

**THE CORPORATION OF THE
TOWN OF MATTAWA**

AGENDA

**REGULAR MEETING OF COUNCIL
MONDAY, APRIL 13TH, 2015
7:00 P.M.**

**MUNICIPAL COUNCIL CHAMBERS
160 WATER STREET
MATTAWA, ONTARIO**

THE CORPORATION OF THE TOWN OF MATTAWA
A G E N D A
MUNICIPAL COUNCIL CHAMBERS
160 WATER STREET
MATTAWA, ONTARIO
MONDAY, APRIL 13TH, 2015 @ 7:00 P.M.

- 1. Call to Order**
- 2. Disclosure of Pecuniary Interest and Nature Thereof**
- 3. Petitions & Delegations**
 - 3.1 Reg Belanger – Re: Water Treatment Plant Roof Repair Contract
- 4. Correspondence**
 - 4.1 DNSSAB – Re: Nipissing District Housing Registry Moves Downtown
Social & Family Services Committee – Clerk
 - 4.2 FONOM – Re: Ontario Government Announces Permanency of NIER Program
Electricity, Gas & Telephone Committee – Clerk
 - 4.3 FONOM – Re: 2015 FONOM/MMAH Northeastern Municipal Conference May 6-8
General Government Services Committee – Clerk
 - 4.4 Ministry of Citizenship, Immigration & International Trade – Re: Lincoln M. Alexander
Award 2015
General Government Services Committee – Clerk
 - 4.5 Sylvia Jones, MPP – Re: Bill 36, Respecting Private Property Act, Passed Second Reading
General Government Services Committee – Clerk
 - 4.6 Minister Responsible for Seniors Affairs – Re: Senior Achievement Award
Social & Family Services Committee – Fire Chief
 - 4.7 MCSC – Re: Municipality Achieved Compliance
Fire Department Committee – Clerk
 - 4.8 Ministry of Tourism, Culture & Sport – Re: Celebrate Ontario 2015 Funding Approval
Recreation, Tourism & Special Projects Committee – Director of Recreation, Tourism &
Special Projects Committee
 - 4.9 Lisa Thompson, MPP – Re: Bill 66, Great Lakes Protection Act 2015
Environmental Services Committee – Clerk
 - 4.10 AMO – Re: Developments In Housing & Homelessness Prevention
Social & Family Services Committee – Clerk

Monday, April 13, 2015
Correspondence – Cont'd

- 4.11 Canadian Cancer Society – Re: Thanks to All Cancer Society Volunteers
Health Services Committee – Clerk
- 4.12 AMO – Re: Financial Impacts of Energy Projects Workshops
General Government Services Committee – Clerk
- 4.13 DNSSAB – Re: Free Info Available Through 211 Ontario
Social & Family Services Committee – Clerk
- 4.14 Accessibility Directorate of Ontario – Re: Recruitment for New Chair & Members
General Government Services Committee – Clerk
- 4.15 AMO – Re: Ministry of Education Releases New Process for School Closures
General Government Services Committee – Clerk
- 4.16 AMO – Re: Report to member Municipalities Highlights of March 2015 Board Meeting
General Government Services Committee – Clerk
- 4.17 The Premier of Ontario – Re: Letter of Thanks for Council's Resolution
General Government Services Committee – Clerk
- 4.18 Township of Papineau Cameron – Re: Highway Planning Study
Planning & Development Services Committee – Clerk
- 4.19 DNSSAB – Re: Board Minutes from February 17, 2015
Social & Family Services Committee – Clerk
- 4.20 Anita Frayne, SWEAR – Re: Letter for Council Consideration Concerning Wind Turbines
General Government Services Committee – Clerk
- 4.21 FONOM – Re: State of the North Summit
General Government Services Committee – Clerk
- 4.22 Continuous Improvement Fund – Re: REOI Tips & Tools 3
General Government Services Committee – Clerk
- 4.23 AMO – Re: Weekly Watch File March 26, 2015
General Government Services Committee – Clerk
- 4.24 Municipality of Callander – Re: MTO Rehabilitation of Highway 654 Resolution
Transportation Services Committee – Clerk
- 4.25 Ministry of Economic Development, Employment & Infrastructure – Re: AODA Reporting
General Government Services Committee – Clerk

