

MINUTES
VILLAGE OF NEWBURY COUNCIL MEETING
TUESDAY, APRIL 11, 2023
6:00 pm
Council Chambers



Council Present: Reeve Diane Brewer
Councillor Kevin Derbyshire (at 6:13 pm)
Councillor Clyde Harris
Councillor Russell Patton
Councillor Randy Smith

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

1. **CALL TO ORDER**

Reeve Brewer called the meeting to order at 6:00 pm.

2. **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 Patton declared a pecuniary interest in 7.8 Financial (i) Accounts Listing, item #35.

3. **DELEGATIONS & TIMED EVENTS**

6:05 PM

3.1 **Mathew Campbell, Zelinka Priamo Ltd.**
RE: Reduced Road Right of Way – Proposed Subdivision
11 Wellington Street

Taylor Brydges from Zelinka Priamo Ltd. attended the meeting on behalf of Mathew Campbell. Zelinka Priamo requested Council's approval for a reduced right of way width for the proposed roadway to enable future development for 11 Wellington Street. There is a pinch point due to the awkward parcel lines. The reduced width is proposed to be 15 m only where necessary. A copy of the proposed servicing/grading plan was circulated for Council review. A sidewalk can be provided in the reduced area, as well as sufficient width for emergency vehicles. The actual driveable portion of the roadway will be standard width. There is no impact on site servicing.

Planner Marion Cabral was in attendance for this portion of the meeting.

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT the Council of the Village of Newbury approved a reduced road right of way to 15 metres where necessary to enable future development at 11 Wellington Street.” – Carried.

6:30 PM

3.2 Zoning By-law Amendment ZBA-03-2023

22845 Hagerty Road

Fennell Woodlands Inc. (Agent: Amy Fennell)

The purpose of the Zoning By-law Amendment is to rezone the lands from “Central Commercial exception (C1-#) Zone” to a new site-specific “Central Commercial exception 2 (C1-2) Zone” to permit additional commercial uses. Currently the existing “Central Commercial exception (C1-#) Zone” only permits storage and parking for farm equipment. The applicant is requesting to permit a bus depot, offices (general/professional), and a public garage.

Planner Marion Cabral was in attendance for this portion of the meeting. The following were also in attendance: Joe Hentz of Lerner's LLP, A.J. de Bruyn, Chad Fennell, Amy Fennell, Amber Hartford and Shawn Hartford.

Planner Marion Cabral reviewed the planning report, noting the special zone requirements being recommended.

Joe Hentz advised that he was representing Chad Fennell. He advised that the holding provision was an unnecessary burden and that site plan applies to new or major development. The application is to bring the current use of the property into compliance. Hentz advised that the fencing and screening request from CN was costly and CN should not have the right to impose on this property.

Council discussed the need for fencing and the site plan.

Moved By: Councillor Harris

Seconded By: Councillor Derbyshire

“RESOLVED THAT zoning by-law amendment application ZBA-03-2023, filed by Amy Fennell on behalf of Fennell Woodlands Inc., in order to rezone the lands from “Central Commercial exception (C1-#) to “Central Commercial exception 2 (C1-2)”, be approved with no Holding Symbol (H).” – Carried.

7:00 PM

3.3 Keith Crawford, Commercial Account Executive, McFarlan Rowlands

Tony Commisso, Regional Manager, Intact Public Entities

RE: Municipal Insurance Program Review

Council received an overview on the 2023 Municipal Insurance Program as well as a summary of coverage.

4. COUNCIL MINUTES

- 4.1 Minutes of the regular Council meeting held on March 14, 2023 and special Council meeting held on March 22, 2023.

Moved By: Councillor Derbyshire

Seconded By: Councillor Smith

“RESOLVED THAT the minutes from the Council meetings held on March 14, 2023 and March 22, 2023 be approved as circulated.” – Carried.

5. BUSINESS ARISING FROM THE MINUTES

- 5.1 Site Plan Control By-law (no update)
5.2 Entrance/Welcome Sign Repair (to be addressed in budget)
5.3 911 Signs on Concession – will be relocated in spring as needed

6. CORRESPONDENCE**NON-ACTION CORRESPONDENCE**

- 6.1 Municipal World – April 2023
6.2 City of Stratford – Civic Night at Stratford Festival, Thursday, September 7, 2023
6.3 Paul Dube, Ombudsman of Ontario – Open Meetings: Guide for Municipalities (pocket guide to be distributed at meeting)
6.4 County of Middlesex – Middlesex County Council Meeting Highlights-March 14, 2023 and March 28, 2023
6.5 County of Middlesex – Notices of Decision - Official Plan Amendments No. 14 and 15
6.6 County of Middlesex – Local Council Day, May 9, 2023

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT Council receive and file correspondence items 6.1 to 6.6.” – Carried.

