

OPEN FORUM 6:45 P.M.

There were no requests from the gallery to address Council during the open forum session.

The regular meeting of the Council was held on Monday, March 7, 2011 at 7:00 p.m. in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Di Muccio
Councillor Emanuel
Councillor Hempen
Councillor Kerwin
Councillor Sponga (7:00 to 8:33 p.m.; 9:20 – 9:36 p.m.; 9:38 – 9:46 p.m.)
Councillor Twinney
Councillor Vegh

Staff: R.N. Shelton, Chief Administrative Officer
R. Dixon, Commissioner of Corporate Services/Acting Commissioner of Legal and Development Services
R. Prentice, Commissioner of Community Services
A. Moore, Director of Legislative Services/Town Clerk
L. Moor, Council Committee Coordinator

The meeting was called to order at 7:00 p.m.

Mayor Van Bynen in the Chair.

PUBLIC NOTICE

None.

ADDITIONS TO THE AGENDA

**Moved by Councillor Vegh
Seconded by Councillor Emanuel**

THAT the order of the agenda be altered by adding the following items for consideration:

Special Committee of the Whole (Budget) Meeting of March 7, 2011 (Ratification of Actions) and Resolution R5-2011

CARRIED 

DECLARATIONS

None.

Mayor Van Bynen advised that the order of the deputations and presentations would be altered to accommodate those in attendance.

PRESENTATIONS

1. YORK REGIONAL POLICE

Chief Eric Jolliffe and Superintendent Stan Colley, York Regional Police addressed Council with a PowerPoint presentation detailing the York Regional Police trends, statistics and 2011 priorities.

**Moved by Councillor Emanuel
Seconded by Councillor Sponga**

THAT the PowerPoint presentation by Chief Eric Jolliffe and Superintendent Stan Colley of York Regional Police detailing the York Regional Police trends, statistics and 2011 priorities be received.

CARRIED 

2. FEDERATION OF CANADIAN MUNICIPALITIES

Mr. Michael Roschlau, member of the Federation of Canadian Municipalities Green Municipal Fund Council and President/Chief Executive Officer of the Canadian Urban Transit Association and Ms. Lois Brown, Member of Parliament for Newmarket-Aurora addressed Council regarding the Leadership in Energy and Environmental Design (LEED) silver standard in the construction of the Town's Operations Centre located at 1275 Maple Hill Court. A cheque was presented to Mayor Van Bynen and Council.

3. HIGH SCHOOL ART AWARDS

Mayor Van Bynen and Council along with Ms. Norah Dunning, Community and Special Events Coordinator, presented the High School Art Awards as follows:

<i>Acrylic Painting</i>		
Name	Placement	School
Alana Thompson	First	Dr. J.M. Denison S.S.
Walker Routledge	Honourable Mention	Dr. J.M. Denison S.S.

<u>Oil Painting</u>		
Name	Placement	School
Ying Mo	First	Newmarket High School
<u>Dry Medium</u>		
Alyssa Hood	First	Huron Heights S.S.
Melissa Parker	Honourable Mention	Huron Heights S.S.
Kate Niemuller	Honourable Mention	Pickering College
<u>Digital Imaging</u>		
Mitch Worall	Honourable Mention	Dr. J.M. Denison S.S.
Rebecca Krawiec	Honourable Mention	Dr. J.M. Denison S.S.
<u>Mixed Media</u>		
Lydia Uppington	First	Newmarket H.S.
Michael Hafezi	Honourable Mention	Dr. J.M. Denison S.S.

DEPUTATIONS

4. MS SOCIETY OF CANADA – YORK NORTH CHAPTER REGARDING THE MS WALK

Ms. Becky Mitts, MS Society of Canada – York North Chapter addressed Council with respect to the MS Walk on Sunday, April 17, 2011.

**Moved by Councillor Sponga
Seconded by Councillor Vegh**

THAT the deputation by Ms. Becky Mitts, MS Society of Canada – York North Chapter regarding the MS Walk on Sunday, April 17, 2011 be received;

AND THAT the proposed route of the walk and the utilization of area parks request be referred to staff for consideration.

CARRIED 

5. ANNOUNCEMENTS – COMMUNITY EVENTS

- a) Councillor Vegh advised that the first meeting of the Inclusivity Committee is scheduled for Wednesday, March 9, 2011 beginning at 7:00 p.m. at the Municipal Offices at 395 Mulock Drive.