Monday, April 13, 2015

Correspondence – Cont'd

- 4.26 Ministry of Finance – Re: Education Property Tax Rates
Finance Committee – Clerk
- 4.27 Township of Southgate – Re: Resolution, Bill 52, Protection of Public Participation Act
General Government Services Committee – Clerk
- 4.28 Nipissing District Housing Corporation – Re: Mattawa's Representative on NDHC Board
Social & Family Services Committee – Clerk
- 4.29 Ernie Hardeman, MPP – Re: Requesting Support for Housing Act
Social & Family Services Committee – Clerk
- 4.30 AMO – Re: Weekly Watch File March 19, 2015
General Government Services Committee – Clerk
- 4.31 Jacques Begin – Re: MTO Community Transportation Grant Application Successful
Health Services Committee – Clerk
- 4.32 MCIIT – Re: Request to Proclaim June as Seniors' Month
Social & Family Services Committee – Clerk
- 4.33 NBMCA – Re: Meeting Minutes of January 2, 2015
Conservation Authority Committee – Clerk

5. Questions/Comments (public & Council) about the Content of the Agenda

6. Municipal Report Number 709

- Minutes of Previous Meeting (s)
- Presentation of By-laws/Resolutions
- Adoption of Report

7. Committee Reports

- 7.1 Jacques Begin – Re: Mattawa Beautification

8. Questions from the Floor

9. New/Old Business

10. 2/3 (Special Resolutions – not previously circulated)

11. In Camera (Closed)

- 11.1 CEO Interview/Hiring Process

Monday, April 13, 2015
Correspondence – Cont'd

12. Return to Regular Session

13. Adjournment

Monday, April 13, 2015

Members of Council,

Attached please find Municipal Report Number 709 for consideration by Council.

Respectfully submitted

Francine Desormeau
Clerk (Interim)

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THE CORPORATION TOWN OF MATTAWA

COMMITTEE: GENERAL GOVERNMENT SERVICES

CHAIRPERSON: COUNCILLOR L. MICK

DEPT. HEAD: FRANCINE DESORMEAU, INTERIM CLERK

TITLE: ADOPTION OF THE MINUTES

Draft By-Law

Item

Policy Recommendation

Mayor D. Backer and Members of Council:

It is respectfully recommended to Council that the minutes of the Regular Meeting of Monday March 23, 2015, Special Meeting of Tuesday March 24, 2015, Special Meeting of Thursday March 26, 2015, Special Meeting of Monday March 30, 2015 and Special Meeting of Thursday April 9, 2015 be adopted as circulated.

Councillor L. Mick

THE CORPORATION OF THE TOWN OF MATTAWA

The minutes of the regular meeting of Council held Monday, March 23rd, 2015 at 7:00 p.m. in the Municipal Council Chambers.

Present: Mayor Backer
Councillor C. Lacelle
Councillor G. Thibert
Councillor L. Mick
Councillor C. Bastien Jr. **
Councillor D. Sarrazin
Francine Desormeau, Interim Clerk

*When a recorded vote is requested and the minutes indicate the recorded vote was "Unanimous" it means all Councillors present and noted above voted in favour unless otherwise indicated.

1. Meeting Called to Order
2. No Disclosure of Pecuniary Interest and Nature Thereof – None Declared
3. Petitions & Delegations
 - 3.1 Ms. Michelle Glabb, Manager Social Services, and Mr. Joe Bradbury, CAO of DNSSAB made a special presentation to Mayor Dean Backer for his years of service on the DNSSAB Board and presented him with a plaque of excellence.
 - 3.2 Anne Brule of Innovation Initiatives Ontario North made a presentation to Council outlining their funding programs which supports entrepreneurs and innovative companies by providing a 16 week student internship placement.
4. Correspondence
5. No Questions/Comments about the Content of the Agenda
6. Municipal Report Number 708

Page No. 69

It is respectfully recommended to Council that the minutes of the Regular Meeting of Monday March 9, 2015 be adopted as circulated.

Carried

Page No. 70

That the Town of Mattawa participate in Autism Ontario's "Raise the Flag" campaign and proclaims April 2, 2015 as World Autism Awareness Day.

Carried

Page No. 71

It is therefore recommended that the attached Waterfront Marina Fuel System report which includes the fee structure from Morrison Hershfield be accepted and that the work as stated in the report commence immediately.

Withdrawn with the approval of Council

Page No. 72

It is recommended that Council formally accept the 2014 Summary Waterworks Report as submitted by the Public Works Department.

Carried

Page No. 73

That Council of the Town of Mattawa authorizes Administration to request proposals for municipal insurance coverage for the years 2015-2016 from Municipal Insurance Services, BFL Canada, Blue Sky Insurance Brokers, Frank Cowan Company and AON Reed Stenhouse. A notice will also be posted on the website advising that the Municipality is seeking proposals for municipal insurance coverage. The deadline for submission of proposals will be Friday May 1, 2015.

