

MINUTES
NEWBURY MUNICIPAL COUNCIL
Monday, May 9, 2022
6:00 pm
Newbury Royal Canadian Legion Br. 583 Hall



PRESENT: Councillors Ron Challis, Stacey Goldrick, Mike Noe, and Russ Patton

ABSENT WITH NOTICE: Reeve Diane Brewer

STAFF PRESENT: Clerk-Treasurer Cathy Case
Marion Cabral, Planner (for part of meeting)

CALL TO ORDER

Clerk-Treasurer Cathy Case, called the meeting to order in the absence of Reeve Brewer at 6:00 pm as per section 5 of Procedural By-law 106-20.

Moved By: Councillor Patton

Seconded By: Councillor Challis

“THAT Councillor Mike Noe be appointed Chair for the meeting and have all the powers of the Reeve as per Section 5 of Procedural By-law 106-20.” – Carried.

Councillor Noe assumed the Chair for the meeting.

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.

There were no declarations of pecuniary interest.

2. DELEGATIONS & TIMED EVENTS:

6:00 PM COMMITTEE OF ADJUSTMENT
Consent B01-2022
Canadian National Railway Company
(Agent: Andrea Paterson, Dentons Canada LLP)

Moved By: Councillor Patton

Seconded By: Councillor Challis

“That Council convene as the Committee of Adjustment for the purpose of hearing Consent Application B01-2022 from the Canadian National Railway Company at 6:02 pm.” – Carried.

The purpose of the consent application is to sever land from the subject property (Concession 2 Pt Lot 17) for the creation of one (1) parcel for future development. The severed parcel is irregular in shape and will be approximately 1.4 ha (3.49 ac) in size with a frontage of 33.5 m (110 ft.) on Hagerty Road and 340.6 m (1,117.5 ft.) on Wellington Street. The depth of the severed parcel will be approximately 39.6 m (130 ft.) measured from Wellington Street. The retained lands will remain irregular in area over the span of the railway corridor and will retain frontage on Hagerty and Dogwood Road (Southwest Middlesex).

Planner Marion Cabral attended this portion of the meeting. Melanie Postel, Russ and Sue Rabideau, Jim and Carol Sandford, Shawn and Tammy Cartlidge, and Peter Steele were present. The Canadian National Railway Company was represented by Andrea Paterson and Leighton Zink, Denton's Canada LLP.

Ms. Paterson spoke to the consent application; outlining CN's plans to divest of various pieces of property that have been deemed surplus to their needs. Paterson requested that several of the conditions proposed as part of the consent be reconsidered as CN is not proposing to develop the severed parcel or be an entity using that land in future. She stated that fulfilling all conditions may be problematic for CN to resolve.

Planner Marion Cabral reviewed the Staff Planning Report for Consent Application B01-2022 which supported the severance of a single lot with conditions. The proposed conditions were reviewed on an individual basis.

Members of the public raised concerns on the intended use of the severed parcel, the effects on the established residential area, why CN is proceeding at this point in time, loss of green space. Planner Cabral confirmed that the current zoning of the land is commercial from Hagerty Road to about Broadway Street and residential from Broadway west.

Moved By: Councillor Challis

Seconded By: Councillor Goldrick

"THAT the Committee of Adjustment defer decision on Consent Application B01-2022 to the June 13, 2022 meeting." – Carried.

Moved By: Councillor Patton

Seconded By: Councillor Challis

"THAT the Committee of Adjustment meeting be closed at 6:50 pm and Council resume regular session." – Carried.

2.1 WATER:

1. Water Financial Report

The Clerk-Treasurer noted that the Budget Amounts are from 2021 Budget.

Moved By: Councillor Patton

Seconded By: Councillor Challis

"THAT Council accept the water financial report for period ending April 30, 2022 as presented." – Carried.

2. DWQMS

Water Administrator Betty Gordon did not submit a report.

3. 2022 Water Budget

Clerk-Treasurer Case reviewed the financial information on the 2021 year end. There was a small surplus from water operations

Moved By: Councillor Goldrick

Seconded By: Councillor Patton

“THAT Council approve the transfer of \$6,100.00 to the Water Reserve for future use.” – Carried.

The Clerk-Treasurer reviewed a draft water budget for 2022.

