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Township of McGarry REPORT TO COUNCIL

Report Title:	Sander
Prepared By:	Karine Pelletier and Mark Brown
Date:	October 2023

In January 2023, the Public Works Superintendent addressed Council regarding the state of the current Sander the Township owns and the Public Works crew operated at the time.

The Public Works Superintended, Mark Brown attended the special council meeting in open session of January 25, 2023 to discuss these options with Council. It was explained that the 1986 International Sander was in dire need of replacement. It was decided at the time to purchase a 1999 International 4900 Sander with 132,941 KM, Engine DT466E and Transmission: Eaton 6 Plus at a cost of \$14,000.00 plus tax.

On February 2, 2023, the Public Works Superintendent sent Council an email stating that he was cancelling the purchase of the Sander due to false information supplied to the Township from the seller. Unfortunately, the Township was obligated to go through with the sale since payment has already been issued and the Sander had been picked up by our crew.

After the purchase, the Sander was brought to Pioneer Diesel in New Liskeard to be inspected. They were unable to schedule the safety until spring. After the inspection was done it was determined that they were unable to do the repairs due to the possible scope of work.

The Superintendent was able to find an International dealer to inspect the Sander out of North Bay. Centerline hauling brought the vehicle down to North Bay to be inspected. When the truck was hoisted up, they noticed that the frame had stress cracks and welds opening. This was only visible when the truck was hoisted as the weight was pulling down. The front suspension bearings and wheel bearings were found to have some play in them, also only noticeable when lifted in the air. Two inner wheel rims on the rear would need to be replaced as per rust condition, which was noticed when tires were removed for inspection.

The Sander unit alone was reported as in good condition and reusable. There mechanic service manager estimates the repairs to be at least \$20,000.00 or more to repair the chassis properly. Once they start the repairs, they are concerned that further issues will arise, due to the age of the vehicle.

With that said, they **do not recommend** repairing the Sander. We could possibly get a new chassis to put the sander unit on or sell the sander unit. The current Sander is no longer operational due to mechanical issues and safety concerns, which means the Township has no way to sand the streets currently.

We could advertise the sale of the 1999 International Sander and the 1988 International Sander on Gov Deals to recover some of our costs.

This purchase is considered essential to prevent delays in work and could involve additional costs and danger to life. Due to the time crunch we were facing, Mark has made arrangements with Township of Larder to sand the streets if there is a snow fall before a new Sander is purchased and delivered. Mark will continue to look for other options over the rest of the week and the weekend.

Option 1:

Purchase a 2012 Freightliner Plow Truck with reversible angling plow and wing and with a removeable spreader and dump body with quick change system. Price \$89,000.00 + HST - Certified with financing available. We do have \$25,000.00 in budget for the Sander for this year and we are able to allow another \$25,000.00 from the Public works budget for a total of \$50,000.00. With a down payment of \$50,000.00, we could finance the remaining balance over 36 months \$1,681.48 per month.

Option 2:

2010 Peterbilt 340 Snow-Plow Sander Truck with a spreader in Midhurst Ontario - \$75,000.00 + HST. Certified. (Truck is currently on hold for another buyer)

Option 3:

2010 Freightliner M2 Single Axle Snowplow with spreader – Not Certified – Price \$49,950.00 + HST.

Option 4:

2013 Western Star single axle with spreader – Certified – Price \$87,000.00 + HST.

Option 5:

Truck with Sander and front blade – in Quebec not Certified. – Price \$55,000.00 + HST.

Option 6:

2021 Freightliner 108SB Plow Combo - \$330,000.00. Can be shipped to Timmins. Financing available. Availability unknown currently.

RECOMMENDATION

THAT Council have received and read the report on the Sander and directs the Clerk and Superintended to move forward with Option____ (to be determined at the meeting).

Respectfully Submitted by:

Karine Pelletier, Clerk-Treasurer and Mark Brown, Superintendent.