- b) Councillor Vegh invited everyone to visit the Newmarket Public Library where there are various programs offered for free or for a nominal fee as well as a dedicated children's area. For more information visit the Library website at npl@newmarket.ca
- c) Councillor Kerwin invited everyone to celebrate St. Patrick's Day on Thursday, March 17, 2011 from 9:00 a.m. to noon at the Magna Centre located at 800 Mulock Drive. The cost is \$4.00 per child, parents/guardians are free and there will be photo opportunities with "Lucy the Ladybug"; the Town's pesticide free mascot. Councillor Kerwin suggested supporting green initiatives by walking, biking, carpooling or taking the bus to the Magna Centre for the event.
- d) **Councillor Twinney** advised that the KC's Cancer Cushion Fund's 5th Annual Pub Nite and Silent Auction takes place at the Roman Palace on Ringwell Drive on Saturday, April 2, 2011. Working in concert with social works at the Stronach Regional Cancer Centre at Southlake and/or Doane House Hospice, KC's team identifies and supports those cancer patients who would be at risk of losing their homes or of being unable to afford expensive medical treatments and supplies not covered by their benefit plans. Visit www.cushionfund.com for further details.
- e) **Councillor Twinney** advised that Community Living Newmarket/Aurora District is hosting a tribute dinner for former York Regional Police Chief Armand La Barge at the Manor at Carrying Place Golf and Country Club on Weston Road in Kettleby on Wednesday, March 23, 2011. Should anyone like more information they should contact Community Living Newmarket/Aurora District directly.
- f) **Councillor Twinney** advised that in celebration of International Women's Day on Tuesday, March 8, 2011 the New Roads Chevrolet dealership on Yonge Street is hosting an evening beginning at 7:00 p.m. with contributions for the Yellow Brick House.
- g) **Councillor Twinney** advised that she is hosting her first Ward 3 meeting at the Seniors' Meeting Place on Davis Drive on Wednesday March 9, 2011. To obtain more information visit the website www.janetwinney.ca
- h) Regional Councillor Taylor advised that the Cedar Grill Restaurant located at 16655 Yonge Street is hosting a two day fundraising event on Friday, March 18 and Saturday, March 19, 2011 with proceeds from each meal sale going to Doane House Hospice.
- i) Regional Councillor Taylor advised that Earth Hour is scheduled to take place on Saturday, March 26, 2011 at 8:30 p.m. Earth Hour began in Sydney, Australia in 2007 and has become an annual globally observed event. Please join millions across the world and stand up against climate change by turning off lights for one hour and let's make Newmarket #1.

- j) Councillor Hempen advised that the 12th Annual Heritage Art Program Contest is currently underway and registration forms are available in the Recreation Department, at the Seniors' Meeting Place and on the Town's website. To be eligible to participate, the subject of the artwork must focus on the heritage of the Town of Newmarket. For more information, contact Norah Dunning at ndunning@newmarket.ca or call 905-895-5193.
- k) Councillor Hempen advised that the Newmarket Heights Community Association is hosting a meeting on Wednesday, March 9, 2011 from 7:00 to 9:00 p.m. at Maple Leaf Public School.
- l) Councillor Sponga advised that the Town of Newmarket is hosting a Public Information Session regarding the Main Street Revitalization; Rear Façade and Open Space Improvements on the east side of Lower Main Street South. Residents are invited to attend on Thursday, March 24, 2011 from 7:00 to 9:00 p.m. in the Council Chambers located at 395 Mulock Drive.
- m) Councillor Di Muccio advised that March Break Mayhem is taking place from March 15 to 18, 2011 at the Elman W. Campbell Museum located at 134 Main Street South. Drop in between 10:00 a.m. and 3:00 p.m. The cost is \$6.00 per participant.
- n) Councillor Emanuel advised that The Regional Municipality of York recently held a Public Information Session regarding the reservoir located in Ward 7 which provides water for 85% of Newmarket residents and should anyone require more information they can obtain it by visiting the website www.york.ca
- o) Councillor Emanuel advised that the Newmarket Seniors' Meeting Place is holding a Happy Valley Old Time Square Dance at 474 Davis Drive on Friday, March 11, 2011 from 8:30 p.m. to midnight. There will be live music by Morley Batt and the Good Family. The cost is \$5.00 for members and \$6.00 for guests. For more information visit www.newmarket.ca or call 905-953-5325.
- p) Mayor Van Bynen advised that the Town of Newmarket is holding its 2011 Budget Open House on Monday, March 21, 2011 at the Ray Twinney Recreation Complex at 100 Eagle Street West from 7:00 to 9:00 p.m. and on Saturday, March 26, 2011 from 1:00 to 3:00 p.m. at the Operations Centre at 1275 Maple Hill Court. This event will give residents the opportunity to chat with Members of Council and senior staff in a relaxed and informal atmosphere about the priorities of the 2011 budget.
- q) Mayor Van Bynen advised that he will be available to the public at the Newmarket Public Library on Friday, March 25, 2011 from 11:00 a.m. to noon.
- r) Mayor Van Bynen advised that the next scheduled Council meeting is Monday, March 28, 2011 beginning at 7:00 p.m.

APPROVAL OF MINUTES

6. COUNCIL MINUTES

Council Minutes of February 14, 2011.

**Moved by Councillor Kerwin
Seconded by Councillor Vegh**

THAT the Council Minutes of February 14, 2011 be approved.

CARRIED 

7. CORRESPONDENCE

Correspondence dated February 5, 2011 from Mr. Michael Dukart, Tournament Chairman, 45th Annual Newmarket House League Hockey Tournament requesting that March 16 – 19, 2011 be proclaimed “Hall of Fame Week” in the Town of Newmarket.

