013 together with the report of NT Power's auditors, Collins Barrow, thereon dated April 23, 2014 be approved and adopted.

b) THAT Collins Barrow, Chartered Accountants, be appointed auditors of NT Power to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the directors and the directors are authorized to fix such remuneration.

c) THAT T. Van Bynen, S. Warnock, P. Daniels, R. Betts, A. Ott, C. Prattas and P. Ferguson are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed;

d) AND THAT all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the directors and officers of NT Power to December 31, 2013, as the same are set out or referred to in the resolutions of the board of directors, the minutes of the meetings of the board of directors or in the financial statements of NT Power, are approved, sanctioned and confirmed.

Carried

Moved by: Councillor Vegh
Seconded by: Regional Councillor Taylor

THAT the presentation by Mr. Paul Ferguson, President, Newmarket Hydro Holdings Inc. regarding the Newmarket Hydro Holdings Inc. Annual General Meeting be received.

Carried

2. Mr. Andrew Walasek, Manager, Municipal Engagement, Government Affairs and Mr. Chad Schella, Director of Government Affairs, Canada Post Corporation addressed the Committee regarding changes to postal services in Newmarket and public engagement measures. Discussion ensued regarding the implementation of community mailboxes, including their location and site planning measures, timelines and graffiti and litter mitigation measures. Mr. Schella advised that Canada Post is responsible for litter, snow and graffiti removal around their community mailboxes and has a policy that requires removal of graffiti within 48 hours of being reported.

Moved by: Councillor Vegh
Seconded by: Councillor Twinney

THAT the presentation by Mr. Andrew Walasek, Manager, Municipal Engagement, Government Affairs, and Mr. Chad Schella, Director of Government Affairs, Canada Post Corporation regarding changes to postal service and public engagement measures be received.

Carried

Deputations

3. Mr. John Blommesteyn addressed the Committee regarding the Integrity Commissioner's Report.

Moved by: Councillor Bisanz
Seconded by: Councillor Broome-Plumley

THAT the deputation by Mr. John Blommesteyn be provided an additional five minutes.

Motion Lost

Moved by: Councillor Bisanz
Seconded by: Councillor Twinney

THAT the deputation by Mr. John Blommesteyn regarding the Integrity Commissioner's Report be received.

Carried

Regional Councillor Taylor took no part in the discussion or voting of the foregoing matter.

4. Correspondence dated February 4, 2015 from Ms. Suzanne Craig in relation to a Council Code of Conduct complaint received by the Chief Administrative Officer on December 1, 2014.

Discussion ensued and an alternate motion was presented.

Moved by: Councillor Bisanz
Seconded by: Councillor Vegh

THAT the correspondence dated February 4, 2015 from Ms. Suzanne Craig in relation to a Council Code of Conduct complaint received by the Chief Administrative Officer on December 1, 2014 be received and referred to staff.

Carried

Regional Councillor Taylor and Councillor Broome-Plumley took no part in the discussion or voting of the foregoing matter.

5. Chief Administrative Officer Report 2015-02 dated February 11, 2015 regarding Council Code of Conduct Update.

Moved by: Councillor Vegh
Seconded by: Councillor Twinney

a) THAT Chief Administrative Officer Report 2015-02 dated February 11, 2015 regarding Council Code of Conduct Update be received and the following recommendations be approved:

i) THAT staff be directed to investigate best practices on policy issues such as Councillor supported community events/not for profit organizations and clarification of official e-mail address use;

ii) AND THAT findings be brought back as part of the draft Council Code of Conduct;

iii) AND THAT future Code complaints related to matters currently under review be held in abeyance until the review has been completed and reported on to Council;

iv) AND THAT future Code complaints follow the Interim Code Complaint Process as outlined in this report until a new Council Code of Conduct has been adopted.

