

MINUTES
NEWBURY MUNICIPAL COUNCIL
Monday, June 13, 2022
6:00 pm



PRESENT: Reeve Diane Brewer, Councillors Ron Challis, Mike Noe, and Russ Patton

ABSENT: Councillor Stacey Goldrick

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

CALL TO ORDER

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

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 Noe
Seconded By: Councillor Challis

"That Council convene as the Committee of Adjustment for the purpose of consideration of Consent Application B01-2022 from the Canadian National Railway Company at 6:01 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). The Committee of Adjustment had deferred decision on the application at the May 9, 2022 meeting.

Planner Marion Cabral attended this portion of the meeting. Shawn and Tammy were present. The Canadian National Railway Company was represented by Andrea Paterson, Denton's Canada LLP.

Ms. Paterson requested that the Committee of Adjustment reconsider imposition of conditions related to the requirement to provide municipal servicing, as well as the requirement to provide payment-in-lieu of parkland.

Planner Marion Cabral reviewed an updated Staff Planning Report for Consent Application B01-2022 and discussed the conditions. Those persons from the public in attendance were provided opportunity to address the Committee.

Moved By: Councillor Noe

Seconded By: Councillor Challis

"THAT the Consent Application B01-2022 filed by Denton's Canada LLP on behalf of the Canadian National Railway Company, in order to sever one (1) lot with a frontage of approximately 33.5 m (110 ft) along Hagerty Road and lot area of approximately 1.4 ha (3.49 ac) from an existing 9.85 ha (24.34 ac) parcel legally described as Concession 2 Part Lot 17, Village of Newbury, be GRANTED subject to conditions;

FURTHER THAT Consent B01-2022 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 B01-2022 and that this plan be approved by the Village 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 the Owners' solicitor provide a Transfer in Preparation to the Village, 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.

6. That the Owner dedicate lands up to 13 m (42.7 ft) from the centerline of construction of County Road 1 (Hagerty Road) across the severed lot to the County of Middlesex for the purposes of road widening if the right-of-way is not already to that width.
7. That, if deemed necessary, the Owner dedicate lands along the Wellington Street frontage to the Village of Newbury for the purposes of road widening.
8. That the Owner 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 Village.
10. That, if deemed necessary by the Village, an agreement be entered into with the Village (including terms as determined by the Village to be necessary) registered on title and binding on future owners, which addresses connections to municipal water supply and municipal sewer facilities. The cost of drafting and preparation of the foregoing Agreement shall be paid by the Owner.
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 deemed necessary, a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owners.

As the proposed severance is generally supported by the policies of the Provincial Policy Statement, the County of Middlesex Official Plan, and the Village of Newbury Official Plan.”
– Carried.

The Secretary advised that Notice of the decision will be mailed within the prescribed time frame and that the Notice will include information on the appeal process.

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.

6:50 PM Kevin Derbyshire

Re: Follow up to previous meeting attendance

Kevin Derbyshire thanked Council for removing the mandatory mask requirement for the service counter. He requested Council reconsider removing the security cameras located at the Newbury Old Boys' Park. It was noted that the notice sign entering the

park is damaged. Mr. Derbyshire does not believe that the cameras are effective and are not curbing vandalism at the park. As a parent, he is uncomfortable with children being videotaped, especially at the splashpad.

Reeve Brewer thanked Mr. Derbyshire for attending and advised that he obtain a list of parents not pleased with the camera situation and bring to Council for consideration. Mr. Derbyshire left the meeting at 7:07 pm.

2.1 WATER:

1. Water Financial Report
The Clerk-Treasurer noted that the Budget Amounts are from 2021 Budget.

Moved By: Councillor Noe

Seconded By: Councillor Challis

“THAT Council accept the water financial report for period ending May 31, 2022 as presented.” – Carried.

2. DWQMS

Water Administrator Betty Gordon did not submit a report.

3. Sco-Terra – May 2022 Extra Work and Call-Ins – Newbury Distribution System

4. 2022 Water Budget

Moved By: Councillor Noe

Seconded By: Councillor Challis

“THAT Council approve the 2022 Water budget as presented.” – Carried.

2.2 SEWER:

1. Sewer Financial Report
The Clerk-Treasurer noted that the Budget Amounts are from 2021 Budget.

Moved By: Councillor Challis

Seconded By: Councillor Patton

“THAT Council accept the sewer financial report for period ending May 31, 2022 as presented.” – Carried.

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

3. 2022 Sewer Budget

Moved By: Councillor Patton

Seconded By: Councillor Noe

“THAT Council approve the 2022 Sewer budget as presented.” – Carried.

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
5. Radio and Pager Replacement – capital budget

2.5 BY-LAW ENFORCEMENT:

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

Moved By: Councillor Noe

Seconded By: Councillor Challis

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

2.6 CHIEF BUILDING OFFICIAL:

The Building Services report for the period ending May 31, 2022 was reviewed.

Moved By: Councillor Challis

Seconded By: Councillor Patton

“THAT Council accept the Building Services report for period ending May 31, 2022 as submitted.” – Carried.

3. COUNCIL MINUTES:

Minutes of the regular Council meeting held on May 9, 2022 were reviewed.