Carried

Resolution Number 15-36

Moved by Councillor C. Lacelle

Seconded by Councillor L. Mick

That the Municipal Report Number 708 be adopted

Carried

7. Committee Reports

** Councillor C. Bastien, Jr. arrived at 7:29 pm during the Committee Reports section of the agenda.

8. Questions from the Floor

9. New/Old Business

10. 2/3 (Special Resolutions – not previously circulated)

11. In Camera (Closed) Session

Resolution Number 15-37

Moved by Councillor C. Lacelle

Seconded by Councillor G. Thibert

- 2/3 *That this Council proceed in Camera to address a matter pertaining to Personal Matters about an identifiable individual, including municipal or local board employees;*
Carried

Resolution Numbers 15-38

Moved by Councillor C. Lacelle

Seconded by Councillor C. Bastien, Jr.

- 2/3 *That the special meeting reconvene from the In Camera session at 9:19 p.m.*
Carried

Mayor Backer stated that the in-camera session was to finalize procedures for the CEO interviews process..

12. Return to Regular Session

13. Adjournment

The regular meeting of Council Monday, March 23rd, 2015 adjourned at 9:25 p.m.

Mayor

Clerk

THE CORPORATION OF THE TOWN OF MATTAWA

The minutes of the special meeting of Council held Tuesday, March 24, 2015 at 4:30 p.m. in the Municipal Council Chambers.

Present: Mayor D. Backer
Councillor C. Lacelle
Councillor G. Thibert
Councillor G. Larose
Councillor L. Mick
Councillor C. Bastien Jr.
Councillor D. Sarrazin
Francine Desormeau, Clerk (Interim)

*When a recorded vote is requested and the minutes indicate the recorded vote was "Unanimous" it means all Councillors present and noted above voted in favour unless otherwise indicated.

2. Meeting Called to Order
2. No Disclosure of Pecuniary Interest and Nature Thereof (None)
3. Committee Reports (None)
4. In Camera (Closed Session)

Resolution Number 15-39

Moved by Councillor C. Lacelle
Seconded by Councillor G. Thibert

- 2/3 *That this Council proceed in Camera to address a matter pertaining to Personal Matters about an identifiable individual, including municipal or local board employees;*
Carried

Resolution Numbers 15-40

Moved by Councillor C. Lacelle
Seconded by Councillor G. Thibert

- 2/3 *That the special meeting reconvene from the In Camera session at 9:17 p.m.*
Carried

Mayor Backer stated the in-camera session was to conduct interviews for the new CEO position.

5. Presentation of By-law/Resolutions/2/3 Special Resolutions: (None)

6. Return to Regular Session

7. Adjournment

The special meeting of Council Tuesday, March 24, 2015 adjourned at 9:18 p.m.

Mayor

Clerk

THE CORPORATION OF THE TOWN OF MATTAWA

The minutes of the special meeting of Council held Thursday, March 26, 2015 at 4:30 p.m. in the Municipal Council Chambers.

Present: Mayor D. Backer
Councillor C. Lacelle
Councillor G. Thibert
Councillor G. Larose
Councillor L. Mick
Councillor C. Bastien Jr.
Councillor D. Sarrazin
Francine Desormeau, Clerk (Interim)

*When a recorded vote is requested and the minutes indicate the recorded vote was "Unanimous" it means all Councillors present and noted above voted in favour unless otherwise indicated.

3. Meeting Called to Order
2. No Disclosure of Pecuniary Interest and Nature Thereof (None)
6. Committee Reports (None)
7. In Camera (Closed Session)

Resolution Number 15-41

Moved by Councillor C. Lacelle
Seconded by Councillor C. Bastien, Jr.

- 2/3 *That this Council proceed in Camera to address a matter pertaining to Personal Matters about an identifiable individual, including municipal or local board employees;*
Carried

Mayor Backer declared a conflict of interest for the CEO interview selection process and removed himself from Council Chambers at 4:35 pm.

Resolution Numbers 15-42

Moved by Councillor C. Lacelle
Seconded by Councillor C. Bastien, Jr.

- 2/3 *That the special meeting reconvene from the In Camera session at 10:36 p.m.*
Carried

Councillor Lacelle stated the in-camera session was to conduct interviews for the new CEO position.

8. Presentation of By-law/Resolutions/2/3 Special Resolutions: (None)
6. Return to Regular Session
7. Adjournment

The special meeting of Council Thursday, March 26, 2015 adjourned at 10:37 p.m.

Mayor

Clerk

THE CORPORATION OF THE TOWN OF MATTAWA

The minutes of the special meeting of Council held Monday, March 30, 2015 at 7:00 p.m. in the Municipal Council Chambers.