Moved By: Councillor Patton

Seconded By: Councillor Challis

“THAT Council receive the 2022 draft water budget for consideration at the June 13, 2022 meeting.” – Carried.

2.2 SEWER:

1. Sewer Financial Report

The Clerk-Treasurer noted that the Budget Amounts are from 2021 Budget.

Moved By: Councillor Goldrick

Seconded By: Councillor Challis

“THAT Council accept the sewer financial report for period ending April 30, 2022 as presented.” – Carried.

2. Sco-Terra – April 2022 Extra Work and Call Ins-Wastewater Treatment Plant

3. 2022 Sewer Budget

Clerk-Treasurer Case reviewed the financial information on the 2021 year end. There was a small surplus from sewer operations. The 2022 draft sewer was reviewed, with revisions to be made to the Gas Tax Fund allocation.

2.3 DRAINAGE

2.4 FIRE:

Fire Chief Trethewey did not attend the meeting. No written report was submitted.

1. Training update.

2. Blue Card training update
3. Fire Protection Agreement with Southwest Middlesex
4. Firefighter Recruitment update

2.5 BY-LAW ENFORCEMENT:

By-law Enforcement Reports for April 2022 submitted by Officer Garrett Cloud was reviewed.

Moved By: Councillor Patton

Seconded By: Councillor Challis

“THAT Council accept the By-law Enforcement Report for April 2022 as submitted.” – Carried.

2.6 CHIEF BUILDING OFFICIAL:

The Building Services report for the period ending April 30, 2022 was reviewed.

Moved By: Councillor Challis

Seconded By: Councillor Goldrick

“THAT Council accept the Building Services report for period ending April 30, 2022 as submitted.” – Carried.

3. COUNCIL MINUTES:

Minutes of the regular Council meeting held on April 11, 2022 were reviewed.

Moved By: Councillor Goldrick

Seconded By: Councillor Patton

“THAT the minutes from the regular Council meeting held on April 11, 2022 be approved as circulated.” – Carried.

4. BUSINESS ARISING FROM THE MINUTES:

1. Site Plan Control By-law – no update

5. CORRESPONDENCE:

INFORMATION ITEMS

1. Ministry of Agriculture, Food and Rural Affairs – Minister’s Order issued for the purpose of limiting the commingling of birds from different locations in Ontario to reduce transmission of highly pathogenic avian influenza (H5N1) in Ontario
2. Invest in Middlesex – Tourism Relief Fund

3. Solicitor General – Standards of Care for Dogs Kept Outdoors under the PAWS Act
4. Ministry of the Solicitor General, Office of the Fire Marshal – O.Reg. 343/22: Firefighter Certification
5. County of Middlesex
 - (a) Middlesex County Council Meeting Highlights-April 26, 2022
 - (b) Newbury 2021 Planning Summary Report
 - (c) Notice of Public Meeting – Official Plan Amendment, Tuesday, May 24, 2022 at 2:00 pm
 - (d) Bill 13, Supporting People and Business Act, 2021
6. Vicki Kyle, Glencoe Animal Shelter – notice of retirement effective June 30, 2022

6. ACTION REQUIRED ITEMS:

1. VON Middlesex-Elgin Community Corporation – celebrating VON week May 22-28, 2022

Information from VON Middlesex-Elgin is to be shared on social media.

2. Nature Canada – World Ocean Day, June 8th

Moved By: Councillor Challis

Seconded By: Councillor Goldrick

“Whereas, Wednesday, June 8, 2022, is the 30th annual World Ocean’s Day. World Oceans Day is the United Nations day for celebrating the role of the ocean in everyday life and inspiring action to protect it;

Whereas, countries around the world, including Canada as a prominent leader, have committed to protecting 30% of their ocean territory by 2030 in order to reverse nature loss in the ocean and safeguard at-risk marine life;

Whereas, the ocean is home to hundreds of species at risk, vulnerable ecosystems, and is a crucial carbon sink shielding us from the worst of climate change;

Whereas, the ocean produces over half of the world’s oxygen and absorbs 50 times more carbon dioxide than our atmosphere, therefore protecting the ocean is in the interest of all life on Earth, and communities both coastal and inland, as it is essential to our shared future;

Whereas, it is the jurisdiction of the Government of Canada, under various pieces of legislation and regulation, to establish marine protected areas in consultation with Indigenous Peoples. Many Indigenous nations and communities are leading in the conservation of the ocean, and have been stewards of the ocean since time immemorial;

Whereas, it is important for municipal leaders to demonstrate support for actions to safeguard the ocean, as they have for action on climate change and other environmental matters of national importance;

Whereas, in celebrating the ocean, and protecting its habitats and ecosystems, we can together raise the profile of ocean conservation's critical role in improving planetary health and slowing the crisis of species collapse and ecosystem decline;

Therefore be it resolved that the Village of Newbury recognizes the 30th anniversary of World Oceans Day on June 8, 2022 and supports national and international efforts to protect 30% of the ocean by 2030." – Carried.

