

MINUTES  
NEWBURY MUNICIPAL COUNCIL  
Monday, July 12, 2021  
6:00 p.m.



MEMBERS PRESENT: Reeve Diane Brewer, Councillors, Ron Challis, Mike Noe, Russ Patton, and Stacey Goldrick

STAFF PRESENT: Cathy Case, Clerk-Treasurer  
Fire Chief Chad Trethewey (for part of meeting)  
Marion-Frances Cabral, Planner (for part of meeting)

**CALL TO ORDER**

Reeve Diane Brewer called the meeting to order at 6:00 p.m.

**1. DECLARATION OF PECUNIARY INTEREST:**

The Municipal Conflict of Interest Act requires any member of Council to declare a pecuniary interest and the general nature thereof; and, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the Act.

Councillor Noe declared a pecuniary interest in Agenda Item 8, Accounts, specifically item #8.39.6.

Councillor Patton declared a pecuniary interest in Agenda Item 8 – Accounts, specifically item #8.39.7

**2. DELEGATIONS & TIMED EVENTS:**

6:30 pm – Committee of Adjustment

Reeve Brewer called the Committee of Adjustment to order at 6:30 pm. Planner Marion-Frances Cabral was present for this portion of the meeting.

1. Minor Variance Application A01-21  
1 Dundas Street  
Cindy Richard-Harris and Clyde Harris

The applicants were not in attendance. Annie MacNeil and Terry McNaughton were in attendance.

The purpose of Minor Variance Application A01-21 for 1 Dundas Street is to provide relief from various sections of the Zoning By-law to recognize the reduced setbacks of an existing single detached dwelling and accessory building as a result of a conditionally approved severance (File B01-2020). No new buildings or structures are proposed as a result of the application. The specific relief being requested are:

- Section 4.2.2 – requested variance of 0.46 m (1.5 ft) setback from the interior lot line whereas the Zoning By-law requires accessory buildings to be setback 1.5 m (4.9 ft) and 5.6 m (17.6 ft) from the front lot line where the Zoning By-law requires accessory buildings to be setback 7.5 m (24.6 ft);
- Section 4.2.4 – requested variance to locate the accessory building in the front yard whereas the Zoning By-law requires accessory buildings to be located no closer to the street than the main building is to the street;
- Section 4.2.5 – requested variance of 0.46 m (1.5 ft) whereas the Zoning By-law requires accessory buildings to be setback 1.0 m (3.28 ft) to any lot line;
- Section 6.7 – requested variance of 6.26 m (20.5 ft) whereas the Zoning By-law requires single detached dwellings to be setback 7.5 m (24.6 ft).

Planner Cabral reviewed the application and her report recommending that the application be approved as the proposal meets the four tests of a minor variance of the Planning Act.

The Clerk reported that the St. Clair Region Conservation Authority had no concerns with the proposed minor variance. There were comments received from the public.

Moved By: Stacey Goldrick

Seconded By: Russ Patton

“That Application for Minor Variance A01-2021 related to severance file B01-2020, for relief from Sections 4.2.2, 4.2.4, 4.2.5, and 6.7 of the Zoning By-law to recognize the existing single detached dwelling and accessory buildings, whereas the provisions of the General Regulations standards require accessory buildings to not be located closer to the front lot line or side lot line than the minimum distance required for the main building on the lot; that accessory building shall not be built closer to the street than the main building is to that street; that the accessory buildings shall not be built closer than 1.0 m to any lot line; and that the front yard depth for a single detached dwelling is 7.5 m, be GRANTED.

FURTHER THAT the reasons for granting Minor Variance A01-2021 are:

- The request complies with the general intent and purpose of Newbury’s Official Plan;
- The request complies with the general intent and purpose of Newbury’s Comprehensive Zoning By-law;
- The request is minor in nature; and
- The request represents appropriate development on the subject property.

Carried.

2. Consent Application B02-21, Zoning By-law Amendment ZBA01-21, and Official Plan Amendment OPA01-21  
22881 Hagerty Road  
McNaughton Dodge Chrysler Inc. (Agent: Terry McNaughton)

Terry McNaughton (applicant/agent) was in attendance. Annie MacNeil also attended.