Present: Mayor D. Backer
Councillor C. Lacelle
Councillor G. Thibert
Councillor G. Larose
Councillor L. Mick
Councillor D. Sarrazin
Francine Desormeau, Clerk (Interim)

*When a recorded vote is requested and the minutes indicate the recorded vote was "Unanimous" it means all Councillors present and noted above voted in favour unless otherwise indicated.

4. Meeting Called to Order
2. No Disclosure of Pecuniary Interest and Nature Thereof
9. Committee Reports (None)
 - 9.1 Rankin Street Road Closing – Cunningham / Rioux
Council spoke of the Rankin Street Road Allowance and agreed in principal to sell a 33' x 165' portion to Mr. Cunningham
 - 9.2 Brydges Street Water and Sewer Trunk Renewal Project
Marc spoke with Council and provided an update to the Brydges Street Water and Sewer Trunk Renewal Project tendering process.
10. In Camera (Closed Session)

Mayor Backer declared a conflict of interest for the in-camera session and removed himself from Council Chambers.

Resolution Number 15-43

Moved by Councillor C. Lacelle
Seconded by Councillor L. Mick

- 2/3 *That this Council proceed in Camera to address a matter pertaining to Personal Matters about an identifiable individual, including municipal or local board employees;*
Carried

Resolution Numbers 15-44

Moved by Councillor C. Lacelle
Seconded by Councillor L. Mick

- 2/3 *That the special meeting reconvene from the In Camera session at 9:45 p.m.*
Carried

Councillor Lacelle stated the in-camera session was to discuss the CEO selection process.

Mayor Backer re-convened into the special meeting

5. Presentation of By-law/Resolutions/2/3 Special Resolutions:

Resolution Number 15-45

Moved by Councillor G. Thibert
Seconded by Councillor C. Lacelle

- 2/3 *It is recommended that Council award the tender for the Brydges Street Water and Sewer Trunk Renewal Infrastructure Project for which we have received funding approval from the Small, Rural and Northern Municipal Infrastructure Fund Capital Program to Kenalex Construction Company Ltd. in the amount of \$1,599,429.49 and move to enter into a formal construction agreement with Kenalex. A By-law to enter into contractual agreement with Kenalex will be brought forward to Council at the next regular council meeting.*
Carried

Resolution Number 15-46

Moved by Councillor G. Thibert
Seconded by Councillor C. Lacelle

- 2/3 *That Council direct staff to undertake the project administration for the Brydges Street Water and Sewer Truck Renewal Project.*
Carried as a recorded vote and the vote was as follows:
Voting for: Mayor Backer, Councillors C. Lacelle, G. Thibert, G. Larose, L. Mick
Voting against: Councillor D. Sarrazin

Resolution Number 15-47

Moved by Councillor C. Lacelle
Seconded by Councillor L. Mick

- 2/3 *That the Special Meeting scheduled for Thursday, April 9th, 2015 begin at 5:00 pm. The purpose of the meeting will be to interview CEO candidates for the position.*
Carried

Mayor Backer declared a conflict of interest on the discussion and vote for Resolution Number 15-47

6. Return to Regular Session

7. Adjournment

The special meeting of Council Monday, March 30, 2015 adjourned at 9:50 p.m.

Mayor

Clerk

THE CORPORATION OF THE TOWN OF MATTAWA

The minutes of the special meeting of Council held Thursday, April 9, 2015 at 5:00 p.m. in the Municipal Council Chambers.

Present: Councillor C. Lacelle
Councillor G. Thibert
Councillor G. Larose
Councillor L. Mick
Councillor C. Bastien Jr.
Councillor D. Sarrazin
Francine Desormeau, Clerk (Interim)

*When a recorded vote is requested and the minutes indicate the recorded vote was "Unanimous" it means all Councillors present and noted above voted in favour unless otherwise indicated.

5. Meeting Called to Order

Resolution Number 15-48

Moved by Councillor L. Mick

Seconded by Councillor C. Bastien, Jr.

2.3 That Councillor Lacelle is appointed to Chair for the Special Meeting of Thursday April 10, 2015.

Carried

2. No Disclosure of Pecuniary Interest and Nature Thereof (None)

3. Committee Reports (None)

4. In Camera (Closed Session)

Resolution Number 15-49

Moved by Councillor G. Thibert

Seconded by Councillor L. Mick

2/3 *That this Council proceed in Camera to address a matter pertaining to Personal Matters about an identifiable individual, including municipal or local board employees;*

Carried

Resolution Numbers 15-50

Moved by Councillor G. Thibert

Seconded by Councillor L. Mick

2/3 *That the special meeting reconvene from the In Camera session at 11:14 p.m.*

Carried

Councillor Lacelle stated the in-camera session was to conduct interviews for the new CEO position.