Mayor Van Bynen suggested the inclusion of the words “House League Hockey” before the words “Hall of Fame Week” in the proclamation.

**Moved by Councillor Kerwin
Seconded by Regional Councillor Taylor**

THAT the correspondence dated February 5, 2011 from Mr. Michael Dukart, Tournament Chairman, 45th Annual Newmarket House League Hockey Tournament be received and the following recommendations be adopted:

- 1. THAT the Town of Newmarket proclaim March 16 – 19, 2011 as “House League Hockey Hall of Fame Week”;**
- 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**

CARRIED 

8. REPORTS BY REGIONAL REPRESENTATIVES

- a) Regional Councillor Taylor advised that a draft cycling map is being compiled and will soon be available to the public highlighting the cycling routes throughout the Region.
- b) Regional Councillor Taylor advised that the Planning and Economic Development Committee are currently producing guidelines for new community development.
- c) Regional Councillor Taylor advised of the education program regarding mandatory compostable green bin bags. He further advised that York Region has been once again ranked #1 for waste diversion rates and #3 in the province. He thanked residents publicly for embracing the Green Bin Program.

- d) Mayor Van Bynen advised that Regional Council is still actively engaged in the budget process with a currently proposed tax rate increase of 1.91%.

REPORTS OF COMMITTEES AND STAFF

9. SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES

Special Committee of the Whole (Closed Session) Minutes of February 14, 2011.

Moved by Councillor Sponga
Seconded by **Councillor Twinney**

THAT the Special Committee of the Whole (Closed Session) Minutes of February 14, 2011 be confirmed.

CARRIED 

10. COMMITTEE OF THE WHOLE MINUTES

Committee of the Whole Minutes of February 28, 2011.

Moved by Councillor Sponga
Seconded by Councillor Emanuel

THAT the Committee of the Whole Minutes of February 28, 2011 be received and the following recommendations be adopted:

11. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 1 REQUESTS FOR PROCLAMATION

THAT the correspondence dated February 1, 2011 from Ms. Karen Beaulieu, Fundraising Coordinator, Holland River Unit, Canadian Cancer Society be received and the following recommendations be adopted:

1. **THAT the Town of Newmarket proclaim April 2011 as “Daffodil Month”;**
2. **AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**

12. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 2 NEWMARKET PUBLIC LIBRARY BOARD MINUTES

THAT the Newmarket Public Library Board Minutes of December 15, 2010 and Special Closed Session Minutes (public set) of January 13, 2011 be received.

**13. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 3
EAST GWILLIMBURY RESOLUTION – PROJECTS FUNDED BY INFRASTRUCTURE
STIMULUS FUND & RECREATIONAL INFRASTRUCTURE CANADA/ONTARIO
RECREATION PROGRAM**

THAT East Gwillimbury Resolution dated January 10, 2011 regarding Projects Funded by the Infrastructure Stimulus Fund and the Recreational Infrastructure Canada Ontario Recreation Program be supported.

**14. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 4
LEGAL AND DEVELOPMENT SERVICES REPORT – PLANNING 2011-07
TECHNICAL AMENDMENT TO COMPREHENSIVE ZONING BY-LAW 2010-40**

THAT Legal and Development Services Report – Planning 2011-07 dated January 21, 2011 regarding a Technical Amendment to the Town's Comprehensive Zoning By-Law 2010-40 be received and the following recommendations be adopted:

1. THAT the proposed technical amendment to Comprehensive Zoning By-Law 2010-40 be referred to a public meeting;
2. AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.

**15. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 5
COMMUNITY SERVICES REPORT – ES 2011-02
ACCEPTANCE & ASSUMPTION OF ABOVEGROUND WORKS & SERVICES
PROCTOR VILLAGE RESIDENTIAL SUBDIVISION (FRED HAGAN COURT)**

THAT Community Services Report – ES 2011-02 dated January 19, 2011 regarding Proctor Village Subdivision be received and the following recommendations be adopted:

1. THAT the request for final acceptance and assumption for the Proctor Village Residential Subdivision as shown on the attached map be accepted and assumed;
2. AND THAT subject to all other Departments with a vested interest in this development confirming all fees and charges have been paid, the letter of credit be released in its entirety;
3. AND THAT Mr. Michael Retulo of Eaglebay Estates and Mr. Randy Provencal P.Eng. of AECOM Canada Ltd. be notified of these recommendations.

**16. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 6
COMMUNITY SERVICES REPORT – ES 2011-05
TRAFFIC SAFETY REVIEW – DAWSON MANOR BLVD. AND BONSHAW AVE.**

THAT Community Services Report – ES 2011-05, dated February 16, 2011 regarding Traffic Safety Review – Dawson Manor Boulevard and Bonshaw Avenue, be received and the following recommendations be adopted.