Carried

Consent Items

Moved by: Councillor Hempen
Seconded by: Councillor Bisanz

THAT the following items be adopted on consent:

6. Correspondence from Ms. Beverly Verwey, Branch Council Chair, Region of York Branch of the Canadian Red Cross dated January 9, 2015 requesting proclamation of the month of March, 2015 as "Red Cross Month" in the Town of Newmarket.

   a) THAT the correspondence dated January 9, 2015 from Ms. Beverly Verwey, Branch Council Chair, Region of York Branch of the Canadian Red Cross be received and the following recommendations be adopted:

   i) THAT the Town of Newmarket proclaim the month of March, 2015 as "Red Cross Month";

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

7. Correspondence from Mr. David Harper, Volunteer Manager, Epilepsy York Region dated February 10, 2015 requesting proclamation of the month of March, 2015 as "Epilepsy Awareness Month" and March 26, 2015 as "Purple Day" in the Town of Newmarket.

a) THAT the correspondence dated February 10, 2015 from Mr. David Harper, Volunteer Manager, Epilepsy York Region be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim the month of March, 2015 as "Epilepsy Awareness Month" and March 26, 2015 as "Purple Day";

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

8. Correspondence from Ms. Tracey Nesbitt, Manager, OASW Central Ontario Branch dated January 28, 2015 requesting proclamation of the week of March 2 to 8, 2015 as "Social Work Week" in the Town of Newmarket.

a) THAT the correspondence dated January 28, 2015 from Ms. Tracey Nesbitt, Manager, OASW Central Ontario Branch be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim the week of March 2 to 8, 2015 as "Social Work Week";

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

9. Correspondence from Mr. Peter Stojanov, Director, Canadian Institute of Plumbing and Heating, Ontario Region dated February 10, 2015 requesting proclamation of March 11, 2015 as "World Plumbing Day" in the Town of Newmarket.

a) THAT the correspondence dated February 10, 2015 from Mr. Peter Stojanov, requesting proclamation of March 11, 2015 as "World Plumbing Day" be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim March 11, 2015 as "World Plumbing Day";

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

10. Central York Fire Services - Joint Council Committee Minutes of September 2, 2014 and January 6, 2015.

    a) THAT the Central York Fire Services - Joint Council Committee Minutes of September 2, 2014 and January 6, 2015 be received.

11. Item 3 of the Central York Fire Services - Joint Council Committee Minutes of September 2, 2014 - Joint Central York Fire Services and Corporate Services Report 2014-33 dated July 17, 2014 regarding the 2014 Central York Fire Services Budget Report - Second Quarter.

    a) THAT the Joint Central York Fire Services and Corporate Services Report 2014-33 dated July 17, 2014 regarding the 2014 Central York Fire Services Budget Report - Second Quarter be received for information purposes;

    b) AND THAT the Town of Newmarket be requested to transfer the balance in its Fire Training Reserve to Central York Fire Services' Asset Replacement Fund.

12. Central York Fire Services - Joint Council Committee (Closed Session) Minutes of January 6, 2015.

    a) THAT the Central York Fire Services - Joint Council Committee (Closed Session) Minutes of January 6, 2015 be received.

13. Newmarket Public Library Board Minutes of December 17, 2014.

    a) THAT the Newmarket Public Library Board Minutes of December 17, 2014 be received.

14. List of Outstanding Matters.

    a) THAT the list of Outstanding Matters be received.

Carried

15. Development and Infrastructure Services Report - Public Works Services 2015-16 dated February 9, 2015 regarding Sidewalk Snow Clearing Operations.

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

a) THAT Development and Infrastructure Services Report - Public Works Services 2015-16 dated February 9, 2015 regarding Sidewalk Snow Clearing for All Sidewalks be received and the following recommendation be adopted:

i) THAT Council consider the proposed enhancement of winter sidewalk maintenance service levels to include all municipally owned sidewalks with priority to be given to schools, Main Street, Regional roads and primary transit locations as part of the 2015 draft budget deliberations.

Carried

16. Joint Development and Infrastructure Services, Public Works Services and Corporate Services - Financial Services Report 2015-17 dated February 10, 2015 regarding Advanced Metering Infrastructure Proposed Fixed Network System.

Moved by: Councillor Twinney
Seconded by: Councillor Hempen

a) THAT Joint Development and Infrastructure Services Report - Public Works Services and Corporate Services - Financial Services Report 2015-17 dated February 10, 2015 regarding Advanced Metering Infrastructure be received and the following recommendations be adopted:

i) THAT Council consider the benefits of Advanced Metering Infrastructure as outlined in conjunction with the draft 2015 capital budget submission;

ii) AND THAT Council give consideration to initiating a Meter Replacement Program in the 2015 budget through a Request for Proposal process.

