

**THE CORPORATION OF THE  
TOWNSHIP OF WELLINGTON NORTH**

**REGULAR MEETING OF COUNCIL**

**Monday, April 18, 2011**

**Following Public Meeting – 7:10 p.m.**

**Members Present:**

**Mayor: Ray Tout**  
**Councillors: Sherry Burke**  
**Mark Goetz**  
**Andy Lennox**  
**Dan Yake**

**Also Present:** Chief Administrative Officer/Clerk: Lorraine Heinbuch  
Executive Assistant: Cathy Conrad  
Treasurer: John Jeffery  
Director of Public Works: Barry Trood

The meeting was held in the Municipal Office Council Chambers, Kenilworth.

A. **CALLING THE MEETING TO ORDER**

Mayor Tout called the meeting to order.

B. **O' CANADA**

C. **PASSING AND ACCEPTANCE OF AGENDA**

**Moved by:** Councillor Goetz

**Seconded by:** Councillor Burke

*THAT the Agenda for the April 18, 2011 Regular Meeting of Council be accepted and passed.*

**Resolution Number: 1**

**Carried**

D. **DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE  
THEREOF**

None declared.

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**E. MINUTES**

1. Public Meeting, April 4, 2011
2. Regular Meeting of Council, April 4, 2011

**Moved by: Councillor Goetz**

**Seconded by: Councillor Burke**

*THAT the minutes of the Public Meeting and the Regular Meeting of Council held on April 4, 2011 be adopted as circulated.*

**Resolution Number: 2**

**Carried**

**F. BUSINESS ARISING FROM MINUTES**

1. County of Wellington Planning and Development Department
  - Comments for Consent Application B53/11

Council supported the application with the following conditions:

- that the retained parcel is rezoned to prohibit residential use to the satisfaction of the local municipality and County of Wellington Planning and Development Department
- that the Owner satisfy the requirements of the local municipality in reference to parkland dedication
- must abide by the Township Entrance Policy
- that safe driveway access can be provided to the retained parcel to the satisfaction of the local municipality
- that the remains of the barn and any manure storage facilities on the severed parcel be removed to the satisfaction of the local municipality

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**F. BUSINESS ARISING FROM MINUTES**

2. Wellington County Active Transportation Committee
  - Appointment of Representative from Township of Wellington North and Contribution of \$3,000.00

**Moved by: Councillor Burke**

**Seconded by: Councillor Goetz**

*THAT the Council of the Corporation of the Township of Wellington North appoint Linda Spahr as Township of Wellington North representative to the Wellington County Active Transportation Committee;*

*AND FURTHER THAT Council authorize a contribution in the amount of \$3,000.00 to the Wellington County Active Transportation Committee from 2011 Budget Recreation – Programs.*

**Resolution Number: 3**

**Carried**

**G. DELEGATIONS, DEPUTATIONS, PETITIONS AND PRESENTATIONS**

1. Scott Smith, Inspector, Detachment Commander, Wellington County Detachment
  - Re: - Presentation on Community Policing and Crime Statistics 2010

Inspector Smith appeared before council to present the Wellington North Crime Statistics 2010 report on community policing. Overall the calls for service in Wellington North are down from the past three year average. Robberies are a direct result of youths and young adults looking for narcotics from drug stores. Property crimes were down across the County in 2010; however items are continually stolen from cars and lawns. The OPP encourage people to lock up their property. Domestic violence is up from the three year average. The economy is a contributing factor as many people argue about money. Not all calls are criminal as some are just verbal arguments. Charges are laid where there are criminal allegations. Impaired driving charges were down in 2010; however they are up in the first quarter of 2011.

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**G. DELEGATIONS, DEPUTATIONS, PETITIONS AND PRESENTATIONS**

(continued)

1. Scott Smith, Inspector, Detachment Commander, Wellington County Detachment

Re: - Presentation on Community Policing and Crime Statistics 2010  
(continued)

The number of traffic fatalities dropped and overall property crime dropped. The decreased in Wellington North are more significant than in other parts of the County.

