

THE CORPORATION OF THE TOWNSHIP OF HORTON

GARDEN LAKE AND CATHERINE LAKE PROPERTY OWNERS GROUP

JUNE 23, 2007

There was a meeting of the cottage owners of Garden Lake and Catherine Lake held in the Horton Community Center on Saturday June 23, 2007. Approximately 48 people were present in the audience.

1. CALL TO ORDER

Dave Bennett called the meeting to order at 9:05am

2. INTRODUCTION

Dave Bennett introduced the head table consisting of Ken Bradley, Mayor Robert A. Johnston, Horton Township, Mackie McLaren, CAO/Clerk Horton Township, and Sharon Bennett.

3. THANK YOU TO THE COUNCILS

Mr. Bennett thanked the Whitewater and Horton Councils for the big commitment they made last fall to work together to allow the property to be sold. They forgave between \$8,000 and \$14,000 in legal costs which permitted the former owner Harko Wassing to withdraw the legal action without the fear of action for costs.

Mr. Bennett informed the public that he and his wife purchased the property as an investment. They own a construction company and they will use the gravel from the pit for that purpose. The pit license has some issues which are being resolved and he hopes to have a total aggregate operation in a year. He promised to restrict the use of the crushers and screening equipment in the summer months but they will be drawing out of the pit all summer long 8-5 including Saturdays, and Sundays only in an emergency. A Site Plan is being prepared to change the operation of the pit, and he informed the public that he has also purchased the former Miller Pit. The farm land is rented to a neighbour Josh Kelly, who is taking the hay off and cropping the land. Walter Wassing is still in the farm house and will be there until September, and he has asked him to be a good neighbour. Mr. Bennett informed the group that if there was any conflict to call him or Sharon and they will look after it.

4. DAVE BENNETT PROPERTY PURCHASE USE

Mr. Bennett informed the public that he wanted to change the way things have happened in the past. He hoped that they could be discussed in a committee format when a committee has been formed.

- a. Insurance coverage of the right of way is to be included in every property owners liability insurance. It is a waiver on their own personal insurance. This covers everyone that will travel on the right of way. He was questioned if this is expensive and suggested they check it out with their own insurance company.
- b. Mr. Bennett requested a cottage association be established. The Association will look after maintenance of the road with a fee being paid by each property owner. He added that further maintenance on the road is a given, and there needs to be a body to look after this to ensure their infrastructure is there for years to come.
- c) Mr Bennett suggested that when a new severance is created off the property that the buyer pays the Cottage Association a suggested fee of \$500 to pay for the infrastructure that is already existing. He believes this is fair but it is subject to negotiation.
- d) Mr. Bennett would like to see a speed limit on the road that everyone agrees to. 99% of the people travel at a good speed but 1% travel too fast. He will have heavy equipment traveling the road and he is concerned about a possible accident. He has noticed that people walk around the property, and four-wheelers use the road. This seems to be one of the heavier traveled roads in the Township. Mr. Bennett will work with the Committee to ensure that there are no future situations similar to what has happened in recent years.

## 5. KEN BRADLEY, COTTAGE ASSOCIATION

Ken thanked Dave and Sharon for purchasing the property and putting the road issues behind them. Dave's suggestions are good and will be discussed with the Committee. Ken presented a handout which discussed costs for a survey and costs and comments on legal council.

- a) We need to decide how to carry out a survey and how to pay for the survey. A quote has been received from Adam Kasperzak for \$20,000 to \$25,000. Divided between the 50 cottagers it is approximately \$500 per property. There are options available like an East-West split, Garden Lake side looks after their own costs, and Payne Lane looks after their costs. Not much different though in overall costs. A proper registered survey is required.
- b) Legal costs: Ken Bradley suggested that the group consider giving the legal cost for the right of way to Sharon Anderson, owner of property that Payne Lane crosses in one area. This is a means of letting them recover some their effort for supporting through the road access ordeal.
- c) We need to form an association. The group who have been dealing with the Wassing issue do not consider themselves an association. Ken Bradley suggested talking to each individual property owner to ensure they are on side and will permit people to cross their land.
- d) He thanked the Bennetts for purchasing the farm and resolving the legal issue.

## 6. QUESTION PERIOD

A question was raised about the public beach noting that there was a couple camping in a tent with a fire going last weekend, which they were asked to put out. Mr Bennett said this is a Whitewater Township problem. He noted that the property has a "No Trespassing" sign. He does not know about any policing arrangements. As far as Whitewater Council is concerned it is not a public beach, but it is a boat launch. He has spoken to Dean Sauriol, Clerk of Whitewater Township, about getting control of the property and offered to lease the property so it could be controlled. He suggests that the property owners call the OPP in a situation like this.