5. Presentation of By-law/Resolutions/2/3 Special Resolutions: (None)
6. Return to Regular Session
7. Adjournment

The special meeting of Council Thursday, April 9, 2015 adjourned at 11:15 p.m.

Mayor

Clerk

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: FINANCE

CHAIRPERSON: COUNCILLOR C. LACELLE

DEPT. HEAD: FRANCINE DESORMEAU, INTERIM CLERK

TITLE: FINANCIAL REPORT FOR THE MONTH OF MARCH

Draft By-Law

Item

Policy Recommendation

Mayor D. Backer and Members of Council:

That the disbursements for the month of March 2015 in the amount of \$464,531.68 be adopted as submitted.

Respectfully submitted

Councillor C. Lacelle

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: PROTECTION TO PERSONS AND PROPERTY

CHAIRPERSON: COUNCILLOR G. LAROSE

DEPT. HEAD: FRANCINE DESORMEAU

TITLE: APPOINTMENT OF PROPERTY STANDARDS COMMITTEE

 X Draft By-law Item Policy Recommendation

Mayor D. Backer and Members of Council:

The Town of Mattawa Property Standards By-Law # 08-24 as amended, more specifically Section 51 and Section 15.6. of the Building Code Act, S.O. 1992, c 23. requires that a Property Standards Committee consisting of no fewer than three residents from the municipality be established. By-Law # 11-13 was passed back in April 26th, 2011 appointing Councillors Lise Perreault, Paul Dupras and Lorne Mick to sit on the Committee for the remainder of the term of Council. That term has since expired December 31st, 2014 and we need to appoint three new members from Council to sit on the Committee for the remainder of the term of Council.

Recommendation:

That the Town of Mattawa adopt By-Law 15-14 which will establish a Property Standards Committee for the Town of Mattawa and that Councillors Gary Larose, Clifford Bastien Jr. and Lorne Mick are named to the Committee and shall be appointed for the remainder of the term of Council.

Respectfully submitted

Councillor G. Larose

THE CORPORATION OF THE TOWN OF MATTAWA

BY-LAW # 15-14

BEING A BY-LAW TO APPOINT A PROPERTY STANDARDS COMMITTEE UNDER THE BUILDING CODE ACT.

WHEREAS pursuant to the Building Code Act, Revised Statutes of Ontario 1992, Chapter 23, as amended, by Revised Statutes of Ontario 1997, chapter C.24 and revised Statutes of Ontario 1997, Chapter C.30, Schedule B2, Section 15.6 (1) authorizes municipal council to pass a by-law for the establishment of a Property Standards Committee.

NOW THEREFORE the Council of the Corporation of the Town of Mattawa enacts as follows:

- 1 That Councilors Gary Larose, Clifford Bastien Jr. and Lorne Mick are hereby appointed as members of the Property Standards Committee for the Town of Mattawa for the remainder of the term of Council which will expire December 31, 2018.
- 2 All procedures regarding appeals, appointment period and election of a Chairperson shall be in accordance with section 15.6 (1) to (9) of the Ontario Building Code Act, and section 51, (as amended) and 52 of the Town of Mattawa Property Standards By-Law # 08-24, as amended.
- 3 That By-Law # 11-13 is hereby repealed.

READ, PASSED AND ADOPTED this _____ day of _____, 2015

Mayor

Clerk

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: RECREATION, TOURISM & SPECIAL PROJECTS

CHAIRPERSON: COUNCILLOR D. SARRAZIN

DEPT. HEAD: JACQUES BEGIN

TITLE: BASEBALL PROGRAM SPONSORSHIP

Draft By-Law Item Policy Recommendation

Mayor D. Backer and Members of Council:

Mr. Nico Walters made a presentation to Council regarding the start up of a high school community baseball team (hardball). This would be a first for Mattawa and according to Mr. Walters, there is quite a bit of interest.

Funds are needed to purchase equipment and uniforms for the inaugural season which is coming up soon once the snow melts. The Town will also need to carry out some minor work to the ballfield which should not be much of a problem.

It is certainly exciting to see this new sport being introduced in Mattawa. Slowpitch has really diminished in the past years. Baseball could prove to be a catalyst in seeing a resurgence in these sports.

Recommendation:

It is therefore recommended that the Corporation Town of Mattawa provide \$250.00 towards the new Baseball program.