Inspector Smith explained Ontario's Mobilization & Engagement Model of Community Policing. Areas where the community and police work together work best. There are various levels that the community could be involved in. A high level of police involvement is found mostly in cities. Community mobilization and crime prevention is a grass roots initiative. This involves actions and initiatives that police take to motivate and support neighbours to deal more effectively with the root causes of crime and insecurity in their neighbourhoods. Community safety and consultation encourages safer communities. Community policing is the process by which police and other community members partner to improve community wellbeing, safety and security through joint problem identification, analysis, response and evaluation. There is a group in Arthur offering a variety of programs and there has been some interest in forming a group in Mount Forest. Social development programs help prevent crime. Contributing factors or risk factors of crime include poverty, mental health, unemployment or under employment, education, parenting and socialization.

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**G. DELEGATIONS, DEPUTATIONS, PETITIONS AND PRESENTATIONS**

(continued)

1. Scott Smith, Inspector, Detachment Commander, Wellington County Detachment  
Re: - Accident Scene Solicitation By-law

In many areas throughout the GTA many tow operators are scanning the area and are trying to solicit business. This is starting to happen in this area. Inspector Smith made reference to the letter from Susan Fielding, a Councillor with Township of Puslinch, outlining her experience with her car being towed to a yard north of Toronto after an accident. Four municipalities have passed the by-law and two others asked for an amendment to section 2.2 regarding the number of tow trucks. The by-law is intended to keep people from soliciting business at an accident scene. They can offer aid but not solicit and must leave when asked to do so. This by-law does not create a monopoly for the Wellington County Tow Group. The by-law was presented to them for support because they represent about two thirds of the tow operators in the County. Registered owners are given the option of who tows their vehicle. The only time police make the decision is when a vehicle needs to be moved quickly or the driver is unable to make the decision. Each cruiser has a list of all tow operators, not just the tow group. If tow operators want to be added to the list they just have to call.

2. Susan Fielding, Councillor, Township of Puslinch  
Letter of support for Accident Scene Solicitation By-law

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**G. DELEGATIONS, DEPUTATIONS, PETITIONS AND PRESENTATIONS**

(continued)

3. Roy Loveless, Independent Tow Truck Operator  
Re: Accident Scene Solicitation By-law, not in support of by-law

Mr. Loveless is an up and coming tow truck operator who operates as a first responder. He travels the roads looking for those in need of assistance. He had been asking municipalities to drop the by-law but now believes an amendment would be better. The Highway Traffic Act, Section 171 prevents soliciting. The operation of the tow group is part of his opposition to the by-law. If there are sufficient tow trucks on the scene he cannot stop to offer assistance. He would have to park his truck 200 metres away and walk to the scene to offer first aid if needed. Mr. Loveless felt that 200 metres is a bit extreme, but that is what is stated in the Highway Traffic Act. At a recent accident scene he was told by a police officer that they only use the tow association to tow vehicles. Independent operators are not out to rip off the public. In reference to Mrs. Fielding's letter, her accident did not happen in Wellington County and we can't control what happens outside of the County. Mr. Loveless questioned why this by-law is needed or why there haven't been any charges under the Highway Traffic Act in regards to solicitation. The terms pirates or chasers are demeaning to first responder tow operators.

Councillor Yake commented that most people would be more comfortable with a police officer, fire fighter or ambulance attendant as a first responder, not a tow truck driver.

Mayor Tout commented that a first responder would be considered as a professional and would have to meet insurance and training requirements. He expressed concern that someone without the training that police, fire and ambulance acting as a first responder. Everybody has their job for a reason.

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**G. DELEGATIONS, DEPUTATIONS, PETITIONS AND PRESENTATIONS**

(continued)

3. Roy Loveless, Independent Tow Truck Operator  
Re: Accident Scene Solicitation By-law, not in support of by-law  
(continued)

Mr. Loveless stated that there are no stipulations by the Province regarding training. Tow operations are self regulating and need to have insurance of a minimum of \$2,000,000 per truck and workers compensation. Due diligence would be to look after the people first. First Aid training helps in deciding what to do. If doesn't seem right to ask someone helping a victim to move their tow truck because it is less than 200 metres away from the scene. He would like to see an addition to the by-law so that towers can park at the scene and offer assistance. The Highway Traffic Act amendments were to stop many tow trucks from showing up at a scene.