- 1. THAT the Road Diet Option (Bicycle lanes) on Bonshaw Avenue from Woodspring Avenue to Yonge Street as shown in the IBI Group Traffic Safety Review Report be adopted and implemented in 2011;**
- 2. AND THAT Engineering Services staff contact York Region with the request to review the Yonge/Dawson Manor intersection for traffic signal improvements to improve traffic capacity (flow) on Dawson Manor Boulevard;**
- 3. AND THAT Engineering Services staff contact all commercial stakeholders affected by the study and forward a copy of this report for their information;**
- 4. AND THAT Access Management Guidelines be considered in the current Secondary Plan policies currently under review for the Yonge Street and Davis Drive corridors;**
- 5. AND THAT staff monitor the results of the mitigation measures to determine if additional action is required with consideration of the longer-term improvements noted in the IBI Group report.**

**17. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 7
COMMUNITY SERVICES REPORT – ES 2011-07
OFFICIAL PLAN – SCHEDULE D – BICYCLE LANE IMPLEMENTATION PLAN**

THAT Community Services Report – ES 2011-07, dated February 4, 2011 regarding Official Plan – Schedule D – Bicycle Lane Implementation Plan, be received and the following recommendations be adopted.

- 1. THAT Council direct Town staff to develop an On-street Bicycle Lane Implementation Plan;**
- 2. AND THAT the On-street Bicycle Lane Implementation Plan be brought back to Town Council for review and adoption including a phasing plan in consideration of budgetary requirements and implementation.**

**18. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 8
COMMUNITY SERVICES – RECREATION & CULTURE AND PUBLIC WORKS
SERVICES JOINT REPORT 2011-09
MAYOR AND COUNCIL COMMUNITY GROUP LISTENING SESSIONS**

THAT Recreation & Culture and Public Works Services Joint Report 2011 – 09 dated February 9, 2011 regarding the Mayor and Council Community Group Listening Sessions be received and the following recommendations be adopted:

- 1. THAT the Council of the Town of Newmarket conduct listening sessions to obtain updates, input and advice with respect to the roles and challenges of organizations in the community;**
- 2. AND THAT the listening sessions be scheduled to occur within the second quarter of 2011;**
- 3. AND THAT invitations from Mayor and Council be extended to all major community sport, recreation, culture, and service club organizations using the Town’s most current contact list; with invitations coordinated through Recreation and Culture.**

**19. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 9
JOINT COMMUNITY SERVICES AND LEGAL & DEVELOPMENT SERVICES
REPORT 2010-85 – BOGART POND REHABILITATION STUDY**

THAT Joint Community Services and Legal and Development Services Report – 2010-85 dated February 17, 2011 regarding Bogart Pond Rehabilitation Study be received and the following recommendations be adopted:

- 1. THAT the Town of Newmarket participate in the study for the Rehabilitation of Bogart Pond in cooperation with the property owners as represented by the Condominium Corporations and the Lake Simcoe Region Conservation Authority as outlined in the grant application submitted by the property owners under the Lake Simcoe Clean Up Program;**
- 2. AND THAT staff continue to work with the property owner in conjunction with the Councillors from Ward 1 and Ward 2.**

**20. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 10
CORRESPONDENCE – PACHINO CONSTRUCTION CO. LTD.
NOISE BY-LAW EXEMPTION REQUEST – EXTENSION OF REGIONAL WATERMAIN**

THAT the request from Pachino Construction Co. Ltd. for a noise exemption from March 7 to May 9, 2011 be approved.

**21. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 11
NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES**

THAT the Newmarket Downtown Development Subcommittee Minutes of January 28, 2011 be received.

**22. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 12
LIST OF OUTSTANDING MATTERS**

THAT the list of outstanding matters be received.

**23. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 13
SMART COMMUTE CENTRAL YORK – FUNDING REQUEST**

THAT the PowerPoint presentation by Ms. Pat Lusink, Program Manager, Smart Commute Central York be received and the request for \$25,000.00 in funding be referred to budget discussions.

**24. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 14
PROPERTY STANDARDS AMENDING BY-LAW 1993-43**

THAT the deputation time for Mr. John Dowson be extended by an additional five minutes.

THAT the deputation by Mr. John Dowson on behalf of the Newmarket Heights Community Association regarding Property Standards Amending By-law 1993-43 be received and referred to staff.

**25. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 15
NEWMARKET PUBLIC LIBRARY BOARD MINUTES – DECEMBER 15, 2010
ITEM 6 IV) – NEWMARKET PUBLIC LIBRARY – TOWN OF NEWMARKET JOINT TASK
FORCE APPOINTMENT**

Mayor Van Bynen advised that this item will be stood down until after the deputation portion of the meeting. For further disposition of this item refer to Item 23 of these minutes (Item 34 of the Council Minutes of March 7, 2011).

**26. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 16
COMMUNITY SERVICES REPORT – ES 2011-08
YORK REGION INFLOW & INFILTRATION REDUCTION STRATEGY AND LONG
TERM WATER CONSERVATION STRATEGY UPDATE**

THAT Community Services Report - ES 2011-08 dated February 17, 2011 regarding the Town of Newmarket's involvement in the York Region Inflow & Infiltration Reduction Strategy and Long Term Water Conservation Strategy Update be received for information purposes and the following recommendation be adopted:

THAT Town Council endorse in principle the Region of York's Inflow & Infiltration Reduction Strategy and Long Term Water Conservation Strategy, subject to minor adjustments to the final drafts arising out of the Region's pre-submission consultation with the Ministry of the Environment.

