



Town of Newmarket

Minutes

Committee of the Whole - Electronic

Date: Monday, June 20, 2022

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
Councillor Woodhouse
Councillor Twinney
Councillor Morrison
Councillor Kwapis
Councillor Broome
Councillor Bisanz

Staff Present: I. McDougall, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development & Infrastructure Services
J. Payne, Commissioner, Community Services
L. Lyons, Director of Legislative Services/Town Clerk
M. Agnoletto, Director of Public Works Services
M. Mayes, Director of Financial Services/Treasurer
K. Reynar, Director of Legal and Procurement Services
J. Unger, Director of Planning & Building Services
R. Prudhomme, Director of Engineering Services
K. Huguenin, Legislative Coordinator
S. Niezen, Records and Projects Coordinator

For consideration by Council on June 27, 2022.

Mayor Taylor in the Chair.

The meeting was called to order at 1:04 PM.

1. Notice

Mayor Taylor acknowledged that the Town of Newmarket is located on the traditional territories of the Wendat, Haudeno-saunee, and the Anishinaabe peoples and the treaty land of the Williams Treaties First Nations and other Indigenous peoples whose presence here continues to this day. He thanked them for sharing this land with us. Mayor Taylor also acknowledged the Chippewas of Georgina Island First Nation as our close neighbours and friends, and that we work to ensure a cooperative and respectful relationship.

Mayor Taylor advised that the Municipal Offices were open to the public, and that members of the public could attend this meeting in person or view the live stream available at 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 providing a deputation electronically or in-person. He advised residents that their comments would form part of the public record.

2. Additions & Corrections to the Agenda

The Clerk provided the following additions and corrections to the agenda:

- Item 4.1 Run for Southlake - Community Spirit Award Presentation will be rescheduled.
- Item 4.3 Recognition of National Indigenous Peoples Day, June 21st - Kim Wheatley will join Council virtually to provide education and information for the Newmarket community as part of our celebrations.
- Item 5.1 Deputation provided by Peter Frost regarding the Proposed Plan of Subdivision, Official Plan Amendment & Zoning By-law Amendment – Forest Green Homes 16860 & 16920 Leslie Street.
- Item 5.2 Deputation provided by Rosemarie Humphries regarding the Proposed Plan of Subdivision, Official Plan Amendment & Zoning By-law Amendment – Forest Green Homes 16860 & 16920 Leslie Street.
- Items 6.8.1 Correspondence - Peter Frost regarding the Proposed Plan of Subdivision, Official Plan Amendment & Zoning By-law Amendment – Forest Green Homes 16860 & 16920 Leslie Street.

Moved by: Councillor Broome
Seconded by: Councillor Twinney

1. That the corrections to the agenda be approved.

Carried

3. Conflict of Interest Declarations

None.

4. Presentations & Recognitions

4.1 Run for Southlake - Community Spirit Award

4.2 Newmarket Hydro Holdings Inc 2021 Annual General Meeting

Ysni Semsedini, President & CEO Newmarket-Tay Power Distribution Ltd. and Gianni Creta, President, Envi Networks Ltd. provided a presentation on Newmarket Hydro Holdings Inc 2021 Annual General Meeting regarding 2021 year in review, Covid impacts, corporate and financial restructure and business review.

Members of Council queried the presenters regarding the change of billing system, requirements of infrastructure and the consolidated statement of income.

Moved by: Councillor Bisanz

Seconded by: Councillor Morrison

1. That the presentation provided by Ysni Semsedini, President & CEO Newmarket-Tay Power Distribution Ltd. and Gianni Creta, President, Envi Networks Ltd. be received.

Carried

4.3 Recognition of National Indigenous Peoples Day, June 21st

Kim Wheatley, an Anishinaabe Ojibway Grandmother from Shawanaga First Nation Reserve who carries the Spirit name Head or Leader of the Fireflower and is Turtle Clan provided a presentation on National Indigenous Peoples Day, June 21, 2022. The presentation included information on the National Peoples Indigenous Day and their unique heritage, contributions and diverse cultures in Canada. She advised June is National Indigenous History Month with many activities, artworks and movies being held.

5. Deputations

5.1 Item 6.8 - Peter Frost

Peter Frost, President, HighGate Board of Directors provided a deputation which outlined his concerns regarding traffic, land expropriation, and an emergency exit.

Moved by: Councillor Woodhouse

Seconded by: Councillor Broome

1. That the deputation provided by Peter Frost regarding the Proposed Plan of Subdivision, Official Plan Amendment & Zoning By-law Amendment – Forest Green Homes 16860 & 16920 Leslie Street be received.

Carried

5.2 Item 6.8 - Rosemarie Humphries

Rosemarie Humphries, President, Humphries Planning Group Inc provided a deputation. She supports staff recommendations and thanked Town staff and residents in the surrounding area.

