

**THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
BY-LAW NO. 2004-005
BEING A BY-LAW TO AUTHORIZE AN EXPANSION TO THE
WINTER MAINTENANCE CONTRACT
WITH PEDERSEN CONSTRUCTION INC.**

Whereas under Section 8 of the Municipal Act, 2001, S.O., 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

And whereas under Section 9. (1) (a) and (b) of the Municipal Act, 2001, S.O., 2001, c.25, as amended, Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

And whereas the council of the Town of Haileybury adopted By-law No.2003-074 to enter into an agreement with Pedersen Construction Inc. for winter maintenance to December 31, 2003.

And whereas the Transition Board for the Municipality of New Liskeard-Haileybury-Dymond adopted By-law No.2003-025 to enter into an agreement with Pedersen Construction Inc. for winter maintenance for the period of January 1st, 2004 to April 16th, 2004.

And whereas the council of the City of Temiskaming Shores deems it expedient to expand the existing agreement with Pedersen Construction Inc. to include winter maintenance of Lakeshore Road, Whitewood Avenue, Armstrong Street, High Street and Shepherdson Road.

NOW THEREFORE the council of the City of Temiskaming Shores enacts as follows:

1. That the council of The Corporation of the City of Temiskaming Shores agrees to expand the existing agreement with Pedersen Construction Inc.
2. That the said agreement be attached hereto as Schedule "A" and forms part of this by-law.
3. That the "Winter Contract Route "A" map be attached hereto and forms part of this by-law.
4. That the Mayor and Clerk are hereby authorized to sign and seal said agreement on behalf of The Corporation of the City of Temiskaming Shores.

READ a FIRST AND SECOND TIME this 12th day of January, 2004.

Mayor

Clerk

READ a THIRD TIME and FINALLY PASSED this 12th day of January, 2004.

Mayor

Clerk

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SCHEDULE "A" TO BY-LAW 2004-005

THIS AGREEMENT made in triplicate this 12th day of January, 2004.

BETWEEN: THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
(hereinafter called "Corporation")
OF THE FIRST PART

AND: PEDERSEN CONSTRUCTION INC.
(hereinafter called "Contractor")
OF THE SECOND PART

WHEREAS the Corporation has requested proposals for the provision of equipment and manpower to assist in the winter control operations within the municipal boundaries;

AND WHEREAS the Contractor has agreed to provide those services in accordance with terms outlined in the Request for Proposal number TOH2003-04;

NOW THEREFORE THIS AGREEMENT WITNESSETH that, in consideration for the fees outlined in Appendix 2 of the noted Request for Proposal, the parties hereto agree as follows:

1. The Contractor hereby agrees to provide a Combination Plow and salt/sander body with spreader controls, complete with Operator, for a total hourly rate of \$86.00.
2. The Contractor hereby agrees to provide an Operator/Patrol person, complete with Patrol Vehicle, for a total hourly rate of \$48.00.
3. The term of the Agreement shall be from January 1st, 2004 to April 16th, 2004.
4. Corporation may terminate this agreement at any time in accordance with the terms and conditions as described in the Request for Proposal as submitted by the Contractor on August 21st, 2003.

IN WITNESS WHEREOF the parties hereto have executed this agreement.

SIGNED, SEALED AND DELIVERED this 12th day of January, 2004.

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES

MAYOR

CLERK

PEDERSEN CONSTRUCTION INC.

PRESIDENT

SECRETARY TREASURER