



**THE CORPORATION OF THE TOWNSHIP OF BONFIELD  
AGENDA FOR A PUBLIC WORKS COMMITTEE MEETING  
January 15th, 2024, 7:00 P.M.**

- 1.0 Call to Order.**
- 2.0 Approval of Agenda**
- 3.0 Adoption of Prior Minutes**
  - 3.1 Minutes from November 1st, 2023
- 4.0 Disclosure of Pecuniary Interest and General Nature Thereof.**
- 5.0 Delegations and Presentation**
- 6.0 Correspondence and Information**
- 7.0 New Business-Recommendations to Council**
  - 7.1 Boxwell Road Proposal Follow Up
- 8.0 Unfinished Business**
  - 8.1 Private Roads Report
    - Report from CAO
    - Example of a Policy
    - List of Private Roads
- 9.0 Referrals from Complaint Tracking**
  - 9.1 GIS System Update
  - 9.2 PW Complaints
- 10.0 Manager's Report**
  - 10.1 Report
- 11.0 Recreation Committee**
- 12.0 Waste and Recycling**
- 13.0 Cemetery**
- 14.0 Addendum**
- 15.0 Adjournment**

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## REPORT TO COUNCIL

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**MEETING DATE:** November 14, 2023  
**FROM:** Nicky Kunkel, CAO Clerk-Treasurer  
**SUBJECT:** Municipal Roads, Private Roads

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### RECOMMENDATION

**That this report be sent to the Public Works Committee for review and consideration of any action the Township may deem necessary to better reflect road operations within the Township.**

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### BACKGROUND

**The Township has received requests for additional work on roads and road allowances as well as for private roads. Understanding this is a complicated matter staff undertook some research and workshops to better inform municipal officials on the matters.**

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### ANALYSIS:

#### What is a road?

The following are highways unless they have been closed (Municipal Act, s. 26):

1. All highways that existed on December 31, 2002.
2. All highways established by by-law of a municipality on or after January 1, 2003.
3. All highways transferred to a municipality under the *Public Transportation and Highway Improvement Act*.
4. All road allowances made by the Crown surveyors that are located in municipalities.
5. All road allowances, highways, streets and lanes shown on a registered plan of subdivision.

#### Obligation to Maintain a Road

**44** (1) The municipality that has **jurisdiction** over a **highway** or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge. Municipal Act, 2001, c. 25

Generally speaking, there are kilometers of roads that are technically owned by the Township. For example, unopened road allowances from Crown surveys or plans of subdivision. However, they are not assumed by the Township for maintenance purposes. Now (Jan. 2003) must be deemed by bylaw and at Council's sole discretion, to set out maintenance and standards. The exclusions explain this.

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### **Exclusions to the Obligation to Maintain a Road**

31(4) A municipality may by by-law assume the following highways for public use and section 44 does not apply to the highways until the municipality has passed the by-law:

1. An unopened road allowance made by the Crown surveyors.
2. A road allowance, highway, street or lane shown on a registered plan of subdivision. 2001, c. 25, s. 31 (4).

Section 31(4) of the Municipal Act means that section 44 doesn't apply until the municipality has passed a bylaw to establish the land as a highway. Activity on or with respect to the land by the municipality or anyone else, including the spending of public money does not make the land a highway under the Act. (Morand v Brampton).

In other case law (Scott v North Bay 1977) the judge confirmed this understanding with the following statement<sup>1</sup>:

“The assumption of a road or street for public use can be affected only by a corporate act of the municipal corporation. If there is no by-law, an assumption may be inferred from work done by municipal employees, or other expenditure of public money in improving or maintaining the road or street. In such a case the work or expenditure must be “clear and unequivocal and such as clearly and unequivocally indicates the intention of the corporation to assume the road... If there have been no regular expenditures of public money, and if the repairs are trivial and infrequent, they may be ascribed to courtesy rather than to the assumption of responsibility.”

### **Other exclusions**

31(5) Section 44 does not apply to a highway laid out or built by any person before January 1, 2003, unless it was assumed for public use by the municipality, or it has been established by by-law.