**27. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 17
COMMUNITY SERVICES REPORT – ES 2011-10
FERNBANK ROAD TURNING CIRCLE – SAFETY REVIEW**

THAT Community Services Report – ES 2011-10, dated February 16, 2011 regarding Fernbank Road Turning Circle – Safety Review, be received and the following recommendations, as amended, be adopted:

1. THAT the current traffic controls, signage and pavement markings at the Fernbank Road turning circle be reviewed to ensure they are properly located, offset and oriented to ensure full driver signage visibility and improve the full operation of the turning circle;
2. AND THAT staff continue to monitor the operations of both the Fernbank Road and Kingsmere Avenue turning circles and any required safety or improved signage visibility measures and costs be brought back to Town Council;
3. AND THAT the petition chair be forwarded a copy of this report and Town Council extract;
4. AND THAT a report on the findings of the review including options with respect to incremental mitigation measures for traffic flow be brought back by the end of June 2011.

**28. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 18
CORPORATE SERVICES REPORT – FINANCE 2011-03
2011 PRE-BUDGET APPROVAL**

THAT Corporate Services Report – Finance 2011-03 dated March 28, 2011 regarding 2011 Pre-Budget Approval be received and the following recommendations, as amended, be adopted:

THAT Council provide pre-budget approval for the following capital projects:

A. General

1. Joseph Street Reconstruction - \$451,000
2. Lewis Drive and Julia Court Reconstruction - \$1,212,000
3. Placement of Surface Course Asphalt - \$178,000
4. Tapestry Lane Trail Construction - \$350,000
5. Structural Assessment for the Walkway at 171 Main Street - \$50,000
6. Replace two 5 ton dump trucks - \$187,425 each
7. Purchase truck mounted water valve operator - \$39,100
8. Replace sand cleaner - \$20,000
9. Replace ½ ton pick up truck – \$30,000
10. NWQ Tree Management Plan - \$13,000

- 11. Tree planting - \$104,000
- 12. IT Server Room Upgrade - \$125,000

AND THAT Section B. of the report related to Central York Fire Services be deferred to the March 7, 2011 Council meeting pending Central York Fire Services – Joint Council Committee’s consideration and recommendation.

Refer to Item 41 for disposition of Section B, Corporate Services Report – Finance 2011-03.

**29. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 19
CORPORATE SERVICES – PURCHASING AND OFFICE SERVICES DEPARTMENT
AND CENTRAL YORK FIRE SERVICES JOINT REPORT 2011-04
REPORT ON QB2011-08 BUNKER GEAR AND FOOTWEAR**

THAT Corporate Services- Purchasing and Office Services Department and Central York Fire Services JOINT REPORT # 2011-04 dated February 15, 2011 regarding the award of Single Source QB2011-08 Bunker Gear and Footwear, in consultation with the Manager of Purchasing and Office Services, be received and the following recommendations be adopted:

- 1. THAT single source QB2001-08 Bunker Gear and Footwear be awarded to Safedesign Apparel Ltd. Of Toronto, Ontario at a cost of \$ 110,550.00 plus H.S.T (see attached quotation);
- 2. AND THAT commencing in 2012, subject to agreement among the Fire Service departments on a generic Bunker Gear specification, that this be issued as a Co-operative Bid Call and failing of this arrangement that the Manager of Purchasing and Office Services issue a bid for Central York Fire Services needs.

**30. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 20
LEGAL AND DEVELOPMENT SERVICES REPORT– ECONOMIC DEVELOPMENT
OFFICER 2011-01
NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE (NEDAC)
DEVELOPMENT PROPOSAL PROTOCOL**

THAT Legal and Development Services Report - Economic Development 2011-01 dated February 22, 2011 regarding the establishment of a NEDAC Development Proposal Protocol be received and the following recommendations be adopted:

- 1. THAT the matter of establishing a protocol for NEDAC to manage requests for presentations from the private sector on strategic economic development projects be referred back to staff to report on two protocol models of NEDAC involvement;
- 2. AND THAT NEDAC be provided an opportunity to submit comments related to the proposed protocol models prior to the report coming to Committee of the Whole.

Mayor Van Bynen vacated the Chair and left the meeting at 3:17 p.m.

Regional Councillor Taylor assumed the Chair.

**31. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 21
REPORTS BY REGIONAL REPRESENTATIVES**

Regional Councillor Taylor advised that there were no Regional Reports at this time.

**32. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 22
NEW BUSINESS**

- a) Councillor Emanuel advised that he will be bringing forward a resolution regarding the sustainability of gasoline tax dollars being extended beyond the year 2014.
- b) Regional Councillor Taylor advised that he will be bringing forward a resolution regarding Earth Hour.

THAT the Committee recess.

The Committee recessed at 3:20 p.m.

The Committee reconvened at 4:04 p.m.

Mayor Van Bynen in the Chair.