ACTION REQUIRED CORRESPONDENCE

- 6.7 Town of Petrolia – support for resolution from Township of Ashfield-Colborne-Wawanosh regarding Future Accuracy of the Permanent Register of Electors

Moved By: Councillor Derbyshire

Seconded By: Councillor Smith

“RESOLVED THAT the Council of the Village of Newbury support the resolution regarding the Future Accuracy of the Permanent Register Electors.” – Carried.

6.8 City of Cambridge – requesting support for resolution regarding Barriers to Women in Politics

Moved By: Councillor Harris

Seconded By: Councillor Smith

“RESOLVED THAT Council receive and file correspondence item 6.8 from the City of Cambridge.” – Carried.

6.9 Keith Paul-Women of Ontario Say No – requesting endorsement of Bill 5 from The Women of Ontario Say No

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT Council receive and file correspondence item 6.9 from the Women of Ontario Say No organization.” – Carried.

6.10 Town of Petrolia – requesting support for resolution calling on Province to end homelessness

Moved By: Councillor Harris

Seconded By: Councillor Smith

“RESOLVED THAT Council support the resolution from the Town of Petrolia calling on the Province to end homelessness.” – Carried.

6.11 Middlesex Federation of Agriculture – would Council like to receive a delegation from MFA at an upcoming meeting

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council accept the request for a presentation from the Middlesex Federation of Agriculture.” – Carried.

7. STAFF REPORTS

7.1 Fire

Fire Chief Chad Trethewey attended the meeting at 7:50 pm.

- i) Training Update – no update
- ii) Firefighter Recruitment – no update
- iii) Fire Inspection Services – Chief Trethewey advised that he is looking for a candidate that will be by the book when carrying out inspection services.

Chief Trethewey advised that he had attended online course dealing with battery powered vehicles/lithium batteries. These types of batteries will be a challenge for fire fighting.

Fire Chief Trethewey left the meeting at 8:00 pm.

7.2 Building Services

There were no building permits issued in March 2023.

7.3 By-law Enforcement

By-law Enforcement Report for March 2023 was reviewed.

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT Council accept the By-law Enforcement Report for March 2023 as submitted by By-law Enforcement Officer Garrett Cloud.” – Carried.

Moved By: Councillor Patton

Seconded By: Councillor Smith

“RESOLVED THAT Council direct the By-law Enforcement Officer to inspect the property located at 22866 Hagerty Road for compliance with the Property Standards By-law.” – Carried.

7.4 Drainage

7.5 Water

- i) 2022 Schedule 22 Compliance Report - Drinking Water Systems Regulation O. Reg. 170/03

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council receive and accept the O. Reg. 170/03 2022 Schedule 22 Compliance Report for the Newbury Distribution System as prepared and submitted by Sco-Terra Operations Group.” – Carried.

- ii) DWQMS

- a) 2023 S1 Audit for Drinking Water Quality Management Standard Version 2-2017 was completed by SAI Global on Monday, March 13, 2023 (offsite). A copy of the report was provided to Council. There are three non-conformance reports (all minor) to review.

b) Risk Assessment Review (Element 7) completed with Risk Assessment Outcome Review to be completed at the next regular meeting.

iii) Tri-County Water Board of Management – Agenda from meeting March 28, 2023. Councillor Derbyshire reported that no decision has been made on the coloured water proposal. The OCWA contract renewal was discussed as well as the possibility of incorporation of the Tri-County Board in order to access grants.

iv) Water Connection Policy and Fee Review

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT Council approve the amendments to the Water Connection Policy and Fee as presented to facilitate and streamline the connection process.” – Carried.

v) Water Budget to Actual Reports

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council accept the water financial report for the period ended December 31, 2022 as presented.” – Carried.

7.6 Sewer

i) 2022 Annual Performance Report

Moved By: Councillor Harris

Seconded By: Councillor Smith

“RESOLVED THAT Council receive and accept 2022 Annual Performance Report for the Newbury Wastewater Treatment Plant dated March 2023 as prepared and submitted by Sco-Terra Operations Group.”—Carried.

ii) Call-ins – Newbury WWTP – March 2023

iii) Sewer Budget to Actual Reports

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT Council accept the sewer financial report for the period ended December 31, 2022 as presented.” – Carried.

7.7 Administration

i) Tree Removal – Newbury Old Boy’s Park and Broadway Street

Moved By: Councillor Patton
Seconded By: Councillor Derbyshire

“RESOLVED THAT Council accept the quote of \$1,400.00 plus HST from Sharpe Tree Service for the removal of a dead tree at the Newbury Old Boys Park; and that quote of \$1,200.00 plus HST for the removal of a dead tree at 9 Broadway Street be accepted provided staff are able to verify that the tree is located entirely on municipal property.” – Carried.

ii) Appointment of Community Activity Committee

Moved By: Councillor Derbyshire
Seconded By: Councillor Smith

“RESOLVED THAT Council appoint Ashley Patton, Erika Dickie, and Andrea Knight as community representatives and Councillors Kevin Derbyshire and Russell Patton to the Village of Newbury Community Activity Committee.” – Carried.

iii) Ballpark Season

Clerk-Treasurer Case reported:

- Jake Graham has agreed to look after diamond for the 2023 season at a cost of \$60.00 per set up.
- Gerber Electric will be on-site to look into the ball lights and why they are shutting off
- Following the last rain, it was noted that there is a lot of water ponding to the south and west of the splash pad. The catch basin at the back of the booth was filled with water but the catch basin at the road was empty. Investigation into the drainage system to be done.
- Refrigerator in the booth needs to be replaced as it does not hold temperature. The deep fryer is also very old.
- Sentry Fire has been contacted to carry out inspection of the fire suppression system in the booth.

Councillor Patton suggested that the areas under the other two sets of bleachers be cleaned up and stone placed underneath. He recommended using up the pile of clay chips on the infield area.

Moved By: Councillor Patton
Seconded By: Councillor Harris

“RESOLVED THAT Council approve the placement of stone under the remaining bleachers and that this cost be incorporated into the 2023 budget.” – Carried.

vi) May Council Meeting – change date

Moved By: Councillor Patton
Seconded By: Councillor Derbyshire

“RESOLVED THAT the Council meeting scheduled for May be held on Wednesday, May 17, 2023 beginning at 6:00 pm.” – Carried.

v) 2023 Budget – set date

Moved By: Councillor Patton

Seconded By: Councillor Smith

“RESOLVED THAT Council meet in special session on Wednesday, April 26, 2023 at 6:00 pm to review the draft 2023 budget.” – Carried.

7.8 Financial

i) Accounts Listing

Moved By: Councillor Smith

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council approve the accounts in the amount of \$99,532.14 as presented.” – Carried.

ii) Financial Information Report

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT Council accept the Financial Information Report as presented.” – Carried.

Moved By: Councillor Derbyshire

Seconded By: Councillor Smith

“RESOLVED THAT Council approve the transfer of \$3,991.00 from the 2022 budget to the General Building Reserve to be used for purchase of playground equipment.” – Carried.

iii) Budget to Actual Report

Moved By: Councillor Patton

Seconded By: Councillor Smith

“RESOLVED THAT Council accept the budget to actual report for the period ending December 31, 2022 as presented.” – Carried

8. NEW BUSINESS

8.1 Addendum Items - none

8.2 Council Member Business (Each council member is given the opportunity to bring new business to the table.)

Councillor Patton advised that he may have a tractor with loader arms that could be made available for use by Village staff.

Councillor Derbyshire asked that the Clerk-Treasurer contact Graham Young from McNaughtons to discuss event ideas Mr. Young has for the Village.

Councillor Derbyshire asked for additional information on the testing for trihalomethane (THM) in drinking water.

9. CLOSED SESSION

There was no closed session.

10. RISE AND REPORT FROM CLOSED SESSION

11. BY-LAWS

11.1 By-law No. 6-23, being a by-law to amend the Comprehensive Zoning By-law (third reading only; first and second reading done in January)

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT By-law No. 6-23 be given third reading, taken as read, properly signed and sealed, and numbered 6-23, this 11 day of April, 2023.” – Carried.

11.2 By-law No. 7-23, being a by-law to amend the Comprehensive Zoning By-law (third reading only; first and second reading done in January)

Moved By: Councillor Harris

Seconded By: Councillor Smith

“RESOLVED THAT By-law No. 7-23 be given third reading, taken as read, properly signed and sealed, and numbered 7-23, this 11 day of April, 2023.” – Carried.

11.3 By-law No. 12-23, being a by-law to amend the Comprehensive Zoning By-law

Moved By: Councillor Harris

Seconded By: Councillor Derbyshire

“RESOLVED THAT By-law No. 12-23, being a by-law to amend the Comprehensive Zoning By-law be given first and second reading this 11 day of April, 2023.” – Carried.

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire

“RESOLVED THAT By-law No. 12-23 be given third reading, taken as read, properly signed and sealed, and numbered 12-23, this 11 day of April, 2023.” – Carried.

11.2 By-law No. 13-23, being a by-law to confirm the proceedings of the Council of the Village of Newbury

Moved By: Councillor Smith

Seconded By: Councillor Harris

“RESOLVED THAT By-law No. 13-23, being a by-law to confirm the proceedings of the Council of the Village of Newbury be given first and second reading this 11 day of April, 2023.” – Carried.

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT By-law No. 13-23 be given third reading, taken as read, properly signed and sealed, and numbered 13-23, this 11 day of April, 2023.” – Carried.

12. ADJOURNMENT

Moved By: Councillor Smith

Seconded By: Councillor Harris

“RESOLVED THAT the meeting adjourn at 9:10 pm.” – Carried.



REEVE DIANE BREWER



CLERK-TREASURER CATHY CASE