### **Special Types of Roads**

1. Trespass/Given/Forced Road
  - a. Publicly used road which crosses private property not owned by the municipality. These roads types can become complicated and can be researched further.
2. Access Roads
  - a. There are two types 1. Not dedicated or accepted as a public highway or 2. Common Road which is an access road public money has been spent to repair or maintain. These roads types can become complicated and can be researched further.
3. Boundary Roads
  - a. A road that runs along the boundary between two municipalities. Both municipalities have joint jurisdiction over the whole road and must agree on major decision affecting the road, generally done by similar bylaws.

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<sup>1</sup> Wishart presentation Fall 2023 Zone 7;

4. Seasonally Maintained Roads
  - a. Generally, refers to a cottage country road maintained only during specific seasons. They are a potential legal liability and should be set out with maintenance policies in a bylaw and registered.
5. Private Roads
  - a. These roads are not owned by the municipality. There is more information later in the report.
6. Easements and Right of Ways
  - a. These set out legal rights to access or use a portion of another person's property.
  - b. They need not be registered but it's the clearest evident that it exists.
  - c. There is a new registry system and those prior to this may be open to legal challenge.

### **Private Roads**

This report is being generated as the Township receives request for work to be done on private roads. Often private roads are those for cottages and often those cottages turn into year-round homes despite not meeting zoning requirements and having frontage on a municipally maintained road. Most are legacy properties but from 2003 to 2006 sections 36 to 39 of the Municipal Act made provisions that did permit for smaller rural municipalities to allow land development on private roads. This often created the problem because of lower construction and maintenance standards that did not support the weight of traffic and emergency or service (school, garbage) vehicles.

After 2006 it became common for municipal zoning authorities to restrict development on private roads. However, with development on private roads many municipalities still feel pressure from the residents to perform work and upgrades on the private roads which is a liability to the Township. Even when trying to be nice and help the resident there are many instances of lawsuits against municipalities due to the work they have done on private roads.

It must be clear that although there are options to permit work to be done by the municipality, the best advice and practice is that the Township does not perform work on private roads. It used to be said that once the municipality did work on road it would be deemed a road. However, case law has supported that the work done must be regular and with intention that it is used by the general public. This means that the liability may be reduced but by no means is it completely removed. An agreement must be in place for any assistance from the municipality to any private road that details the assistance, that indemnifies the municipality from any harm, and sets out who is responsible for any maintenance thereafter on the work performed or material supplied.

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Options for Private Roads

1. Private Road Access and Agreement
  - a. This is an agreement between the Municipality and owners on the private roads for municipal assistance with the road.
  - b. It could be in the form of supplying material or material and work.
  - c. If the municipality entertains this it should only be with an organized Private Road Association as the agreement has to be signed and agreed to by every property owner – or the executive of a road association that has been delegated the authority.
  - d. There must be clearly outlined tasks and details.
  - e. The road association must carry insurance that indemnifies the Township and hold us harmless from any liability.
  - f. The agreement would clearly state this is one-time, or how often, the work would be completed and that in signing the agreement it is not the municipality assuming any responsibility or ownership now or in the future.
  
2. Private Road Grant Programs
  - a. These are still entered into with the agreements as outlined above.
  - b. The basic program would be that the Township would set aside an amount annually in the municipal budget for the program. The Road Association would receive the funds only. There is no work performed or material supplied from the Township.
  - c. Road associations would have to apply for the grant detailing the work they are doing, who will do it and timelines.
  - d. The municipality would have evaluation criteria on who receives the funding, or as in some municipalities it is based on a first come first serve basis.
  - e. The advantage is that roads do get improved and are better maintained. There is very limited liability to the Township.
  - f. The disadvantage is that there are several private roads, and the Township does not have unlimited funds to support private roads and over time pressure builds to increase the amount in order to provide more and more roads funding. Especially since criteria for approvals do not change often and some roads will eventually be last.

**Recommendation**

There is a lot of information to unpack and discuss regarding the municipal roads as well as private roads. I recommend sending the report and discussion to the Public Works Committee for review and consideration over the next year to determine what, if any, may be the next steps. The committee would also have the option to report back to Council after consideration to not recommend changes.



