



Town of Newmarket

Minutes

Committee of the Whole - Electronic

Date: Monday, June 19, 2023
Time: 9:00 AM
Location: Streamed live from the Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor
Deputy Mayor & Regional Councillor Vegh (9:02 AM to 11:33 AM; 11:41 AM to 2:55 PM)
Councillor Simon
Councillor Woodhouse (9:04 AM to 10:52; 10:59 to 2:55 PM)
Councillor Twinney
Councillor Morrison
Councillor Kwapis
Councillor Bisanz

Members Absent: Councillor Broome

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
K. Saini, Deputy Town Clerk
J. Unger, Director of Planning & Building Services
M. Mayes, Director of Financial Services/Town Treasurer
M. White, Senior Planner - Development
A. Romano, Waste Program Coordinator
A. Tang, Manager Finance and Accounting
S. Granat, Legislative Coordinator
E. Thomas-Hopkins, Legislative Coordinator

Meeting called to order at 9:02 AM.

Mayor Taylor in the Chair.

Council recessed at 1:06 PM and reconvened at 1:50 PM.

1. Notice

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

None.

3. Conflict of Interest Declarations

None.

4. Presentations & Recognitions

4.1 Nature's Emporium Run for Southlake - Community Spirit Award

Patricia McLaughlin, Director Events & Community Partnerships, and Melanie Osmond, Officer Events & Partnerships Southlake Regional Health Centre Foundation provided Council with the Community Spirit Award.

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. That the presentation by Patricia McLaughlin, Director Events & Community Partnerships, and Melanie Osmond, Officer Events & Partnerships, Southlake Regional Health Centre Foundation regarding the Nature's Emporium Run for Southlake - Community Spirit Award be received.

Carried

4.2 Annual General Meeting Newmarket Hydro Holdings Inc.

Ysni Semsedini President and Chief Executive Officer of Newmarket-Tay Power Distribution Limited presented the Annual General Meeting of Newmarket Hydro Holdings Incorporated regarding required motions, the 2022 Year in Review, Financial Performance, Billing System Transition, Reliability, and looking ahead.

Members of Council queried the President and Chief Executive Officer of Newmarket-Tay Power Distribution Limited on estimated capital investment costs, customer service for residents who receive high hydro bills, availability of real-time meter reading alerts, where the public can view Newmarket-Tay Power Distribution Limited's budget and financial statements, customer experience, the Newmarket-Tay working relationship, and the Midland acquisition.

Moved by: Councillor Bisanz

Seconded by: Councillor Morrison

1. That the presentation provided by Ysni Semsedini, President and Chief Executive Officer Newmarket-Tay Power Distribution Ltd. be received.

Carried

4.3 Development Approvals Process Review

The Director of Planning and Building Services provided introductory remarks.

David Sajecki, Partner and Co-founder Sajecki Planning provided a presentation on Development Approvals Process Review on the purpose, the legislative context, study objectives, the "As-Is" process, approach, and recommendations. The Senior Planner - Development, presented on the Collaborative Application Process (CAP) Mantra, a comparison between the old approach and the CAP Approach, negotiated timeframes, assumptions, caveats, staff recommendations, and next steps.

Members of Council queried staff regarding impacts in the event of delays during the mandatory consultation, reasonability of mandatory consultation period, rebate, the role of the Public Information Centre and Ward Councillors, legislative requirements of a public meeting, staffing requirements to meet planning timelines, involvement of the Lake Simcoe Region Conservation Authority in natural heritage assessments, the requirements to have an environmental analysis, process to review natural heritage features, the involvement of the local Ward Councillor, comparative timelines for the old and new process, and standardized terms of reference,

Moved by: Councillor Simon

Seconded by: Councillor Morrison

1. That the Development Approvals Process Review presentation provided by David Sajecki, Partner and Co-founder, Sajecki Planning, and Meghan White, Senior Planner, Development, Planning and Building Services regarding the Development Approvals Process Review be received.

Carried

4.4 Downtown Waste Management Strategy

The Director of Public Works Services provided introductory remarks.

The Waste Program Coordinator presented the Downtown Waste Management Strategy regarding the approach, background study report - waste assessments, waste audit results - garbage composition in front-end containers and public waste containers, summary; staff, public, and business improvement area engagement and feedback, jurisdictional scan, project considerations, proposed waste management options, enforcement, education, and a waste by-law update.

