



Town of Newmarket

Minutes

Special Council Meeting - Electronic

Date: Monday, June 8, 2020
Time: 1:00 PM
Location: Streamed live from the Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor
Deputy Mayor & Regional Councillor Vegh
Councillor Simon (1:21 PM - 4:46 PM)
Councillor Woodhouse
Councillor Twinney
Councillor Morrison
Councillor Kwapis
Councillor Broome
Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development & Infrastructure Services
I. McDougall, Commissioner of Community Services
L. Lyons, Director of Legislative Services/Town Clerk
J. Unger, Acting Director of Planning & Building Services
K. Saini, Deputy Town Clerk
F. Scott, Manager of Regulatory Services
A. Glikson, Community Energy Plan Administrator
B. Morrow, Grant Coordinator
A. Walkom, Legislative Coordinator
J. Grossi, Legislative Coordinator

Guests: Ysni Semsedini, President, Newmarket-Tay Power Distribution Ltd.
Gianni Creta, President, Envi Network Ltd.

The meeting was called to order at 1:09 PM.
Council recessed at 2:13 PM and reconvened at 2:23 PM.
Council recessed at 3:14 PM and reconvened at 3:22 PM.
Mayor Taylor in the Chair.

1. Notice

Mayor Taylor began the meeting with a statement in support of the Black, Indigenous, People of Colour (BIPOC) community.

He advised that the Municipal Offices were closed to the public and that this meeting was streamed live at [Newmarket.ca/meetings](https://newmarket.ca/meetings). Residents who would like to provide comment on an item on this agenda were encouraged to provide their feedback in writing through email to Legislative Services at clerks@newmarket.ca or by joining the meeting electronically through video or telephone. He advised residents that their comments would form part of the public record.

2. Additions & Corrections to the Agenda

The Clerk advised of the following additions to the agenda:

- Item 5.4.1: Written Deputation from Leonard Martens regarding the COVID-19 Recovery - Main Street Pedestrian Zones and Town-Wide Patio Expansion
- Item 5.5: 30 minute parking restriction along Main Street to facilitate curb side pick-up
- Item 5.6: Community Support

Moved by: Councillor Broome

Seconded by: Councillor Twinney

1. That the additions to the agenda be approved.

Carried by Two Thirds

3. Conflict of Interest Declarations

- Councillor Kwapis declared a conflict related to items 5.3.1 & 5.3.2 - Site Specific Exemption to Interim Control By-law 2019-04 for 176 Parkview Crescent Staff Report and accompanying By-law. He advised that the property was located in close proximity to his house.
- Councillor Morrison declared a conflict related to items 5.3.1 & 5.3.2 - Site Specific Exemption to Interim Control By-law 2019-04 for 176 Parkview Crescent Staff Report and accompanying By-law. He advised that his parents reside on the same street as the request.

4. Closed Session

Moved by: Councillor Morrison

Seconded by: Councillor Bisanz

1. That Council resolve into Closed Session to discuss the following matters:
 - a. Newmarket-Tay Power and ENVI Financial Statements - A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization as per Section 239 (2) (i) of the Municipal Act, 2001.

Carried

Council resolved into Closed Session at 1:21 PM.

Special Council - Electronic (Closed Session) Minutes are recorded under separate cover.

Council resumed into Open Session at 1:31 PM.

4.1 Approval of Closed Session Minutes

- 4.1.1 Special Council - Electronic Meeting (Closed Session) Minutes of May 19, 2020

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That the Special Council - Electronic Meeting (Closed Session) Minutes of May 19, 2020 be approved.

4.2 Newmarket-Tay Power and ENVI Financial Statements

The Mayor advised that Members of Council were given the opportunity to ask questions of Ysni Semsedini, President, Newmarket-Tay Power Distribution Ltd. and Gianni Creta, President, ENVI Network Ltd. regarding the financial statements related to Newmarket-Tay Power Ltd. and ENVI Network Ltd.

5. Items

5.1 Newmarket Hydro Holdings Inc. 2019 Annual General Meeting

5.1.1 Presentation

Cristine Prattas, Chair, Newmarket-Tay Power introduced the Newmarket-Tay Power Distribution Ltd. Board Members. Gianni Creta, President, ENVI Network introduced the ENVI Networks Ltd. Executive Directors.

Ysni Semsedini, President, Newmarket-Tay Power Distribution Ltd. outlined the consolidated financial statements and provided a brief overview of the motions that were required by the Town of Newmarket Council. He also reviewed the COVID-19 impacts including the adjustments to time of use rates, and the moratorium on disconnects, along with mitigation strategies and next steps.

