

MINUTES  
VILLAGE OF NEWBURY COUNCIL MEETING  
TUESDAY, SEPTEMBER 12, 2023  
6:00 pm  
Council Chambers



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

Staff Present: Cathy Case, Clerk-Treasurer  
Chad Trethewey, Fire Chief (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 Item 7.7 (ii) Winter Control Contract as he is the owner of Patton Excavating who holds the contract for snow removal.

3. **DELEGATIONS & TIMED EVENTS**

6:05 pm

3.1 **Ken Phillips, General Manager/Secretary-Treasurer  
St. Clair Region Conservation Authority  
RE: Category 3 Programs and Services**

Ken Phillips, General Manager/Secretary-Treasurer of the St. Clair Region Conservation Authority attended the meeting to update Council on changes to the funding format of Conservation Authorities by the Province and to request Council consideration of an annual contribution to assist with the continuation of the education programming offered.

6:15 pm

3.2 **Mitchell Geerts, MELO LLP  
RE: 2022 Financial Statements**

Mitchell Geerts presented Council with the 2022 Consolidated Financial Statements and reviewed the documents.

**4. COUNCIL MINUTES**

## 4.1 Minutes of the regular Council meeting held on July 24, 2023

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT the minutes from the regular Council meeting held on July 24, 2023 be approved as circulated.” – Carried.

**5. BUSINESS ARISING FROM THE MINUTES**

Moved By: Councillor Smith

Seconded By: Councillor Patton

“RESOLVED THAT Council send a letter to the Thames Valley District School Board and London Catholic District School Board requesting that the respective Boards explore the addition of curriculum related to fire fighting training at the high school level to assist with the shortage of volunteer firefighters in rural areas as suggested by the Chief Fire Official of the Newbury Fire Department.” – Carried.

**6. CORRESPONDENCE****NON-ACTION CORRESPONDENCE**

6.1 Municipal World – August and September 2023

6.2 County of Middlesex – Middlesex County Council Meeting Highlights-August 15, 2023

6.3 Ministry of Energy – Powering Ontario’s Growth Ontario’s Plan for a Clean Energy Future

6.4 St. Clair Conservation Authority – SCRCA Board Meeting Highlights-June 22, 2023

6.5 Municipal Property Assessment Corporation (MPAC) – Current assessment cycle extended

6.6 Bettina Weber, CEMC, County of Middlesex – Upcoming Basic Emergency Management (BEM) training course (recirculation)

6.7 Ontario Provincial Police – changes to Distribution of Police Record Check Revenue to Municipalities

Moved By: Councillor Harris

Seconded By: Councillor Smith

“RESOLVED THAT Council receive and file correspondence items 6.1 to 6.7.” – Carried.

**ACTION REQUIRED CORRESPONDENCE**

## 6.8 Ed Markham – banning local fires

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT Council receive the correspondence item 6.8.” – Carried.

## 6.6 Daniel Salvatore, Manger Public Affairs, CN – requesting support of Rail Safety Week, September 18 to 24, 2023

Moved By: Councillor Harris

Seconded By: Councillor Smith

“WHEREAS Rail Safety Week is to be held across Canada from September 18 to 24, 2023;

WHEREAS, 232 railway crossing and trespassing incidents occurred in Canada in 2022; resulting in 66 avoidable fatalities and 43 avoidable serious injuries;

WHEREAS, educating and informing the public about rail safety (reminding the public that railway rights-of-way are private property, enhancing public awareness of the dangers associated with highway rail grade crossings, ensuring pedestrians and motorists are looking and listening while near railways, and obeying established traffic laws) will reduce the number of avoidable fatalities and injuries cause by incidents involving trains and citizens; and

WHEREAS Operation Lifesaver is a public/private partnership whose aim is to work with the public, rail industry, governments, police services, media and others to raise rail safety awareness;

BE IT RESOLVED that the Council of the Village of Newbury adopt this resolution in support of its ongoing efforts to raise awareness, save lives and prevent injuries in communities, including our municipality,” – Carried.

**7. STAFF REPORTS****7.1 Fire**

Fire Chief Chad Trethewey attended the meeting at 6:45 pm.

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT Council adjourn the meeting at 6:45 pm to attend at the Firehall to review the construction progress on the Firehall Overhead Door project.” – Carried.

Council, the Clerk-Treasurer and the Fire Chief left the Council Chambers and proceeded to the Firehall.

Moved By: Councillor Smith

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council reconvene in Council Chambers at 7:10 pm.” – Carried.

Chief Trethewey presented his report.

i) Training – no update

ii) Firefighter Recruitment – two people have expressed interest in joining the department, unfortunately, both applicants do not reside in Newbury, or close vicinity. Chief Trethewey advised that two teenaged recruits may be interested.

iii) Firehall Overhead Door Replacement

Report from Spriet Associates was reviewed by Council. Chief Trethewey is satisfied with the temporary man door that was installed.

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT Council approve the quote from CPE Services in the amount of \$993.65 plus hst for exit lighting at the Firehall.” – Carried.

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council approve the quote from CPE Services in the amount of \$1,997.35 plus hst for two new yard lights for the overhead doors.” – Carried.

Moved By: Councillor Smith

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council authorize the Clerk-Treasurer to proceed with tree and bush trimming at the Firehall as recommended if the Maintenance Manager is unable to complete this work prior to the fire trucks returning to the Firehall.” – Carried.

The Fire Chief left the meeting at 7:30 pm.

## **7.2 Building Services**

There were no building permits issued in July or August 2023

## **7.3 By-law Enforcement**

By-law Enforcement Reports for July and August 2023.