**PLANNING & DEVELOPMENT  
DEPARTMENT**

Email: [planning@bonfieldtownship.com](mailto:planning@bonfieldtownship.com)

**Private Roads**

<b>Roads</b>	<b>Properties per 911</b>	
Andrews Lane	10	
Bay Street	9	
Boody Road / Grey Rock Lane	17	
Cahill Lane	8	
Camp Road	2	
Canoe Bay Road	10	
Cedar Lane	8	
Hideaway Lane	9	
Hone Lane	2	
Landry Road	7	
Lakeshore Road	17	(past 53)
Le Cap Lane	3	
Lees Point Road	9	
Lima Lodge Road	2	
Martin Lane	7	
Martindale Lane	11	
McLaren Drive	12	
O'Connor Lane	7	
Pine Tree Lane	2	
Portage View Road	5	
Red River Lane	2	
Rockhaven Drive	2	
Rock Ridge Lane	11	
Shields Point Road	15	(Past 267)
Slim Drive	3	
Sunnyside Lane	8	
Talpine Road	13	
Timerhaven Lane	5	
Tremblay Lane	3	
<b>Total</b>	<b>219</b>	

Unmaintained

Palangio Road

unmaintained from 145 to 7 Palangio

Boxwell Road

unmaintained from Grand Desert Rd to 529 Boxwell)

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### Unmaintained

Palangio Road unmaintained from 145 to 7 Palangio  
Boxwell Road unmaintained from Grand Desert Rd to 529 Boxwell)

## CORPORATE POLICIES AND PROCEDURES MANUAL

Policy Title:	<b>Assumption of Unmaintained Municipal Roads and Private Roadways</b>	Policy No:	
Section:		Resolution:	2022-223
Policy Lead:	Director of Public Works & Engineering	Effective Date:	8/9/2022
Application:		Last Review Date:	N/A
Approved by:	Council	Previous Resolution:	N/A

### Policy Statement and Rationale

This policy establishes guidelines and minimum standards for unmaintained municipal roads and private roads within the Municipality of East Ferris required for assumption consideration.

The goal of this policy is:

- a) To ensure adherence to the relevant Official Plan policies;
- b) To avoid passing any new development/infrastructure costs to ratepayers of the municipality;
- c) To ensure that proponents upgrading existing private roads or unassumed roads to municipal roads abide by a minimum municipal standard; and
- d) To control the means by which the Municipality may assume unmaintained municipal roads and private roads to provide fairness and consistency.

### Scope

The Municipality of East Ferris shall only consider through this policy the assumption of existing unassumed municipal roads or existing private roads. The policy may also consider roads within an existing plan of subdivision that were not previously assumed by the Municipality. The policy shall not be used to consider the assumption of new roads where assumption is governed by the Subdivision Agreement. If the Subdivision Agreement has been frustrated so that assumption can no longer be affected through that agreement, this policy may apply. The policy shall not be used to consider the assumption of roadways subject to a Plan of Condominium.

### Definitions

- a) "Council" shall mean the municipal Council of The Corporation of the Municipality of East Ferris.
- b) "Director" shall mean either the Director of Public Works and Engineering or their designate.
- c) "Municipality" shall mean the Corporation of the Municipality of East Ferris.
- d) "Municipal Roads" shall mean roads and highways in municipal ownership and that have been assumed by the municipality for year-round maintenance by the municipality.
- e) "Private Roads" shall mean roads and lanes in private ownership that have not been assumed by the municipality which provide access by means of a



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registered right-of-way to private property and the use and maintenance of which is the responsibility of the abutting landowners.

- f) “Proponents” shall mean developers, residents, or ratepayers or other associations who are requesting the municipality assume for maintenance purposes an existing private road or unassumed road so that it becomes a municipal road.
- g) “Unassumed Road” shall mean roads that are owned by the municipality that are not maintained on a year-round basis.

### Policy

When submitting a proposal to the Municipality, all documentation and information must satisfy Council that the assumption of the road is in the public interest, and that the proponent acknowledges and accepts that any and all costs associated with such assumption are to be borne by the proponent, and the following procedures applied.