Respectfully submitted

Councillor D.Sarrazin

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: ENVIRONMENTAL SERVICES

CHAIRPERSON: COUNCILLOR G. THIBERT

DEPT. HEAD: MARC MATHON

TITLE: BRYDGES STREET WATER & SEWER TRUNK RENEWAL PROJECT CONSTRUCTION CONTRACT

Draft By-Law

Item

Policy Recommendation

Mayor D. Backer and Members of Council:

At the March 30, 2015 special meeting, Council adopted a resolution, #15-45, to award the Brydges Street Water and Sewer Renewal construction contract to Kenalex Construction Company Limited at the tendered bid price of \$1,599,429.49.

In order to initiate the project Council needs to formally enter into a construction contract with Kenalex Construction Company Limited. Therefore, the following is recommended:

Recommendation:

That the Town of Mattawa approve By-law 15-15 which is a By-law authorizing the signing of an agreement with Kenalex Construction Company Limited at a contract price of \$1,599,429.49 for the Brydges Street Water and Sewer Renewal Project.

Respectfully submitted

Councillor G. Thibert

THE CORPORATION OF THE TOWN OF MATTAWA

BY-LAW NUMBER 15-15

BEING a by-law authorizing the signing of an agreement with Kenalex Construction Company Limited for the Brydges Street Water and Sewer Trunk Renewal project.

WHEREAS Section 5, subsection (3) of the Municipal Act S. O. 2001, c.25, as amended, authorizes Council to pass by-laws enacting agreements.

AND WHEREAS it is desirable to permit the Mayor and Clerk to sign the agreement, Schedule "A", on behalf of the Corporation of the Town of Mattawa.

AND WHEREAS Schedule "A" is attached and forms part of this by-law.

NOW THEREFORE, the Council of the Corporation of the Town of Mattawa enacts as follows:

1. The Mayor and Clerk are authorized to execute the Agreement, Schedule "A" on behalf of the Corporation of the Town of Mattawa, which will enter into an agreement with Kenalex Construction Company Limited.

READ, PASSED AND ADOPTED this _____ day of _____, 2015.

Mayor

Clerk



**Part IV
Agreement**

THIS AGREEMENT made this _____ of _____, 20_____.

BETWEEN:

**Town of Mattawa
160 Water Street, PO Box 390
Mattawa, ON P0H 1V0**

(herein called the "Owner")

OF THE FIRST PART

AND:

Kenalex Construction Company Limited
1017 Jet Avenue, Po Box 945
North Bay, Ontario, P1B 8K1
(herein called the "Contractor")

OF THE SECOND PART

WITNESSES that the **Owner** and the **Contractor** covenant and agree as follows:

1. Contract Documents

1.1. That the following documents, together with this Agreement, shall constitute the Contract Documents:

Part I - Instructions to Bidders
Part II - Bid Form
Addenda (if any)
Part III - Consent of Surety
Notice of Acceptance
Part V - Definitions
Part VI - General Conditions
Supplementary Conditions
General Requirements
Drawings and Specifications, as listed in the index of the Bid Documents
Schedules

2. Contractor's Covenants

The Contractor undertakes and agrees to:

2.1. perform the Work required by the Contract Documents:

for: Brydges Street Sewer & Water Replacement Project
Title of the Work

located at: Town of Mattawa
Place of the Work

and for which AECOM or the Town of Mattawa Public Works Superintendent
Y is acting as and is herein called the Consultant;

2.2. commence the Work within a reasonable time after the date of the Notice of Acceptance and, subject to adjustment in the Contract Time as provided for in the Contract Documents, attain completion of the Work, by the 30th day of November, 2015 (the "Completion Date");

2.3. in accordance with GC12, pay to the Owner as liquidated damages and not as a penalty the sum(s) stipulated in the Supplementary Conditions if the Work has not been completed by the Completion Date or, if applicable, a specified portion(s) of the Work has not been completed by the milestone completion date(s) stipulated in the Supplementary Conditions;

2.4. indemnify and hold the Owner and the Consultant harmless from and against any suits, claims, demands, liability, costs, damages, or expenses, including reasonable legal fees, made or incurred by Other Contractors involved in the Project, arising from the Contractor's failure to complete the Work by the Completion Date or, if applicable, the Contractor's failure to complete one or more specified portions of the Work by the milestone completion date(s) stipulated in the Supplementary Conditions; and

2.5. do and fulfil everything indicated by the Contract Documents.

3. Contract Price

3.1. The Contract Price, which excludes the Goods and Services Tax, means the Bid Price subject to the adjustments, additions, deductions and deletions as provided in the Contract Documents.