Members of Council queried staff regarding the origin of waste material in public waste containers from residential units, municipal comparable effectiveness of education campaigns, and waste contamination rates.

Members of Council discussed the origin of waste in public containers, education campaigns, and the mandatory participation of businesses in the program.

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the presentation provided by Amanda Romano, Waste Program Coordinator on the Downtown Waste Management Strategy Update be received.

Carried

4.5 Blue Box Transition Update

The Director of Public Works Services provided introductory remarks.

The Waste Program Coordinator provided a presentation on the Blue Box Update regarding Ontario Regulation 391/21: Blue Box, Resource Productivity and Recovery Authority (RPRA), producers versus producer responsibility organizations, blue box transition timelines, transition versus post-transition, eligible sources, ineligible sources, designated materials, N6 Waste Collection contract and proposed options, as well as next steps.

Members of Council queried staff regarding the affect on the resident experience, legislated frequency of collection, the rationale for the Blue Box transition, budgetary impact, potential costs passed on to consumers, alcohol producer's participation in the Blue Box transition, revenue from recyclables, customer service changes, and the complaint process.

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Woodhouse

1. That the presentation provided by Amanda Romano, Waste Program Coordinator on the Blue Box Transition Update be received.

Carried

4.6 2023 Water, Wastewater and Stormwater 10-year Financial Plans

The Director of Financial Services and Treasurer provided introductory remarks.

The Manager of Finance and Accounting Services and Deputy Treasurer provided the 2023 Water, Wastewater and Stormwater 10-year Financial Plans presentation on capital inflation supplement, Asset Replacement Fund's proportion of the rate-supported budget, consideration given to increasing Asset Replacement Fund as a Capital Inflation Supplement, stormwater, \$108 million Stormwater Capital Expenditure, Stormwater Initial Findings, stormwater increase mitigation support from water and wastewater, water and wastewater, \$79 million water capital expenditures, \$72 million wastewater capital expenditures, water and wastewater initial findings, rate-supported revenue requirements and reallocations, and staff recommendations.

Members of Council queried staff for long term stormwater management cost-drivers, long-term projections for assets, repair replacement schedule, cost projections in 2023 and 2024, cost drivers for water and wastewater rates, inflow and infiltration features, estimated costs for capital asset replacement, capital growth infrastructure, and stormwater improvements.

An alternate motion was presented and noted below in bold:

Moved by: Councillor Simon

Seconded by: Councillor Morrison

1. That the presentation from Andrea Tang, Manager Finance and Accounting Services and Deputy Treasurer regarding the 2023 Water, Wastewater and Stormwater 10-Year Financial Plans be received, **and item 6.5 the Water, Wastewater and Stormwater 10-year Financial Plans be referred to Council for consideration at the June 26, 2023 meeting.**

Carried

5. Deputations

5.1 415 Pickering Crescent - Zoning By-law Amendment and Official Plan Amendment

Billy Tung, Partner, KLM Planning Partners Inc. provided a deputation regarding the 415 Pickering Crescent Zoning By-law Amendment, regarding background, compliance with Town parking standards, and rooftop terrace concerns from residents.

Moved by: Councillor Woodhouse

Seconded by: Councillor Simon

1. That the deputation provided by Billy Tung, Partner, KLM Planning Partners Inc. regarding 415 Pickering Crescent Zoning By-law Amendment and Official Plan Amendment be received.

Carried

6. Consent Items

Moved by: Councillor Woodhouse

Seconded by: Councillor Simon

1. That sub-items 6.6, 6.7, 6.8, 6.9, 6.15, and 6.16 be adopted on consent. See following sub-items for motion: 6.1, 6.2, 6.3, 6.4, 6.5, 6.10, 6.11, 6.12, 6.13, 6.14.

Carried

6.1 Newmarket Hydro Holdings Inc., 2022 Annual General Meeting

Moved by: Councillor Kwapis

Seconded by: Deputy Mayor & Regional
Councillor Vegh

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 NT Holdings Inc. (“NT Holdings”); 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, 2022 together with the report of the Corporation’s auditors, KPMG (“KPMG”), Chartered Accountants, thereon dated June 6, 2023 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 NT Holdings; 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, 2022, 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 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, 2022 together with the report of NT Power's auditors, KPMG, thereon dated May 1, 2023 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, 2022, 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 Ian McDougall, the sole director and legal representative of the Corporation, to sign the following NT Holdings shareholder resolutions in lieu of an annual meeting:

- a. That the financial statements of NT Holdings for the financial year ended December 31, 2022 together with the report of NT Holdings' auditors; and, KPMG, thereon dated May 5, 2023 be approved and adopted; and
- b. That KPMG, Chartered Accountants, be appointed auditors of NT Holdings 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. McDougall and Y. Semsedini are elected directors of NT Holdings 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 Holdings to December 31, 2022, 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 Holdings, are approved, sanctioned and confirmed.