Moved By: Councillor Patton

Seconded By: Councillor Challis

“THAT the minutes from the regular Council meeting held on May 9, 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. County of Middlesex – Middlesex County Spongy Moth Monitoring and Citizen Science Program
2. St. Clair Region Conservation Authority – SCRCA Board Meeting Highlights – April 21, 2022
3. County of Middlesex – County Council Meeting Highlights – May 24, 2022
4. Middlesex Milk Producers – Invitation to Middlesex County Dairy Day, June 30, 2022

6. ACTION REQUIRED ITEMS:

1. Niagara Region – Voluntary Russian Sanction Request

Moved By: Councillor Noe

Seconded By: Councillor Challis

“THAT the Council of the Village of Newbury support the Voluntary Russian Sanction Request from the Niagara Region.” – Carried.

2. Middlesex County – Invitation to 2022 Warden’s Charity Golf Tournament, June 23, 2022

Reeve Brewer requested that Council members wanting to attend advise Clerk-Treasurer.

3. FCHS Foundation – Medical Equipment Appeal

Moved By: Councillor Noe

Seconded By: Councillor Challis

“THAT Council approve a donation of \$2,500.00 to the Four Counties Health Services Foundation in support of the purchase of a new defibrillator.” – Carried.

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 Challis
"THAT Council accept the financial reports for the period ending May 31, 2022 as presented." – Carried.

2. Financial Information – Taxes Receivable & Bank Balances

Moved by: Councillor Noe
Seconded by: Councillor Patton
"THAT Council accept the taxes receivable and bank balances information report as presented." – Carried.

8. **ACCOUNTS:**

Moved By: Councillor Challis
Seconded By: Councillor Patton
"THAT Council approve the accounts totaling \$181,089.51 as presented." – Carried.

9. (a) **NEW & UNFINISHED BUSINESS**

1. Termination of a Declared Emergency

Notification has been received that Middlesex County Warden Alison Warwick has terminated the declared COVID-19 emergency, as well as the other lower tier municipalities. Reeve Brewer has terminated the declared COVID-19 emergency for the Village of Newbury.

2. Bill 109: the More Homes for Everyone Act Site Plan Designation – Memo from Abby Heddle, Planner, County of Middlesex

Bill 109 enacted changes to the Planning Act. As of July 1, 2022, it is mandatory for municipalities to appoint an officer, employee or agent of the municipality to make decisions on site plan applications by July 1, 2022. Staff have been working on a site plan by-law for the Village and will incorporate the delegation and other requirements. To satisfy the deadline, it is recommended that the Clerk-Treasurer be appointed to make decisions on site plan applications.

Moved By: Councillor Noe
Seconded By: Councillor Challis
"THAT Council appoint the Clerk-Treasurer as the person responsible for decision on site plan applications." – Carried.

3. Quotes for tree removal and playground equipment

Ron Sharpe has submitted a quote to take down the damaged tree on Elgin Street. A second quote has been requested from Amos Fennell. The quote for the new piece of playground equipment had not been received by the meeting.

4. Update on Insurance Claim from wind damage on May 21, 2022

Clerk-Treasurer Cathy Case advised that trees have been cleaned up at park and staff are working at picking up branches. We are waiting for a quote from Nick D. Fence for repair of the damaged chain link fence. The insurance adjuster has determined that the playground climber is repairable.

5. Update on Animal Control Services

Vicki Kyle is retiring at the end of the month. Vicki will look after issuing dog tags for the Village. Door-to-door campaign to be completed by June 30, 2022. Newbury is participating in a joint Request for Proposal for Animal Control Services with other affected municipalities. The RfP closes in early July and report will be presented to Council for consideration.

6. 2022 Village Budget

Moved By: Councillor Noe

Seconded By: Councillor Challis

“THAT Council approve the 2022 Village Budget as presented on June 13, 2022.” – Carried.

9. (b) **OTHER BUSINESS:**

There were no other business items.

10. **CLOSED SESSION**

Moved By: Councillor Challis

Seconded By: Councillor Noe

“THAT the Council move to closed session with the inclusion of the Clerk-Treasurer under the authority of the Municipal Act, Section 239(2) (b) personal matters about an identifiable individual including municipal or local board employees; (c) a proposed or pending acquisition or disposition of land by the municipality or local board; (d) labour relations or employee negotiations at 7:53 pm.”

Moved By: Councillor Noe

Seconded By: Councillor Patton

“THAT Council rise from the closed session at 8:05 pm and resume regular session.” – Carried.

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

There was no report from the closed session.

12. BY-LAWS

- 1. By-law No. 10-22, being a by-law to adopt the current budget and set tax rates for 2022

Moved By: Councillor Noe
 Seconded By: Councillor Challis
 "THAT By-law No. 10-22, being a by-law to adopt the current budget and set tax rates for 2022 for the Village of Newbury be given first and second readings this 13 day of June, 2022." – Carried.

Moved By: Councillor Patton
 Seconded By: Councillor Noe
 "THAT By-law No. 10-22 be given third reading, taken as read, properly signed and sealed, and numbered 10-22, this 13 day of June, 2022." – Carried.

- 2. By-law No. 11-22, being a by-law to confirm the proceedings of the Council of the Village of Newbury

Moved by: Councillor Noe
 Seconded by: Councillor Challis
 "THAT By-law No. 11-22, being a by-law to confirm the proceedings of the Council of the Village of Newbury be given first and second reading this 13 day of June, 2022." – Carried.

Moved by: Councillor Patton
 Seconded by: Councillor Noe
 "THAT By-law No. 11-22 be given third reading, taken as read, properly signed and sealed, and numbered 11-22, this 13 day of June, 2022." – Carried.

10. ADJOURNMENT:

Moved by: Councillor Challis
 Seconded by: Councillor Noe
 "THAT the meeting be adjourned at 8:10 pm." – Carried.


 REEVE DIANE BREWER


 CLERK-TREASURER CATHY CASE

