

**MINUTES OF COUNCIL  
OF  
THE REGIONAL MUNICIPALITY OF YORK**

June 12, 2003

Regional Council met at 9:35 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: Bell, Black, Cousens, Emmerson, Jones, Taylor and Young

Regional Councillor: Barrow, Frustaglio, Hogg, Humeniuk, Rosati, Scarpitti, Wheeler and Wong

Staff: Cartwright, Davidson, Garrett, Jaczek, Schipper, Simmons, Tuckey.

**101 DECLARATION**

**16<sup>th</sup> Avenue Trunk Sewer,  
Phase 2 Construction Contract  
Town of Markham, Project 74030**

Mayor Black declared an interest in the matter of 16<sup>th</sup> Avenue Trunk Sewer, Phase 2 Construction Contract, to be considered in Private Session. Mayor Black made her declaration due to the fact that her spouse is an environmental engineer who has given advice to the Town of Markham, and did not take part in the consideration or discussion of, or vote on this matter in either private session or public session.

*(See also Minute No. 106 )*

**102 MINUTES**

It was moved by Mayor Cousens, seconded by Regional Councillor Humeniuk, that the Minutes of the Council meeting held on the 22<sup>nd</sup> day of May 2003, and the Minutes of the Special Council meeting held on the 29<sup>th</sup> day of May, 2003, be confirmed in the form supplied to the Members.

Carried.

## PRESENTATION

### 103 West Nile Virus

Dr. Hanif Kassam, Associate Medical Officer of Health, provided Council with an update regarding the Region's West Nile Virus larviciding program. Dr. Kassam advised that the application of larvicide commenced on June 10, 2003 and will continue in the identified "hot spots". These are areas where dead birds have been found, human cases of the virus were identified last year and the culex mosquito has been identified. Dr. Kassam noted that, further to Council's direction at its May 22, 2003 meeting, templates have been designed and signage will be posted at the larviciding sites.

Dr. Kassam further advised that the larviciding program will expand to urban areas in August and the media campaign will continue throughout the summer and fall.

### 104 COMMITTEE REPORTS

Mayor Taylor presented the following reports for the consideration of Council:

Report No. 6 of the Community Services and Housing Committee  
Report No. 6 of the Finance and Administration Committee  
Report No. 2 of the Fire Services Committee  
Report No. 5 of the Health and Emergency Medical Services Committee  
Report No. of the Solid Waste Management Committee

It was moved by Mayor Taylor, seconded by Mayor Emmerson, that the reports be received and that Council resolve itself into Committee of the Whole to consider them.

Carried.

Chair Fisch chaired the Committee of the Whole.

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

Report No. 6 of the Community Services and Housing be adopted, without amendment:

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

*Clause 8 be referred back to staff with the following amendment:*

- 1. Staff be authorized to proceed with a small purchase of computer hardware to undertake a test project on Server Based Computing; and*
- 2. Staff prepare a report for consideration by the Finance and Administration Committee, with the report to contain: an evaluation of the test project; an assessment of the technical issues surrounding the conversion to server-*

*based computing; a full evaluation of the costs, including server upgrades, network, administration and conversion costs;*

3. *A user survey be undertaken to evaluate staff reaction; and*
4. *Area municipalities such as Richmond Hill, Vaughan and Markham be asked for comments on this proposed conversion.*

*Clause 16 be amended as follows:*

*That the “Recommended ITS Functional Model”, as illustrated in Section 4.8, be amended to reverse “CTRC” and “Director, ITS Operations”*

*Clause 18 be amended as follows:*

*That Item No. 1 be amended to reflect that a joint report from the Commissioner of Finance and Commissioner of Transportation and Works be brought forward to the Finance and Administration Committee in September, 2003 on funding options for advancing the timing of projects in the 10-Year Road Capital Program.*

Report No. 2 of the Fire Services Committee, be adopted, with the following amendments:

*Clause 1 be amended by the addition of Recommendation 3 as follows:*

3. *That the Regional Chief Administrative Officer report back to the Fire Services Committee or Regional Council in September, 2003 regarding the budget for this position.*

*Clause 2 be amended by the addition of Recommendation 3 as follows:*

3. *That the Ontario Fire Marshal’s Office be requested to provide comments on the merits of Centralized Fire Dispatch.*

Report No. 5 of the Health and Emergency Medical Services Committee be adopted, with the following amendment:

*Clause 2 be amended by the addition of Recommendation 3 as follows:*

3. *That staff be directed to investigate and report back on the purchase of prescription and non-prescription tobacco cessation aids directly from the manufacturers, to be provided and distributed by the Region at cost and to be coordinated with a licensed physician.*

Report No. 2 of the Solid Waste Management Committee be adopted, without amendment:

**105 PRIVATE SESSION**

It was moved by Regional Councillor Scarpitti, seconded by Regional Councillor Wheeler, that Council convene in Private Session, for the purpose of considering certain personnel and legal matters.

Carried.

Council met in Private Session at 11:55 a.m. and reconvened in Council at 12:48 p.m.

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

Carried.

