



## **Staff Report PW2020-030**

**Title of Report:** PW2020-030 Department Report  
**Department:** Public Works  
**Branch:** None  
**Council Date:** June 3, 2020

**Recommendation:**

**Be it resolved that** Council receive Staff Report PW2020-030 for information.

**Background:**

Public Works Department update.

**Staff Comments:**

**Transportation and Public Safety:**

1. Maintenance gravel and calcium applications started Monday, May 21, 2020 for the Township of Southgate, with maintenance gravel applied on the north side of Grey Road 9.
2. Township staff have been posting green civic (911) signs for the identification and location of all bridges / culverts over 3 meters in span locations throughout the Township. This was implemented for the ability of reporting incidents and gives anyone the ability to make a call immediately to identify the location. The numbering system has the civic addressing sign posted at the north east corner of the structure.
3. The April 29, 2020 COVID-19 Question & Answer with the Mayor & CAO was a submitted concern of motor bike speeds and request for an ALL WAY STOP at the intersections of Sparberry Road & Uncle Tom Crescent. Township staff set up traffic counters at the 2 locations from May 4 to May 12, 2020 and have the following analyzed information.
  - 2-wheel cycle data shows speeds from 10 Km/hr to 80 km/hr in this 50 km speed zone and accounts for 5.3% of the traffic monitored.
  - The data also indicates elevated travel patterns between 1pm to 3pm on the east side of Sparberry Road & Uncle Tom Crescent.

The Public Works manager has contacted the OPP with this information and requested patrols in this area.

4. Staff Report PW 2020-020 presented at the April 8, 2020 Council Meeting had the following resolution:

5.2.4 PW2020-020 West Grey ATV Club Proposed Southgate Roads for Trail Use Request

**Moved by** Councillor Rice

**Seconded by** Councillor Frew

**Be it resolved that** Council receive Staff Report PW2020020 for information; and

**That** Council approve the West Grey ATV Club Proposed Southgate Roads for Trail Use request.

Councillor Dobreen moved the following amendment to the main motion.

Amendment:

No. 2020-148

**Moved by** Councillor Dobreen

**Seconded by** Deputy Mayor Milne

**Be it resolved that** Council amend the motion to remove the second clause and add a clause that states, "**That** Council defer the approval of the proposed West Grey ATV Club's proposed Southgate roads for trail use request pending legal review." Carried

Motion as Amended:

No. 2020-149

**Moved By** Councillor Rice

**Seconded By** Councillor Frew

**Be it resolved that** Council receive Staff Report PW2020020 for information; and

**That** Council defer the approval of the proposed West Grey ATV Club's proposed Southgate roads for trail use request pending legal review.  
Carried

Staff have been in contact with the Township's solicitor and insurance provider on the West Grey ATV Club request that was presented in Staff Report PW 2020-020. Frank Cowan Company insurance representatives responded with "to open the roads for the ATV Club, we would recommend they have an agreement in place with the ATV Club that contains an indemnification in favour of the Township as well as insurance requirements. In addition, the agreement should be drafted by the Township's lawyer and include assurance from the Club that they will collect and retain proof from their members that their ATVs are licensed and insured with a minimum limit of no less than \$2 Million."

The Township solicitor commented "I've spent some time looking into this and have reviewed by-laws for other municipalities who have opened their roads up for ATV use. Many of these by-laws include language to the effect that the use of ATV's on municipal roads is a privilege and not a right. Many by-laws have provisions requiring that any riders using the roads pursuant to the authorizing by-law be members of a particular club. It appears that often the by-law has been brought in once agreements have been secured with the local clubs. These agreements are

what the Township's insurer was referring to in the manual that was attached within the emails provided to me.

In light of the above, the circumstances surrounding the club members use of the road differs from many other municipalities as there is nothing that actually obligates the local clubs to have insurance naming the Township as an insured. It is not required under the by-law nor is there an existing road use agreement. The Township should therefore consider whether it wishes to formalize the insurance requirements and to restrict the use of its roads to the clubs' members which would give assurance that there will be insurance coverage in the event of an incident. In addition to the above, you had specifically inquired as to whether or not installing signs would attract liability. In my opinion, a decision by the Township to install signage would lead to an on-going requirement to maintain the signage and to ensure that they are appropriately placed. Without an agreement, the cost would presumably be borne by the Township insofar as the maintenance of the signage. That said, primarily the potential liability to the Township is a result of its decisions to open its roads up for this use. This could be mitigated with an agreement and insurance policy being provided by the club. The club would certainly be motivated if the alternative would be to repeal the by-law and prohibit the use of Township roads entirely."

The Township of Southgate is named as a Holder of a Dufferin Grey ATV Certificate of Insurance in the amount of \$15,000,000.00 (attachment #1). Staff have an unsigned agreement from 2011 on file but appears not to have been fully executed with both parties.

West Grey ATV Club has provided the Township with a Certificate of Insurance also in the amount of \$15,000,000.00, the Township is not named as a Holder until an agreement is executed (attachment #2).

Ontario Bill 107 relates to amending the Highway Traffic Act (HTA) and various other statutes in respect of transportation-related matters. In particular Schedule 1 HTA number 6 states "Currently the Act allows regulations and municipal by-laws to be made permitting the operation of off-road vehicles. The Act is amended to specify that such regulations and by-laws may also prohibit the operation of off-road vehicles." (attachment #3)

The Public Works Manager has been in communications with both ATV clubs and is suggesting that the Southgate ATV By-law Number 89-2015 be revised and updated and that agreements between the two ATV clubs and Southgate be brought forth for legal review and then Council consideration, with accommodating insurance documentation.

5. The annual Southgate Roads Bus Tour is being postponed and may be scheduled later this year.

6. The 2019 Broader Public Sector (BPS) annual energy reporting results, COVID-19 considerations and the reporting requirements for 2020 as per O. Reg. 507/18 (Broader Public Sector: Energy Reporting and Conservation and Demand Management Plans) under the Electricity Act, 1998 have been extended for reporting until October 1, 2020. This is the Energy Management reporting for consumption and greenhouse gas emissions for 2018.
7. The Dundalk Main Street East reconstruction should have final course asphalt during the week of June 1, 2020, and final restoration works completed.

### **Waste Resources and Diversion Management:**

1. Southgate has been approved for a Data Call submission deadline extension for June 19, 2020.

### **Water & Wastewater**

1. After monitoring wastewater in-house testing samples since shutdown, the Dundalk Sewage Treatment Facility started discharging on Monday May 4, 2020.

### **Financial Implications:**

The Operating and Capital Budgets have included these financial commitments.

### **Communications & Community Action Plan Impact:**

Goal 2 - Revitalizing Downtown Dundalk

#### **Action 2:**

The residents and businesses of Southgate envision our largest town once again becoming a source of community pride and a hotbed of community activity, with a much-improved appearance and a broader range of business opportunity.

### **Strategic Initiatives 2-A (2019-2023):**

The County and the Township will have reconstructed Main Street.

### **Strategic Initiatives:**

**2-A** - The County and the Township will have reconstructed Main Street

Goal 5 - Upgrading our "Hard Services"

#### **Action 5:**

The residents and businesses of Southgate recognize our linear services - roads, bridges, water and sewer works, for example - to be a fundamental purpose of municipal government. This infrastructure needs to be serviceable and sustainable so that our businesses and communities can thrive and grow.

**Concluding Comments:**

Staff recommends that Council receive Staff Report PW2020-030 for information.

Respectfully Submitted,

**Dept. Head:** *Original Signed By*  
Jim Ellis, Public Works Manager

**CAO Approval:** *Original Signed By*  
Dave Milliner, CAO

**Attachments:**

Attachment #1 - Dufferin Grey ATV Certificate of Insurance

Attachment #2 - West Grey ATV Certificate of Insurance

Attachment #3 - Ontario Bill 107