3. Glencoe District High School – 2022 Village of Newbury Award Donation Request

Moved By: Councillor Challis

Seconded By: Councillor Patton

"THAT Council provide the Village of Newbury Award Donation for 2022 to a student graduating from Glencoe District High School who meets the criteria established for the award." – Carried.

4. Township of Ashfield-Colborne-Wawanosh – 2022 Municipal Night at the Kingsbridge Centre

7. FINANCIAL REPORTS:

1. Monthly Financial Report

The Clerk-Treasurer noted that the budget amounts are from 2021 budget.

Moved by: Councillor Patton

Seconded by: Councillor Goldrick

"THAT Council accept the financial reports for the period ending April 30, 2022 as presented." – Carried.

2. Financial Information – Taxes Receivable & Bank Balances

Moved by: Councillor Patton

Seconded by: Councillor Challis

"THAT Council accept the taxes receivable and bank balances information report as presented." – Carried.

8. ACCOUNTS:

Clerk-Treasurer Cathy Case advised that there was an addition to the accounts:

- Fastsigns – electronic sign deposit \$15,000.00

Moved By: Councillor Goldrick

Seconded By: Councillor Patton

"THAT Council approve the accounts totaling \$84,168.89 as presented." – Carried.

9. (a) NEW & UNFINISHED BUSINESS

1. Use of Corporate Resources Policy

Moved By: Councillor Challis

Seconded By: Councillor Goldrick

“THAT Council approve the Use of Corporate Resources Policy for the Village of Newbury.” – Carried.

2. Insured Value of Buildings and Structures and Other Property Review

Representatives of Intact Public Entities and McFarlan Rowlands Insurance Brokers to attend a future meeting to review municipal insurance package.

3. Resident Complaint on State of Playground Equipment

Moved By: Councillor Patton

Seconded By: Councillor Goldrick

“THAT Council receive the resident complaint on the state of the pirate ship at the Newbury Old Boys Park and direct staff to take appropriate action to remediate.” – Carried.

4. 2022 Village Budget

Clerk-Treasurer Cathy Case reviewed the revised draft 2022 budget with Council. The revisions included the removal of all capital projects that were not funded by grant and reductions to any expense that could be made. The Clerk-Treasurer stressed the need for IT services based on the current email issues being experienced.

Moved By: Councillor Goldrick

Seconded By: Councillor Challis

“THAT Council approve negotiating a service agreement with the County of Middlesex for the provision of IT services to the Village.” – Carried.

Moved By: Councillor Challis

Seconded By: Councillor Goldrick

“THAT Council receive the revised draft budget and that final approval of the 2022 Budget be deferred to June 13, 2022.” – Carried.

9. (b) OTHER BUSINESS:

There was no other business items.

10. CLOSED SESSION

There was no closed session of Council held.

11. RISE AND REPORT FROM CLOSED SESSION

12. BY-LAWS

1. By-law No. 9-22, being a by-law to confirm the proceedings of the Council of the Village of Newbury

Moved by: Councillor Patton

Seconded by: Councillor Goldrick

“THAT By-law No. 9-22, being a by-law to confirm the proceedings of the Council of the Village of Newbury is given first and second reading this 9 day of May, 2022.” – Carried.

Moved by: Councillor Challis

Seconded by: Councillor Goldrick

“THAT By-law No. 9-22 be given third reading, taken as read, properly signed and sealed, and numbered 9-22, this 9 day of May, 2022.” – Carried.

10. ADJOURNMENT:

Moved by: Councillor Challis

Seconded by: Councillor Patton

“THAT the meeting be adjourned at 8:10 pm.” – Carried.



COUNCILLOR MIKE NOE



CLERK-TREASURER CATHY CASE