### Criteria for Assumption

Without being necessarily limited to the following, the following criteria should be considered in determining if it is in the public interest to assume unassumed roads or private roads:

- a) Does the road serve, or will it serve, five (5) or more separate and distinct private parcels of land which are being used, or are capable of being used for the purposes permitted within that zone, on a year-round basis?
- b) Does the road provide access to a municipal-maintained boat launch, beach or other facility or attraction promoted by the Municipality for public use and tourism?
- c) Would the assumption of the road over-extend existing municipal road maintenance programs, operations, and resources?
- d) Was the road constructed to the standards as stated herein, thus avoiding costly future upgrades and/or repair costs to the Municipality?
- e) Will the assumption of the road promote further desired development?
- f) Would further development require the road to be extended?
- g) Would further development on the road over-extend existing municipal services?
- h) Would the road facilitate the safe and efficient movement of goods and people?
- i) For unassumed roads, at least two-thirds of all property owners representing at least one-half (50%) of the value of the lots who will receive direct benefit from the assumption

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of the road agree to the undertaking of the study and the assumption of the unassumed road by the Municipality. For private roads, 100% of all property owners must agree to the undertaking of the study and the assumption of the private road by the Municipality.

- j) All property owners required to give up ownership of legal title to the road and to land required for road widenings or turnarounds have consented to the Municipality's acquisition of their lands.
- k) Has the Conservation Authority or the Ministry of Natural Resources and Forestry, whichever has jurisdiction, been notified and are regulations followed where there could be any interference with wetlands or any alterations to shorelines and watercourses?
- l) Where applicable, does the Ministry of Transportation support the proposed assumption by the Municipality?
- m) The proposal conforms to the land use policies of the relevant Official Plan and Zoning By-law if lot creation would occur as a result of the assumption process.
- n) There is a reference plan prepared by an Ontario Land Surveyor documenting the lands affected by the proposed assumption.
- o) The proponent has provided original deeds and certification of title for the lands in question, prepared by the proponent's solicitor.
- p) The Municipality has received a legal opinion on the ownership status of the subject road and a risk assessment of assuming or not assuming the road.

### Proponent Responsibilities

- a) The cost and associated process of bringing the road up to municipal standard will be the responsibility of the proponents. Options will be provided to the proponents for immediate payment or the option to pay over a period of time as permitted under O. Reg 586/06 Local Improvement Charges – Priority Lien Status.
- b) Where the proposed right-of-way has a deficient width, all benefitting owners will be required to provide the necessary right-of-way and road widening to the Municipality free and clear of all encumbrances and at no cost to the Municipality of East Ferris.
- c) Where the proposed right-of-way dead-ends and a turnaround is thus required, title to the land required for the turnaround must be transferred to the Municipality at no cost to the Municipality.
- d) Prior to the commencement of an engineering study, the proponent shall submit to the Municipality a refundable deposit of one thousand dollars (\$1,000.00 CAD). The Director

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of Public Works/ Municipal Engineer or their designate will provide the proponent with an estimate and additional deposit may be required prior to proceeding. This deposit will be used to cover the engineering review costs and the amount may be increased as needed if the review is more complex. Any amount of the deposit not needed to cover the independent review will be returned to the Proponent.

### Staff Responsibilities

- a) Upon receipt of a petition requesting assumption of a roadway, municipal staff will verify the sufficiency of the petition i.e. petitions not supported by two-thirds of the property owners adjacent to the roadway will not be considered, petitions not supported by all owners giving up title rights will not be considered, and assumption of portions of a road less than 500 meters will not be considered unless the road links existing maintained municipal roads.
- b) Municipal staff will prepare a Council Report and if Council agrees “in principle” with the possible assumption of the road then the works will proceed following confirmation of financing methodology.
- c) Prior to assuming the road, the Municipality shall request an independent review of the subject road, at the Proponent’s expense. This review will include a report on the as-built condition of the existing road by a professional engineer and a cost-benefit analysis to determine the operational costs of maintaining the road and the impact on municipal resources. In addition, the consultant will prepare, as part of the engineering report, an estimate of all costs relating to the construction or reconstruction of the unassumed road to the standards as stated herein. The cost of the independent engineering review and cost-benefit analysis will be borne by the Proponents.
- d) Year-round road service will not be provided on private roads until Council passes a by-law to formally assume the road and until the subject road is upgraded to the road standards as detailed in Appendix “A” to this policy.
- e) If assumption of a privately-owned road is requested, and where acquisition by the Municipality will result in severance(s), the Director of Community Services will be invited to comment to the Committee of Adjustment that convenes to consider the acquisition and assumption. The Planning Department will consider the implications of the road assumption to ensure that any natural severances conform to the Official Plan policies and Zoning By-law regulations.
- g) Any formal requests and petitions for road assumption received after August 31st will not be considered until the following year to avoid unreasonable demands on the

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Municipality’s winter control operations.