The lady said she contacted Whitewater Council previously, offering to purchase the land but it didn't go anywhere. Mr. Bennett says he knows the land is not for sale at this time because of the Ministry of Natural Resources 150m influence area around his pit, this property could not be developed at this point in time. He believes that Whitewater is leaving the property at status quo, again he suggested calling the OPP or the Ward Councillor in Whitewater.

A comment about liability and that being the individual property owners liability would not cover the boat launch liability. Mr. Bennett said the property can not be fenced off as everyone uses it as a boat launch. The issues need to be worked through. The users have to be asked to adhere to safety issues, A question that the property owner should be the one calling the OPP and they are not always there, Mr. Bennett suggested calling Jack Ferguson, Whitewater Councillor for this Ward, and funnel everything through them. However, it may take another meeting with Whitewater to resolve this issue.

The question was raised that the beach property is posted "No Trespassing" which restricts the use of the property as a boat launch. Mr. Bennett said that Whitewater Council will have to work to resolve this.

Brenda Dillabough noted that they are the closest property to the beach and asked if they could have garbage bins installed? She said that she has taken license plate numbers and will provide them to the OPP and to Whitewater Township. Mr. Bennett said he has spoken to Whitewater Council about maintenance of the property. They do not want to do anything because it will become a problem for them if they do. He suggested there was no problem with the people putting garbage cans out, but they would have to do it, and look after it themselves. He knows Whitewater has a charge for bags and will check into this. He will also make sure that when he is on site the garbage will be checked and picked up. Ida Lepack asked what about bears and raccoons? Mr. Bennett said that he believes that Whitewater is not in a position to put out bear proof bins.

Pat Kazabuski asked how can people be permitted to camp on the property when there are no washroom facilities? Mr. Bennett suggested that enforcement is the issue, but does not know how this will work without going in and moving people off.

Ken Bradley said the Cottage Association could consider the Beach problems. Whitewater's solution was to post the property "No Trespassing" and said that they would look the other way for cottagers using the beach. His suggestion would be to take action in steps. The Committee to be formed into an Association, noting that it is probably time to refresh Committee members. He asked volunteers to see him after the meeting.

He has a meeting with Don Sullivan, a lawyer, this week to discuss how the association is formed and how agreement can be reached for everyone to pay survey and legal costs. He noted on the Whitewater side there are cottagers, who have proper legal access, and they would not be expected to contribute to legal costs.

Pat Kazabuski asked would people on the other side of the Lake have to contribute? Ken said that there are a lot of questions that have to be resolved by the Association, who will talk to each person individually.

In thanking everyone for attending the question was asked if an association was formed how would it be different from what they have had? Ken said that he would discuss this with Don Sullivan.

A question on the package presented by Ken Bradley talked about the survey costs and the possibility of Whitewater contributing. Ken had spoken with Dean Sauriol and the initial comment was that Whitewater would not contribute. He suggested that the Association might want to look into this.

A lady asked about Whitewater owning property, they must control it or sell it. Ken reviewed how he gravitated to becoming spokesperson for the Group on the Wassing access issue and how they worked to find out who has or has not got rights. He will meet over the few weeks with cottagers to work through the legal and survey cost issue. He noted that he and John Shier have been active and will continue to insure that the association is formed.

A question on survey costs was asked, noting that Whitewater has been asked, has Horton been asked? Ken noted that Whitewater owns land that would use the access road, Horton does not. Mayor Johnston said that he would be willing to put the issue before Council, but reiterated we do not own property in the area. A question was asked about the length of time that the property owners have been using the road, does this not mean that they automatically have a right of way? Ken said that there are three ways to get a right of way:

1. The Road Access Act, but that restricts the right to use the road only to the owner, not family or guests,
2. Prescription Right - the property owner has to prove unobstructive use for twenty years or more, it requires a Judge to accept this and there are legal costs involved.
3. Deeded Rights – a deed sets out you can cross the properties before your property. The opportunity to do this is now, it adds value to your property and we have the opportunity to do this now without dispute.

## 7. ADJOURNMENT

Dave Bennett thanked everyone for their questions and comments and offered to be available for discussion later, after the meeting. He will be working with Whitewater on the issues he has with his Pit. He declared the meeting adjourned at 9:50 a.m.