

**COUNCIL
OF
THE REGIONAL MUNICIPALITY OF YORK**

June 19, 2008

Regional Council met at 9:33 a.m. in the Council Chambers, York Region Administrative Centre, 17250 Yonge Street, Newmarket, with Regional Chair Fisch presiding.

The following were present at this Meeting:

Mayor:	Barrow, Black, Emmerson, Grossi, Jackson, Morris, Scarpitti, Young, Van Bynen
Regional Councillor:	Ferri, Frustaglio, Heath, Hogg, Jones, Landon, Rosati, Spatafora, Taylor, Wheeler and Wong
Staff:	Davidson, Hulton, Kurji, Llewellyn-Thomas, Macgregor, Mahoney, Russell, Simmons and Tuckey

87 MINUTES

It was moved by Mayor Van Bynen, seconded by Regional Councillor Landon that the Minutes of the Council meeting held on May 15, 2008 be confirmed in the form supplied to the Members.
Carried

COMMUNICATIONS

Council considered the following communications:

88 2007 Financial Statements and Auditors' Report
(Report No. 2 of the Commissioner of Finance)

Denis Kelly, Regional Clerk, June 12, 2008, forwarding Report No. 2 of the Commissioner of Finance regarding the 2007 Financial Statements and Auditors' Report.

It was moved by Mayor Van Bynen, seconded by Mayor Jackson that the communication be received and the Financial Statements be confirmed.

Carried

89 Development Charges Request - Lebovic Jewish Community Campus, 9600 Bathurst Street, Vaughan

Mark Malinowicz, Project Manager, Lebovic Jewish Community Campus, June 12, 2008, regarding the Joseph & Wolf Lebovic Jewish Community Campus proposal to pre-pay Development Charges for Phase 2 of the project at 9600 Bathurst Street in the City of Vaughan and requesting deputant status.

It was moved by Mayor Jackson, seconded by Regional Councillor Wheeler that the communication be received and that the request for deputation be deferred to the September 4, 2008 meeting of the Finance and Administration Committee.

Carried

90 Development Charges Request - Block 31, Part of Lot 14, Concession 5, Vaughan

Vinod Patel, President, Vaughan Mills Hotels Inc., June 16, 2008, with attached letter to the City of Vaughan, June 11, 2008, and from Ricketts, Harris LLP, June 16, 2008, regarding payment of Development Charges at Block 31, Part of Lot 14, Concession 5 in the City of Vaughan and requesting deputant status.

It was moved by Mayor Jackson, seconded by Mayor Grossi that the communication be received and that the request for deputation be deferred to the September 4, 2008 meeting of the Finance and Administration Committee.

Carried

91 Anti-Whistling Policy for Trains at Road/Rail Crossings
(Clause 14 of Transportation and Works Committee Report No. 6)

Frances Agueci, Agueci & Calabretta, June 11, 2008, regarding the Anti-Whistling Policy for Trains at Road/Rail Crossings.

It was moved by Mayor Emmerson, seconded by Mayor Young that the communication be received and referred to consideration of Clause 14 of Transportation and Works Committee Report No. 6.

Carried

92 Ontario Power Authority

Brian Hay, June 18, 2008, Ontario Power Authority, requesting deputant status.

Debbie Gordon, Megawhat, June 13, 2008, regarding the Ontario Power Authority and requesting deputant status.

Harvey Tenenbaum, Harten Consulting, June 17, 2008, regarding the Ontario Power Authority Integrated Power System Plan, and requesting deputant status.

Richard Johnson, June 18, 2008, regarding the Ontario Power Authority, and requesting deputant status.

It was moved by Mayor Morris, seconded by Mayor Jackson that the communications be received and that the requests for deputations be deferred to the September 3, 2008 meeting of the Planning and Economic Development Committee.

Carried

93 Official Plan Amendment 661, City of Vaughan

(Clause 12 of Planning and Economic Development Committee Report No. 7)

Ann Grech forwarding two e-mails dated June 18, 2008 regarding OPA 661 requesting and withdrawing her request for deputant status and also requesting that the Region review all deputations from the June 11, 2008 meeting of the Planning and Economic Development Committee and re-enter them as the position of the community adjacent to the Kipling and RR 7 intersection.