4. Steve Rainey, President, Ontario Federation of Independent Towers  
Correspondence received regarding Accident Scene Solicitation By-law, not in support of by-law.

5. Paul Howatt, Wellington County Tow Group  
Re: Support for Accident Scene Solicitation By-law

Mr. Howatt stated that this by-law will eliminate towers from outside of the County from towing vehicles to outside of the County. The by-law is about consumer protection and safety.

6. Trevor Roberts, Trevor Roberts Auto Repair & Towing  
Re: Support for Accident Scene Solicitation By-law

Mr. Roberts has owned a repair garage in Arthur since 1995 and has worked in the auto industry since 1983. He considers himself as a last responder. The by-law is about consumer protection. He has two tow trucks and a secure impound yard that is properly zoned. His trucks have his name and phone number on them, unlike many of the independent operators. It would not be unrealistic to ask that all tow operators meet certain criteria.

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**G. DELEGATIONS, DEPUTATIONS, PETITIONS AND PRESENTATIONS**

(continued)

6. Trevor Roberts, Trevor Roberts Auto Repair & Towing  
Re: Support for Accident Scene Solicitation By-law

The Wellington County Tow Group has nothing to do with the OPP but they are in favour of the by-law. They meet once a month to talk about business, training, equipment and how to make business better for everyone. Some are just towing companies, some have auto body shops and some have repair garages. The group is divided into 4 zones. If they are called by the police they are supposed to show up in 30 minutes but try to be there in 20. They have an account with Extend Communications. There is one number that the police call to their dispatch. Dispatch then determines who is the closest and call an operator within the zone. There have been chasers in the south and in Dufferin and there are operators west of Wellington County wanting to tow here.

7. Bob Goodliffe, Bob's Towing  
Re: Support for Accident Scene Solicitation By-law

Mr. Goodliffe appeared before Council on behalf of Bob's Towing, not the tow group. He is in favour of the by-law and feels that the only people that against the by-law are those trying to rip off people. He is not a first responder and owns several tow trucks with his business name on them. Chasers don't have their names on their trucks and often have hidden towing equipment. Many municipalities have passed similar by-law to protect the public from solicitation at an accident scene. He has yet to hear a peer of his say they are against this by-law. Mr. Goodliffe was president of the tow group from 1986 to 2004, during which time Scott Mooney joined the group and then gave false information to the police. Mr. Mooney represents the chasers and is no longer in business. The by-law doesn't prohibit these operators from towing in Wellington County it prevents them from soliciting business at an accident scene. This by-law says nothing about the tow group. It is a solicitation by-law. Chasers are not interested in anything else but the accidents.

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H. **STANDING COMMITTEE, STAFF REPORTS, MINUTES AND  
RECOMMENDATIONS**

1. Arthur Area Fire Department
  - March 2011 Fire Report
  - March 2011 Fire Prevention Officer's Report

**Moved by: Councillor Goetz**  
**Seconded by: Councillor Burke**

*THAT the Council of the Corporation of the Township of Wellington North receive the March 2011 Arthur Area Fire Department Fire Report and Fire Prevention Officer's Report.*

**Resolution Number: 4**

**Carried**

2. Mount Forest Fire Department
  - March 2011 Fire Report
  - March 2011 Fire Prevention Officer's Report

**Moved by: Councillor Goetz**  
**Seconded by: Councillor Burke**

*THAT the Council of the Corporation of the Township of Wellington North receive the March 2011 Mount Forest Fire Department Fire Report and Fire Prevention Officer's Report.*

**Resolution Number: 5**

**Carried**

3. Recreation & Culture Committee
  - Minutes, April 5, 2011

**Moved by: Councillor Burke**  
**Seconded by: Councillor Goetz**

*THAT the Council of the Corporation of the Township of Wellington North receive the minutes of the Recreation & Culture Committee meeting held on April 5, 2011.*

**Resolution Number: 6**

**Carried**

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H. **STANDING COMMITTEE, STAFF REPORTS, MINUTES AND  
RECOMMENDATIONS** (continued)

4. Works Committee
- B.M. Ross and Associates Limited
  - Tender results for 2011 Deck Repairs to White Bridge  
Hwy 89 Connecting Link, Mount Forest

