

MINUTES
VILLAGE OF NEWBURY COUNCIL MEETING
TUESDAY, DECEMBER 12, 2023
6:00 pm
Royal Canadian Legion Br. 583 Meeting Hall
22 Durham Street



Council: Reeve Diane Brewer
Councillor Kevin Derbyshire
Councillor Russell Patton

Absent with Notice: Councillor Clyde Harris
Councillor Randy Smith

Staff: Cathy Case, Clerk-Treasurer
Marion Cabral, Planner
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.

No pecuniary interests were declared.

3. **DELEGATIONS & TIMED EVENTS**

6:00 PM PLANNING APPLICATIONS

- 3.1 **Zoning By-law Amendment (ZBA 04-2023) and Plan of Subdivision (39T-NEW2301) – 13 Wellington Street**
Owner: Theresa Rankin
Applicant: 26666650 Ontario Inc.
Agent: Zelinka Priamo

Planner Marion Cabral was in attendance. Matt Campbell from Zelinka Priamo attended the meeting, as well as property owner Theresa Rankin.

Planner Cabral reviewed the Planning Staff Report on Zoning By-law Amendment ZBA 04-2023 and Plan of Subdivision 39T-NEW2301 recommending approval of the Zoning By-law Amendment. Clerk-Treasurer Cathy Case advised that the notice was circulated as per the requirements of the Planning Act and posted on site.

Matt Campbell, agent for both the owner and developer, gave an overview of the proposal for the 17-lot subdivision. The land is designed by the Village for development and the zoning amendment addresses contemporary standards for lot sizes and removes a portion inaccurately designated as open space.

The public in attendance were given the opportunity to comment on ZBA04-2023. Those in attendance brought forward concerns related to the affect on the community and municipal services, costs, flooding in the area and drainage concerns. The following spoke at the meeting: Nelson Mendez, Russ Rabideau, Sue Rabideau, Jacob Dickie, Cheryl Pinsonneault, Tammy Cartlidge, Shawn Cartlidge, Ken Hart, Joe Pinsonneault, Bonnie Close.

Planner Cabral advised that the zoning amendment is only one part of the process. The developer will be required to obtain subdivision approval from the County of Middlesex and enter into a subdivision agreement with the Village.

Reeve Brewer explained that there is a process under the Drainage Act to have municipal drains investigated.

Councillor Derbyshire commented that any subdivision would create more traffic and more people.

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council defer decision on Zoning By-law Amendment (ZBA04-2023) until the next regular meeting on January 16, 2024.” – Carried.

3.2 Official Plan Amendment (OPA 02-23, OPA16) and Zoning By-law Amendment (ZBA 05-2023) – All Lands within the Village of Newbury Applicant: Village of Newbury

Planner Marion Cabral reviewed the Planning Staff Report on the proposed Official Plan Amendment OPA02-203 and Zoning By-law Amendment ZBA 05-2023 which would allow for the keeping of backyard chickens in the Village of Newbury. Cabral advised that a jurisdictional scan across Ontario was reviewed. The Clerk-Treasurer advised that notice of the meeting was circulated as per Planning Act requirements.

Reeve Brewer commented that approval of the Official Plan and Zoning By-law amendments would be the first step in the process. Council will be looking at implementing a policy to oversee the keeping of chickens which would include inspections and other conditions.

The public in attendance were given the opportunity to comment on the proposed amendments. The following spoke at the meeting: Ken Hart, Cheryl Pinsonneault, Cindy Harris, Sarah Rogers, Sue Rabideau, Shawn Cartlidge and Nelson Mendez.

Moved By: Councillor Patton
Seconded By: Councillor Derbyshire

“RESOLVED THAT Council receive the staff report regarding the municipally initiated Official Plan Amendment OPA 02-203 (OPA16) and Zoning By-law Amendment (ZBA05-2023) to establish and define a new use for backyard chickens and permit backyard chickens (hens) within residential zones and that further discussion be undertaken at the January 16, 2024 Council meeting.” – Carried.

4. COUNCIL MINUTES

4.1 Minutes of the regular Council meeting held on November 14, 2023

Moved By: Councillor Patton
Seconded By: Councillor Derbyshire

“RESOLVED THAT the minutes from the regular Council meeting held on November 14, 2023 be approved as circulated.” – Carried.

5. BUSINESS ARISING FROM THE MINUTES

6. CORRESPONDENCE

NON-ACTION CORRESPONDENCE

- 6.1 Municipal World – December 2023
- 6.2 County of Middlesex – Middlesex County Council Meeting Highlights- November 21, 2023 and Press Release-County Council Welcomes Councillor Aina DeViet as the New Warden of Middlesex County
- 6.3 Ombudsman Ontario – Annual Report 2022-2023 (available at Municipal Office)
- 6.4 Emergency Management Ontario – St Clair Sector Update
- 6.5 St. Clair Region Conservation Authority – Meeting Highlights-October 26, 2023 Board Meeting

Moved By: Councillor Derbyshire
Seconded By: Councillor Patton

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

ACTION REQUIRED CORRESPONDENCE

- 6.6 Municipality of Shuniah – requesting support for resolution requesting the Province to enhance enforcement for deficient muffler systems to address concerns around excessive and unnecessary noise from engine brakes (cc Council)

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire

RESOLVED THAT Council receive and file correspondence item 6.6 from the Municipality of Shuniah regarding the use of engine brakes." – Carried.