Moved By: Councillor Patton

Seconded By: Councillor Harris

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

#### 7.4 Animal Control

#### 7.5 Water

i) Tri-County Water Board of Management

Agenda from the August 1, 2023 Board Meeting was circulated. Councillor Derbyshire reported that the discoloured water issue was discussed and participation in a POTS study was approved.

ii) DWQMS Review

a) ELEMENT 14 – Review and Provision of Infrastructure

b) ELEMENT 15 – Infrastructure Maintenance, Rehabilitation and Renewal

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT Council confirm review of Elements 14 and 15 of the DWQMS and approve revisions as proposed.” – Carried.

iii) Hydrant Flushing Program – April 2023 Report

Moved By: Councillor Harris

Seconded By: Councillor Smith

“RESOLVED THAT Council accept Hydrant Flushing Program Report as submitted by Sco-Terra Operations Group Inc.” – Carried.

iv) Call-Ins – Newbury Distribution System – July/August

v) Ministry of Environment, Conservation and Parks – Final Inspection Report, August 29, 2023 and Sco-Terra Operations Response

Moved By: Councillor Patton

Seconded By: Councillor Smith

“RESOLVED THAT Council receive and accept the Ministry of Environment, Conservation and Parks Final Inspection Report dated August 29, 2023.” – Carried.

vi) Water Budget to Actual Reports

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT Council accept the water financial report for the period ended July 31, 2023 as presented.” – Carried.

## **7.6 Sewer**

- i) Call-ins – Newbury WWTP – July/August 2023
- ii) Sewer Budget to Actual Reports

Moved By: Councillor Smith

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council accept the sewer financial report for the period ended July 31, 2023 as presented.” – Carried.

## **7.7 Administration**

- i) Chickens in Residential Areas Survey Results and Next Steps

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT Council proceed with an Official Plan Amendment and Zoning By-law Amendment to permit the keeping of chickens in residential zones and that staff be directed to draft a registration program for the keeping of chickens in the Village for consideration.”

A recorded vote was requested:

Reeve Brewer - NO  
Councillor Derbyshire - YES  
Councillor Harris - YES  
Councillor Patton - YES  
Councillor Smith - NO

- MOTION CARRIED.

- ii) Winter Control Contract

Councillor Patton reiterated his pecuniary interest.

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT Council proceed with negotiating a contract for the 2023-2024 winter control with Patton Excavating.” – Carried.

## **7.8 Financial**

- i) Accounts Listing

An updated Accounts Listing including the County and School Board Levies was circulated at the meeting.

Moved By: Councillor Smith

Seconded By: Councillor Harris

“RESOLVED THAT Council approve the accounts in the amount of \$206,508.60 as circulated.” – Carried.

ii) Canada Day Financial Report

Moved By: Councillor Patton

Seconded By: Councillor Smith

“RESOLVED THAT Council accept the 2023 Canada Day Financial Report as presented.” – Carried.

iii) Budget to Actual Report

Moved By: Councillor Smith

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council accept the budget to actual report for the period ending July 31, 2023 as presented.” – Carried.

iv) Financial Information Report

Moved By: Councillor Harris

Seconded By: Councillor Smith

“RESOLVED THAT Council accept the financial information report dated September 12, 2023 as presented.” – Carried.

## 8. NEW BUSINESS

### 8.1 Addendum Items

Moved By: Councillor Harris

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council approve the letter of support for Middlesex County Application to the Tourism Development Fund 2023.” – Carried.

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

Moved By: Councillor Derbyshire

Seconded By: Councillor Smith

“RESOLVED THAT Council approve an annual payment of \$285.00 to the St. Clair Region Conservation Authority to support the continuation of education programs.” – Carried.

**9. CLOSED SESSION**

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire

“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, (d) labour relations or employee negotiations and (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose in order to discuss staff remuneration, a personal issue and receive legal opinion on a general planning matter at 8:25 pm.” – Carried.

**10. RISE AND REPORT FROM CLOSED SESSION**

Moved By: Councillor Derbyshire

Seconded By: Councillor Harris

“RESOLVED THAT Council rise from closed session at 8:35 pm.” – Carried.

**11. BY-LAWS****11.1 By-law No. 20-23, being a by-law to enter into a Severance and Development Agreement**

Moved By: Councillor Smith

Seconded By: Councillor Patton

“RESOLVED THAT By-law No. 20-23, being a by-law to enter into a Severance and Development Agreement be given first and second reading this 12 day of September, 2023.” – Carried.

Moved By: Councillor Harris

Seconded By: Councillor Smith

“RESOLVED THAT By-law No. 20-23 be given third reading, taken as read, properly signed and sealed, and numbered 20-23, this 12 day of September, 2023.” – Carried.

**11.2 By-law No. 21-23, being a by-law to confirm the proceedings of the Council of the Village of Newbury**

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire

“RESOLVED THAT By-law No. 21-23, being a by-law to confirm the proceedings of the Council of the Village of Newbury be given first and second reading this 12 day of September, 2023.” – Carried.

Moved By: Councillor Smith

Seconded By: Councillor Harris

“RESOLVED THAT By-law No. 21-23 be given third reading, taken as read, properly signed and sealed, and numbered 21-23, this 12 day of September, 2023.” – Carried.



**12. ADJOURNMENT**

Moved By: Councillor Smith

Seconded By: Councillor Patton

“RESOLVED THAT Council adjourn at 8:45 pm.” – Carried.

  
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REEVE DIANE BREWER

  
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CLERK-TREASURER CATHY CASE