**Moved by: Councillor Yake**  
**Seconded by: Councillor Lennox**

*THAT the Council of the Corporation of the Township of Wellington North award the tender for the repairs to White Bridge, Highway 89, Connecting Link, Mount Forest to Theo Vandenberg Construction at the tendered cost of \$360,588.65 plus applicable taxes, as recommended by B.M. Ross and Associates Limited.*

**Resolution Number: 7**

**Carried**

I. **CORRESPONDENCE FOR COUNCIL'S INFORMATION AND  
DIRECTION**

1. Ministry of Transportation  
Re: 2011 Highway Connecting Link Allocation
- Received as information
2. Letters of Support for Saugeen Mobility and Regional Transit
- Mount Forest Family Health Team
  - Saugeen Valley Nursing Center, Mount Forest
  - Caressant Care, Harriston
  - North Wellington Health Care and Groves Memorial Community Hospital
  - Pat Robinson and Angela Sheehan
- Received as information

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I. **CORRESPONDENCE FOR COUNCIL'S INFORMATION AND DIRECTION** (continued)

3. Paul Smith  
Re: Sewer Charge Deferral Request for property at 125 Conestoga Street South, Arthur

**Moved by: Councillor Lennox**  
**Seconded by: Councillor Yake**

*THAT the Council of the Corporation of the Township of Wellington North authorize the drafting of a deferral agreement in accordance with Section 3.5 By-law No. 47-05 (Development Charges); to be entered into for the property located at 125 Conestoga Street South, Arthur, owned by Paul Smith, in respect to that part of the development charge to be payable at the time this service is available.*

**Resolution Number: 8**

**Carried**

4. Wellington North Power Inc.  
Re: 2011 Annual Shareholder Meeting – Tuesday, April 26, 2011

**Moved by: Councillor Burke**  
**Seconded by: Councillor Goetz**

*THAT the Council of the Corporation of the Township of Wellington North appoints the following persons representing the Township at the Wellington North Power Annual Shareholders meeting to be held Tuesday, April 26, 2011*

- 1. Councillor Dan Yake*
- 2. Councillor Andy Lennox*
- 3. Councillor Mark Goetz*

**Resolution Number: 9**

**Carried**

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**J. BY-LAWS**

1. 27-11 Being a By-law to Temporarily Close a Portion of Main Street (Hwy 6) in the Former Town of Mount Forest for the Purpose of Holding the Mount Forest Annual Fireworks Festival

**Moved by: Councillor Lennox**

**Seconded by: Councillor Yake**

*THAT By-law Number 27-11 being a by-law to temporarily close a portion of Main Street (Hwy. 6) in the former Town of Mount Forest for the purpose of holding the Mount Forest Annual Fireworks Festival be read a First, Second and Third time and finally passed.*

**Resolution Number: 10**

**Carried**

2. 28-11 Being a By-law to Authorize the Executions of a Third License Extension and an Amending Agreement between Her Majesty the Queen in Right of Ontario as Represented by the Minister of Infrastructure and the Corporation of the Township of Wellington North. (Ontario Realty Corporation – 381 Main Street North, Mount Forest – Mount Forest Fire Hall)

**Moved by: Councillor Yake**

**Seconded by: Councillor Lennox**

*THAT By-law Number 28-11 being a by-law to authorize the execution of a Third License Extension and an Amending Agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Infrastructure and the Corporation of the Township of Wellington North be read a First, Second and Third time and finally passed. (Ontario Realty Corporation – 381 Main Street North, Mount Forest – Mount Forest Fire Hall)*

**Resolution Number: 11**

**Carried**

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J. **BY-LAWS** (continued)

3. 29-11 Being a By-law to Amend Zoning By-law Number 66-01 being the Zoning By-law for the Township of Wellington North (Part of Lot 1, Concession 3 (former Township of West Luther) – Ireland)

**Moved by: Councillor Lennox**

**Seconded by: Councillor Yake**

*THAT By-law Number 29-11 being a by-law to amend Zoning By-law Number 66-01 being the Zoning By-law for the Township of Wellington North be read a First, Second and Third time and finally passed. (Part of Lot 1, Concession 3 (former Township of West Luther) – Ireland)*

