

MINUTES  
VILLAGE OF NEWBURY COUNCIL MEETING  
WEDNESDAY, NOVEMBER 13, 2024  
6:00 pm  
Council Chambers



Council: Reeve Diane Brewer  
Councillor Clyde Harris  
Councillor Russell Patton

Absent with Notice: Councillor Kevin Derbyshire  
Councillor Randy Smith

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

1. **CALL TO ORDER**

Reeve Brewer called the meeting to order at 6:20 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 an interest in Agenda item 7.8(i), Accounts Listing, specifically item 45 as he is the owner of the company.

3. **TIMED EVENTS**

6:05 PM **COMMITTEE OF ADJUSTMENT**  
**Consent Application B03-2024**  
**N/N Hagerty Road, Newbury**  
**Owner: Superspace Limited**  
**Agent: Zelinka Priamo Ltd.**

Moved By: Councillor Patton  
Seconded By: Councillor Harris

"RESOLVED THAT Council convene as the Committee of Adjustment for the purpose of hearing Consent Application B03-2024 at 6:21 pm." – Carried.

Planner Marion Ramos Cabral was in attendance. Property owner Bill Felner and his wife and the designated agent Caden McAllister and Matt Campbell of Zelinka Priamo attended the meeting. Shawn and Tammy Cartlidge and Attila Brontiu were in attendance from the public.

Planner Ramos Cabral reviewed her report on Consent Application B03-2024 for the separation of the commercially zoned portion from the residentially zoned portion of the property. Mr. McAllister and Mr. Campbell spoke to the application, specifically the conditions of the consent related to road dedications, registration of the sewer easement, amending the current designation of the residential portion and requiring water and sewer services to be installed. The Committee of Adjustment reviewed and discussed the conditions of consent included in the report.

Shawn and Tammy Cartlidge advised that they are the only residential dwelling impacted by the consent and proposed future commercial development. They are concerned about increased traffic on the streets and the flow in and out of the site, as well as the types of commercial uses that would be allowed. Planner Cabral read the uses permitted under the C1, General Commercial Zone and that any uses not listed would require a Zoning By-law Amendment. Site plan approval is also required which would address entrances, lighting, parking etc.

Property owner Bill Felner advised that the initial development plan shows two entrances and two buildings on the commercial portion for marketability.

Moved By: Councillor Patton

Seconded By: Councillor Harris

"RESOLVED THAT Consent application B-03-2024 filed by Zelinka Priamo Ltd. on behalf of Superspace Limited, in order to sever one (1) lot with a frontage of approximately 227.17 m (745.3 ft) on Wellington Street and lot area of approximately 0.77 ha (1.9 ac) from an existing 1.1533 ha (2.85 ac) parcel legally described as Concession 2 Part Lot 17, Village of Newbury; be GRANTED 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 B-03-2024 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, if required, 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 required, 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) to be registered on title and binding on future owners, which addresses connections to municipal water supply and municipal sewer facilities for both the retained lot and severed lot. The cost of drafting and preparation of the foregoing Agreements 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.
13. That the sanitary sewer easement in favour of the Village of Newbury be registered on title and that the Owner shall pay an equal share of cost to the Village for completion.

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.

Moved By: Councillor Harris

Seconded By: Councillor Patton

"RESOLVED THAT Committee of Adjustment be closed at 7:08 pm and Council resume regular session." – Carried.

**6:30 PM (or immediately after the close of the Committee of Adjustment)**

**Matt Campbell, Zelinka Priamo**

**Re: Swale for Wellington Street Subdivision**

Matt Campbell of Zelinka Priamo attended the meeting to review a proposal to place a swale on municipal property (Newbury Old Boys Park) for storm water management

purposes of the Wellington Street Subdivision. The proposed swale will come from the east end of the subdivision onto the park property and along private property until outlet at the Dolby Drain. The swale will be approximately 1 m in elevation from top to bottom and 6 to 10 m from the north edge of the subdivision property. There will be board fence in place at the expense of the developer. The cost of the installing the swale, including tree removal and relocation of the walking trail will be covered by the developer. The developer wants to have servicing work underway by April 1, 2025.

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT the Council of the Village of Newbury support in principle the use of public lands for development of a swale to address storm water management and drainage for the proposed Wellington Street subdivision.” – Carried.

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT the Council of the Village of Newbury appoint Spriet Associates as drainage engineer for the review of drainage and storm water management related to the proposed Wellington Street subdivision.” – Carried.

#### **4. COUNCIL MINUTES**

Minutes of the regular Council meeting held on October 16, 2024 were reviewed.

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT the minutes from the regular Council meeting held on October 16, 2024 be approved as circulated.” – Carried.

#### **5. BUSINESS ARISING FROM THE MINUTES**

There was no business arising from the minutes.

#### **6. CORRESPONDENCE**

##### **NON-ACTION CORRESPONDENCE**

- 6.1 County of Middlesex – Middlesex County Council Meeting Highlights-  
October 22, 2024
- 6.2 County of Middlesex – Invitation to Warden’s Banquet, November 23, 2024
- 6.3 County of Middlesex – invitation to Inaugural Meeting of Middlesex County  
Council, Thursday, December 5, 2024
- 6.4 Enbridge Gas – Notice of Rate Hearing

- 6.5 St. Clair Region Conservation Authority – Board Meeting Highlights-October 24, 2024
- 6.6 Hydro One – Longwood to Lakeshore Project Update October 2024
- 6.7 Ministry of Energy and Electrification – release of *Ontario's Affordable Energy Future: The Pressing Case for More Power* consultation available on the Environmental Registry of Ontario
- 6.8 Thank you from Tyler Watson, winner of the Village of Newbury Award
- 6.9 Thank you from Casey Shannon, Owner, Do Good Things Co for use of pavilion and washrooms for the Fall Activity Day

Moved By: Councillor Harris

Seconded By: Councillor Patton

"RESOLVED THAT Council receive and file correspondence items 6.1 to 6.9." – Carried.

#### **ACTION REQUIRED CORRESPONDENCE**

- 6.10 Township of Southgate – requesting support in calling on the Ontario Government to immediately implement sustainable funding for small rural municipalities by reabsorbing the cost of the Ontario Provincial Police Force back into the provincial budget with no cost recovery to municipalities

Moved By: Councillor Harris

Seconded By: Councillor Patton

"RESOLVED THAT Council support the Township of Southgate in calling on the Ontario Government to immediately implement sustainable funding for small rural municipalities by reabsorbing the cost of the Ontario Provincial Police Force back into the provincial budget with no cost recovery to municipalities." – Carried.

- 6.11 St. Clair Region Conservation Authority – SCRCA Conservation Lands Strategy 2024 – the draft policy is being circulated for review, comments are required to be submitted by November 18, 2024 (carried over from previous meeting)

Moved By: Councillor Patton

Seconded By: Councillor Harris

"RESOLVED THAT Council receive the St. Clair Region Conservation Lands Strategy 2024 as written with no concerns." – Carried.

- 6.12 Newbury Legion Branch 583 – Skunks Misery Legion Branch 583 Annual Turkey Shoot on Saturday, November 30, 2024 starting at 10:00 am

Moved By: Councillor Harris

Seconded By: Councillor Patton

"RESOLVED THAT Council has no concerns with the Newbury Legion Branch 583 Annual Turkey Shoot being held on Saturday, November 30, 2024 at 22 Durham Street starting at 10:00 am and that the Newbury Legion be responsible for notifying the Ontario Provincial Police and other agencies prior to the event." – Carried.

## 7. STAFF REPORTS

### 7.1 Fire

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

#### i) Training Update

At the last training session, firefighters reviewed legislative requirements for smoke alarms and carbon monoxide in advance of the Project Zero door to door campaign. There will be no one attending the next fire school intake. Two firefighters are registered for the Haz-Mat training. He is looking into whether Haz-Mat training can be arranged at Newbury Firehall.

#### ii) Firefighter Recruitment

Chief Trethewey advised that there is a new junior firefighter.

#### iii) Firehall Flooring Replacement Project

Moved By: Councillor Harris

Seconded By: Councillor Patton

"RESOLVED THAT Council approve the quote from McNaughton's Home Hardware Building Centre for drywall and baseboard repairs and bathroom updates in the amount of \$2,391.28 plus taxes and that new taps be included in the update if deemed necessary." – Carried.

#### iv) Fire Marque Program

Fire Chief Trethewey will review fire calls for the last two years to determine if there are any calls that would be eligible for submission to the Fire Marque program. The applicable standard incident reports will be provided to the Clerk.

#### v) Enbridge 2024 Safe Community Project Zero Campaign

Enbridge will be attending the Firehall on Tuesday, November 19 at 1:00 pm for picture for press release. Firefighters will be conducting door to door campaign on Sunday, November 24, 2024.

vi) Electrical Quote for truck bay from CPE Services

Moved By: Councillor Patton

Seconded By: Councillor Harris

"RESOLVED THAT Council approve the quote from CPE Services in the amount of \$357.15 plus hst for receptacle repairs." – Carried.

Chief Trethewey advised that annual truck safeties are scheduled and that Fire Prevention Officer Chris Rennie will be conducting the annual compliance inspection at Four Counties Health Services. Firefighter remuneration statement will be submitted.

Chief Trethewey left the meeting at 7:55 pm.

## 7.2 Building Services

There were no building permits issued in October 2024.

## 7.3 By-law Enforcement

October By-law Enforcement Report submitted by the By-law Enforcement Officer was reviewed.

Moved By: Councillor Patton

Seconded By: Councillor Harris

"RESOLVED THAT Council accept the By-law Enforcement Report as submitted." – Carried.

## 7.4 Animal Control

The Humane Society London Middlesex has not submitted the Q3 report.

## 7.5 Water

i) DWQMS

ii) Tri-County Water Board of Management Meeting

iii) Budget to Actual Report

Moved By: Councillor Patton

Seconded By: Councillor Harris

"RESOLVED THAT Council accept budget to actual report to October 31, 2024 for the water department as presented." – Carried.

## 7.6 Sewer

### i) Budget to Actual Report

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT Council accept budget to actual report to October 31, 2024 for the sewer department as presented.” – Carried.

## 7.7 Administration

### i) Audit Proposal

Council was advised at the last meeting that Mitchell Geerts was stepping down as auditor for the Village and Newbury Community Services. Beverly Climie from MELO provided a quote for the completion of the 2024 audit which was significantly higher than the current fee. An audit must be completed annually under the Municipal Act.

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT Council obtain quotes for 2024 audit services.” – Carried.

### ii) Servicing Agreement – 1838 Coltsfoot Drive

The previous Council was approached by the owners of 1838 Coltsfoot Drive in 2021 about an exemption from the mandatory connection to Village water and sewer services due to the distance from the existing connection to the proposed residence. Council approved a Servicing Agreement drafted by Middlesex County Barristers and Solicitors to be entered into to mandate connection to services should either service be extended along Coltsfoot. Current by-laws require that all properties be connected to water and sewer system. The property owners have indicated that they may be ready to proceed with building the single-family dwelling.

Moved By: Councillor Patton

Seconded By: Councillor Harris:

“RESOLVED THAT Council require the Servicing Agreement to be fully executed prior to the issuance of a building permit for a single-family dwelling at 1838 Coltsfoot Drive.” – Carried.

### iii) Seasonal Hours Report

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT Council accept the seasonal hours report as presented by the Clerk-Treasurer and that the Municipal Services Office be closed December 24 and 31, 2024 at 1:00 pm and closed all day on December 25, 26, 2024 and January 1, 2025 and that the Clerk-Treasurer be authorized to adjust these hours based on the progress of the Canada Post strike.” – Carried.



## iv) Tucker Street Park Entrance

Moved By: Councillor Harris

Seconded By: Councillor Patton

"RESOLVED THAT Council decline participation in cost sharing of a fence between 8 Tucker Street and the park entrance." – Carried.

## v) Outdoor Skating Rink Report

The Clerk-Treasurer provided a verbal report on best practices for setting up an outdoor skating rink. Council requested that the item be deferred to next meeting.

vi) Wellington Street Subdivision Swale on Municipal Property  
(see Delegation 2)**7.8 Financial**

## i) Accounts Listing

Moved By: Councillor Harris

Seconded By: Reeve Brewer

"RESOLVED THAT Council approve the accounts in the amount of \$111,557.45 as presented." – Carried.

## ii) Budget to Actual Report

Moved By: Councillor Harris

Seconded By: Councillor Patton

"RESOLVED THAT Council accept budget to actual report to October 31, 2024 as presented." – Carried.

## iii) Ontario Municipal Partnership Fund 2025 Report

The Village will receive \$221,200 in Ontario Municipal Partnership Fund (OMPF) in 2025; an increase of \$75,700 over 2024 funding.

## iv) St. Clair Region Conservation Authority – 2025 Draft Budget Booklet (cc – Council)

The 2025 Levy to the St. Clair Region Conservation Authority is \$2,924.00 including the education program funding approved in 2023. The overall increase is \$93.00 over 2024.

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT Council receive the 2025 Budget from St. Clair Region Conservation Authority with no comment.” – Carried.

v) Canada Day 2024 Financial Report

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT Council accept the 2024 Canada Day financial report as presented by the Clerk-Treasurer.” – Carried.

vi) Financial Report

The Financial Report was not available for the meeting.

vii) Grant Submissions

The Clerk-Treasurer advised Council of the applications for grants that have been submitted by due date:

-Community Sport and Recreation Infrastructure Fund-Stream 1 Repair and Rehabilitation (including Request for Special Consideration Form) for the “Newbury Old Boys’ Park Revitalization” to replace the existing tennis court with a multi-purpose court, replace the pirate ship and install safety surfacing under all equipment. Total cost of project \$216,000; funding request \$151,200 (note – minimum funding request had to be \$150,000)

-Community Emergency Preparedness Grant for supplies, equipment and signs related to the Village emergency management program. The funding request is \$5,400.00 (note minimum funding request had to be \$5,000)

-Jays Care Foundation Field of Dreams program for the replacement of the pirate ship

## 8. NEW BUSINESS

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

Reeve Brewer asked if any update on the closure of Limerick Landfill from Southwest Middlesex. The Clerk-Treasurer advised that she was meeting with CAO to discuss.

Reeve Brewer asked about quote for new flagpole at office. The Clerk-Treasurer reported that quote received was over \$3,000.00 and that quote from another company is being requested.

Councillor Harris reported that Mark McGill will continue as chair of the Four Counties Transit Committee.

8.2 Other

The Clerk-Treasurer advised that the digital sign had not been hooked up to the generator.

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT Council accept the quote from CPE Services in the amount of \$145.50 plus taxes to connect the digital sign to the generator.” – Carried.

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(2) of the Municipal Act (b) personal matters about an identifiable individual, including municipal or local board employees at 9:04 pm.” – Carried.

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

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT Council rise from closed session at 9:06 pm with no report and resume regular session.” – Carried.

11. **BY-LAWS**

11.1 By-law No. 16-24, being a by-law to confirm the proceedings of Council

Moved By: Councillor Patton

Seconded By: Councillor Harris

“RESOLVED THAT By-law No. 16-24, being a by-law to confirm the proceedings of the Council of the Village of Newbury be given first, second and third reading this 13 day of November, 2024.” – Carried.


12. **ADJOURNMENT**

Moved By: Councillor Harris

Seconded By: Councillor Patton

“RESOLVED THAT Council adjourn at 9:07 pm.” – Carried.

  
REEVE DIANE BREWER

  
CLERK-TREASURER CATHY CASE