Carried

6.2 Response to Bill 109 with Collaborative Application Preparation Process & Development Approvals Process and Fees Review

Moved by: Councillor Simon

Seconded by: Councillor Morrison

- 1. That the report entitled Response to Bill 109 with Collaborative Application Preparation Process & Development Approvals Process and Fees Review dated June 19, 2023 be received; and,
- 2. That Staff be directed to bring forward an amended delegation by-law, delegating approval authority for temporary use by-laws and the removal of holding symbols to the Director of Planning & Building Services; and

3. That Council endorse the recommended changes outlined in Appendix 2, subject to further approvals, as required; and,
4. That Council endorse the use of the Region's CAP process; and,
5. That Staff be directed to bring back a Pre-Consultation By-law to implement the Region's CAP process; and
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.3 Downtown Waste Management Strategy Update

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the report entitled Downtown Waste Management Strategy Update dated June 19, 2023, be received; and,
2. That Council approve the options proposed by staff for further exploration and consideration in the development of a final plan for the Downtown Waste Management Strategy; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.4 Blue Box Transition Update

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Woodhouse

1. That the report titled "Blue Box Transition Update" be received; and,

2. That the Town of Newmarket does not pursue Circular Materials Ontario's (CMO) Requests for Proposals (RFP) for residence and facility collection of Blue Box materials on behalf of producers post-transition; and,
3. That staff be authorized to negotiate and execute an amendment to waste contract CRFP2016-02 with GFL Environmental Inc. (GFL), to reflect the removal of Blue Box collection services on terms acceptable to, and with the approval of the Chief Administration Officer; and,
4. That staff report back to Council on ineligible sources and a proposed approach regarding post-transition recycling collection; and,
5. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.5 Water, Wastewater and Stormwater 10-year Financial Plans

1. That the report entitled 2023 Water, Wastewater and Stormwater 10-Year Financial Plans dated June 19, 2023 be received; and,
2. That Council approve the proposed Water, Wastewater and Stormwater 10-year Financial Plans; and,
3. That Council approve a one-time transfer of \$25 million from the Wastewater Asset Replacement Fund to the Stormwater Asset Replacement Fund to meet the funding requirements as outlined in the plan; and,
4. That any year-end surpluses will be allocated in the following manner:
 - first to reserve requirements, if any;
 - second to the respective Rate Stabilization Reserves up to the defined levels;

- any remaining surplus to the respective Asset Replacement Reserve Funds;
- 5. That Council approve the defined levels for Rate Stabilization Reserves at 10% of revenues for water and wastewater and 15% for stormwater on an interim basis pending results of the upcoming reserve and reserve funds review; and,
- 6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

6.6 2023 Budget Reconciliation

1. That the report entitled 2023 Budget Reconciliation Report dated June 19, 2023, be received; and,
2. That the 2023 Budget Reconciliation be approved; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

6.7 2023 Reserves and Reserve Funds Budget

1. That the report entitled 2023 Reserves and Reserve Funds Budget dated June 19, 2023, be received; and,
2. That 2023 Reserves 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.

6.8 Dismantling Anti-Black Racism Advisory Committee Recruitment Process

1. That the report entitled Dismantling Anti-Black Racism Advisory Committee (DABRAC) Recruitment Process dated June 19, 2023 be received; and,
2. That Council approve the attached DABRAC Terms of Reference (Attachment 1); and,

3. That Council delegate the recruitment and appointment for DABRAC members to an external Selection Committee comprised of three to five members of the Black community; and,
4. That the Chairperson of the Newmarket African Caribbean Canadian Association (NACCA) lead the recruitment for the external Selection Committee, with the support of Town staff and resources; and,
5. That, excluding the Chairperson of the NACCA position, members of the external Selection Committee for DABRAC be ineligible to sit as a member of DABRAC due to a conflict of interest in appointing themselves; and,
6. That in recognition of the contributions to Council and the Newmarket community that members of the DABRAC and Accessibility Advisory Committee provide by sharing their lived experiences, which may include experiencing adversity and societal inequities, members of these Committees be provided an honorarium of \$100 per meeting; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

6.9 York Region - Streamlining Development Approvals and Supporting Provincial Housing Targets

1. That the correspondence dated May 1, 2023 from York Region be received; and,
2. That staff be directed to correspond with York Region acknowledging support.