Gianni Creta, President, ENVI Network provided a business review of ENVI Network, outlined the impacts of COVID-19 on the customer installs, employees, and financials.

Members of Council queried the presenters regarding the Newmarket-Tay Power Distribution Ltd. dividend impacts due to COVID-19, possible expansion of ENVI, and the opportunity for Provincial funding.

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Twinney

1. That the presentation by Ysni Semsedini, President, Newmarket-Tay Power Distribution Ltd. and Gianni Creta, President, Envi Network regarding the Newmarket Hydro Holdings Inc. 2019 Annual General Meeting be received.

Carried

5.1.2 Resolutions of the Sole Shareholder of Newmarket Hydro Holdings Inc.

Moved by: Councillor Bisanz

Seconded by: Councillor Woodhouse

Whereas the Corporation of the Town of Newmarket (the “Sole Shareholder”) is the sole shareholder of the Corporation; 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”); and,

Whereas the Corporation owns a majority of the common shares of Newmarket-Tay Power Distribution Ltd. (“NT Power”) and Envi Networks Ltd. (“Envi”); and 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; 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, 2019 together with the report of the Corporation's auditors, Baker Tilly KDN LLP ("Baker Tilly"), Chartered Accountants, formerly Collins Barrow, thereon dated May 20, 2020 be approved and adopted; and,
 - b. That Baker Tilly, 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; and,
 - c. That Jag Sharma, 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; and,
 - d. That Jag Sharma, so long as he is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power and Envi; and,
 - e. That all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the sole director and sole officer of the Corporation to December 31, 2019, 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; and,
2. That the Mayor, as the Sole Shareholder's legal representative, direct Jag Sharma, 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, 2019 together with the report of NT Power's auditors, Baker Tilly, thereon dated April 29, 2020 be approved and adopted; and,

- b. That Baker Tilly, 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; and,
 - c. That J. Taylor, T. Walker, D. Charleson, B. Gabel, C. Prattas, P. Sardana, and D. Wattling are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed; and,
 - d. 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, 2019, 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; and,
3. That the Mayor, as the Sole Shareholder's legal representative, direct Jag Sharma, the sole director and legal representative of the Corporation, to sign the following Envi shareholder resolutions in lieu of an annual meeting:
- a. That the financial statements of Envi for the financial year ended December 31, 2019 together with the report of Envi's auditors, Baker Tilly, thereon dated April 7, 2020 be approved and adopted; and,
 - b. That Baker Tilly, Chartered Accountants, be appointed auditors of Envi 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; and,
 - c. That I. Collins, J. Piercy, and B. Kwapis are elected directors of Envi to hold office until the next annual meeting of shareholders or until their successors are elected or appointed; and,
 - d. That all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by

the directors and officers of Envi to December 31, 2019, 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 Envi, are approved, sanctioned and confirmed.

Carried

5.2 Community Efficiency Financing (CEF) Program

5.2.1 Presentation

The Commissioner of Development & Infrastructure provided an introduction to the presentation regarding the Community Energy Plan, and the funding opportunity through the Federation of Canadian Municipalities (FCM) related to energy efficiency programs.

The Community Energy Plan Administration provided an overview of the Newmarket Energy Efficiency Retrofit (NEER) project timeline and the steps taken thus far.

The Grant Coordinator outlined the Community Efficiency Financing (CEF) Program and explained how this funding opportunity could accelerate the NEER Program. He explained the benefits of applying to the first round of CEF funding, and laid out possible future scenarios.

The Community Energy Plan Administrator advised that the Town of Newmarket already met most of the requirements for this funding opportunity, and explained the need for Council to pass a resolution to fulfill the remaining requirements.

Members of Council queried Staff regarding the possible future expansion of this project, specifics regarding the forgivable versus non-forgivable loan, and future Council checkpoints throughout the NEER project.

5.2.2 Staff Report - Community Efficiency Financing (CEF) Program

Sub-items 5.2.1 and 5.2.2 were dealt with together.

