

MINUTES
VILLAGE OF NEWBURY COUNCIL MEETING
TUESDAY, JANUARY 10, 2023
6:00 pm
Council Chambers



Council Present: Reeve Diane Brewer
Councillor Clyde Harris
Councillor Russell Patton
Councillor Randy Smith
Councillor Kevin Derbyshire (by Zoom at 6:30 pm)

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

1. **CALL TO ORDER**

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

The Clerk-Treasurer advised that Item 6.10, St. Clair Region Conservation Authority Tree Order Information has been added to the agenda.

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 item 7.8 Financial (i) Accounts Listing, line item 44.7 as he is the owner of the company.

3. **DELEGATIONS & TIMED EVENTS**

6:00 PM Public Meetings – Planning Applications:

3.1 Official Plan Amendment Application OPA-01-2023 and Zoning By-law Amendment ZBA-01-2023

1788 and 1792 Concession Drive

Owners: Storey, Denomme & Ross Dentistry Professional Corp and
1974516 Ontario Limited

Agent: Lassaline Planning Consultants (c/o Jackie Lassaline)

The purpose of the Official Plan Amendment is to redesignate lands from "Commercial" to "Commercial-Special Policy Area" to permit residential uses in addition to commercial uses. The purpose of the Zoning By-law Amendment is to rezone the lands from "Highway Commercial Zone (C1)" to a new site-specific "Highway Commercial exception 1 Zone (C2-1) to permit residential uses (townhouses) in additional to commercial uses.

Planner Marion Cabral was present. In attendance were Mr. McAuslan, Mrs. McAuslan, Helena Janik, Denise Smith, Jerome and Kathy Moreau, Ken Hart, Michael Weryk, Lona Salomons and Arthur Salomons. Agent Jackie Lassaline and Joseph Passa attended the meeting virtually on behalf of the owners.

Planner Marion Cabral reviewed the planning report. Clerk-Treasurer Cathy Case read aloud an email from Vitra Chodha, Planner, St. Clair Region Conservation Authority:

"The subject property is partially regulated by Ontario Regulation 171/06. The applicant will be required to obtain written permission from the Authority prior to any future construction and/or site alteration. The property municipally known as 1792 Concession Dr is partially within the 120 meters setback of the adjacent wetland, however, the lot is outside the 30 meters setback with the Concession Rd action as adjacent mitigation between the wetland and the subject site. Therefore, we have no further concerns with this proposal."

There were no concerns brought forward by Council members.

Mr. McAuslan advised of concern that the proposed rear yard is only 30 feet and that the rear yard is shortened as there is only a single entrance to the complex from Concession Drive. He questioned why each unit would not have a separate entrance. Planner Cabral advised that the County of Middlesex will only support the existing single access to the property due to the proximity to the intersection. The only other option would be for the developer to extend Durham Street to provide individual accesses.

McAuslan asked if fencing would be installed across the rear of the property. They are concerned about families invading onto their property. Cabral advised that the Village can request fencing be installed as part of the site plan. Joseph Passa advised that a wood screening fence up to six feet high could be easily accommodated. Fencing between the existing storage units and the proposed development will be implemented if deemed necessary.

Passa advised that there is no intent to raise the grade of the property; the final grading will be as per the approved site plan. The proposal is to create six one floor single family units.

Agent Jackie Lassaline advised that the commercial use is being retained for future use purposes.

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT Official Plan amendment OPA-01-2023 (OPA 15), as amended, filed by Lassaline Planning Consultants on behalf of Storey, Denomme & Ross Dentistry Professional Corp. and 1974516 Ontario Limited, in order to re-designate the lands from ‘Commercial’ to ‘Commercial-Special Policy’ be adopted and forwarded to the County Of Middlesex for consideration and approval;

AND FURTHER THAT zoning by-law amendment application ZBA-01-2023, as amended, filed by Lassaline Planning Consultants on behalf of Storey, Denomme & Ross Dentistry Professional Corp. and 1974516 Ontario Limited, in order to rezone the lands from ‘Highway Commercial (C2)’ to ‘ Highway Commercial exception 1 (C2-1)’ be approved.”—Carried.

3.2 Zoning By-law Amendment ZBA-02-2023

3 York Street

Owners: Kenneth Daley and Nadine Grant

The purpose of the Zoning By-law Amendment is to rezone the lands from “General Commercial Zone (C1)” to a site-specific “Residential First Density Zone (R1)” to permit residential uses on the property.