TOWNSHIP OF MCGARRY REPORT TO COUNCIL

Report Title:	Filling of Vacancies on Municipal Council
Prepared By:	Karine Pelletier – Clerk-Treasurer
Date:	October 11, 2023

Councillor Truchon resigned on October 10, 2023 and Council accepted the resignation at the Regular Council Meeting of October 10th, 2023. The next step will be to declare the seat vacant at the October 16, 2023 Special Meeting. After the seat is declared vacant, Council will have 60 days to fill the vacancy.

Background: When a vacancy on the Municipal Council occurs, Section 262(1) of the Municipal Act requires that the seat be declared vacant at the next meeting. Council will then need to decide how to fill the vacant seat. They can fill the seat by an Appointment Process or through a By-Election Process.

Analysis:

Within 60 days after a seat is declared vacant, under Section 263 (5) of the Municipal Act, a municipality shall,

- i. Appoint a person to fill the vacancy.
- ii. Pass a by-law requiring that a by-election be held to fill the vacancy. The by-election must be held in accordance with the Municipal Elections Act, 1996.

Particulars:

The Municipal Council can appoint any person who is qualified to hold municipal office. Qualifications are as follows:

- 18 years of age or older.
- A Canadian Citizen.
- A resident of the Township of McGarry, an owner or tenant of land in the Township of McGarry or a spouse of such an owner or tenant.
- Not prohibited from voting under any Act or from holding municipal office.

Options A – Filling the Vacancy by Appointment

There is no legislation that regulates the appointment process to which the Municipal Council must follow to fill the vacancy. If Council chooses to fill the vacancy by appointment, they can determine how they want to proceed. Examples: Appointment can be done in many different ways: The Council can choose the individual who had the most votes at the last election, they can appoint any qualified individual they chose, they can request applications and hold interviews, they can request that qualified individuals submit a letter of interest, etc.... It is the decision of Council how the appointment is done but it must be done no later than 60 days after the seat is declared vacant.

Pros:

- No significant financial impact.
- Appointment process will be quick.
- Candidate selection and appointment will be conducted in an open session in front of taxpayers and general public.
- It is possible to attract a wide selection of qualified individuals.

Cons:

- Some taxpayers may question the selection process and prefer that the vacancy be filled using the By-election process.
- Uncertain as to how many qualified individuals will apply.

Option B – Filling the Vacancy by By-election

If Council chooses to fill the vacancy through a by-election, a by-law requiring that a by-election be held must be passed within 60 days that the seat is declared vacant. Once the by-law to authorize a by-election is passed, the Clerk will set nomination day to be not less than 30 days and not more than 60 days of the passing of the by-law. The timeline to hold a by-election is in accordance with the Municipal Elections Act, 1996 (MEA). The MEA requires the Clerk to establish the dates and hours of the advance vote. The MEA states that voting day shall be 45 days after nomination day.

Example of timeline:

If the seat is declared vacant, and the by-law was passed during the Regular Meeting of Council on Monday, October 16th, 2023:

Nomination Day is somewhere between 30 days to 60 days after the seat is declared vacant. Therefore, the nomination day will take place no sooner than November 14th, 2023 and no later than December 13th, 2023. Voting day shall take place 45 days after nomination day. As a result, the by-election must take place no sooner than November 29th, 2023 and no later than January 26, 2024.

Pros:

- The filling of the vacancy will be in the hands of the Township of McGarry Taxpayers.
- Process may provide a wider selection of candidates.

Cons:

- Financial cost associated with the running of a by-election (approximately \$7,000 – \$12,000)
- Regulated time frame as required under the Municipal Elections Act.
- By-Election process may take several months to fill the vacancy.
- No guarantee of the number of nominations that will be submitted.

The feedback received from “Facebook” after the last resignation was not very positive. The public felt that their input was not taken into consideration. If Council choses to fill the vacancy by appointment and attempt to make the process more transparent while considering the taxpayers input, the following process could be considered:

- a) Have interested individuals submit a letter of interest before a certain time and date. Council could then decide on the successful candidate.
- b) Have interested submit applications and hold interviews. Council could also decide on the successful candidate.

Applicable Legislation: Municipal Elections Act

Respectfully Submitted by:

**Karine Pelletier
Clerk-Treasurer**