Moved by: Councillor Twinney

Seconded by: Councillor Woodhouse

1. That the presentation by the Community Energy Plan Administrator and the Grant Coordinator, regarding the Community Efficiency Financing (CEF) Program be received; and,
2. That the report entitled Community Efficiency Financing (CEF) Program dated June 8, 2020 be received; and,
3. That the Newmarket Energy Efficiency Retrofit (NEER) Business Case, as presented during the September 30th, 2019 workshop, be approved in principle; and,
4. That the Resolution, included as Attachment 2 to this Report, be approved; and,
5. That staff be directed to apply to the Community Efficiency Financing program issued by the Federation of Canadian Municipalities (FCM); and,
6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.3 Site Specific Exemption to Interim Control By-law 2019-04 for 176 Parkview Crescent

5.3.1 Staff Report - Site Specific Exemption to Interim Control By-law 2019-04 for 176 Parkview Crescent

5.3.2 By-law (Attachment 3 to staff report)

Sub-items 5.3.1 and 5.3.2 were dealt with together.

Moved by: Councillor Broome

Seconded by: Councillor Twinney

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for subject property 176 Parkview Crescent dated June 8, 2020 be received; and,

2. That Council approve the requested site-specific exemption to Interim Control by-law 2019-04 for 176 Parkview Crescent and adopt the attached exemption by-law; and,
3. That By-law 2020-28 be enacted.

Carried

Councillor Morrison and Councillor Kwapis took no part in the discussion or vote on the foregoing matter due to a declared conflict.

5.4 COVID-19 Recovery - Main Street Pedestrian Zones and Town-Wide Patio Expansion

Moved by: Councillor Kwapis

Seconded by: Councillor Morrison

1. That the report entitled COVID-19 Recovery - Main Street Pedestrian Zones and Town-Wide Patio Expansion dated June 8, 2020 be received; and,
2. That Council direct staff to put Town-wide plans in place to respond to future Provincial announcements with respect to restaurant and retail expanded openings through working in collaboration with the BIA, the Chamber of Commerce and local restaurant operators and retailers; and,
3. That for 2020, Council direct staff to waive patio licensing fees for 2020; and,
4. That for the 2020 patio season, Council delegates its authority to staff to amend the current Outdoor Serving Patio Program with respect to hours of operation, encroachment on Town lands, and any other relevant provisions to facilitate outdoor patios on a temporary basis; and,
5. That infrastructure/material/set up/tear-down costs associated with the downtown pedestrian zones in 2020 that directly involve the use of Town property be funded by the Town through the operating budget and/or applicable reserves as required; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.4.1 Written Deputation - Leonard Martens

Mayor Taylor read aloud the written deputation provided by Leonard Martens regarding the pedestrianization of Main Street in the Town of Newmarket.

Moved by: Councillor Simon

Seconded by: Councillor Broome

1. That the written deputation from Leonard Martens regarding COVID-19 Recovery - Main Street Pedestrian Zones and Town-Wide Patio Expansion be received.

Carried

5.5 30 minute parking restriction along Main Street to facilitate curb side pick-up

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Kwapis

Seconded by: Councillor Broome

1. **That Council approve the extension of Emergency Order No.1 regarding the restriction of parking on Main Street to 30 minutes until September 21, 2020.**

Carried

5.6 Community Support

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Bisanz

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. **That Council approve up to an additional \$25,000 to be allocated towards the Town of Newmarket run community meal program operating at the Municipal Offices; and,**
2. That Council direct the Director, Recreation & Culture to coordinate with the appropriate community partners to provide assistance; and,
3. That the Treasurer be directed to provide funding from the appropriate sources for this program; and,
4. **That Council direct Staff to provide further information related to other gaps in meeting community needs and the potential role of the Town in addressing those.**

Carried

5.7 Information Report - Traffic Calming: 2019 and 2020 Flexible Bollard Programs

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That the Information Report entitled Traffic Calming: 2019 and 2020 Flexible Bollard Programs, dated March 13, 2020, be received for information purposes.

Carried

5.8 Information Report - Discouraging the Unauthorized Demolition of Designated Heritage Buildings

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That the Information Report entitled Discouraging the Unauthorized Demolition of Designated Heritage Buildings, dated May 14, 2020, be received for information purposes.

Carried

5.9 Approval of Minutes

5.9.1 Special Council - Electronic Meeting Minutes of May 19, 2020

5.9.2 Special Council - Electronic Meeting Minutes of May 25, 2020

Sub-items 5.9.1 and 5.9.2 were dealt with together.

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the Special Council - Electronic Meeting Minutes of May 19, 2020 be approved; and,
2. That the Special Council - Electronic Meeting Minutes of May 25, 2020 be approved.

Carried

6. Confirmatory By-law

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That By-law 2020-29 be enacted.

Carried

7. Adjournment

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. That the meeting be adjourned at 4:46 PM.

Carried

John Taylor, Mayor

Lisa Lyons, Town Clerk