Planner Marion Cabral was present. In attendance were Mr. McAuslan, Mrs. McAuslan, Helena Janik, Denise Smith, Jerome and Kathy Moreau, Ken Hart, Lona Salomons and Arthur Salomons. Ken Daley and Nadine Grant sent regrets that they were unable to attend the meeting. Michael Weryk was appointed as their agent for the meeting.

Planner Marion Cabral reviewed the planning report.

There were no concerns brought forward by Council members.

There were no objections to the zoning change from the residents in attendance.

Moved By: Councillor Harris

Seconded By: Councillor Smith

“RESOLVED THAT zoning by-law amendment application ZBA-02-2023 filed by Kenneth Daley and Nadine Grant, in order to rezone a portion of the lands from ‘General Commercial (C1)’ to ‘Residential First Density exception 4 (R1-4)’ be approved.” – Carried.

7:00 PM

3.3 Ken Hart
8 Dundas Street
RE: Drainage Issues

Ken Hart reviewed his letter of concern about the drainage along the southside of Dundas Street. He has a private connection to a drain in the road allowance, which is not identified as a municipal drain. Mr. Hart expressed concern that the outlet of the

drain had been blocked by drainage cloth and rip rap when the Dundas Street Bridge was rebuilt. He also advised that once the rip rap was cleared from the outlet and water was pumped from the catch basin on the southwest corner of York Street and Dundas Street to the catch basin on the northwest side of the corner, water stopped flowing into his basement. Mr. Hart would like to have the drain repaired from his property to the outlet. Council discussed the drain and what remedies are available, including incorporating the drain into a municipal drain. Staff was directed to obtain information on the costs to repair the drain. Mr. Hart is willing to pay for the cost to fix the drain.

4. COUNCIL MINUTES

Minutes of the regular Council meeting held on December 13, 2022.

Moved By: Councillor Smith

Seconded By: Councillor Harris

“RESOLVED THAT the minutes from the Council meeting held on December 13, 2022 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 (grant application being investigated)

6. CORRESPONDENCE

NON-ACTION CORRESPONDENCE

6.1 Municipal World – January 2023

6.2 Thames Valley District School Board – Invitation to Community Planning and Facility Collaboration Opportunities Meeting on Thursday, March 2, 2023

6.3 County of Middlesex – Middlesex County Council Meeting Highlights for December 13, 2022

6.4 Minister Steve Clark, Ministry of Municipal Affairs and Housing – Update on recent legislative and regulatory changes (Bill 109, Bill 23, Bill 3)

6.5 Treasury Board Secretariat – Updates to Annual Emergency Exercise Requirement under the Emergency Management and Civil Protection Act (EMCPA)

6.6 Ministry of Natural Resources and Forestry – Legislative and Regulation Changes affective Conservation Authorities

6.7 Minister Steve Clark, Ministry of Municipal Affairs and Housing – Update on changes to the Ontario Building Code

6.8 Office of the Fire Marshal – Essentials of Municipal Fire Protection-A Decision Maker’s Guide training seminars (recirculated)

Moved By: Councillor Harris

Seconded By: Councillor Smith

“RESOLVED THAT Council receive and file correspondence items 6.1 to 6.8.” – Carried.

ACTION REQUIRED CORRESPONDENCE

6.9 Municipality of Greenstone – requesting support for motion regarding the expansion of Bill 3 described as “An Act to amend various statutes with respect to special powers and duties of heads of Council”

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT Council support the motion in general from the Municipality of Greenstone with the exception that no Mayor in the Province of Ontario should be given additional authority and powers as proposed under Bill 3.” – Carried.

6.10 St. Clair Region Conservation Authority – 2023 Seedling and Potted Tree Orders

Moved By: Councillor Smith

Seconded By: Councillor Harris

“RESOLVED THAT Council approve the purchase of ten (10) large stock trees through the St. Clair Region Conservation Authority.” – Carried.

7. STAFF REPORTS

7.1 Fire

Fire Chief Chad Trethewey attended the meeting at 7:35 pm.

i) Training Update

Chief Trethewey advised that inhouse training program continues. He is investigating options for the mandatory training required by legislation and if any funding is available. The OFM has not approved a ‘train the trainer’ program. Trethewey is concerned that the mandatory training is causing difficulty in attracting and retaining volunteer recruits.

ii) Blue Card Training

No firefighter has pursued the Blue Card training program or has expressed interest in completing. The registration fee is a loss at this point as it is non-refundable.

iii) Firefighter Recruitment

A social media campaign to recruit firefighters will be organized. Daytime availability will be stressed.

iv) Fire Inspection Services

The continuation of fire inspection services was discussed. Chief Trethewey advised that he was aware of a couple of people interested in the position.