6.10 415 Pickering Crescent - Zoning By-law Amendment & Official Plan Amendment

Moved by: Councillor Woodhouse
 Seconded by: Councillor Kwapis

1. That the report entitled Zoning By-law Amendment and Official Plan Amendment – 415 Pickering Crescent dated June 19th, 2023 be received; and,
2. That the Official Plan Amendment be adopted; and,
3. That the application for Zoning By-law Amendment as submitted by 2425945 Ontario Inc. for lands municipally known as 415 Pickering, be approved, and that staff be directed to present the Zoning By-law Amendment, including necessary Holding provisions, to Council for approval; and,
4. That 2425945 Ontario Inc. and KLM Planning Partners Inc., be notified of this action; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.11 Water and Sewer Service Line Warranty Program

Moved by: Councillor Kwapis

Seconded by: Councillor Simon

1. That the report entitled Water and Sewer Service Line Warranty Program dated June 19, 2023 be received; and,
2. That Council approve the issuance of a Request for Proposal to determine one or multiple vendors to supply a Water and Sewer Service Line Warranty Program for the residents of the Town of Newmarket; and,
3. That staff be authorized and directed to implement the Water and Sewer Service Line Warranty Program endorsed by the Town; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.12 Penn Avenue Traffic Review Update #2

Moved by: Councillor Morrison

Seconded by: Councillor Kwapis

1. That the report entitled Penn Avenue Traffic Review – Update #2 dated June 19, 2023 be received; and,
2. That an all-way stop at the Penn Avenue/Hillview Drive intersection be approved; and,
3. That Traffic Bylaw be amended as noted in Appendix A; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.13 Development Charges By-law Extension

An alternate motion was presented and noted below in bold:

Moved by: Councillor Woodhouse

Seconded by: Councillor Bisanz

1. That the Development Charges By-law extension be referred to Council for consideration at its meeting on June 26, 2023.

Carried

6.14 First Quarterly Update to the Outstanding Matters List for 2023

Moved by: Councillor Kwapis

Seconded by: Councillor Morrison

1. That the report entitled First Quarterly Update to the Outstanding Matters List for 2023 dated June 19, 2023 be received; and,
2. That Council adopt the Outstanding Matters List (Attachment A); and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.15 Newmarket Public Library Board Meeting Minutes of April 19, 2023

1. That the Newmarket Public Library Board meeting minutes of April 19, 2023 be received.

6.16 Heritage Newmarket Advisory Committee Meeting Minutes of September 6, 2022

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of September 6, 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 Petition - Traffic Study on Carol Avenue for Pedestrians Crossing to Sidewalk and Mailbox

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That the petition regarding a traffic study on Carol Avenue be received; and,
2. That staff be directed to conduct a speed and traffic calming analysis on Carol Avenue between Park Avenue and Eagle Street.

Carried

11. Closed Session

Committee of the Whole resolved into Closed Session at 2:14 PM.

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

Committee of the Whole resumed into Open Session at 2:55 PM.

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Woodhouse

1. That Council resolve into Closed Session to discuss the following matters:
 - a. Newmarket Hydro Holdings Inc 2022 Annual General meeting - Newmarket-Tay Power 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.
 - b. Future Revenue Generation Opportunity - Information (e.g., a trade secret or scientific, technical, commercial, or financial information) that belongs to the municipality and has monetary value as per Section 239(2)(j)] of the Municipal Act, 2001.
 - c. Staffing Budget - Labour Relations or employee negotiations as per Section 239 (2) (d) of the Municipal Act, 2001

- d. Property Matter in Ward 5 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board as per Section 239(2)(e) of the Municipal Act, 2001.

Carried

**11.1 Newmarket Hydro Holdings Inc 2022 Annual General meeting -
Newmarket-Tay Power Financial Statements**

11.2 Future Revenue Generation Opportunity

11.3 Staffing Budget

11.4 Property Matter in Ward 5

12. Adjournment

- 1. That the meeting be adjourned at 2:55 PM.

John Taylor, Mayor

Lisa Lyons, Town Clerk