3.2. The Bid Price is \$ 1,599,429.49 as set forth in the Notice of Acceptance.

4. Payment

4.1. Subject to the provisions of the Contract Documents, the Owner shall:

4.1.1. make progress payments to the Contractor on account of the Contract Price, in the amounts certified by the Consultant, within thirty (30) Days after receipt of each certificate for payment in accordance with GC 22;

- 4.1.2. retain from each payment to the Contractor a percentage holdback as required by applicable lien legislation or, where such legislation does not exist or apply, a holdback of fifteen percent (15%) of each payment to the Contractor. The Owner shall administer any amounts withheld from the Contractor in accordance with the provisions of any applicable lien legislation; and
- 4.1.3. the Owner shall pay to the Contractor the unpaid balance of holdback monies then due: i) within thirty (30) Days of expiration of the holdback period required by the applicable lien legislation; or such earlier date as required by provincial legislation; or ii) where such lien legislation does not exist or apply, fifty-five (55) Days after the date on which the Interim Certificate of Completion is issued; or iii) where no Interim Certificate of Completion is issued, and lien legislation does not exist or apply, fifty-five (55) Days after the date of the Final Certificate of Completion, provided that the Contractor has submitted to the Consultant, prior to such payment the following:
 - 4.1.3.1 a current Statutory Declaration verifying that all Sub-Contractors, Suppliers, labour and accounts for services, materials, machinery and equipment, and any other indebtedness which may have been incurred by the Contractor, directly or indirectly, in the performance of the Work have been fully paid by the Contractor except for unpaid holdbacks on such subcontracts and that no lien has been filed against the Contractor, the Project, the premises or any materials supplied to or incorporated in the Work or in respect of anything done under or by virtue of the Contract;
 - 4.1.3.2 a letter of clearance or certificate from the Workers' Compensation Board verifying that all assessments due by the Contractor have been fully paid;
 - 4.1.3.3 if requested by the Owner, a letter from the Contractor's surety (if any) approving the release of holdback;
 - 4.1.3.4 all record documents, showing changes as constructed, operating and maintenance manuals, guarantees, warranties, certificates, reports, spare parts and spare materials required by the Contract Documents; and
 - 4.1.3.5 a Final Release and Indemnity in the form attached to the General Conditions as Attachment "A".
- 4.2. If a lien is filed against the Project in respect of the Work by any Sub-Contractor, or Supplier or other person claiming through, by or under the Contractor or any of its Sub-Contractors or Suppliers:
 - 4.2.1 the Owner may, at its option, instruct the Contractor to cause the said lien to be removed from the title to the Project within ten (10) Days from the date of such notice by direct payment, furnishing of a bond, payment into court or otherwise;
 - 4.2.2 if the lien is not removed from the title to the Project within such time or such further time as may be subsequently agreed upon, the Owner, without prejudice to any other right or remedy it may have, may take such steps or proceedings, including payments, settlements or compromise of the lien or payment into court, as the Owner reasonably determines as necessary to procure the release of the

lien, and all payments and costs, including legal fees and disbursements incurred by the Owner shall be paid by the Contractor to the Owner or may be deducted from any amount then due or thereafter becoming due to the Contractor; and

- 4.2.3 the Contractor shall, if requested by the Owner, defend, indemnify and save the Owner harmless from the amount of all such liens and the costs of defending any and all actions commenced against the Owner pursuant to any applicable lien legislation, including the legal costs and disbursements incurred by the Owner.
- 4.3. Notwithstanding anything otherwise contained in the Contract, the Consultant may, in its discretion, withhold, or on account of subsequently discovered evidence, nullify the whole or any part of any previously issued certificate, to such an extent as may be necessary to protect the Owner from loss on account of any of the following:
 - 4.3.1. the Contractor's unsatisfactory prosecution of the Work;
 - 4.3.2. defective or damaged Work requiring correction or replacement;
 - 4.3.3. claims or liens filed or reasonable evidence indicating the probable filing of claims or liens;
 - 4.3.4. failure of the Contractor to make payments promptly to Suppliers or Sub-Contractors for materials or labour;
 - 4.3.5. a reasonable doubt by the Consultant that the Contract can be completed for the unpaid balance of the Contract Price;
 - 4.3.6. damage to an Other Contractor's work which has not been settled and which may result in the Other Contractor whose work has been damaged bringing action against the Owner. In case of such action, the Contractor shall bear the expense of same; or
 - 4.3.7. any amounts for maintenance holdbacks, commissioning allowances and liquidated damages.

When the basis for nullifying the previously issued certificate has been removed, the Consultant shall, subject to receipt by the Consultant of any documents mentioned in Clause 4.1.3 hereof requested by the Consultant, reissue the applicable certificate. Within thirty (30) Days of receiving the reissued certificate, the Owner shall make payment to the Contractor in the amounts set out in the applicable certificate.