It was moved by Mayor Jackson, seconded by Mayor Grossi that the communications be received and referred to consideration of Clause 12 of Planning and Economic Development Committee Report No. 7.

Carried

94 Keswick Water Pollution Control Plant Expansion

(Clause 4 of Transportation and Works Committee Report No. 6)

Dave Oliphant, Regional Sales Manager, and Yvan Liegey, President, Veolia Water Solutions and Technologies, June 18, 2008, regarding the Keswick Water Pollution Control Plant Expansion, and requesting deputant status.

It was moved by Mayor Emmerson, seconded by Regional Councillor Wheeler that the communication be received and that deputant status be granted.

Carried

(See Minute No. 103, 104 and 111.)

95 Cornell Secondary Plan, Town of Markham, Official Plan Amendment No. 168

(Clause 11 of Planning and Economic Development Committee Report No. 7)

Michael Savas, Project Manager, Lindvest Properties Limited, June 17, 2008, regarding Cornell Secondary Plan, Town of Markham, Official Plan Amendment No. 168.

It was moved by Mayor Grossi, seconded by Regional Councillor Heath that the communication be received and referred to consideration of Clause 11 of Planning and Economic Development Committee Report No. 7.

Carried

PRESENTATIONS

Council then received the following presentations:

96 COSTI Immigrant Services - Corporate Citation Award

Regional Chair Fisch informed Council that the Region had been presented with the COSTI Immigrant Services Corporate Citation Award. Regional Chair Fisch thanked Commissioner Simmons and staff for the work they are doing with immigrant services and the help they are providing for immigrants obtaining jobs in York Region.

Commissioner Simmons advised that the Award was given to the Region for the various work opportunities provided to immigrants settling in York Region and with the Inclusivity Action Program. She thanked the Members of Regional Council for their support and congratulated the staff members involved.

Regional Councillor Frustaglio acknowledged the excellent results from this program and noted that the innovative work of the Human Services Planning Coalition has been very helpful. She congratulated the Region and the Human Services Planning Coalition.

97 Transit Safety Award from American Public Transportation Association

Regional Chair Fisch informed Council that York Region Transit/Viva was presented with the Gold Award for Excellence in Transit Safety from the American Public Transportation Association (APTA). The award was presented at the recent APTA conference in Austin, Texas. APTA cited York Region's innovative use of performance-based contracts that has dramatically improved the safety program of our contracted drivers.

Commissioner Llewellyn-Thomas informed Council that this is a prestigious award that will help bring further attention to the many benefits of YRT/Viva, including the safety of our service and the commitment of our operators and staff. She thanked Members of Council for their ongoing support of transit in the Region, and also commended Don Gordon and other York Region Transit staff, contractors and operators who have made this award possible.

98 FCM-CH2M HILL Sustainable Community Awards – Transportation – York Region's Smart Commute Initiative

Regional Chair Fisch informed Council that the Federation of Canadian Municipalities (FCM) presented the Region with a Sustainable Community Award for Transportation for the Smart Commute Initiative for the collaborative effort between York Region and other municipalities in the GTA.

Commissioner Tuckey noted that the award recognized success in achieving most of the project objectives, particularly on reducing greenhouse gas emissions from urban transportation through carpooling, transit incentives, bus shuttles and vanpooling programs.

99 2007 Annual Report

Regional Chair Fisch noted the 2007 Annual Report was provided to all Members of Council today. The 2007 Annual Report highlights some of the goals and accomplishments of Regional Council and its Committees and includes a report from the Regional Treasurer, financial statements and statistical review.

100 Retirement of Ken Hill, Director of Financial Services and Deputy Treasurer

Regional Chair Fisch congratulated Ken Hill, who is retiring after 28 years with York Region. Mr. Hill has been Deputy Treasurer since 1988 and has been instrumental in the Region achieving the prestigious Canadian Award for Financial Reporting for 10 straight years.

Regional Chair Fisch thanked Mr. Hill on behalf of Regional Council and staff for his many years of service and wished him a happy and healthy retirement.