Moved By: Councillor Patton

Seconded By: Councillor Smith

“RESOLVED THAT an ad hoc committee of Councillor Harris, Fire Chief Trethewey and Clerk-Treasurer Cathy Case meet to review the Fire Inspector/Investigator position and potential candidates and report back to Council.” – Carried.

v) Equipment

Chief Trethewey advised that he has the opportunity to order bunker gear in conjunction with other fire departments in order to obtain savings for bulk purchase. Bunker gear is being replaced on a 10 year cycle with 2 complete sets purchased every year.

Moved By: Councillor Smith

Seconded By: Councillor Patton

“RESOLVED THAT the Fire Chief be authorized to order two sets of bunker gear and that the cost be incorporated into the 2023 budget.” – Carried.

7.2 Building Services

There were no building permits issued in December 2022.

7.3 By-law Enforcement

The By-law Enforcement Report for December 2022 submitted by Officer Garrett Cloud was reviewed.

Moved By: Councillor Patton

Seconded By: Councillor Smith

“RESOLVED THAT Council accept the By-law Enforcement Report for December 2022 as submitted by By-law Enforcement Officer Garrett Cloud.” – Carried.

7.4 Drainage

i) Hart complaint – 8 Dundas Street – Drainage Issue (see Item 3.3 of Delegations and Timed Events)

ii) Wellington Street Drain Survey – The Clerk-Treasurer advised that ratepayers in the area of 11 Wellington Street had received a questionnaire about drainage. This was generated by a private consultant.

7.5 Water

- i) Water Budget to Actual Report to December 31, 2022 was not available for the meeting.
- ii) Hydrant Repairs and Maintenance
 - a) Hydrant #8 – 26 York Street: repairs are complete and hydrant is back in service
 - b) Hydrant #2 – 1888 Concession Drive: out of service; locates ordered

7.6 Sewer

- i) Sewer Budget to Actual Report to December 31, 2022 was not available for the meeting.
- ii) Richard Pellerin, Senior Project Manager, Sco-Terra Operations Group Inc. – Acceptance of Extension to Operations and Maintenance Service Agreement
- iii) Quote – Jet Pump Replacement

Moved By: Councillor Derbyshire

Seconded By: Councillor Smith

“RESOLVED THAT Council accept the quote from Ampro Electric Ltd. for a replacement pump for the Waste Water Treatment Plant in the amount of \$9,310.67 plus taxes.” – Carried.

- iv) Building Repairs

The toilet at the waste water treatment plant is original to the building. There was a malfunction in the fall. CPE Services inspected and provided a quote of \$600.00 plus hst for a replacement modern water-saving toilet. Council requested that additional prices be obtained.

7.7 Administration

- i) Ministry of Infrastructure – Notification of 2023 Ontario Community Infrastructure Funding (OCIF) Report

Moved By: Councillor Smith

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council receive the Ministry of Infrastructure-Notification of 2023 Ontario Community Infrastructure Funding (OCIF) Report as presented.” – Carried.

Moved By: Councillor Harris

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council direct the Clerk-Treasurer to obtain quotes for the engineering work to be completed for the reconstruction of the water meter pit at Trillium Drive.” – Carried.

ii) Municipal Grass Cutting Tenders

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT Council engage Rural Roots Landscaping for municipal grass cutting for the 2023 season provided the annual increase remains at 3% or less as quoted.” – Carried.

iii) Community Activity Committee

Council recommended that the committee be comprised of five individuals, including at least one member of Council. Public notice will be given for interested individuals to submit their name.

iv) “Town Hall” Meeting

The Clerk-Treasurer was directed to obtain dates that the Legion Hall would be available for the proposed meeting.

7.8 Financial

i) Accounts Listing

Moved By: Councillor Harris

Seconded By: Councillor Smith

“RESOLVED THAT Council approve the accounts in the amount of \$70,070.28 as presented.” – Carried.

ii) Budget to Actual Report to December 31, 2022 was not available for the meeting.

8. NEW BUSINESS

8.1 Addendum Items (none added)

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

Reeve Brewer advised that the Villa Board, and potentially the FCHS, may be interested in having their private hydrants flushed by Sco-Terra when Village hydrant maintenance is being undertaken.