The purpose of the consent application is to sever lands from 22881 Hagerty Road for the creation of two (2) new residential lots to erect a single detached dwelling on each property for a total of two (2) dwelling units. The severed lots will be approximately 996.04 m<sup>2</sup> (10,721.3 ft<sup>2</sup>) and 1004.49 m<sup>2</sup> (10,812.2 ft<sup>2</sup>) in size with a frontage of 20.11 m (66 ft) per lot on Broadway Street. The retained lands is a corner lot with an area of approximately 266.23 m<sup>2</sup> (2,865.7 ft<sup>2</sup>) with 5.33 m (17.5 ft) of frontage on Hagerty Road and 49.85 m (163.9 ft) of frontage on Queen Street.

Planner Cabral reviewed the applications and her report recommending that the consent application be amended to sever only one (1) lot along Broadway; that the Official Plan Amendment application be approved as applied for; and that Zoning By-law Amendment be approved based on the creation of the single lot. Planner Cabral advised that the recommendation takes into consideration the size and viability of the remnant parcel should two lots be created.

Terry McNaughton advised that he preferred to proceed with the application as submitted and had no concerns with a site specific zoning for the remnant parcel.

Ms. MacNeil advised that she had no concerns with the applications as presented. The Clerk advised that SCRCA reviewed the applications and had no concerns.

The members of the Committee of Adjustment/Council discussed the applications,

Moved By: Mike Noe

Seconded By: Russ Patton

“THAT consent application B03-2021, filed by Terry McNaughton on behalf of McNaughton Dodge Chrysler Inc., in order to sever two (2) lots with frontages of approximately 20.11 m (66 ft) along Broadway Street and areas of approximately 996.04 m<sup>2</sup> (10, 721.3 ft<sup>2</sup>) and 1004.49 m<sup>2</sup> (10, 812.2 ft<sup>2</sup>) from an existing 2,266.76 m<sup>2</sup> (24, 399.2 ft<sup>2</sup>) parcel municipally described as 22881 Hagerty Road, Village of Newbury; be GRANTED.

FURTHER THAT Consent B-03-2021 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That any outstanding property taxes be paid in full.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-03-2021 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office
4. That the applicant submits an Acknowledgement and Direction duly signed by the applicant.
5. That a zoning by-law amendment that appropriately recognizes all zoning deficiencies and permitted uses on the severed and retained lots of Consent B-03-2021 be in full force and effect prior to consent being granted. This includes a new site-specific ‘General Commercial exception 4 (C1-4)’ zone for the remnant land that butts Hagerty Road.
6. That the Owners’ solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.

7. That the Owner dedicate lands up to 13 m (42.7 ft) from the centerline of construction of County Road 1 (Hagerty Road) across the retained parcels to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.
8. That the applicant submit an undertaking in a form satisfactory to the Secretary-Treasurer to register an electronic transfer of title consistent with the Acknowledgement and Direction and the decision of the Committee of Adjustment.
9. That one copy of the reference plan be submitted to the satisfaction of the municipality.
10. That the owner install separate water, storm, and sanitary service connections to the severed lots at the expense of the Owner prior to consent being granted to the satisfaction of the municipality.
11. That, if necessary, the fee for the Certificate of Consent be paid in accordance with the Village's Fees and Charges By-law.
12. That, if necessary, a revised assessment scheduled in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owners.

AND FURTHER THAT official plan amendment application OPA 01-21 (OPA 13), filed by Terry McNaughton on behalf of McNaughton Dodge Chrysler Inc., in order to re-designate a portion of the lands from 'Commercial' to 'Residential' be adopted and forwarded to the County of Middlesex for consideration and approval;

AND FURTHER THAT zoning by-law amendment application ZBA 01-21, filed by Terry McNaughton on behalf of McNaughton Dodge Chrysler Inc., in order to rezone a portion of the lands from 'General Commercial (C1)' to 'Residential First Density (R1)' and 'General Commercial exception 4 (C1-4)' be APPROVED." Carried.

The Committee of Adjustment session ended at 6:50 pm and Council returned to regular session.

## 2.1 WATER:

1. Water Financial Statements: (cc. Council – blue)

Moved By: Stacey Goldrick

Seconded By: Ron Challis

“THAT the water financial statements for period ending June 30, 2021 be accepted as presented.”

Carried

2. DWQMS – Review of Element #9 (cc. Council – blue)  
A summary of Element #9 of the DWQMS was submitted for Council review by Betty Gordon.