101 Regional Councillor Hogg Elected as Director, Federation of Canadian Municipalities

Regional Chair Fisch congratulated Regional Councillor Hogg on her re-election as a Director of the Federation of Canadian Municipalities and acknowledged her tireless work on behalf of the Region at FCM.

102 Long-Term Service Awards

Regional Chair Fisch informed Council that 246 York Region employees were recognized on June 17, 2008 for their many years of service with the Region. He then recognized the following Members of Council and presented them with their long-term service awards:

Mayor David Barrow, 10 years
Mayor Wayne Emmerson, 10 years
Mayor Rob Grossi, 10 years, and
Regional Councillor Gordon Landon, 15 years.

Regional Chair Fisch thanked each of these Members for all of their service to the Region and to those who live and work in the Region.

DEPUTATION

Council then heard the following deputation:

103 Keswick Water Pollution Control Plant Expansion
(Clause 4 of Transportation and Works Committee Report No. 6)

Dave Oliphant, Veolia Water Solutions and Technologies, addressed Council regarding the Keswick Water Pollution Control Plant Expansion.

It was moved by Mayor Grossi, seconded by Regional Councillor Spatafora that the deputation be received and that it be referred to consideration of Clause 4 of Transportation and Works Committee Report No. 6.

Carried

104 COMMITTEE REPORTS

Regional Councillor Spatafora presented the following reports for the consideration of Council:

Report No. 5 of the Community Services and Housing Committee
Report No. 6 of the Finance and Administration Committee
Report No. 5 of the Health and Emergency Medical Services Committee
Report No. 7 of the Planning and Economic Development Committee
Report No. 6 of the Rapid Transit Public/Private Partnership Steering Committee
Report No. 4 of the Solid Waste Management Committee
Report No. 5 of the Transit Committee
Report No. 6 of the Transportation and Works Committee
Report No. 3 of the Commissioner of Finance
Report No. 2 of the Commissioner of Corporate Services
Report No. 1 of the Chief Administrative Officer

It was moved by Regional Councillor Spatafora, seconded by Regional Councillor Landon that the reports be received and that Council resolve itself into Committee of the Whole to consider them.

Carried

Regional Chair Fisch chaired the Committee of the Whole.

The Committee of the Whole rose after making the following recommendations:

Report No. 5 of the Community Services and Housing Committee be adopted without amendment;

Report No. 6 of the Finance and Administration Committee be adopted with the following amendment:

Clause 13 regarding Tender Awards Report be amended to show the total in Table 3 as \$4,254,271.90.

Report No. 5 of the Health and Emergency Medical Services Committee be adopted without amendment;

Report No. 7 of the Planning and Economic Development Committee be adopted with the following amendment:

Clause 6, regarding Second Suites in York Region, be referred back to staff to provide additional information and report back to the September 3, 2008 meeting of the Planning and Economic Development Committee.

Report No. 6 of the Rapid Transit Public/Private Partnership Steering Committee be adopted without amendment;

Report No. 4 of the Solid Waste Management Committee be adopted without amendment;

Report No. 5 of the Transit Committee be adopted without amendment;

Report No. 6 of the Transportation and Works Committee be adopted with the following amendments:

Clause 4, regarding Membrane Equipment Supplier Pre-selection for the Keswick Water Pollution Control Plant Expansion, was referred to Private Session. Following Private Session the Clause was adopted without amendment (see Minute No. 111.)

Clause 14, regarding Anti-Whistling Policy for Trains at Road/Rail Crossings, be adopted subject to the following amendments:

- 1. The Region will entertain anti-whistling by-laws from the local municipalities with different hours of restrictions than those in the Region's policy as they come forward; and*
- 2. The Region will be responsible for risk and liability at train crossings on Regional Roads.*

In considering this clause, Council had before it a letter dated June 11, 2008 from Kim Kitteringham, Deputy Clerk, Town of Markham.

Clause 19, regarding Consultant Selection for Engineering Services, 2nd Concession Environmental Assessment, Green Lane to Queensville Sideroad, Town of East Gwillimbury, be amended by adding the following recommendation:

- 3. The consultants be requested to involve and consult with Town of Newmarket staff throughout the Environmental Assessment process*

Clause 23, regarding Rouge Park, Little Rouge Corridor and Bob Hunter Management Plans, be referred back to the September 3, 2008 meeting of the Transportation and Works Committee.