**106 16<sup>TH</sup> Avenue Trunk Sewer,  
Phase 2 Construction Contract  
Town of Markham, Project 74030**

In considering this matter, Council had before it Report No. 5 from the Commissioner of Transportation and Works, a Change Memorandum from Sheila Birrell, Town Clerk of Markham dated June 11, 2003, containing a resolution passed by Markham Town Council on June 10, 2003, and a communication dated June 12, 2003 from the Commissioner of Transportation and Works containing a draft motion.

It was moved by Mayor Cousens, seconded by Regional Councillor Wheeler, that:

Part 1

Regional staff be directed to write to the Minister of the Environment immediately, to inform the Minister that the Region has committed to all of the conditions proposed by the Town of Markham resolution of June 10, 2003, with respect to the Phase 2 work, with amendments to conditions 2, 9 and 10, so that the conditions now read as follows:

1. Dewatering not commence until the Phase II mitigation plan has been finalized, in consultation with Markham Council
- 2(a) Regional Council is committed to funding all necessary mitigation measures to deal with lack of well water due to the project, and will provide budget allocation in this regard as “financial assurance”
- 2(b) Regional Council allocate, as an interim measure, \$5 Million for the required implementation of the mitigation over the summer 2003 period, with actual expenditures to be authorized by the Regional Chief Administrative Officer
- 2(c) Regional Council will review the financial need for the mitigation measures in fall 2003, following the finalization of the Pro-Active Mitigation Plan, and will adjust the allocation for the mitigation as necessary at that time
- 2(d) Any funds from this allocation, not expended for mitigation of lack of well water, will remain within the Region’s Wastewater Capital program

3. The Region implement its Pro-Active Mitigation Plan
4. The final Communication Plan be implemented
5. Other commitments (e.g. Complaint Review Committee, Liaison Committee) as outlined in the Region's June 10, 2003 presentation be implemented
6. The Liaison Committee also include one Town of Markham Council member (Councillor Dan Horchik)
7. The Region update Markham Council and staff on a monthly basis on the state of dewatering and its mitigation program
8. The Region of York Director of Infrastructure, Design and Construction update the Town of Markham Director of Engineering on a bi-weekly basis on the status of the project
9. The value of a Regional contribution to the Town of Markham's municipal servicing to Jennings Gate/Cachet, equivalent to the value of the Region's alternative well impact mitigation, will be determined in consultation with the Town of Markham Engineering staff and hydrogeologist, prior to the start of dewatering
10. All of the plans and Regional commitments will be completed in consultation with Markham Council, engineering staff and hydrogeologist, and

On the basis of the above and the submission of additional documentation detailing the Regional commitments to Pro-Active Mitigation, the Minister of Environment be requested to release the requested Permit to Take Water for Phase 2 immediately, to allow for the initiation of the work

Carried.

## Part 2

The recommendations in Report No. 5 of the Commissioner of Transportation and Works be adopted as follows:

1. The Regional Solicitor in consultation with the Commissioner of Transportation and Works be authorized to revise as outlined in the report the conditions that formed the basis of the proposed design-build contract for the 16<sup>th</sup> Avenue Trunk Sewer Phase 2 Project.
2. The proposal amount submitted by McNally/Aecon Civil Joint Venture in June 2002 in the amount of \$46,740,535, plus GST be adjusted to account for the revised conditions identified in the report and subject to acceptable contract terms as outlined in the report, the contract be awarded in the amount of \$45,740,535, plus GST if a Permit to Take Water is received from the Ministry of the Environment by July 10, 2003.
3. The Regional Chair and Clerk be authorized to execute the design-build contract for the 16<sup>th</sup> Avenue Trunk Sewer – Phase 2 Project on behalf of the Regional Municipality.
4. The contract for the 16<sup>th</sup> Avenue Trunk Sewer Phase 1 be modified to include standby provisions in an amount of \$110,000 to allow for a delay in the award of the contract for Phase 2 of the 16<sup>th</sup> Avenue Trunk Sewer Project.

5. Regional Council request the Town of Markham to advise the Ministry of Environment that the enhanced mitigation procedures adopted by Regional Council are satisfactory and that the Town has no further objection to the Region's application for a Permit to Take Water for the 16<sup>th</sup> Avenue Trunk Sewer Phase 2 Project.
6. The Council resolution reflecting the above recommendations be forwarded to the Clerk of the Town of Markham and the Minister of Environment.

Carried.

## 107 OTHER BUSINESS

### Retail Business Holiday Act Exemptions

It was moved by Mayor Cousens, seconded by Regional Councillor Scarpitti, that staff be authorized to take the necessary action to initiate the process set out in the *Retail Business Holidays Act*, including giving notice of a special meeting of Council in July, 2003 if necessary, so that Council can consider Region-wide exemptions to the holiday provisions in the Act for the remainder of 2003 at the earliest possible time.

Carried.

## 108 CONFIRMATORY BY-LAW

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

By-law No. M-0694-2003-054

To confirm the proceedings of Council at its meeting held on June 12, 2003.

Carried.

The Council meeting adjourned at 12:50 p.m.

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Regional Clerk

Minutes confirmed and adopted at the meeting of Regional Council held on the 26th of June 2003.

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Regional Chair