6.7 Elgin County – advising of support of resolution from the City of Cambridge regarding support of Bill 21, Fixing Long-Term Care Amendment Act (cc Council)

Moved By: Councillor Derbyshire

Seconded By: Councillor Patton

"RESOLVED THAT Council support the resolution from City of Cambridge regarding their support of Bill 21, Fixing Long-Term Care Amendment Act." – Carried.

7. STAFF REPORTS

7.1 Fire

Fire Chief Trethewey attended the meeting at 7:30 pm.

i) Training Update

Chief Trethewey advised that training is ongoing. Turn out suits were reviewed and cold weather preparation is underway. Two firefighters will need to be sent annually for required training.

ii) Firefighter Recruitment

There are two people interested in joining the fire department.

iii) Firehall Overhead Door Replacement Update

The overhead doors have been adjusted as needed. The Clerk-Treasurer advised that Agri-Urban will be on-site this week to complete deficiencies. The radio repeater had to have the battery replaced due to being taken off the wall and set on desk.

Fire Chief Trethewey advised:

-fire protection arrangements for Coltsfoot are being reviewed

-preparing a list of items for budget consideration

-fighter pay sheets to be submitted

-furnace has quit working again; the unit has had to be manually turned off and back on; CPE has been on site to investigate and repair; Chief Trethewey advised that the furnace is about 30 years old.

The Fire Chief was directed to obtain a quote to replace the furnace.

Chief Trethewey left the meeting at 7:40 pm.

7.2 Building Services

There were no building permits issued in November 2023.

7.3 By-law Enforcement

By-law Enforcement Report for November 2023 had not been submitted.

7.4 Animal Control

7.5 Water

i) DWQMS

-Mandatory Risk Assessment 36-Month Review

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council confirm the review of the Risk Assessment matrix for the Village of Newbury and accept the Risk Assessment as presented.” – Carried.

-Mock Emergency Exercise – “Tapped Out 2023”

Council and the Clerk-Treasurer participated in a mock exercise in which the supply of potable water to the Village becomes restricted due to a failure at the water treatment plant. It was noted that the agreement with Chatham-Kent needs to be reviewed and that emergency contact phone numbers especially for afterhours need to be confirmed.

iii) Water Budget to Actual Report

Moved By: Councillor Derbyshire

Seconded By: Councillor Patton

“RESOLVED THAT Council accept the water financial report for the period ended November 30, 2023 as presented.” – Carried.

7.6 Sewer

i) Sewer Budget to Actual Reports

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council accept the sewer financial report for the period ended November 30, 2023 as presented.” – Carried.

7.7 Administration

- i) London Middlesex Humane Society – agreement renewal

Moved By: Councillor Derbyshire

Seconded By: Councillor Patton

“RESOLVED THAT Council approve the agreement as presented for the renewal of the contract for animal control services with the Humane Society London & Middlesex for a three-year period.” – Carried.

7.8 Financial

- i) Accounts Listing

Moved By: Councillor Derbyshire

Seconded By: Councillor Patton

“RESOLVED THAT Council approve the accounts in the amount of \$77,170.14 as presented.” – Carried.

- ii) Budget to Actual Report

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire:

“RESOLVED THAT Council accept the budget to actual report for the period ending November 30, 2023 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 is looking for feedback from the public on how Council is doing as it has been almost a year since the town hall meeting.

9. CLOSED SESSION

There was no closed session of Council.

10. RISE AND REPORT FROM CLOSED SESSION

11. BY-LAWS

11.1 By-law No. 26-23, being a by-law to authorize the signing of an amending agreement between the Humane Society London & Middlesex and the Village of Newbury

Moved By: Councillor Derbyshire

Seconded By: Councillor Patton

“RESOLVED THAT By-law No. 26-23, being a by-law to authorize the signing of an amending agreement between the Humane Society London & Middlesex and the Village of Newbury be given first and second reading this 12 day of December, 2023.” – Carried.

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire

“RESOLVED THAT By-law No. 26-23 be given third reading, taken as read, properly signed and sealed, and numbered 26-23, this 12 day of December, 2023.” – Carried.

11.2 By-law No. 27-23, 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. 27-23, 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 December, 2023.” – Carried.

Moved By: Councillor Derbyshire

Seconded By: Councillor Patton

“RESOLVED THAT By-law No. 27-23 be given third reading, taken as read, properly signed and sealed, and numbered 27-23, this 12 day of December, 2023.” – Carried.

12. ADJOURNMENT

Moved By: Councillor Patton

Seconded By: Councillor Derbyshire

“RESOLVED THAT Council adjourn at 8:30 pm.” – Carried.


REEVE DIANE BREWER


CLERK-TREASURER CATHY CASE