**33. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 23
NEWMARKET PUBLIC LIBRARY BOARD APPOINTMENT**

THAT the deputation time allotment for Mr. Darryl Singer, Solicitor be increased to ten minutes.

THAT the deputation by Mr. Darryl Singer, Solicitor on behalf of Councillor Di Muccio be received.

THAT the deputation time allotment for Mr. John Mascarin, Solicitor, Aird & Berlis be increased to ten minutes.

THAT the deputation by Mr. John Mascarin, Solicitor, Aird & Berlis on behalf of the Newmarket Public Library Board be received.

THAT Committee of the Whole resolve into a closed session for the purpose of discussing advice that is subject to solicitor/client privilege including communications necessary for that purpose (Committee and Board Appointments (Newmarket Public Library)) and personal matters about an identifiable individual, including municipal employees or local board employees (Committee and Board Appointments (NDDS)).

The Committee resolved into a Committee of the Whole (Closed Session) at 5:26 p.m.

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

The Committee resumed into public session at 6:49 p.m.

**34. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 23
NEWMARKET PUBLIC LIBRARY BOARD APPOINTMENT (CONTINUED)**

THAT given the insistence of Councillor Di Muccio to remain in a Committee of the Whole (Closed Session) meeting regarding this matter and in the interest of fairness, that Councillor Di Muccio be requested to immediately recuse herself from the Newmarket Public Library Board pending the conclusion of this matter;

AND THAT a letter be sent to Councillor Di Muccio in this regard.

THAT a further deputation by Mr. Darryl Singer, Solicitor, be permitted.

THAT the deputation by Mr. Darryl Singer, Solicitor, regarding Councillor Di Muccio's recusal from the Newmarket Public Library Board be received.

**35. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 24
NEWMARKET PUBLIC LIBRARY BOARD MINUTES – DECEMBER 15, 2010
ITEM 6 IV) – NEWMARKET PUBLIC LIBRARY – TOWN OF NEWMARKET JOINT TASK
FORCE APPOINTMENT**

THAT the Newmarket Public Library Board recommendation to appoint Tom Vegh as Chair of the Newmarket Public Library – Town of Newmarket Joint Task Force Committee be approved.

**36. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 28, 2011 – ITEM 23
NEWMARKET PUBLIC LIBRARY BOARD APPOINTMENT (CONTINUED)**

1. THAT the communication dated February 16, 2011 from the Chair of the Newmarket Public Library Board regarding the appointment of a new representative be received;

2. AND THAT the deputation by Mr. George Rust-D'Eye, Solicitor, Weir Foulds be received;

3. AND THAT Weir Foulds prepare a report on the possible courses of action open to Council to address issues arising out of alleged circumstances involving the Council representative on the Newmarket Public Library Board referred to in the above noted communication;

4. AND THAT the requested report be provided to a Special Committee of the Whole meeting on Monday, March 7, 2011 (time to be determined).

There being no further business, the meeting adjourned at 6:54 p.m.

CARRIED

37. SPECIAL COMMITTEE OF THE WHOLE MEETING

Special Committee of the Whole Meeting (12 p.m.) of March 7, 2011.

Regional Councillor Taylor requested a recorded vote.

Councillor Sponga left the meeting at 8:33 p.m.

**Moved by Councillor Emanuel
Seconded by Regional Councillor Taylor**

THAT the matter related to the Special Committee of the Whole meeting of March 7, 2011 now be put to a vote.

CARRIED 

A correction was made to the resolution by referencing the *Municipal Conflict of Interest Act* in place of “Municipal Conflict of Interest Guidelines as set out” or “as defined in the *Municipal Act*”. Refer to Item 43, Resolution R5-2011 for the complete resolution.

**Moved by Councillor Emanuel
Seconded by Regional Councillor Taylor**

THAT the actions approved at the Special Committee of the Whole Meeting (12 p.m.) of March 7, 2011 with respect to Item 1 of the agenda regarding Newmarket Public Library Appointment – Weir Foulds Report be ratified and the following recommendations be adopted:

i) THAT the order of the agenda be altered by adding the following distribution item for consideration:

Newmarket Public Library Appointment – Weir Foulds Report dated March 4, 2011 by Mr. George Rust-D’Eye, Solicitor, Weir Foulds.

ii) THAT the resolution as corrected, be approved.

iii) THAT the meeting adjourn.

	YEA	NAY
COUNCILLOR EMANUEL	X	
REGIONAL COUNCILLOR TAYLOR	X	
COUNCILLOR VEGH	X	
COUNCILLOR KERWIN	X	
COUNCILLOR TWINNEY	X	
COUNCILLOR SPONGA	-	-
COUNCILLOR DI MUCCIO		X
MAYOR VAN BYNEN	X	
TOTAL	7	1

CARRIED 

Councillor Sponga returned to the meeting at 9:20 p.m.

38. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES

Committee of the Whole (Closed Session) Minutes of February 28, 2011.

**Moved by Councillor Emanuel
Seconded by Councillor Vegh**

THAT the Committee of the Whole (Closed Session) Minutes of February 28, 2011 be received and the following recommendations be adopted:

The Committee of the Whole (Closed Session) recessed at 5:30 p.m.