- h) The assumption of roads may be implemented through a Development Agreement to the satisfaction of the Director of Public Works and Engineering. The Agreement will include the approved drawings, cost estimates, and securities for the proposed road works.

### **Municipal Road Standards**

Appendix “A” to this policy provide specifics for the Minimum Road Construction Standards that must be met prior to the assumption of any unmaintained municipal road or private road.

Road improvement and work necessary to bring a road up to the standards listed in Appendix “A” may include property acquisition for road allowance widening and/or turnarounds, tree removal, road base and/or surface improvement, drainage improvement, horizontal and vertical alignment improvements, removal of encroachments and signage installation.

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### Road Standards for Adoption of Rural Roads

<u>Design Criteria</u>	<u>Minimum Standard</u>
Right of Way Width	20.0
Design Speed	60 km/hr
Posted Speed	40 km/hr
Horizontal Radius	60.0m*
Maximum Grade	8.00%
Minimum Grade	0.5%
Kcrest	1 8
Ksag	15
Min Stopping Sight Dist	85.0 m
Min Number of Lanes	2
Lane Width	3.35 m
Shoulder Width	1.0 m
Platform Widening	OPSD 209.010, OPSD 200.010, OPSS 206
Horizontal Clearance	3.0 m
Vertical Clearance	5.25 m
Turn Arounds	OPSD 500.01 or equivalent
Granular Surface	150 mm Granular 'A'
Granular Base	400 mm Granular 'B'
Surface Type (ADT < 400 vpd)	Gravel
Surface Type (ADT > 400 vpd)	60mm Superpave 12.5 PGAC 58-34
Compaction	OPSS.MUNI 501
Signage	As specified in the Ontario Traffic Manual
Drainage	Ditches to be 300mm below granular base and outletting to and adequate receiving watercourse
Streetlights	At main intersection

**Notes:**

- 1 Deviations from the minimum standard may be approved by the Director of Public Works and Engineer where the minimum standards cannot be achieved. The deviation must not result in any significant loss of safety or increased maintenance costs to the municipality.
- 2 The standards detailed above apply only to the assumption of private roads or roads constructed on unopened road allowances and are not the standards applicable to new construction after the date of the adoption of the standard by Municipal Council.

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**Definitions**

Kcrest – Road design factor for a vertical curve which when viewed from the side is convex upwards. ie. A hill

Ksag – Road design factor for a vertical curve which when viewed from the side is concave upwards. ie. A valley

ADT – Average Daily Traffic

Vpd – vehicles per day



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## **REPORT TO PUBLIC WORKS COMMITTEE**

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**MEETING DATE:** January 15<sup>th</sup>, 2024  
**FROM:** Alex Hackenbrook, Public Works Manager  
**SUBJECT:** Manager's Report (From December 11th to January 12th)

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### **Outdoor Ice Rink**

Staff tried their very best to make the Outdoor Rink operational before the Christmas Break. The base formed was in fact skateable but due to the warmer temperatures it was lost.

Over the past few weeks staff have been out at night continuously flooding the rink in preparation to open it for the winter season. As of Friday the 5<sup>th</sup> of January, the rink has enough base depth of ice to be deemed useable & open. Staff will continue to monitor the Outdoor Rink & complete nightly floods, when possible, to maintain the ice surface.

Upon further inspection of the Olympia Ice Resurfacing machine, there are a few outstanding parts such as a Felt Towel for the conditioner that will need to be ordered & installed before it becomes fully operational.

