

A BY-LAW TO APPOINT A ROAD SUPERINTENDENT IN THE TOWNSHIP OF Westmeath

IN THE COUNTY DISTRICT OF Renfrew

WHEREAS it is desirable that the laying out and supervision of all work and expenditure upon improvement and maintenance of roads within the exclusive jurisdiction of this Council should be under the supervision of a Road Superintendent, acting under its direction.

AND WHEREAS it is the desire of this Council to take advantage of The Highway Improvement Act and to receive the Government grant as provided in the said Act.

BE IT THEREFORE ENACTED by the Council of the municipal corporation of the said township and it is hereby enacted,

1. That Mr Walter Iwast Pembroke RR1  
(name) (address)

is appointed Road Superintendent in the said township to act as aforesaid in accordance with the provisions of the said Act from the 13 day of April 19 61 and during the pleasure of the said Council.

2. That the Road Superintendent shall be paid at the rate of \$ 350.00 per month for such time as he may be so employed.

3. THAT it shall be the duty of the superintendent to lay out and supervise all work and expenditure on roads within the exclusive jurisdiction of this Township Council in accordance with the provisions of the Highway Improvement Act.

4. THAT all by-laws or parts thereof and all and any resolutions of said Council contrary hereto or inconsistent herewith, be and the same are hereby repealed.

5. THAT two certified copies of this by-law be forwarded by the clerk without delay to the district office of the Municipal Roads Branch, Department of Highways.

6. THAT this by-law shall not come into force until approved by the Minister of Highways, as provided in the Highway Improvement Act.

READ A THIRD TIME AND PASSED THIS 15 day of April 19 61

(SEAL)

CLERK

REEVE

S. E. Davison Clerk of the Corporation of the Township of Westmeath

do hereby certify that the foregoing is a true copy of By-Law No. \_\_\_\_\_ passed by the council of the said Corporation on the 15 day of April 19 61

TOWNSHIP CLERK

OFFICE LOCATION—

DOWNSVIEW AVE.,  
KEELE ST. — HIGHWAY 401  
TORONTO, ONTARIO.



ONTARIO  
DEPARTMENT OF HIGHWAYS

POSTAL ADDRESS—

DEPARTMENT OF HIGHWAYS,  
PARLIAMENT BUILDINGS,  
TORONTO 5, ONTARIO.

May 29, 1961

Mr. S.E. Davison  
Clerk-Treasurer  
Township of Westmeath  
BEACHBURG, Ontario

Dear Sir:      Re: By-law No. 1037 - Appointment of a  
Road Superintendent

By-law No. 1037 of the Township of Westmeath was forwarded to the undersigned by District Municipal Engineer Mr. J.H. Cook, who had also sent copies of two Resolutions of the Council of the Township of Westmeath dated April 12th concerning the dismissal of Road Superintendent Condie and the appointment of a successor. It is my duty to advise you on such By-laws and make recommendations with respect to them to the Honourable the Minister of Highways, when submitted to him for his consideration.

It is only fair that I should inform you that I am unable to recommend this By-law for the Minister's consideration for the reason that Mr. Condie seems to have been the victim of circumstances for which he should not be held responsible.

According to the Resolution which was passed on his duties, the reason was that he disobeyed the Council in moving the Township equipment to a new site. This may be true. However, I am informed that he was acting on the advice of our District Municipal Engineer and it is my duty to advise you in such a situation the Superintendent is in a difficult position. Reference to the Highway Improvement Act which he is subject to direction of the Council and that all actions shall conform to such requirements as the Minister may require. Certainly the Minister did not prescribe any requirements for moving the machinery but the representative of the Council was not in favour of the move, at least at the time. I am satisfied that the site chosen, or its location, was all that could be desired nor did he think it was necessary to move the machinery, tools and supplies to an open site. There was no urgent need to do so. Whether he was right or wrong in my opinion does not matter but he did foresee that if your Council would wish to construct a new main road if the site were not approved the Township would incur additional expense as well as the risk of injury to the machinery in the open. In other words the move seemed to be very costly to the Township.

Mr. S.E. Davison

May 29, 1961

Under the circumstances the Superintendent no doubt felt that he was acting in the best interest of the Township in not carrying out the direction of the majority of the Council until the new machine shed issue was resolved.

Reports that have reached me from various sources indicate that Mr. Condie has given your Township excellent service in the five years since his appointment and even if there had been little or no excuse for his failure to act on Council's direction in this instance, the loss of his position is an extremely severe penalty.

Your Council is aware, of course, that a By-law appointing a road superintendent is subject to the approval of the Minister and when so approved shall not be repealed or amended without his consent in writing. The Resolution which was passed to relieve the Superintendent of his position disregarded the necessity for the Minister's consent.

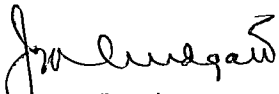
I am further informed that the Resolutions and By-law were adopted by the barest possible majority and I may as well tell you that the Minister would approve such action when it lacks unanimous Council support only if he had the strongest evidence of misdoing on the part of the superintendent. He would be far from satisfied to approve the action in this case.

With respect to the appointment of a new superintendent it is our practice to require that the position be advertised at a stated salary except where the appointment is in the nature of a promotion of an experienced employer. This requirement, too, has been disregarded and would have to be met even if the Minister were to approve the removal of the previous superintendent.

It must be realized that the removal of one superintendent and appointment of another without the Minister's approval places the new superintendent's salary, and also all expenditures carried out under his supervision, in jeopardy for subsidy purposes.

It is my hope that those members of your Council who acted so ill-advisedly in this matter will realize that they have not acted in the best interest of the Township and that they will support the repeal of the Resolutions and By-law that can have such an adverse effect on the operation and financing of the Township road operations.

Yours very truly,

  
J.W. Ludgate  
Municipal Engineer

:GG  
c.c. Hon. F.M. Cass, Q.C.

The sale begins when the prospect says he wants only the minimum coverage policy. Sell him the protection your knowledge and experience indicate he should have.

**ZURICH**

April 15, 1961

Bylaw No. 1037

appointing Mrs Duast Road  
Superintendent

not approved.