- 4.4. Should either party fail to make payments as they become due under the terms of the Contract or in an award by arbitration or court, interest at one percent (1%) per annum above the Prime Rate on such unpaid amounts shall also become due and payable until payment. Such interest shall be compounded on a monthly basis. The Prime Rate shall be the rate established by the Royal Bank of Canada as its Prime Rate from time to time.

Interest shall apply at the rate and in the manner prescribed above on the amount of any claim settled pursuant to GC 45 from the date the amount would have been due and payable under the Contract, had it not been in dispute, until the date it is paid.

5. Contractor's Representations

The Contractor makes the following representations and acknowledges the Owner's reliance thereon:

- 5.1. the Contractor is skilled and experienced in all aspects of construction work and is well able to perform the Work within the Contract Time and for the Contract Price;
- 5.2. the Contractor is an expert in this field of work and is fully knowledgeable and experienced in all aspects of required procedures, methods, regulations, codes, and municipal or other local, provincial and/or national requirements and understands that the Owner is relying on this expertise, knowledge and experience;
- 5.3. the Contractor has examined the Place of the Work as provided in Clause 16 of the Instructions to Bidders and has familiarized itself with the nature and extent of the Contract Documents, the Work and with all local conditions and federal, provincial and local laws, ordinances, rules and regulations that in any manner affect the cost, progress or performance of the Work;
- 5.4. the Contractor acknowledges that the Information Documents and any Additional Data have been or shall be made available to the Contractor for the Contractor's information only and that the Contractor has made such inspection of the Information Documents and any Additional Data as the Contractor deems appropriate for the Contractor's purposes. The Contractor further acknowledges that:
 - 5.4.1. the Information Documents and the Additional Data are or shall be provided without warranty of any kind, express or implied;
 - 5.4.2. neither the Owner nor the Consultant has represented that the Information Documents or the Additional Data are accurate, complete or suitable for the Contractor's purposes;
 - 5.4.3. the Information Documents and any Additional Data do not form part of the Contract Documents; and
 - 5.4.4. any reliance made by the Contractor on the Information Documents or the Additional Data is entirely at the Contractor's own risk;
- 5.5. the Contractor has made or caused to be made examinations, investigations, and tests and has carefully studied reports and related data based thereon or obtained therefrom, in addition to those referred to in Clause 5.4. hereof, as it deems necessary for the performance of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports or similar data are or shall be required by the Contractor for such purpose;
- 5.6. the Contractor has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents;
- 5.7. the Contractor has given the Consultant written notice of all conflicts, errors or discrepancies that it has discovered in the Contract Documents and the written resolution thereof by the Consultant is acceptable to the Contractor or, if no written notice has been

given, the Contractor acknowledges that the Contract Documents are acceptable as written.

6. Succession

The Contract Documents are to be read into and form part of this Agreement and the whole shall constitute the Contract between the parties, and subject to the law and the provisions of the Contract Documents shall ensure to the benefit of and be binding upon the parties hereto, their respective heirs, legal representatives, successors and assigns.

7. Receipt of and Addresses for Notices

Communications in writing between the parties or between them and the Consultant shall be deemed to have been received by the addressee on the date of delivery if delivered by hand or sent by facsimile or registered mail to the individual or to a member of the firm or to an officer of the corporation for whom they are intended and if sent by regular mail shall be deemed to have been delivered within five (5) Days of the date of mailing when addressed as follows:

The Owner at: Town of Mattawa
160 Water Street, PO Box 390
Mattawa, ON P0H 1V0

The Contractor at: Kenalex Construction Company Limited
1017 Jet Avenue, PO Box 945
North Bay, Ontario, P1B 8K1

The Consultant at: Town of Mattawa, Public Works Dept.
1056 Mill St, Mattawa, ON P0H 1V0

Provided that if there shall be, at the time of mailing or between the time of mailing and the actual receipt thereof, a mail strike, slowdown or other event which might affect delivery by the mail, then such notice, payment or other communication shall be effective only if actually delivered by hand or facsimile.

8. Rights and Remedies

- 8.1. The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law.
- 8.2. No action or failure to act by the Owner, Consultant or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

8.3. The Contract shall be interpreted under and governed by the laws of the Place of the Work.

IN WITNESS WHEREOF the parties hereto have executed this Agreement by the hands of their duly authorized representatives.

Owner:

Town of Mattawa)
Name of Corporation)

Dean Backer)
Name)

Mayor)
Title)

Signature)

Francine Desormeau)
Name)

Clerk (Interim))
Title)

Signature)

(Corporate Seal)

Contractor:

Name of Corporation)

Signature of Authorized Representative)

Name)

Title)

Address)

(Corporate Seal)