Moved By: Russ Patton

Seconded By: Ron Challis

“That Council approve Element #9 of the Newbury DWQMS as amended to include item 24 which provides for the Clerk-Treasurer to be included in meetings, training and consultations related to the DWQMS process in order to gain knowledge and understanding of water operations and the DWQMS program; and that the Betty Gordon be appointed as Water Administrator for DWQMS until June 30, 2022 or the Clerk-Treasurer is fully trained.”

Carried

## 2.2 SEWER:

1. Sewer Financial Statements: (cc. Council – green)

Moved By: Mike Noe

Seconded By: Stacey Goldrick

“THAT the sewer financial statements for period ended June 30, 2021 be accepted as presented.”

Carried

## 2.3 DRAINAGE:

## 2.4 FIRE:

Fire Chief Chad Trethewey presented his report at 6:55 pm.

1. Training – The Fire Chief advised that training is ongoing. The Clerk-Treasurer will be with authorization to access training records when required.
2. Blue Card Training – Chief Trethewey advised that he continues to work on modules.
3. The Burning Policy was discussed. The policy will allow backyard burning of small amounts of grass clippings, tree limbs and branches, cardboard and paper, as well as for outdoor cooking purposes. Burning must be a fire ring or otherwise contained (no open burning). Burning of styrofoam, plastic, cans, building materials and hazardous materials remains prohibited. The amended hours of burning will be:

Summer (April 1<sup>st</sup> to October 31<sup>st</sup>)

Weekdays (M-T-W-T-F) – after 7:00 pm to 11:00 pm

Saturdays & Sundays – 10:00 am to 11:00 pm

Winter (November 1<sup>st</sup> to March 31<sup>st</sup>) – after 4:00 pm

The Fire Chief will have the authority to grant exemptions to the policy for commercial and agricultural applications, with or without conditions, under an application program which will include a written permit. Staff will work together to develop an exemption program.

Moved By: Stacey Goldrick

Seconded By: Ron Challis

“THAT Council approve amendments to the Burning Policy to provide for extended burning hours of 10:00 am to 11:00 pm on Saturdays and Sundays from April 1 to October 31 annually.”

Carried.

4. Chief Trethewey requested Council consider getting a quote to install Murolex as an alternate to steel on the Firehall walls for the anticipated renovations under the grant.
5. Chief Trethewey asked that he be updated on any grants that may be available to the Fire Department for upgrading safety equipment, such as SCBA.

Fire Chief Trethewey left the meeting at 7:15 pm.

### **2.5 BY-LAW ENFORCEMENT:**

Garett McCloud By-law Enforcement Officer report attached for May and June, 2021. (cc Council – grey)

Moved By: Ron Challis

Seconded By: Russ Patton

“That the By-law Enforcement Report for May and June 2021 be accepted as submitted.”

Carried

### **2.6 CHIEF BUILDING OFFICIAL:**

CBO did not provide a report for May.

### **3. COUNCIL MINUTES:**

Council minutes of the regular Council meeting held on June 21, 2021. (cc Council – yellow)

Moved By: Stacey Goldrick

Seconded By: Ron Challis

“THAT the minutes from the regular Council meeting held on June 21, 2021, be approved as presented.”

Carried

### **4. BUSINESS ARISING FROM THE MINUTES:**

1. Flagpoles have been delivered. Plans are being made for installation.
2. Gerber Electric will install the light for the toboggan hill later this summer/fall.

3. The owners of 22799 Hagerty have been notified that grass needs cutting on a more routine basis. By-law Enforcement Officer has been notified.
4. The proposed policy to permit work and/or services in municipal road allowances is being drafted.