Clause 24, regarding Acquisition of Land, Various Projects, be adopted subject to Property No. 1 being referred back to staff.

Report No. 3 of the Commissioner of Finance be adopted without amendment;

Report No. 2 of the Commissioner of Corporate Services be adopted without amendment; and

Report No. 1 of the Chief Administrative Officer be adopted without amendment.

It was moved by Regional Councillor Wheeler, seconded by Mayor Scarpitti that Council adopt the recommendations of the Committee of the Whole.

Carried

105 BY-LAWS

It was moved by Regional Councillor Hogg, seconded by Mayor Van Bynen that certain Bills be introduced and approved in the form as noted on the Revised Agenda, and enacted as By-laws.

By-law No.2008-37	A By-Law to authorize the borrowing upon serial debentures in the principal amount of \$12,348,000 towards the cost of certain capital works of The Regional Municipality of York
By-law No. 2008-38	A By-Law to authorize the borrowing upon serial debentures in the principal amount of \$10,800,000 towards the cost of certain capital works of The Regional Municipality of York
By-law No. 2008-39	A By-law to authorize the entering into of municipal housing project facilities agreements for the provision of affordable housing
By-law No. 2008-40	A By-law to authorize the entering into of municipal housing project facilities agreements for the provision of affordable housing
By-law No. 2008-41	A By-law to authorize the entering into of municipal housing project facilities agreements for the provision of affordable housing
By-law No. 2008-42	A By-law to authorize the entering into of municipal housing project facilities agreements for the provision of affordable housing.
By-law No. 2008-43	A By-law to authorize the execution of a governance agreement for the joint procurement of transit buses

By-law No. 2008-44	A By-law to delegate authority to the Regional Treasurer to establish “clawback” percentages for the 2008 taxation year for the commercial, industrial and multi-residential property classes
By-law No. 2008-45	To amend By-Law No. W-1-70-18
By-law No. 2008-46	To acquire certain lands for or in connection with the widening and reconstruction of Bloomington Road (YR 40) from Bayview Avenue (YR 34) to Highway 404, Towns of Aurora and Richmond Hill
By-law No. 2008-47	To dedicate certain lands for the purposes of public highways
By-law No. 2008-48	To amend By-law No. R-1107-96-126 being a by-law to set out all the roads in the Regional Road System
By-law No. 2008-49	To amend By-law No. R-1102-96-100 to prohibit or regulate parking and stopping on Regional Roads
By-law No. 2008-50	To establish a public highway (YR 99)
By-law No. 2008-51	To amend By-Law No. R-1107-96-126 being a by-law to set out all the roads in the Regional Road System
By-law No. 2008-52	To amend by-law no. R-629-79-109 to designate through highways
By-law No. 2008-53	A By-law to prescribe maximum rates of speed on Regional Road 99 (Y.R. 99)

Carried

MOTIONS

106 Energy from Waste Site Liaison Committee Terms of Reference (Clause 2, Item 2 of Solid Waste Management Committee Report No. 4)

It was moved by Mayor Barrow, seconded by Regional Councillor Jones that Council adopt the following motion:

That in accordance with the approved York Durham Energy from Waste Environmental Assessment Terms of Reference, a Site Liaison Committee be established;

That the attached Terms of Reference for the Site Liaison Committee be approved;
and

That a copy of the Resolution be forwarded to the Region of Durham for information.

Carried

107 Approval of Energy from Waste Air Emissions Criteria
(Clause 2, Item 3 of Solid Waste Management Committee Report No. 4)

It was moved by Mayor Barrow, seconded by Regional Councillor Jones that Council adopt the following motion:

THAT the York Durham Energy from Waste proposed stack emission limits (shown on the attached Table 1) be adopted for inclusion in the Request for Proposals to be sent to selected vendors, on the understanding that the project team will continue to work with the Ministry of Environment to finalize stack emission criteria and monitoring specifications and that these final emission criteria will represent the compliance limits for the Energy from Waste facility; and

THAT a copy of this Motion be forwarded to the Region of Durham for information.

