

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW #354 (1976)

Being a by-law to authorize the Mayor and Clerk to enter into an agreement with the Ministry of Transportation & Communications for a "Road Needs Study."

WHEREAS Council deems it desirable to enter into an agreement with the Ministry of Transportation & Communications for a "Road Needs Study" for the Town of Pelham;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) THAT the agreement attached hereto and made part of this by-law be and the same is hereby approved.
- (2) THAT the Mayor and Clerk be and each of them is hereby authorized and instructed on behalf of the Corporation of the Town of Pelham to execute the said agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
2nd. DAY OF February, 1976 A.D.


MAYOR


CLERK

MEMORANDUM OF AGREEMENT made in triplicate this
sixteenth day of January, A.D.1976,

BETWEEN: HER MAJESTY THE QUEEN in right of the
Province of Ontario as represented by the
Minister of Transportation and Communications,
hereinafter referred to as the "Minister"

OF THE FIRST PART,

-and-

THE CORPORATION OF THE TOWN OF PELHAM, in the
Regional Municipality of Niagara,
hereinafter referred to as the "Municipality"

OF THE SECOND PART.

WHEREAS the Municipality entered into an agreement
dated the 3rd day of November, 1975, with Proctor and Redfern
Limited, a firm of Consulting Engineers, incorporated under
the laws of the Province of Ontario, having its office at
110 James Street, St. Catharines, Ontario, hereinafter referred
to as the "Consultant" to carry out a Road Needs Study;

AND WHEREAS the Study will investigate the 10-year
improvement needs of the road system, estimate the cost of
construction needs, establish road improvement priorities,
evaluate the present recording system of maintenance
expenditures, and prepare a summary report of the findings in
accordance with the "Methods Manual, Municipal Road Systems
Needs Measurements" and the "Inventory Manual, Municipal Roads
and Structures" prepared by the Ministry of Transportation and
Communications;

AND WHEREAS the Municipality has requested the Minister
to contribute toward the cost of the Study and Report:

NOW THEREFORE THIS AGREEMENT WITNESSETH that in
consideration of the premises the parties hereto agree as
follows:

1. That the Minister and the Municipality shall appoint
representatives to a Study Committee responsible for
the general direction of the Study.
2. That the Minister shall contribute a sum of money up to
75% of the cost of the study which is Twelve Thousand,
Eight Hundred and Fifty Dollars (\$12,850.00), namely,

a sum of money up to but not in excess of Nine Thousand, Six Hundred and Thirty-Seven Dollars and Fifty Cents (\$9,637.50).

3. That the Minister shall not contribute to the cost of any item of work that in the opinion of the Minister, is not an integral part of the Study.
4. That the Minister shall pay to the Municipality upon receipt of an invoice or invoices approved by the Study Committee, paid by the Municipality, in such form and detail as the Minister may require, the share of the cost of the Study and Report attributable to the Minister.
5. That the Municipality shall obtain from the Consultant all records, plans, statistics and data collected or produced in the course of making the Study and Report and make the same available to the Minister upon written request so to do.
6. That the Municipality shall keep a separate account of all expenditures relating to the Study and Report incurred by it together with supporting documents, vouchers, receipts, statements and records connected therewith and make the same available to the Minister for examination or audit and assist the Minister with such examination or audit.
7. That the Municipality shall require that the Consultant keep a detailed record of the hours worked by its staff in carrying out the Study and that the Minister may inspect and audit the books, payrolls, accounts and records of the Consultant at any time with respect to any item which the Minister is required to pay either directly or indirectly pursuant to this agreement.

8. That the Municipality will keep the records, plans, statistics and data collected or produced in the course of making the Study and Report intact and available to the Minister for a period of five (5) years from the end of the calendar year in which the Study and Report were completed.
9. That the Municipality shall require the Consultant to prepare a report of the results of the Study and supply the Minister with 15 copies, free of charge.
10. That the Municipality warrants that it has done all acts and obtained all approvals necessary to authorize the Municipality to enter into this agreement.

IN WITNESS WHEREOF the Minister of Transportation and Communications on behalf of the party of the First Part has hereunto set his hand and the party of the Second Part has affixed its corporate seal attested by the hands of its proper officers duly authorized in that behalf.

SIGNED AND SEALED this day of A.D.1976.

Minister of Transportation and Communications

THE CORPORATION OF THE TOWN OF PELHAM

Mayor

Clerk

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