5. **CORRESPONDENCE:**

**INFORMATION ITEM**

1. Sylvia Jones, Solicitor General – Responding to Animals Left in Motor Vehicles (cc Council – purple)
2. Township of the Archipelago – Banning Unencapsulated Polystyrene Foam (cc Council – green)
3. Municipality of St.-Charles – Resolution-Municipal Land Transfer Tax (cc Council – pink)
4. St. Clair Conservation Authority – St. Clair Challenge Virtual Fundraiser (cc Council – white)  
Council requested that the Clerk-Treasurer determine if Newbury Council had provided any donation to SCRCA fundraising events previously and report back at next meeting.
5. Tribunals Ontario – Launch of Navigate Tribunals Ontario at the Landlord and Tenant Board
6. Ontario Land Tribunal – Announcement of the merging of the Local Planning Appeal Tribunal, Environmental Review Tribunal, Board of Negotiation, Conservation Review Board and the Mining and Lands Tribunal into new single tribunal called the Ontario Land Tribunal (OLT)
7. Municipal World magazine – July 2021 edition is available at the office. Attached is listing of articles. (cc. Council - blue)
8. Bettina Weber, Community Emergency Management Coordinator (CEMC), Middlesex County – Considerations Regarding Termination of Emergency (cc Council – yellow)
9. Municipality of Chatham-Kent – Support for the Induction of the Coloured All-Stars into the Canadian Baseball Hall of Fame (cc Council – grey)

Moved By: Mike Noe

Seconded By; Ron Challis

“THAT the Council of the Village of Newbury endorse the resolution from the Municipality of Chatham-Kent to support the induction of the Coloured All-Stars into the Canadian Baseball Hall of Fame.”

Carried.

10. St. Clair Region Conservation Authority 2020 Annual Report booklet was provided to each member at the meeting.

6. **ACTION REQUIRED ITEMS:**

1. Nadine Devin, Early Years Project Manager, Middlesex County Library/County of Middlesex requesting support for application to the Canada Revitalization Fund and Storytelling Trails Project (cc Council – pink)

Moved By: Mike Noe

Seconded By: Ron Challis

“THAT the Council of the Village of Newbury supports the Middlesex County Library’s application for the Canada Community Revitalization Fund and the ‘Storytelling Trails’ Project and that the Clerk-Treasurer be authorized to sign the Applicant Declaration and Landlord Authorization form.”

Carried.

2. Information and Privacy Commissioner of Ontario has completed review of Privacy Complaint File: MI18-1 and the final Privacy Complaint Report has been received. Council has been emailed the full copy of the report. There are four (4) recommendations (attached pages 24 and 25) for the Village to comply with by January 1, 2022. (cc Council – blue)

Clerk-Treasurer Cathy Case reviewed the four recommendations with Council which will be implemented by the deadline.

3. Accessibility for Ontarians with Disabilities Act, 2005 Compliance Desk Audit has been completed by the AODA Compliance and Enforcement Branch, Ministry of Seniors and Accessibility. In order to be in compliance, an Accessibility Training Procedure was drafted. Council endorsement of the draft Accessibility Training Procedure is required. Training will be arranged and provided in accordance with the procedure. (cc Council – green)

Moved By: Stacey Goldrick

Seconded By: Ron Challis

“THAT Council approve the Accessibility Training Procedure as required under the Integrated Accessibility Standards Regulation (O. Reg. 191/11).”

Carried.

4. Request from Janet Gibbons, LLB on behalf of the owner of 36 York Street to repeal Encroachment By-law No. 106-95 in order to clear title for sale of the property. The encroachment (building) was removed from the property years ago and has since been redeveloped as a duplex. All costs for registration of the repealing by-law will be at the expense of the property owner. (cc Council – yellow)

Moved By: Mike Noe

Seconded By: Ron Challis

“THAT Council approve the request to have Encroachment By-law No. 106-95 for 36 York Street repealed and that the appropriate by-law be passed.”

Carried.



7. **FINANCIAL STATEMENT:** (cc. Council – white with pink top)

Moved By: Stacey Goldrick

Seconded By: Russ Patton

“THAT the financial statements for June 2021 be accepted as presented.”

Carried

8. **ACCOUNTS:** (cc. Council - purple)

Councillor Noe reiterated his pecuniary interest in item #8.39.6.

Councillor Patton declared his pecuniary interest in item #8.39.7.

Moved By: Stacey Goldrick

Seconded By: Russ Patton

“THAT the accounts that total \$60,360.45 be accepted as presented.”