**Resolution Number: 12**

**Carried**

4. 30-11 Being a By-law to Authorize the Execution of a Funding Agreement for Infrastructure Projects Between Her Majesty The Queen In Right Of Ontario as Represented by the Minister of Agriculture, Food and Rural Affairs and the Corporation of the Township of Wellington North. (COMRIF – Wastewater Treatment Plant, Mount Forest)

**Moved by: Councillor Yake**

**Seconded by: Councillor Lennox**

*THAT By-law Number 30-11 being a by-law to authorize the execution of a Funding Agreement for Infrastructure Projects between Her Majesty the Queen in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs and the Corporation of the Township of Wellington North be read First, Second and Third time and finally passed. (COMRIF – Wastewater Treatment Plant, Mount Forest)*

**Resolution Number: 13**

**Carried**

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**K. OTHER BUSINESS**

1. Declaration of Surplus Lands Resolution  
Re: Division 1 of Lot 13, East of the Owen Sound Road, Part 1 on Plan 61R6800, former Township of Arthur (adjacent to Hwy #6)

**Moved by: Councillor Yake**

**Seconded by: Councillor Lennox**

*WHEREAS the Township is the owner of the vacant lands containing 4.103 acres more or less and being that part of Division 1 of Lot 13, East of the Owen Sound Road, in the former Township of Arthur shown as PART 1 on a plan of survey deposited as Plan 61R6800 and By-law 9-08 provides that before selling any land or entering into a binding Agreement to sell any land, council shall by By-law or Resolution passed at a meeting open to the public, declare the land to be surplus.*

**BE IT RESOLVED THAT:**

*The said PART 1 on Plan 61R6800 and having property identifier number 71077-0072(LT) be and it is hereby declared to be surplus real property of The Corporation of the Township of Wellington North.*

**Resolution Number: 14**

**Carried**

**L. ITEMS FOR COUNCIL'S INFORMATION**

Cheque Distribution Report - dated April 14, 2011

Grand River Conservation Authority

- Newsletter, Grand Actions, Volume 16, Number 2 – March – April 2011

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L. **ITEMS FOR COUNCIL'S INFORMATION** (continued)

City of Mississauga

- Revenue from H.S.T. Charged on Gasoline and Diesel Sales  
Transportation Infrastructure Funding

Regional Municipality of Halton

- Harmonized Sales Tax (H.S.T.) Revenue and a New Funding  
Mechanism for Transportation Infrastructure

M. **ANNOUNCEMENTS**

Councillor Lennox reminded everyone of the Damascus Beef Dinner on April 30. Councillor Lennox questioned what kind of regular reporting can be expected from Wellington North Power. Councillor Yake suggested that Judy Rosebrugh attend a Finance Committee every couple of months to provide reports, as she had in the past. Mayor Tout commented that after the annual general meeting he will take his place on the Wellington North Power Board.

N. **CLOSED MEETING SESSION**

1. "Personnel" Matter pertaining to Labour Relations

**Moved by:** Councillor Yake

**Seconded by:** Councillor Lennox

*THAT Council go into a meeting at 8:55 p.m. that is closed to the public under subsections 239 (2) (d) of the Municipal Act, 2001*

- to consider a matter pertaining to labour relations

**Resolution Number: 15**

**Carried**

**Moved by:** Councillor Lennox

**Seconded by:** Councillor Yake

*THAT Council rise from a closed meeting session at 10:30 p.m.*

**Resolution Number: 16**

**Carried**

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O. **CONFIRMING BY-LAW**

**Moved by:** Councillor Yake

**Seconded by:** Councillor Lennox

*THAT By-law Number 31-11 being a By-law to Confirm the Proceedings of the Council of the Corporation of the Township of Wellington North at its Regular Meeting held on April 18, 2011 be read a First, Second and Third time and finally passed.*

**Resolution Number: 17**

**Carried**

P. **ADJOURNMENT**

**Moved by:** Councillor Lennox

**Seconded by:** Councillor Yake

*THAT the Regular Council meeting of April 18, 2011 be adjourned at 10:32 p.m.*

**Resolution Number: 18**

**Carried**

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C.A.O./CLERK

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MAYOR