The Committee of the Whole (Closed Session) reconvened at 5:36 p.m.

**39. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES – FEBRUARY 28, 2011 – ITEM 1
COMMITTEE AND BOARD APPOINTMENTS (NEWMARKET PUBLIC LIBRARY)
(SOLICITOR ADVICE)**

THAT given the insistence of Councillor Di Muccio to remain in a Committee of the Whole (Closed Session) meeting regarding this matter and in the interest of fairness, that Councillor Di Muccio be requested to immediately recuse herself from the Newmarket Public Library Board pending the conclusion of this matter;

AND THAT a letter be sent to Councillor Di Muccio in this regard.

This recommendation was subsequently adopted by Committee of the Whole during the regular session – Refer to Item 23 of the Committee of the Whole minutes of February 28, 2011.

**40. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES – FEBRUARY 28, 2011 – ITEM 2
NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE (CLOSED SESSION)
MINUTES – COMMITTEE MEMBERSHIP
(PERSONAL MATTER)**

THAT Mr. Ian Peake of 223 Main Street South be appointed to replace Ms. Lisa Thomas on the Newmarket Downtown Development Subcommittee.

THAT the Committee resume into public session.

The Committee moved out of the Committee of the Whole (Closed Session) at 6:35 p.m.

CARRIED 

Mayor Van Bynen announced that the Special Committee of the Whole (Closed Session) meeting of March 7, 2011 did not take place.

41. EXCERPT FROM CENTRAL YORK FIRE SERVICES – JOINT COUNCIL COMMITTEE MINUTES OF MARCH 1, 2011 REGARDING SECTION B OF CORPORATE SERVICES REPORT – FINANCE 2011-03 REGARDING 2011 PRE-BUDGET APPROVAL

Excerpt (Item 7) from the Central York Fires Services – Joint Council Committee Minutes of March 1, 2011 regarding Section B of Corporate Services Report – Finance 2011-03 regarding Pre-Budget Approval.

**Moved by Councillor Emanuel
Seconded by **Councillor Twinney****

THAT with respect to Corporate Services Report – Finance 2011-03 and Joint Council Committee’s recommendation to approve Section B, that pre-budget approval be granted for the following capital projects:

B. Central York Fire Services

- 1. New pumper - \$565,000**
- 2. Replace fire truck 88-01 - \$400,000**
- 3. Replace fire truck 96-05 - \$900,000**
- 4. Purchase 5 light fire vehicles - \$144,000**
- 5. Equipment for additional fire fighters - \$300,000**

CARRIED 

42. NOTICE OF RESIGNATION – NEWMARKET PUBLIC LIBRARY BOARD

Notice of resignation received March 3, 2011 from Councillor Di Muccio regarding her membership on the Newmarket Public Library Board.

Mayor Van Bynen indicated that he would put his name forward and would sit on the Newmarket Public Library Board on an interim basis.

**Moved by Councillor Emanuel
Seconded by Councillor Hempfen**

THAT Councillor Di Muccio’s resignation from the Newmarket Public Library Board be accepted and that Mayor Van Bynen be appointed as the Council representative.

CARRIED 

43. RESOLUTION R4-2011

A resolution to encourage participation and raise awareness about climate change and to symbolize that, working together, the people of the world can make a difference in the fight against global warming – Earth Hour – March 26, 2011.

**Moved by Regional Councillor Taylor
Seconded by Councillor Emanuel**

WHEREAS climate change is the biggest environmental threat to our planet and a major concern for all Canadians;

AND WHEREAS at exactly 8:30 p.m. on Saturday, March 26, 2011, major cities around the world will turn off their lights for one hour to raise awareness about climate change and to symbolize that, working together, the people of the world can make a difference in the fight against global warming;

AND WHEREAS the event, called “Earth Hour”, began in Sydney, Australia in 2007 as 2.2 million people turned off their lights to take a stand against climate change;

AND WHEREAS since then, it has become an annual, globally observed event, with recent estimates showing one billion supporters in 4,100 cities from 87 countries located on seven different continents joined in turning off their lights for Earth Hour in 2010;

AND WHEREAS the next UN Climate Change Conference (COP17) will take place in Durban, South Africa in December 2011, and a continued strong global participation in Earth Hour will send a powerful message to participating world leaders to move forward with global action to reduce greenhouse gas emissions;

AND WHEREAS participating in Earth Hour also sends a powerful message to every citizen and business around the world that it’s possible to take action on climate change and that switching off our lights is just one simple action we can take to help make a difference;

AND WHEREAS in the last three years, Newmarket has been a leader in this effort, with one of the highest rates of reduction in electricity consumption in the GTA;

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

1. **THAT** at 8:30 p.m. on Saturday, March 26, 2011, the Town of Newmarket will join other cities around the world in literally “turning out the lights” by shutting off all non-essential lighting in all of its facilities, where feasible, and without jeopardizing safety, for one full hour;
2. **AND THAT**, to be formally recognized around the world as an Earth Hour participant, the appropriate staff will register at <http://wwf.ca/earthhour>, the official website for this initiative;
3. **AND THAT** the Town of Newmarket’s participation in Earth Hour will be widely promoted and publicized in order to raise awareness about this important issue and in order to encourage every individual, household and business in town to join in by turning off their lights for one hour at 8:30 p.m. on Saturday, March 26, 2011;

4. **AND THAT a copy of this Resolution will be forwarded to every municipality in the GTA, encouraging them to participate in Earth Hour.**

CARRIED 

44. RESOLUTION R5-2011

Councillor Di Muccio requested a recorded vote.