Moved by: Councillor Woodhouse

Seconded by: Councillor Twinney

1. That the deputation provided by Rosemarie Humphries, President, Humphries Planning Group Inc regarding the Proposed Plan of

Subdivision, Official Plan Amendment & Zoning By-law Amendment –
Forest Green Homes 16860 & 16920 Leslie Street be received.

Carried

6. Consent Items

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Broome

1. That sub-items 6.1, 6.2, 6.5, 6.8, 6.13, 6.14, and 6.15 be adopted on consent.
See following sub-items 6.3, 6.4, 6.6, 6.7, 6.9, 6.10, 6.11 and 6.12 for motion.

Carried

6.1 Newmarket Hydro Holdings Inc 2021 Annual General Meeting

Whereas the Corporation of the Town of Newmarket (the “Sole Shareholder”) is the sole shareholder of Newmarket Hydro Holdings Inc. (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, 2021 together with the report of the Corporation's auditors, Baker Tilly KDN LLP ("Baker Tilly"), Chartered Accountants, thereon dated May 13, 2022 be approved and adopted; and,
 - b. That KPMG, 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 Ian McDougall, 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 Ian McDougall, 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, 2021, 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. That the Mayor, as the Sole Shareholder's legal representative, direct Ian McDougall, 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, 2021 together with the report of NT Power's

auditors, Baker Tilly, thereon dated April 29, 2022 be approved and adopted; and,

- b. That KPMG, 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, D. Priore, 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, 2021, 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.
3. That the Mayor, as the Sole Shareholder's legal representative, direct Ian McDougall, 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, 2021 together with the report of Envi's auditors, Baker Tilly, thereon dated April 12, 2022 be approved and adopted; and,
 - b. That KPMG, 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, 2021, 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.

6.2 Items 5.3.1 and 5.3.2 of the draft Audit Committee Meeting Minutes of June 7, 2022

1. That the Audit Committee recommends to Council that the Consolidated Financial Statements of The Corporation of Town of Newmarket for the year ended December 31, 2021 be approved; and,
2. That the Audit Committee recommends to Council that the Financial Statements of Town of Newmarket Main Street District BIA for the year ended December 31, 2021 be approved.

6.3 Item 6.1 of the draft Audit Committee Meeting Minutes of June 7, 2022

Moved by: Councillor Morrison

Seconded by: Councillor Bisanz

1. That the Audit Committee recommends to Council that senior management and the appropriate staff ensure that the recommendation provided by the external auditor regarding the privileged access with respect to Information Technology controls be implemented within one year.

Carried

6.4 2021 Financial Statements and Auditor's Report

Moved by: Councillor Bisanz

Seconded by: Councillor Woodhouse

1. That the report entitled 2021 Financial Statements and Auditor's Report dated June 20, 2022 be received; and,

2. That the draft 2021 financial statements for the Corporation of the Town of Newmarket and the Town of Newmarket Main Street District BIA; the Financial Statement Discussion and Analysis prepared by staff; and the Report to the Audit Committee on the results of the December 31, 2021 financial statements audits from Deloitte LLP be received; and,
3. That Council approve the 2021 financial statements for the Corporation of the Town of Newmarket and the Town of Newmarket Main Street District BIA as endorsed by the Audit Committee.

Carried

6.5 2022 Budget Reconciliation

1. That the report entitled 2022 Budget Reconciliation dated June 20, 2022, be received; and,
2. That the report entitled 2022 Budget Reconciliation be approved; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

6.6 2022 Reserve and Reserve Funds Budget

Moved by: Councillor Kwapis

Seconded by: Councillor Simon

1. That the report entitled 2022 Reserve and Reserve Funds Budget Report dated June 20, 2022 be received; and,
2. That the 2022 Reserve and Reserve Funds Budget as set out in the attachment be approved; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.7 Water, Wastewater and Stormwater Rates

An alternate motion was presented and noted below in bold.

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Woodhouse

1. That the report entitled “Water, Wastewater and Stormwater Rates” dated June 20, 2022 be received; and,
2. **That a portion of the government grants from Canada Community Building Fund and Ontario Community Infrastructure Fund be endorsed as funding sources to support stormwater capital requirements with a detailed analysis to Council when the updated 10 year plan is brought forward and,**
3. That conversion of the Data Analyst position from contract to full-time be approved; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.8 Proposed Plan of Subdivision, Official Plan Amendment & Zoning By-law Amendment – Forest Green Homes 16860 & 16920 Leslie Street

1. That the report entitled Proposed Plan of Subdivision, Official Plan Amendment & Zoning By-law Amendment – Forest Green Homes 16860 & 16920 Leslie Street, dated June 20, 2022 be received; and,
2. That the Official Plan Amendment be adopted; and,
3. That application for, Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by Newmarket Cemetery Corporation/2394237 Ontario Inc.– (Forest Green Homes) for lands municipally known as 16860 & 16920 Leslie Street be approved; and,