Carried

OTHER BUSINESS

108 York University Proposal for a New Medical School

It was moved by Mayor Barrow, seconded by Regional Councillor Frustaglio that the following motion be adopted:

WHEREAS the Region of York and its constituent municipalities have a long-standing commitment to support the delivery of high quality health care through our community hospitals; and

WHEREAS a new medical school at York University will complement increasing demands for physicians in our growing communities and provide improved teaching opportunities at three existing hospitals and a fourth facility planned in Vaughan.

THEREFORE BE IT RESOLVED that the Region of York strongly endorses the proposal for a new medical school at York University; and

THAT a copy of this motion be forwarded to the Markham Stouffville Hospital, the Southlake Regional Health Centre, York Central Hospital and the Vaughan Hospital Foundation.

A recorded vote on the adoption of this motion was as follows:

For: Barrow, Emmerson, Ferri, Frustaglio, Heath, Hogg, Jones, Landon, Morris, Rosati, Scarpitti, Spatafora, Taylor, Van Bynen, Wheeler, Wong and Young (17)

Against: (0)

Carried Unanimously

109 Metrolinx

Regional Councillor Heath requested that the Regional Chair schedule a Council Workshop in late August or early September, if possible, to consider matters relating to Metrolinx.

110 PRIVATE SESSION

It was moved by Regional Councillor Wheeler, seconded by Mayor Barrow that Council convene in Private Session in Committee Room “B” for the purpose of considering the following:

1. Private Report of the Solid Waste Management Committee - Results of RFP NO. WM-07-03 for the Design, Construction, Operation of a Facility to Process Organic Waste – *Security of Municipal Property*
2. Private Report of the Solid Waste Management Committee - Municipal Hazardous and Special Waste Service Contract – *Security of Municipal Property*
3. Private Report of the Finance and Administration Committee – Donald Cousens Parkway, Memorandum of Understanding with the Landowners of the Vettese Lands and the Town of Markham – *Land Acquisition*
4. Private Report of the Finance and Administration Committee – Resolution of Disputed Water Billings – *Solicitor-Client*
5. Private Report of the Regional Solicitor – 2007 External Compliance Audit Program Findings, Water and Wastewater Branch - *Solicitor-Client*
6. Private Presentation – Bathurst Collector and Langstaff Trunk Sewer, Settlement at Langstaff and Pleasant Ridge – *Potential Litigation*
7. Private Attachment to Clause 9 of Report No. 6 of the Rapid Transit Public/Private Partnership Steering Committee - Business Proposal and Concept Design Work Plan Award – Davis Drive, Newmarket – *Security of Municipal Property*
8. Private Attachment to Clause 8 of Report No. 6 of the Rapid Transit Public/Private Partnership Steering Committee - Award of Jefferson Station Construction – *Security of Municipal Property*

9. Private Presentation - Donald Cousens Parkway to Morningside Avenue Link – Individual Environmental Assessment – *Security of Municipal Property*
10. Private Attachment to Report 2 of the Commissioner of Corporate Services – Compensation Agreement – Full and Final Release Widening and Reconstruction of Teston Road, City of Vaughan – *Land Acquisition*
11. Private Report of the Chief Administrative Officer, Commissioner of Finance and the Commissioner of Transportation Services, June 11, 2008 – Development Charge Credit Request, Ninth Line By-pass/Donald Cousens Parkway, Town of Markham – *Solicitor-Client*
12. Appointment of a Deputy Clerk – *Personal matters about an identifiable individual*
13. Personnel Matter – *Personal matters about an identifiable individual*

Carried

Council recessed to meet in Private Session at 12:46 p.m. and reconvened in Council at 2:28 p.m.

It was moved by Mayor Emmerson, seconded by Mayor Scarpitti that Council rise and report from Private Session.