Carried

9. (a) **NEW & UNFINISHED BUSINESS:**

1. Cement work and benches at park – waiting for cement contractor to arrange for work to be done and for price on benches. Councillor Challis suggested that a price for cedar benches also be obtained.
2. Veteran’s Road Boulevard – overgrowth and weeds are being addressed; Councillor Patton has large stones available; Councillors Patton and Noe will investigate and assess work to be done to level ditch
3. Police Services Board Information Report (cc Council – salmon)
4. Input has been requested from our insurers regarding installation of basketball nets at the park, as well as clarification on the type of mulch that can be used. Staff will investigate cost to have the tennis/basketball court resurfaced.
5. The Investing in Canada Infrastructure Program (ICIP) – Covid Stream grant for \$100,000 has been submitted. Federal approval has not yet been given. I am following up with both the Provincial ICIP department and MPP McNaughton’s office. A report on the proposed projects was circulated for Council’s review.

9. (b) **OTHER BUSINESS:**

Each Council Member was given the opportunity to bring new business to the table.

1. Clerk-Treasurer Case had received a complaint about drainage. The property owner is having water ponding at the back of his property and would like direction on correcting the issue. Council will allow the property owner to hook into a Village drain provided the property owner can supply a written agreement between neighbour(s) to tile across private property. The connection to the Village drain would need to be done under supervision by the Village.

2. Reeve Brewer read a thank you note from Betty Gordon for her retirement gift.
3. Councillor Noe advised of a sink hole at the corner of York and Dundas Streets. The public works employee will be directed to fill sink hole stone to reduce hazard until Councillors Noe and Patton can investigate.
4. Councillor Patton advised that he inspected the Pine Drain. The drain is working well following the repairs made last year. Councillor Patton will look after placing gabion stone at the Dundas Street bridge and fix the rip rap.
5. Reeve Brewer suggested that the Public Works Employee inspect the road drainage grates periodically.

10. **CLOSED SESSION**

Closed session of Council under the authority of section 239(2) (b) personal matters about an identifiable individual including municipal or local board employees and (c) labour relations or employee negotiations of the Municipal Act.

Moved By: Ron Challis

Seconded By: Russ Patton

“THAT Council move to closed session with the inclusion of the Clerk-Treasurer under the authority of the Municipal Act, Section 239 (2) (b) personal matters about an identifiable individual including municipal or local board employees and (c) labour relations or employee negotiations at 7:50 pm.”

Carried.

Moved By: Mike Noe

Seconded By: Ron Challis

“THAT Council rise from the closed session at 8:05 pm and resume regular session.”

Carried.

**RISE AND REPORT**

Moved By: Russ Patton

Seconded By: Mike Noe

“THAT the Council approve the issuance of two (2) Village of Newbury commencement awards for 2021.”

Carried.

11. **BY-LAWS**

1. By-law 111-21, being a by-law to repeal by-law 106-95 respecting an encroachment upon York Street

Moved By: Mike Noe

Seconded By: Russ Patton

“THAT By-law 111-21, being a by-law to repeal By-law No. 106-95 respecting an encroachment upon York Street be given first and second reading this 12 day of July, 2021.”

Carried

Moved By: Stacey Goldrick

Seconded By: Ron Challis

“THAT By-law 111-21 be given third and final reading, taken as read, and be properly signed and sealed and numbered 111-21 this 12 day of July, 2021.”

Carried

- 2. By-law 112-21, being a by-law to adopt Amendment No. 13 to the Official Plan of Newbury

Moved By: Mike Noe

Seconded By: Russ Patton

“THAT By-law 112-21, being a by-law to adopt Amendment No. 13 to the Official Plan of Newbury be given first and second reading this 12 day of July, 2021.”

Carried

Moved By: Ron Challis

Seconded By: Russ Patton

“THAT By-law 112-21 be given third and final reading, taken as read, and be properly signed and sealed and numbered 112-21 this 12 day of July, 2021.”

Carried

- 3. By-law 114-21, being a by-law to confirm proceedings of the Council of the Village of Newbury.

Moved By: Stacey Goldick

Seconded By: Ron Challis

“THAT By-law 114-21, being a by-law to confirm proceedings of the Council of the Village of Newbury is given first and second reading this 12 day of July, 2021.”

Carried.

Moved By: Russ Patton

Seconded By: Mike Noe

“THAT By-law 114-21 be given third reading, taken as read, properly signed and sealed, and numbered 114-21, this 12 day of July, 2021.”

Carried.

10. ADJOURNMENT:

Moved By: Ron Challis

Seconded By: Mike Noe

“THAT the meeting be adjourned at 8:09 pm.”

Carried

  
REEVE DIANE BREWER

  
CLERK-TREASURER CATHY CASE