4. That the approval of Draft Plan of Subdivision 19T-NP1312 is also subject to the schedule of conditions set out in Appendix “1” attached to and forming part of this report; and,
5. That the approval for Draft Plan of Subdivision 19T-NP1312 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; and,
6. That Humphries Planning Group Inc. and 2394237 Ontario Inc. be notified of this action; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

6.8.1 Correspondence - Peter Frost

6.9 Site Plan Review Committee

Moved by: Councillor Woodhouse

Seconded by: Councillor Twinney

1. That the report entitled Site Plan Review Committee dated June 20, 2022 be received; and,
2. That Council dissolve the Site Plan Review Committee; and,
3. That the Site Plan Review Committee Meeting Minutes be approved (Attachments A to H); and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.10 Queen Street Bridge (001) Load Restrictions

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the report entitled Queen Street Bridge (001) Load Restrictions dated June 20, 2022 be received; and,
2. That Traffic By-law 2011-24, Schedule VI be amended to include a 10 tonne load limit on the Queen Street Bridge (001) over the railroad track, exempting emergency service and road maintenance vehicles; and,
3. That Town Staff communicate the load restrictions to emergency services, school boards, Metrolinx, and other affected parties; and,
4. That Town Staff erect signs at appropriate locations, including the approaches to the bridge, to alert drivers of the load restriction in advance; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.11 Non-Competitive Acquisition to Hach Sales and Service Canada for Hach Branded Equipment, Supplies, Parts and Services

An alternate motion was presented and noted below in bold.

Moved by: Councillor Morrison

Seconded by: Councillor Bisanz

1. That the report entitled non-competitive acquisition to Hach Sales and Service Canada for Hach branded equipment, supplies, parts and services for the Towns water testing program, dated June 20th 2022 be received; and,
2. That a non-competitive contract with HACH Sales and Service Canada Limited for the acquisition of HACH branded instrumentation, chemistry equipment, supplies, parts, maintenance and repairs for a period of up to five (5) years in the approximate amount of up to \$400,000.00 (approximately \$80,000.00 annually) plus applicable taxes, be approved; and,

3. That a blanket purchase order to Hach Sales and Service Canada Limited be generated in the approximate annual amount of \$80,000.00, plus applicable taxes, for a five (5) year period, with confirmation of approved funding; and,
4. **That should Staff anticipate that the total anticipated value of the acquisition in the approximate amount of up to \$400,000.00, plus applicable taxes, during the five (5) year period be surpassed, that the CAO be delegated authority to approve the blanket purchase order amendment up to 10% of the original amount, with confirmation from Finance as to approved funding; and,**
5. That staff continue to monitor and assess the Town's needs and any market changes that would otherwise suggest a competitive procurement process would be advantageous to the Town; and,
6. That the Director of Public Works be authorized to execute any agreements as necessary; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.12 Audit Committee Meeting Minutes of February 1, 2022

Moved by: Councillor Morrison

Seconded by: Councillor Twinney

1. That the Audit Committee Meeting Minutes of February 1, 2022 be received.

Carried

6.13 Accessibility Advisory Committee Meeting Minutes of March 17, 2022

1. That the Accessibility Advisory Committee Meeting Minutes of March 17, 2022 be received.

6.14 Newmarket Dismantling Anti-Black Racism Task Force Meeting Minutes of April 5, 2022

1. That the Newmarket Dismantling Anti-Black Racism Task Force Meeting Minutes of April 5, 2022 be received.

6.15 Main Street District Business Improvement Area Board of Management Meeting Minutes of May 4, 2022

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of May 4, 2022 be received.

7. Action Items

None.

8. Notices of Motion

None.

9. Motions Where Notice has Already been Provided

None.

10. New Business

10.1 Town Events

Members of Council thanked staff, volunteers and organizers who helped with the weekend events that took place in Newmarket.

11. Closed Session

1. That the Committee of the Whole resolve into Closed Session to discuss the following matter:

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.

Direction on a negotiated agreement - Involves a position, plan, procedure, criteria or instruction to be applied to any negotiation carried on or to be carried on by or on behalf of the municipality or local board as per Section 239(2)(k) of the Municipal Act, 2001.

Newmarket Dismantling Anti-Black Racism Task Force Meeting (Closed Session) Minutes of April 5, 2022.

The Committee of the Whole resolved into Closed Session at 1:48 PM.
The Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Committee of the Whole resumed into Open Session at 2:07 PM

**11.1 Newmarket Hydro Holdings Inc 2021 Annual General meeting -
Newmarket-Tay Power and ENVI Financial Statements**

11.2 Direction on a negotiated agreement

**11.3 Newmarket Dismantling Anti-Black Racism Task Force Meeting
(Closed Session) Minutes of April 5, 2022**

12. Adjournment

Moved by: Councillor Woodhouse

Seconded by: Councillor Broome

1. That the meeting be adjourned at 4:31 PM.

Carried

John Taylor, Mayor

Lisa Lyons, Town Clerk