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### **Newly Introduced Equipment Logs**

With an effort to stay accountable for the Equipment Maintenance of the Public Works Department, a "Equipment Maintenance Log" has been introduced. This log has a specific section for each piece of equipment & assigned vehicle number (Trucks & Heavy Equipment). The Equipment Log is categorized, consisting of time/date of work, parts require, who performed the service, the maintenance performed, milage/hours of the vehicle & notes for future reference.

These logs were put in place to keep the equipment within the service intervals, allow the tracking of cost & maintenance as well as have records for the work that was completed to the vehicles/equipment.

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## **GIS System & Future Works Planning**

Following a seminar presented to myself by the Township GIS contractor, it was adopted that using the GIS system to map out problem areas or road sections that need attention throughout the Township would be a highly utilized tool withing Public Works.

By using past work documentation, patrol logs & resident complaint/inquiries to assist future Departmental Operations, plans for upcoming work throughout the Township will be implemented. A few of these plans in the making consist of a Brushing Program, Ditching Program, Road Grading Program & Road Rehabilitation Program.

The locations for these programs within the Township will be prioritized by urgency & importance, taking into consideration such factors as seasonal damage, problem areas & areas where reoccurring issues arise. Future planning with these programs would give a transparent view of what work is to be done, when the projects will commence & the location it will be performed.

The GIS system can also be used to document such things as work orders, traffic data, bridge/culverts with locations & condition as well as input service requests. Information logged within the GIS program can then be used to generate reports on these matters for future proceedings.

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## **Work Order & Time Sheet Input System**

Upon review of the current time sheet/workorder input process, I believe there are other ways to do this that would result in more productive time management for staff. I have found a old collection of tablets in the Public Works shop that are operational & assigned to each vehicle.

I would like to propose using the tablets for creating & submitting work orders, by staff, to the PWM. With a system like this in place it would not only make it easier to track, assign & review ongoing work projects but also make it easier for the PW Clerk to review for timesheet submissions.

Depending on what service provider is available at the time, I would also like to propose the use of the tablets for timesheets. If staff already have access to the available tablets & are using them for work-order submissions, we could utilize the system by allowing staff to submit their end-of-day time electronically through the tablets. Not only can staff submit work orders but the PWM would be able to created work orders & assign them to individual staff through this system.



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This process would allow us to keep all bookkeeping for staff in one place making it easily accessible to review, assign & approve. Currently this process is done on paper & being redone multiple times by multiple staff & departments. This would in theory, streamline the workorder/timesheet process freeing up time for the PW Clerk as well as keeping good records retention within the department.

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**Smaller Mentions:**

Engine Arrived for Pumper #4  
Spot Grade Roads & Apply Material Where Required  
Cold Patch Development Road, Trunk Road & Railway  
Winter Snow Removal Operations  
Brushing Operations, Sightlines & Problem Areas – Greenwood & Boundary  
Trapper Contacted for Beaver Issue on Boundary Rd  
Sign Straightening & Replacement  
Yearly Review Survey for Staff  
General Maintenance & repairs on Plow Trucks  
General Maintenance & repairs on Backhoe  
Daily IHSA safety talks to commence in spring

[< List](#)

## Service Requests

### Snow Plowing

ID 61

Email Notification PW (<pwmanager@bonfieldtownship.com>, <cao.clerk@bonfieldtownship.com>)

Inquiry Type Snow Plowing

Location of Concern Driveway end - mailbox

Received Date 2024-01-04

Received By Alex Hackenbrook

Received Via Phone

From Name

From Phone UNKNOWN

From Address

Description [REDACTED] complained the snow plow did not plow close enough to [REDACTED] mailbox at the end of her laneway

Notes Inspection completed - Findings were that of the snowplow followed the contour of the roadway, residents mailbox is set back from roadway off to the side of laneway. Photos before & after were taken & pickup plowed the remainder of the snow. Will speak to plow operator regarding this issue to see if he can move over another 6-12" to grab excess snow in front of mailbox for future

Inspection Date 2024-01-04

Status Complete

Label 2024-01-04 - Snow Plowing - Complete



# Township of Bonfield

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## Vehicle Maintenance Log

Date	Vehicle	Parts Required	Maintenance Performed	Performed By	Millage / Hours	Notes