



**THE CORPORATION OF TAY VALLEY TOWNSHIP
COMMITTEE OF THE WHOLE**

**PUBLIC MEETING TO CONSIDER THE
RECOMMENDATIONS OF THE ATV TASK FORCE**

**MINUTES OF SPECIAL MEETING
TUESDAY, MAY 10, 2011**

7:00 p.m.

GLEN TAY PUBLIC SCHOOL – 155 HARPER ROAD

Present: Reeve Keith Kerr, Deputy Reeve Susan Freeman, Councillors Mark Burnham, Brian Campbell, RoxAnne Darling, Greg Hallam, Wayne Jordan
Regrets: Councillor Bill Avery
Staff: Robert Haller – Chief Administrative Officer (CAO), Noelle Reeve – Planner, John Simcock – Public Works Superintendent, Rob Tremblay – Clerk

1. CALL TO ORDER

The Chair called the meeting to order at 7:05 p.m.

2. AMENDMENTS TO THE AGENDA

The Agenda was accepted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST

There was no disclosure of pecuniary interest.

4. PRIORITY ISSUE – RECOMMENDATIONS OF THE ATV TASK FORCE

The Reeve discussed the purpose of the Public Meeting. The CAO provided an overview of the issue with a PowerPoint Presentation, outlining the recommendations of the ATV Task Force, as follows:

It is the recommendation of the ATV Task Force that Council pass a by-law in accordance with the Highway Traffic Act permitting the use of ATV's on all roads that fall under the authority of the Township, but under the following restrictions:

- *All Provincial requirements for age, helmets, license, registration and insurance must be met and driver must be able to provide proof of each*
- *It become mandatory that all riders must pass a Township recognized ATV Safety Course by January 2013 and must be able to provide proof of such course.*
- *All ATV's on the road must maintain reflective markings on the front, rear and both sides of the ATV*
- *ATV would not be permitted on the roads between the hours of 11 p.m. and 4 a.m.*
- *No studs or chains allowed on the road or shoulder*
- *Maximum ATV speed limit of 20km/h regardless of the automobile speed limit*
- *A schedule of Fines be attached to the By-law and properly registered with the courts to allow for effective enforcement*

- That Township staff and the OPP monitor the use of ATV's on Township roads; recording all incidents and complaints which will be reported to the Tay Valley Police Services Board
- That Council receive the monitoring report and review this policy one year from the date of its original passing.

The Task Force also made recommendations regarding implementation, education, monitoring and review. The Chair then opened the floor to speakers.

John White suggested that sufficient evidence and analysis was not presented to allow for such a major move to allow ATV usage on township roads. He recalled the lengthy debate that occurred three years ago in Lanark Highlands, where he previously resided. He discussed the manufacturer's disclaimer and the current exemptions that apply to farmers, hunters and loggers. He suggested there is a majority of residents who do not own or use off road vehicles and questioned if the OPP had sufficient resources for enforcement. He also questioned how county roads could be used by ATV users to access township roads. He recommended that the rules of disengagement be clear from the start should the exercise be proven to be unsatisfactory after a one-year review.

The CAO responded that the Detachment Commander expressed confidence on the OPP's ability to enforce this issue. In addition, he confirmed that the County has full authority over its roads and prohibits ATV usage at this time.

Gordon Hill, speaking on his own behalf, stated that the recommendations represent a fair balance allowing users the opportunity to access trails. He said that he generally favours less regulation and expressed concern with the recommended mandatory training course on the basis of cost, availability and legislative authority. He also noted confusion could arise in distinguishing township roads from county and private roads. He expressed support on balance for the recommendations.

The CAO explained that the Canada Safety Council has a Train the Trainer program. A certified trainer could offer the seven-hour course at an approximate cost of \$100. He advised that county roads are marked and that it would be up to each private road group to determine if they will allow ATV usage and erect signage accordingly.

John McAlpine supported comments put forward by Mr. Hill. He reiterated the possible confusion with private roads, as some have municipal road signs noting the former township it is located in.

David Orman congratulated the CAO on his presentation. He spoke of existing issues with illegal ATV usage on County Road 19. He questioned the OPP's ability to enforce the by-law, if one is passed.

Mel Dillon discussed safety considerations and the potential for accidents. He noted most roads do not have shoulders. He raised concerns with the disparity between vehicular traffic traveling at 80km/h and ATV users at 20km/h, plus road conditions, such as steep hills and blind corners. He recommended that the Township limit the distance an ATV user can travel to get to the next trail.

Carol Dillon suggested that seasonal residents may not have an opportunity to be consulted or share their views on this issue, as the matter was raised in October when most have left for the season. While lake associations were circulated, not all seasonal residents are members of these groups. She congratulated the Task Force on its thorough work and suggested that additional time be given to allow consultation with seasonal residents.

John Baranyi distributed a map of territory 19 auto insurance zones. He suggested that a by-law allowing ATV usage could impact half of Eastern Ontario auto insurance premium payers. He also discussed the accident and fatality statistics for the Lanark Detachment, suggesting the accident rates are ten times greater than the rest of Ontario.

Barrie Crampton touched on a personal incident he faced in Red Lake involving an ATV user. He noted it should be recognized that allowing ATV usage will significantly change the vehicular mix on township roads. He also noted that visitors may be unaware of the presence of ATV users on the roads.

Neil Bova reiterated that 700 residents signed a petition in support of allowing ATV usage on township roads with the onus now on Council to ensure it happens without any adverse impacts on the township. He stated that Council did its due diligence by seeking a legal opinion. He expressed his opposition to the recommended training course, noting that a G2 license is required by law and should be sufficient. He also opposed the 20km/h speed limit, suggesting ATV users should travel at a speed similar to other vehicular traffic. He also opposed the recommended hours of operation, noting the legislation calls for users to safely utilize their equipment.


Don Doyle supported comments brought forward by Mr. Bova. He opposed the mandatory training course and its cost, questioning how it would apply to visitors.

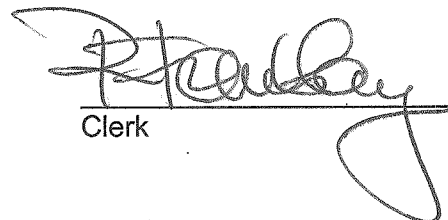
Rob Pierman, a member of the Task Force, stated that while the Task Force vote was unanimous, he personally did not support the mandatory training course.

In closing, the Reeve thanked all those in attendance and clarified the next steps in the process. Council will consider the recommendations at the next Committee of the Whole meeting, which is open to the public. If Council supports moving forward, it is expected a by-law would be considered in four weeks. Council and Committee meetings are open to the public, advertised in the EMC and on the Township's website. Those wishing to submit written comments were asked to do so by Monday, May 16, 2011.

5. ADJOURNMENT

The Committee adjourned at 8:25 p.m.


Chairperson


Clerk