

**THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND  
SPECIAL MEETING MINUTES OF JUNE 2<sup>ND</sup>, 2008 – 1:00 P.M.**

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Council met in Special Session on Monday, June 2, 2008 at 1:09 p.m. in the Council Chambers with Mayor William Finley presiding.

**Members Present:** Mayor William Finley  
Deputy Mayor Dalton McDonald  
Councillors: Raymond Bennis  
Bill Holmes  
Art Jeninga  
Cathie Ritchie

**Members Absent without Notification:** Councillor Broegelmann

**Staff Present:** Terrence Korotki, Clerk/Administrator  
Robin van de Moosdyk, Deputy Clerk

**Others Present:** Gretchen Harris, resident

**I. CALL TO ORDER**

Mayor Finley called the meeting to order at 1:08 p.m.

**II. DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

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There were no disclosures of pecuniary interest at this time.

**III. APPROVAL OF AGENDA AS DISTRIBUTED**

Moved by Councillor Bennis, seconded by Councillor Holmes;  
Resolution #2008-

"Be it resolved that the Agenda as distributed for the Special Session of the Council of the Township of Alnwick/Haldimand of Monday, June 2, 2008, be approved. CARRIED."

**IV. REVIEW -MINUTES OF PROPOSED ATV BY-LAW-APRIL 14/08 1:12 P.M.**

Clerk/Administrator, Terrence Korotki provided a brief synopsis of the Public Meeting and proposed recommendations from this meeting pertaining to the proposed draft ATV By-Law for the Municipality. It was also noted, the actions of other municipalities within the County of Northumberland, as to the approval or disapproval of their proposed ATV By-Laws.

Mayor Finley noted that each member of Council would now have an opportunity to speak with respect to the proposed by-law:

**Councillor Bennis:**

Councillor Bennis noted that he would have some concerns with the restriction of ATV use south of Highway 401.

Councillor Bennis stated he would give consideration to hamlets and residential areas being designated as no-ride areas.

Councillor Bennis was of the opinion that the situation as it exists now is not working as far as control is concerned and if the Municipal By-Law was to pass it would provide the O.P.P. more authority to enforce.

Councillor Bennis also noted that the existing level of funding is sufficient for the O.P.P. to enforce.

**Deputy Mayor McDonald:**

Deputy Mayor McDonald was of the opinion that an all inclusive by-law would not be acceptable. Deputy Mayor McDonald noted that he was working with the permitted uses north of Highway 401 due to the simple reasoning of alleviation of safety issues, such as the railway, Highway 401 itself, etc. However, in order to address the use of ATV's by farmers, this is already a permitted use.

Deputy Mayor McDonald suggested that a "Working" Clause be included in the provisions of the by-law to address snow clearing of sidewalks in the Hamlet of Grafton, subject to the users being in compliance with all applicable laws and regulations pertaining thereto.

Deputy Mayor McDonald also suggested that the Hamlet areas be exempt and classified as a "non-recreational use area", and a clause included in the by-law for this provision.

Deputy Mayor McDonald noted that the Police Services Board has been working diligently since its inception to have more O.P.P. patrols within the Northumberland County Forest, of which is finally being obtained, with the additional funds provided by the County of Northumberland and the purchase of two new All-Terrain-Vehicles by the Cobourg O.P.P. detachment. The extra patrols are being conducted at no extra cost.

**Councillor Holmes:**

Councillor Holmes noted that he stood behind his statements and recommendations he made at the Public Meeting on Monday, April 14, 2008.

Councillor Holmes was of the opinion, that should a by-law be enacted, it should include all the residential built-up areas of the municipality and not just the Hamlet designations, as Non-recreational use areas.

Councillor Holmes stated that it does not make sense for Council to go against the recommendations of the manufacturer, who states that these vehicles are not for road use. He also noted that they are a liability issue.

Councillor Holmes noted that the use of these vehicles on road ways is in violation of the Highway Traffic Act and the O.P.P. should enforce it as the situation exists.

Councillor Holmes stated that the purpose of the by-laws in each municipality was to permit a linkage to the trails. However, there is only one municipality, that being Cramahe, that have passed a by-law to permit this use, as Trent Hills and Hamilton Township have declined to pass such a by-law.

**Councillor Jeninga:**

Councillor Jeninga stated that the biggest problem is to do with the misconception of the by-law. Councillor Jeninga noted if the by-law was not passed then it would be status quo and questioned if the status quo was working now, and he would have to say, no it is not.

Councillor Jeninga was of the opinion that a one-year period be noted as a provision in the by-law, and at which time it is expired the situation can be reviewed at that time.

Councillor Jeninga noted the following: tires on all farm implements state that they are not recommended for road use; liability issues will still be there with or without the by-law; ATV's not kill people – people kill themselves; the noises in the rural areas have always existed so why do we have to provide peace and quiet for those that transit here from urban centres.

**Councillor Ritchie:**

Councillor Ritchie noted that there are noises from roosters, peacocks, train whistles of which are not heard in urban centres, but they are part of the rural area and always have been here.

Councillor Ritchie agreed that the use of these vehicles should not be permitted in the residential areas. Councillor Ritchie noted that this by-law will not change the parents who permit their children to ride these vehicles and who are breaking the law. Responsible citizens do not need a by-law and the by-law will probably not change the ones who are not responsible. There will always be someone pushing the limits of the law.

Councillor Ritchie stated that she concurred with Councillor Jeninga with respect to liability issues, they already exist.

**Mayor Finley:**

Mayor Finley stated that there have been a lot of good points brought forward and confirmed that he agreed with the restriction being placed on the hamlet areas, subdivisions, built up residential areas, Nawautin Sanctuary and Peter's Woods areas.

Mayor Finley stated that he would have some concerns with a restriction being placed on the area south of Highway 401.

Mayor Finley concurred with the statement made concerning liability issues, as they will always be there, with or without a by-law.

Mayor Finley also concurred with the one year trial period, if the by-law was to be passed.

Mayor Finley commented and agreed with the remarks and comments made with respect to the existing rural sounds, noises and smells, which will continue to be here as long as the area remains rural in nature.

Mayor Finley stated that sections or clauses be included into the provisions of the existing draft by-law:

- Exemption for Emergency responses
- Restrictions for hamlets, subdivision and built-up residential areas and be classified as "Non-Recreational areas" for this purpose
- One year limitation of the use
- Northumberland and District (All Terrain Vehicle) ATV Club be noted in the Alnwick/Haldimand Emergency Plan for utilization if so required.
- "Working" clause be included for such uses as snow removal for side walk clearing etc.

Mayor Finley noted that the final draft of this by-law shall be brought forward for consideration on the Regular Council Session Agenda of July 3<sup>rd</sup>, 2008 and posted on the Website as "draft" for public information.

Mrs. Harris noted that Bill 11 only permits decisions with respect to months, day, hours and setting of speed limits. She also noted that Council is not taking into consideration the recommendations of the Health Unit nor Provincial Policies/Regulations with respect to the Oak Ridges Moraine.

**Break 2:30 p.m. to 2:42 p.m.**

**V. HAMLET OF LAKEPORT – STUDY - 2:42 P.M.**

Mayor Finley noted funds have been allocated in the Municipal Budget in order to proceed with a study and that the Terms of Reference for this study be established as soon as possible.

Mayor Finley noted that the Municipal Council of Cramahe Township advised that they were unable to support this financially, but were not adverse to the project.

Mayor Finley stated that the following have to be determined prior to proceeding: what is the interest of the residents in the specified area; what is the quality of the water; what is the quantity of water; what system exist in their residence at this time

Councillor Holmes stated that it would be more cost efficient to have two students conduct the door-to-door survey and to assist individuals in completing the survey, which may actually promote participation.

Councillor Jeninga noted that there are some individuals in the Hamlet of Lakeport that do not want the municipal water extended.

The Clerk/Administrator, Terrence Korotki stated that he would provide a copy of the previous questionnaire to all Council members for review, in order to make the required inclusions, amendments, and/or corrections, to produce a final usable document for the survey.

**VI. QUESTIONS FROM THE PRESS/PUBLIC/GALLERY**

There were no questions at this time.

**VII. MOTION TO ADJOURN TO COMMITTEE OF THE WHOLE IN CAMERA**

Moved by Councillor Holmes, seconded by Councillor Jeninga;

“Be it resolved that the Council of the Township of Alnwick/Haldimand adjourn to a Committee of the Whole In Camera Session in accordance with Section 239(2)(a) and (d) of the Municipal Act 2001, as amended, at 3:25 p.m.

CARRIED.”

**VIII. MOTION TO RECONVENE TO SPECIAL SESSION - 4:30 P.M.:**

Moved by Councillor Bennis, seconded by Councillor Holmes;

“Be it resolved that the Council of the Township of Alnwick/Haldimand reconvene to Special Session at 4:30 p.m.

CARRIED.”

**CONFIRMING BY-LAW:**

**By-Law No. 56-2008** - Being a by-law to confirm the proceedings of the Special Council Session held on Monday, June 2, 2008 of the Council of the Township of Alnwick/Haldimand.

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Moved by Councillor Jeninga, seconded by Councillor Bennis;

"Be it resolved that **By-Law No. 56-2008**, being a by-law to confirm the proceedings of the Regular Council session held on June 2<sup>nd</sup>, 2008 of the Council of the Township of Alnwick/Haldimand, be read a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 2<sup>nd</sup> day of June, 2008. CARRIED."

**XIV. ADJOURNMENT – 4:31 P.M.**

Moved by Councillor Holmes, seconded by Councillor Jeninga;

"Be it resolved that the Special Council Session held on Monday, June 2<sup>nd</sup>, 2008, be adjourned at 4:31 p.m. CARRIED."

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Mayor, William Finley

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Clerk/Administrator,  
Terrence Korotki