

Limerick public works supervisor updates council

By Mike Riley

Local Journalism Initiative Reporter

At their meeting on Dec 20, Limerick Township council heard from Les Rowley, the public works supervisor, who gave them an update on the public works situation in the municipality. Aside from the weather keeping them busy, Rowley also reported on the township's new plow truck, asked council's advice on residents plowing township seasonal maintenance roads and where liability would lie and answered a few questions from Mayor Carl Stefanski about no parking signs, the Good Roads event in Toronto and a request for a snowmobile trail from the Steenburg Lake Community Association. After hearing his report and discussing it, council voted to accept the public works report.

Rowley gave his report on the township's public works to council at their Dec. 20 meeting. He said the weather over the previous month had been quite variable temperature wise, with a mix of snow, freezing rain and just rain. He said that it had created some icy mornings, and his staff had been kept busy with plowing and sanding.

?Unfortunately, when the temperatures go up and down, we seem to get the ruts in our roads and for this time of year, there's not a whole lot you can do about it,? he says.

The recent wind storm had also felled some trees and created some debris on the roads, but most of it had been cleaned up to keep the roads open and accessible, aside from a little bit of a mess Rowley mentioned that needed to still be cleared in St. Ola.

The new plow truck had arrived, and Rowley said that he and his staff were quite pleased with it.

?Dan [one of the township's public works operators] seems very happy with it. In fact, he doesn't want to get out of it,? he says.

Rowley mentioned some concerns that he had with residents plowing their township owned seasonal maintenance roads in the winter, and asked for council's input on this as to where the liability would fall in case of an accident. He said that currently East Bay Road and Nicholson Lane are being plowed by contractors hired by the residents of those streets, and that he'd also gotten requests for private plowing of Brinklow Road and Turnbull Road.

?I know that the township I live in [Highlands East] we are not allowed to privately plow any of the township owned limited maintenance roads due to liability reasons,? he says.

Prior to the council meeting, Rowley had chatted briefly with Stefanski on this, and he mentioned that Victoria Tisdale, the clerk and treasurer, was seeking legal advice from the township's solicitor, Kirsten Musgrove.

Council recalled that in their previous queries to Musgrove on this issue, it was a grey area in terms of liability, even with the township taking every conceivable step to ensure that the residents in question know that by plowing those roads on their own, they are assuming the liability.

After discussing it further, council decided to have Tisdale also get a second legal opinion from Russell, Christie LLP in Orillia, who Stefanski mentioned had valuable expertise in this area. They also directed Rowley to revamp the signs that were already in place designating these roads seasonal maintenance roads by adding the specific dates that the township would be maintaining them. They were also going to send out a legal letter to the residents in question explaining that the liability was theirs if they chose to have those roads plowed by their own contractors, or if they did not want to assume such liability, then they should not plow the roads.

Councillor Glenn Locke said that if the residents had hired contractors, then the liability should fall to them and their contractors,

who would have insurance for that very purpose.

Councillor Kim Carson liked the idea of adding the dates to the signs and getting a second legal opinion from Russell, Christie LLP.

?If we were sued, we can say this is the due diligence we have done to ensure we're doing everything we can protecting the residents and protecting ourselves. If we get the legal opinion from [Russell, Christie LLP] maybe they will do the legal letters to be included with the tax bill to those residents that says that if you're plowing it, it's your legal liability and we're not responsible. Or you're not legally allowed to plow it otherwise,? she says.

However, the council emphasized that they would be getting legal advice from Musgrove and Russell, Christie LLP to make sure that their liability questions were answered fully.

Stefanski then brought up a few further items for Rowley to look into. One was the no parking signs on the south side of Steenburg Lake Road, from the beach to the Bell Canada transformer, that had been removed.

?A couple of years ago, those signs had to be installed because a constituent came around the corner and almost had a head on collision, because some of those cars, the shoulder is not wide enough and some of them parked on the live lane and that creates a problem,? he says.

Stefanski double checked with Rowley that the Lincoln Electric Rally of the Tall Pines event on Nov. 19 and Nov. 20 had not caused any damage to the roads they had raced on. Rowley confirmed that they had not.

Stefanski brought up the Ontario Good Roads Association conference in Toronto that was coming up from Feb. 27 to March 2. It is an event where participants can hear from industry leaders on topics of importance to the province's municipal transportation and infrastructure sector. He spoke to Rowley about possibly attending it. After some discussion with the rest of council, they decided that in their personal opinion, the event was of dubious merit, and that attending a similar event in Barrie or Ottawa might be more worthwhile.

There was also a request from the Steenburg Lake Community Association, according to Stefanski, who asked that the shoulder of the road from the beach to Trudy's Place be filled in with snow and compacted so that snowmobilers would be able to access Trudy's. Stefanski told Rowley and the council that what came to mind with this request was Joint and Several Liability for the township. According to the Ontario Trial Lawyers Association website, Joint and Several Liability is when a victim is harmed through the fault or neglect of several perpetrators, the victim can collect his or her damages from one or all of them. If one of the perpetrators is 50 per cent responsible, meaning his or her several liability is 50 per cent, but cannot pay the damages, the victim can collect all the damages owed from the other perpetrators, who are jointly liable for the loss.

Rowley agreed with Stefanski's assessment.

?I know one of the roads I used to plow up there [in the Municipality of Highlands East], the McGillvary Road, they had groomers come along and pack the side of the road with snow. There were several cars that would come around the corner, thinking it was the road and they'd get stuck. We ended up saying no you can no longer do that for that reason. It was just accidents after accidents,? he says.

Stefanski said that he'd reached out to a representative from the Steenburg Lake Community Association to attend the council meeting to provide input or if they had any concerns, but they did not appear to be present.

With Stefanski having no more points to bring up, and council not having any further questions on Rowley's report, they voted to accept the public works report and proceeded on to other matters.