Carried

17. Development and Infrastructure Services Report - Public Works Services 2015-12 dated January 29, 2015 regarding Northern Six Waste Collection Contract, 2017-2027 – Tender Preparation Update.

Discussion ensued and an alternate motion was presented.

Moved by: Regional Councillor Taylor
Seconded by: Councillor Vegh

a) THAT Development and Infrastructure Services Report - Public Works Services 2015-12 dated January 29, 2015 regarding Northern Six Waste Collection Contract 2017-2027 – Tender Preparation Update be received and the following recommendations be adopted:

i) THAT staff be directed to work collaboratively with the Northern Six municipalities on the preparation of the procurement documents and tender for a Northern Six Waste Collection Contract;

ii) AND THAT Council directs staff to prepare an updated Memorandum of Understanding between the Northern Six Municipalities to provide governance and direction during the next Contract period;

iii) AND THAT Council directs staff to prepare the Tender for a Contract period of eight (8) to ten (10) years commencing from the expiry or termination of the existing contract;

iv) AND THAT Council continues to endorse the principles of the Region of York 2012 Integrated Waste Management Master Plan (SM4RT Living Plan) including waste reduction and the provision of a three stream waste diversion program with Blue Box Material recycling and Source Separated Organics recycling;

v) AND THAT Staff report back with opportunities to harmonize all Waste Collection By-laws in the Northern Six municipalities with the aim to improve efficiencies in the Contract Administration and customer service;

vi) AND THAT Staff report back to Council for direction with respect to opportunities for improvements in the service level(s) provided, range of services provided, opportunities for further waste diversion, and cost efficiencies;

vii) AND THAT staff report back to Council in one hundred and fifty (150) days analyzing performance levels with the existing contract and provide any additional information as deemed appropriate;

viii) AND THAT staff explore the option of providing customer service delivery through one of the municipal partners.

Carried

18. Development and Infrastructure Services Report - Public Works Services 2015-18 dated February 17, 2015 regarding Snow Storage at Ray Twinney Complex.

Discussion ensued regarding public safety, environmental concerns and alternate sites and an alternate motion was presented.

Moved by: Councillor Bisanz
Seconded by: Councillor Broome-Plumley

a) THAT Development and Infrastructure Services Report - Public Works Services 2015-18 dated February 17, 2015 regarding Snow Storage at Ray Twinney Complex be received and the following recommendations be adopted:

i) THAT staff continue to try to secure temporary or permanent snow disposal site(s) for the remainder of the 2014/2015 winter and onwards, and work with partners such as York Region to establish alternates for the existing Ray Twinney Complex site;

ii) AND THAT staff limit the amount of snow storage at the Ray Twinney Complex parking lot site by limiting the operations to 4:00 p.m. whenever possible and depending on weather, 11:00 p.m. in rare and more extreme circumstances;

iii) AND THAT staff and contractors utilize the Eagle Street entrance as the primary route into and out of the complex, to minimize the use of the other entrances where possible;

iv) AND THAT staff, provide full security fencing and signage around snow holding area and provide daily checks for any breaches or concerns;

v) AND THAT staff establish regular garbage/debris pickups during melting periods;

vi) AND THAT staff communicate with drivers and contractors to minimize noise where possible;

vii) AND THAT staff be directed to request Regional support and assistance to facilitate use of 145 Harry Walker Parkway (former Snap-on Tools site) for temporary snow storage for the remainder of the winter season.

Carried

Action Items

None.

Correspondence & Petitions

None.

Reports by Regional Representatives

None.

Notices of Motion

a) Regional Councillor Taylor provided notice that he would be bringing forward a motion to the next scheduled Council meeting regarding proclamation and participation in Earth Hour on March 28, 2015.

Motions

None.

Closed Session

Mayor Van Bynen advised that there was no requirement for a Closed Session.

New Business

None.

Public Hearing Matters

None.

Adjournment

Moved by: Councillor Broome-Plumley
Seconded by: Councillor Vegh

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 3:37 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk