

MINUTES
VILLAGE OF NEWBURY COUNCIL MEETING
WEDNESDAY, OCTOBER 16, 2024
6:00 pm
Council Chambers



Council: Reeve Diane Brewer
Councillor Kevin Derbyshire
Councillor Clyde Harris
Councillor Russell Patton
Councillor Randy Smith

Staff: Cathy Case, Clerk-Treasurer
Marion Ramos 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.

None declared.

3. TIMED EVENTS

6:00 PM COMMITTEE OF ADJUSTMENT
Consent Application B01-2024 and B02-2024
22760 Hagerty Road, Newbury
Owner: 2467381 Ontario Limited
Agent: Frank Vanden Boomen

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

"RESOLVED THAT Council convene as the Committee of Adjustment for the purpose of hearing Consent Application B01-2024 and B02-2024 from 2467381 Ontario Limited at 6:02 pm." – Carried.

Planner Marion Ramos Cabral was in attendance. The applicant nor the agent attended the meeting. There was no one in attendance from the public.

Planner Cabral reviewed the Staff Planning Report for the concurrent consent applications. The Committee members discussed the conditions presented in the report.

The Committee members agreed to remove condition 15 as the owner is not proposing to make any alterations to the existing buildings. All other conditions for both consent applications were satisfactory.

Moved By: Councillor Patton

Seconded By: Councillor Harris

"RESOLVED THAT Consent Application B01-2024, filed by 2467381 Ontario Limited, in order to sever one (1) lot with a frontage of approximately 26.66 m on Hagerty Road and lot area of approximately 1, 300.44 m² from an existing 4,494.07 m² parcel municipally described as 22760 Hagerty Road, Village of Newbury, be GRANTED

AND FURTHER THAT Consent B-1-2024 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within two years 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 B01-2024 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 or minor variance that appropriately recognizes all zoning deficiencies and permitted uses on the severed and retained lots of Consent B01-2024 be in full force and effect prior to consent being granted.
6. That the Owner's 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) and County Road 14 (Concession Drive) 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 lot at the expense of the Owner and that servicing connections are fully within the boundary of the severed lot 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.
13. That the Owner obtain an access easement over the retained lands in favour of the severed parcel for the purposes of a shared driveway.
14. That the Owner enter into a site plan agreement with the Village for the retained and severed parcels.

AND FURTHER THAT the reasons for granting Consent application B01-2024 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Village of Newbury Official Plan; and
- The proposal complies with the Village of Newbury Comprehensive Zoning By-law.

AND THAT Consent Application B02-2024, filed by 2467381 Ontario Limited, to establish servicing maintenance and access easement in favour of the severed lands conditionally approved in severance application B01-2024, municipally described as 22760 Hagerty Road, Village of Newbury, be GRANTED;

AND FURTHER THAT Consent Application B02-2024 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within two years 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 the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B02-2024 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. 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.
5. That the Owners' solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the subject lands of Consent B02-2024 be paid in full.
7. That the Owners solicitor provide an undertaking for the registration of the maintenance and access agreement on title of the lands to the satisfaction of the municipality.

AND FURTHER THAT the reasons for granting Consent applications B02-2024 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Village of Newbury Official Plan; and
- The proposal complies with the Village of Newbury Comprehensive Zoning By-law."

– Carried.

Moved By: Councillor Patton

Seconded By: Councillor Smith

"RESOLVED THAT the Committee of Adjustment be closed at 6:20 pm and that Council resume regular session." – Carried.

6:30 PM John and Dyan Varga, 8 Tucker Street

John and Dyan Varga, owners of 8 Tucker Street attended the meeting to discuss their on-going concern with persons and vehicles accessing the Newbury Old Boys' Park from the Tucker Street entrance. Reeve Brewer advised that a sign indicating that

motorized vehicles were prohibited has been posted. Mr. Varga suggested that the Village consider either selling 10-15 feet of the entrance lane to them, moving the access gate east and installing a 6 foot high chain link fence or installing a 6 foot pressure treated privacy fence between the entrance lane and their property.

Reeve Brewer advised the Varga's to obtain a quote on a fence and submit to Council for consideration.

6:45 PM Mitchell Geerts, MELO
Re: 2023 Financial Statements

Mitchell Geerts, Principal, MELO LLP attended the meeting to present the 2023 Financial Statements for Newbury Community Services Inc. and the Village of Newbury. Following review of the financial statements, Mr. Geerts advised that he is stepping away from preparing audits. He introduced Beverly Climie. Ms. Climie works for Melo out of the Forest office. Reeve Brewer requested that Ms. Climie forward a proposal to complete the 2024 audit for the Village for Council's consideration at the next meeting.

Moved By: Councillor Smith

Seconded By: Councillor Patton

"RESOLVED THAT Council accept the draft Financial Statements for 2023 for the Village of Newbury and Newbury Community Services Inc. as presented." – Carried.

4. COUNCIL MINUTES

Minutes of the regular Council meeting held on September 10, 2024 were reviewed.

Moved By: Councillor Harris

Seconded By: Councillor Patton

"RESOLVED THAT the minutes from the regular Council meeting held on September 10, 2024 be approved as circulated." – Carried.

5. BUSINESS ARISING FROM THE MINUTES

The Clerk-Treasurer reported that signs have been purchased and confirmed the Council accepted quote from Patton Excavating for winter control services.

6. CORRESPONDENCE

NON-ACTION CORRESPONDENCE

6.1 County of Middlesex – Middlesex County Council Meeting Highlights-
September 10, 2024, September 24, 2024 and October 8, 2024

6.2 Office of the Clerk, County of Middlesex – 2025 Middlesex County Council
and Library Board Meeting Calendar

- 6.3 Municipality of Middlesex Centre – invitation to Breakfast with Mayor Aina De Viet, Tuesday, November 5, 2024
- 6.4 Southwest Middlesex – Culvert Replacement Projects UPDATE
- 6.5 St. Clair Region Conservation Authority – Board Meeting Highlights -June 27, 2024 and September 19, 2024

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT Council receive and file correspondence items 6.1 to 6.5.” – Carried.

ACTION REQUIRED CORRESPONDENCE

- 6.6 Town of Cobourg – requesting support of involuntary care for individuals with severe mental health and addictions

Moved By: Councillor Harris

Seconded By: Councillor Smith

“RESOLVED THAT Council receive and file the correspondence from the Town of Cobourg requesting support of involuntary care for individuals with severe mental health and addictions.” – Carried.

- 6.7 Town of Bradford West Gwillimbury – advising of endorsement of the expansion of the Ontario Deposit Return Program to include non-alcoholic beverage containers and encouraging all stakeholders to support this initiative

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT Council support the Town of Bradford West Gwillimbury in endorsing the expansion of the Ontario Deposit Return Program to include non-alcoholic beverage containers and encouraging all stakeholders to support this initiative.” – Carried.

- 6.8 Western Ontario Wardens Caucus – requesting support for blue box program extended producer responsibility for industrial, commercial and institutional sector (non-eligible sources)

Moved By: Councillor Harris

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council support the Western Ontario Wardens Caucus in requesting that the blue box program extended producer responsibilities include the industrial, commercial and institutional sector which are currently non-eligible sources.” – Carried.

- 6.9 St. Clair Region Conservation Authority – SCRCA Conservation Lands Strategy 2024 – the draft policy is being circulated for review, comments are required to be submitted by November 18, 2024

Council referred the SCRCA Conservation Lands Strategy 2024 to the next meeting.

- 6.10 Municipality of Chatham-Kent – Notice of Case Management Video Conference Hearing on Thursday, November 14, 2024 at 10:00 am – Village of Newbury can seek party status in the proceeding or observe only

7. STAFF REPORTS

7.1 Fire

Fire Chief Chad Trethewey did not attend the meeting.

- i) Training Update
- ii) Firefighter Recruitment
- iii) Firehall Flooring Replacement

Moved By: Councillor Smith

Seconded By: Councillor Harris

“RESOLVED THAT Council accept the quote from McNaughton Home Hardware Building Centre in the amount of \$3,417.15 plus taxes for the Newbury Firehall Office, Radio Room and Bathroom Flooring Project.” – Carried.

- iv) Fire Marque Program

The Clerk-Treasurer advised Council that staff met with the account manager from Fire Marque to ensure that Village is enrolled in the insurance recovery program.

- v) Enbridge 2024 Safe Community Project Zero Campaign

7.2 Building Services

The Building Services Report for September 2024 was reviewed.

Moved By: Councillor Harris

Seconded By: Councillor Smith

“RESOLVED THAT Council accept the Building Services Report for September 2024 as presented by the Clerk-Treasurer.” – Carried.

7.3 By-law Enforcement

The September By-law Enforcement Report has not been received.

7.4 Animal Control

7.5 Water

- i) DWQMS
- ii) Tri-County Water Board of Management Meeting
The Agenda for September 24, 2024 meeting and Minutes from June 25, 2024 meeting were reviewed. Councillor Derbyshire advised that there is an issue with “dirty” hydro supply to the water treatment plant. Letters requesting that this issued be addressed are being sent to Hydro One Management and the respective MPPs.
- iii) Budget to Actual Report

Moved By: Councillor Patton

Seconded By: Councillor Smith

“RESOLVED THAT Council accept budget to actual report to September 30, 2024 for the water department as presented.” – Carried.

- iv) Water Bill – High Usage Charges

Council received a verbal report on high water usage registered at a residence. The property owner has advised that there was nothing leaking during the time frame or any other excess usage. The water meter reading has returned to its normal consumption. The remote reading was confirmed to inside meter reading by photo submitted by the property owner. Council did not take any action.

7.6 Sewer

- i) Budget to Actual Report

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT Council accept budget to actual report to September 30, 2024 for the sewer department as presented.” – Carried.