Carried

111 Membrane Equipment Supplier Preselection for the Keswick Water Pollution Control Plant Expansion
(Clause 4 of Transportation and Works Committee Report No. 6)

It was moved by Mayor Emmerson, seconded by Mayor Scarpitti that Council adopt Clause 4 of Transportation and Works Committee Report No. 6, including the following recommendations:

1. The Region enter into a contract with Zenon Membrane Solutions, part of GE Water and Process Technologies Canada (GE-Zenon), for the supply of ultrafiltration membrane media and related equipment for the Keswick Wastewater Pollution Control Plant (WPCP) phase one expansion as outlined in this report, at an upset limit of \$6,580,000, excluding GST, subject to the receipt of the Certificate of Approval from the Ministry of the Environment.
2. The Regional Chair and the Regional Clerk be authorized to sign the necessary contract with GE-Zenon, subject to review by Legal Services.

Carried

112 Municipal Hazardous and Special Waste Service Contract

It was moved by Mayor Van Bynen, seconded by Mayor Emmerson that Council adopt the recommendations in the private report of the Solid Waste Management Committee as follows:

1. Regional Council authorize entering into a contract with Stewardship Ontario to provide municipal household special waste post-collection services in accordance with the business conditions outlined in the private report.
2. The term of the contract be for a period of three (3) years, commencing on July 1, 2008 with an option for an additional two (2) one-year extensions.
3. The Commissioner of Environmental Services be authorized to exercise the option to renew on behalf of the Region, subject to fulfillment of the conditions set out in this report.
4. The Commissioner of Environmental Services be authorized to negotiate contract terms and conditions with Stewardship Ontario.
5. The Regional Solicitor be authorized to prepare the necessary contract documents.
6. The Regional Chair and Clerk be authorized to execute the contract, and any extension, subject to the approval of Legal Services as to form and content.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it pertains to the security of municipal property.

**113 Donald Cousens Parkway to Morningside Avenue Link –
Individual Environmental Assessment**

It was moved by Mayor Scarpitti, seconded by Regional Councillor Wong that Council adopt the following motion:

THAT the Regional Chair write a letter to the Minister of the Environment accepting the Minister's offer to postpone a decision on the Environmental Assessment for the Donald Cousens Parkway in order to continue the self-directed mediation process.

Carried

The presentation and materials to remain private under the provisions of the *Municipal Act* as they pertain to the security of municipal property.

**114 Development Charge Credit Request
Ninth Line By-Pass/Donald Cousens Parkway, Town of Markham**

It was moved by Regional Councillor Landon, seconded by Regional Councillor Jones that Council adopt the recommendations in the private report of the Chief Administrative Officer, Commissioner of Finance and Commissioner of Transportation Services, dated June 11, 2008 as follows:

1. Council authorize a development charge (“DC”) credit in the amount of \$10,448,673 (88%) for the growth-related component and a recovery of \$1,253,881 (12%) of the proposed road works undertaken by Box Grove Developer Group in the Town of Markham, subject to completion of the works to the satisfaction of the Commissioner of Transportation Services.
2. Staff be authorized to fund the growth component of the development charge credit from a combination of future phases of development and Regional Roads Development Charges previously collected through the build-out of the surrounding residential subdivisions prior to the approval of the road credits.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it pertains to solicitor-client advice.

115 Appointment of a Deputy Clerk
(See By- Law No. 2008-54.)

It was moved by Mayor Barrow, seconded by Regional Councillor Wheeler that Council pass a by-law to appoint Drew Westwater as Deputy Clerk effective August 18, 2008.

Carried

116 Appointment to Police Services Board

It was moved by Mayor Van Bynen, seconded by Regional Councillor Taylor that Council appoint Barbara-Ann Bartlett as the Regional citizen member on the Police Services Board for the term of July 1, 2008 to November 30, 2010, or until her successor is appointed.

Carried

117 CONFIRMATORY BY-LAW

It was moved by Regional Councillor Wheeler, seconded by Mayor Scarpitti that the following by-law be enacted to confirm the proceedings of this meeting of Council.

By-law No. 2008-55 To confirm the proceedings of Council at its meeting held on June 19, 2008.

Carried

The Council meeting adjourned at 2:35 p.m.

Denis Kelly
Regional Clerk

Minutes confirmed and adopted at the meeting of Regional Council held on the 18th of September, 2008.

Bill Fisch

Regional Chair