9. CLOSED SESSION

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT Council with the inclusion of the Clerk-Treasurer move to closed session under Section 239 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 Derbyshire

“RESOLVED THAT Council rise from the closed session at 8:50 pm and resume regular session with no report.” – Carried.

11. BY-LAWS**11.1 By-law No. 1-23, being a by-law to provide for Interim Tax Levies for the Year 2023**

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT By-law No. 1-23, being a by-law to provide for Interim Tax Levies for the Year 2023 be given first and second reading this 10 day of January, 2023.” – Carried.

Moved By: Councillor Smith

Seconded By: Councillor Derbyshire

“RESOLVED THAT By-law No.1-23 be given third reading, taken as read, properly signed and sealed, and numbered 1-23, this 10 day of January, 2023.” – Carried.

11.2 By-law No. 2-23, being a by-law to appoint a Committee of Adjustment

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT By-law No. 2-23, being a by-law to appoint a Committee of Adjustment be given first and second reading this 10 day of January, 2023.” – Carried.

Moved By: Councillor Smith

Seconded By: Councillor Derbyshire

“RESOLVED THAT By-law No. 2-23 be given third reading, taken as read, properly signed and sealed, and numbered 2-23, this 10 day of January, 2023.” – Carried.

11.3 By-law No. 3-23, being a by-law to appoint an Animal Control Officer

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT By-law No. 3-23, being a by-law to appoint an Animal Control Officer be given first and second reading this 10 day of January, 2023.” – Carried.

Moved By: Councillor Derbyshire

Seconded By: Councillor Smith

“RESOLVED THAT By-law No. 3-23 be given third reading, taken as read, properly signed and sealed, and numbered 3-23, this 10 day of January, 2023.” – Carried.

11.4 By-law No. 4-23, being a by-law to appoint an Integrity Commissioner

Moved By: Councillor Smith

Seconded By: Councillor Patton

“RESOLVED THAT By-law No. 4-23, being a by-law to appoint an Integrity Commissioner be given first and second reading this 10 day of January, 2023.” – Carried.

Moved By: Councillor Harris

Seconded By: Councillor Derbyshire

“RESOLVED THAT By-law No. 4-23 be given third reading, taken as read, properly signed and sealed, and numbered 4-23, this 10 day of January, 2023.” – Carried.

11.5 By-law No. 5-23, being a by-law to adopt Amendment No. 15 to the Official Plan

Moved By: Councillor Patton

Seconded By: Councillor Smith

“RESOLVED THAT By-law No. 5-23, being a by-law to adopt Amendment No. 15 to the Official Plan of Newbury be given first and second reading this 10 day of January, 2023.” – Carried.

Moved By: Councillor Harris

Seconded By: Councillor Derbyshire

“RESOLVED THAT By-law No. 5-23 be given third reading, taken as read, properly signed and sealed, and numbered 5-23, this 10 day of January, 2023.” – Carried.

11.6 By-law No. 6-23, being a by-law to amend the Comprehensive Zoning By-law

Moved By: Councillor Smith

Seconded By: Councillor Patton

“RESOLVED THAT By-law No. 6-23, being a by-law to amend the Comprehensive Zoning By-law be given first and second reading this 10 day of January, 2023.” – Carried.

11.7 By-law No. 7-23, being a by-law to amend the Comprehensive Zoning By-law

Moved By: Councillor Derbyshire

Seconded By: Councillor Patton

“RESOLVED THAT By-law No. 7-23, being a by-law to amend the Comprehensive Zoning By-law be given first and second reading this 10 day of January, 2023.” – Carried.

11.3 By-law No. 8-23, being a by-law to confirm the proceedings of the Council of the Village of Newbury

Moved By: Councillor Derbyshire

Seconded By: Councillor Patton

“RESOLVED THAT By-law No. 8-23, being a by-law to confirm the proceedings of the Council of the Village of Newbury be given first and second reading this 10 day of January, 2023.” – Carried.

Moved By: Councillor Smith

Seconded By: Councillor Harris

“RESOLVED THAT By-law No. 8-23 be given third reading, taken as read, properly signed and sealed, and numbered 8-23, this 10 day of January, 2023.” – Carried.

12. ADJOURNMENT

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT the Council meeting be adjourned at 8:50 pm.” – Carried.


REEVE DIANE BREWER


CLERK-TREASURER CATHY CASE