Councillor Sponga left the meeting at 9:36 p.m.

**Moved by Regional Councillor Taylor
Seconded by Councillor Hempen**

WHEREAS Councillor Di Muccio has in her first three months of office conducted herself in a manner which does not meet the expectation of the Council of the Town of Newmarket for respect and decorum;

AND WHEREAS the Town of Newmarket has received reliable and credible allegations that Councillor Di Muccio has repeatedly presented inaccurate information related to the business of the Town of Newmarket;

AND WHEREAS Councillor Di Muccio has repeatedly impugned the reputation of several members of Council, staff members and volunteers;

AND WHEREAS the Town of Newmarket has reason to believe that Councillor Di Muccio may have violated the *Municipal Conflict of Interest Act* as set out by the Province of Ontario;

AND WHEREAS external legal counsel has recommended a review of the conduct of Councillor Di Muccio;

AND WHEREAS her colleagues on Council would prefer to avoid what will be a divisive and costly inquiry;

THEREFORE BE IT RESOLVED that the Council of the Town of Newmarket:

- a) **request that Councillor Di Muccio cease to speak of Town of Newmarket staff members in a disrespectful manner as set out in the Town of Newmarket's Council Code of Conduct;**
- b) **request that Councillor Di Muccio refrain from posting, publishing or otherwise sharing inaccurate information that harms the reputation of the Town of Newmarket;**
- c) **request that Councillor Di Muccio adhere to the principles of the *Municipal Conflict of Interest Act*;**

AND

- d) that the Town of Newmarket defer an investigation into Councillor Di Muccio’s conduct at this time in order to further assess her willingness to comply with the expectations for conduct by a Municipal Councillor in the Town of Newmarket and the Province of Ontario.

	YEA	NAY
REGIONAL COUNCILLOR TAYLOR	X	
COUNCILLOR VEGH	X	
COUNCILLOR KERWIN	X	
COUNCILLOR TWINNEY	X	
COUNCILLOR HEMPEN	X	
COUNCILLOR SPONGA	-	-
COUNCILLOR DI MUCCIO		X
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	X	
TOTAL	7	1

CARRIED 

Councillor Sponga returned to the meeting at 9:38 p.m.

45. BY-LAWS

By-law 2011-13 to 2011-15.

Moved by Councillor Emanuel
Seconded by Councillor Kerwin

THAT By-laws 2011-13 to 2011-15 be enacted.

2011-13 A BY-LAW TO PROVIDE AN EXEMPTION TO BY-LAW 2004-94, AS AMENDED, BEING A BY-LAW TO PROHIBIT AND REGULATE UNUSUAL NOISES OR NOISES LIKELY TO DISTURB THE INHABITANTS OF THE TOWN OF NEWMARKET.

To provide a temporary exemption to the Noise By-law to facilitate the completion of construction of the Leslie Street Watermain.

(Committee of the Whole Minutes of February 28 – Item 10)

**2011-14 A BY-LAW TO AMEND BY-LAW NUMBER 2010-40, AS AMENDED, BEING A ZONING BY-LAW.
(Metrus – Phase 6 – Ward 7)**

2011-15 A BY-LAW TO APPOINT A MEMBER TO THE NEWMARKET PUBLIC LIBRARY BOARD (Mayor Van Bynen).

CARRIED 


46. NOTICE OF MOTION

Councillor Di Muccio had provided a Notice of Motion at the Council meeting of February 14, 2011 with respect to appointing her as an additional Council Member to the Newmarket Economic Development Advisory Committee.

Mayor Van Bynen advised that due to the fact that appointments had been dealt with in February, 2011 a reconsideration motion would be necessary to consider the appointment and revise the mandate if necessary.

Moved by Councillor Di Muccio
Seconded by Councillor Emanuel

THAT reconsideration be given to the matter of Council appointments to the Newmarket Economic Development Advisory Committee including any subsequent change to the mandate.

MOTION LOST  (due to lack of two thirds majority)

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

47. CONFIRMATORY BY-LAW

By-law 2011-16.

Moved by Councillor Sponga
Seconded by **Councillor Twinney**

THAT By-law 2011-16 be enacted.

2011-16 **A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING HELD ON MARCH 7, 2011.**

CARRIED 

**Moved by Councillor Emanuel
Seconded by Councillor Sponga**

THAT the meeting adjourn.

CARRIED 

There being no further business the meeting adjourned at 9:46 p.m.

Tony Van Bynen, Mayor

Anita Moore, Director of Legislative
Services/Town Clerk