7.7 Administration

- i) Drainage Issue – Broadway and Emmett Street and Tucker Street

Bluewater Power was on site on Friday, September 13, 2024 to investigate the Broadway and Emmett Street Drains. This drain appears to have been constructed under By-law 570 approved on October 12, 1962. The drain does not appear to have been constructed as per the map OR there have been several changes to the drain over the years. No catch basin could be located on the north side of Tucker Street. There is a catch basin on the south side of Tucker Street. All catch basins were cleaned out.

Moved By: Councillor Derbyshire

Seconded By: Councillor Patton

“RESOLVED THAT Council authorize staff to investigate an agreement drain to provide drainage for the affected property owner at Broadway and Emmett Street.” – Carried.

ii) Community Sport and Recreation Infrastructure Fund

The deadline for applications to Stream 1-Repair and Rehabilitation for the Community Sport and Recreation Infrastructure Fund is October 29, 2024. Examples of eligible projects include resurfacing playing fields and replacing playground equipment for safety and accessibility. Grants will range from \$150,000 to \$1 million and must be able to be completed within 24 months of entering a Transfer Payment Agreement with the Province. The Provincial cost-sharing is 50% for municipalities and the Village may not use other Ontario provincial funding for the project (ie the Village must be able to pay the minimum cost sharing of \$150,000). The Province may consider an increase to 70% for contribution for municipalities with a population of less than 20,000.

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT Council approve an application to Stream 1 of the Community Sport and Recreation Infrastructure Fund for the revitalization of the tennis courts, replacement of outdated playground equipment and improvement to playground surfaces and that the Clerk-Treasurer make application for Special Consideration for increased funding.” – Carried.

iii) Community Emergency Preparedness Grant Round 2 – applications due October 31, 2024

iv) Tucker Street Park Entrance

Discussions on the issues brought forward by the abutting property owners were deferred to a later meeting when quotes for fencing can be reviewed.

v) Four Counties Heath Services Foundation Donation

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT Council approve a donation of \$2,500.00 to the Four Counties Health Services Foundation for patient medical equipment campaign with preference to fund an automated patient CPR unit.”—Carried.

vi) Council Meeting Dates

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT Council schedule the regular meetings for the balance of the year

on Wednesday, November 13, 2024 at 6:00 pm and on Monday, December 9, 2024 at 5:00 pm in Council Chambers.” – Carried.

vii) Newbury Fall Activity Day 2024 – Saturday, October 19, 2024

7.8 Financial

i) Accounts Listing

Moved By: Councillor Derbyshire

Seconded By: Councillor Patton

“RESOLVED THAT Council approve the accounts in the amount of \$82,327.92 as presented.” – Carried.

ii) Budget to Actual Report

Moved By: Councillor Derbyshire

Seconded By: Councillor Smith

“RESOLVED THAT Council accept budget to actual report to September 30, 2024 for general municipal operations as presented.” – Carried.

iii) OPP 2025 Annual Billing Statement Report

Moved By: Councillor Smith

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council receive the OPP 2025 Annual Billing Statement Report as presented by the Clerk-Treasurer.” – Carried.

8. NEW BUSINESS

8.1 Council Member Business

Each council member is given the opportunity to bring new business to the table.

Councillor Derbyshire asked if it would be possible to set up an outdoor skating rink. Staff will prepare a report on the costs and insurance requirements for review at the next meeting.

8.2 Other

The Clerk-Treasurer advised that there are several intersections where trees, branches and shrubs are impeding the line of sight.

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

"RESOLVED THAT Council direct the Clerk-Treasurer to inspect intersections throughout the Village for sight triangle interference and that letters be sent to respective property owners requesting that remedial action be undertaken." – Carried.

9. CLOSED SESSION

Moved By: Councillor Derbyshire

Seconded By: Councillor Smith

"RESOLVED THAT Council with the inclusion of the Clerk-Treasurer move to closed session under Section 239(2) of the Municipal Act (b) personal matters about an identifiable individual, including municipal or local board employees at 8:45 pm." – Carried.

10. RISE AND REPORT FROM CLOSED SESSION

Moved By: Councillor Patton

Seconded By: Councillor Harris

"RESOLVED THAT Council rise from closed session at 9:05 pm and resume regular session." – Carried.

Moved By: Councillor Derbyshire

Seconded By: Councillor Smith

"RESOLVED THAT Council authorize the Clerk-Treasurer to proceed with arranging staff for snow shoveling at municipal facilities for the 2024-2025 season." – Carried.

11. BY-LAWS

11.1 By-law No. 15-24, being a by-law to confirm the proceedings of Council

Moved By: Councillor Patton

Seconded By: Councillor Smith

"RESOLVED THAT By-law No. 15-24, being a by-law to confirm the proceedings of the Council of the Village of Newbury be given first, second and third reading this 16 day of October, 2024." – Carried.

12. ADJOURNMENT

Moved By: Councillor Smith

Seconded By: Councillor Patton

"RESOLVED THAT Council adjourn at 9:10 pm." – Carried.


REEVE DIANE BREWER


CLERK-TREASURER CATHY CASE