

AGREEMENT
&
TERMS REFERENCE

Date: June, __, 2023

Between:

The Town of Tillsonburg (herein referred to as "Town")

AND

Oxford County Pride Committee (herein referred to as "Pride")

Project: Rainbow Crosswalks

Crosswalks: crosswalks located at intersection of ____ and ____ (generally on the west/east location)

Time Frame: Five (5) years

Purpose:

The purpose of terms of reference is to outline the respective responsibilities and duties of the Town and Pride in regards to producing the Rainbow Crosswalk.

Project Proposal:

- Pride will fundraise to cover the physical cost (labour and materials) of the rainbow crosswalk (the costs exclude road closures).
- Pride will contract Mobil Services, London, Ontario to paint the rainbow crosswalk.
- The Rainbow Crosswalk will remain for a minimum of 5 years with a touch up every spring (May) if required and at the sole direction of the Town of Tillsonburg's Manager of Public Works.
- After 5 years, upon assessment, the rainbow crosswalk artwork may be removed and the project is begun anew.

Background:

At the June 26, 2023 Town of Tillsonburg Council approved the following resolution:

....Insert Resolution...

The Town is responsible for providing:

- Approval of selected rainbow crosswalk design. Approval process may take 3 weeks.
- Street closure at a scheduled time as preferred and determined by the Town's Manager of Public Works.
 - Accommodations will be made for inclement weather.
- Advertising the road closures

Pride is responsible for providing:

- Solicitation and collecting sponsorships. Funds collected will be kept by Pride to underwrite the cost of this project.
- Submission of rainbow artwork design to Town Staff for review. Approval process may take up to 3 weeks.
- Labour to organize and implement this project and any future touch up painting.
- All costs associated with this project with the exception of what the Town has agreed to as listed above (street closures only).
- Costs associated with all annual touches this project with the exception of what the Town has agreed to as listed above (street closures only).
- Paint must be OPS (Ontario Provincial Standards) approved and have a paint life of approximately 5 years before fading occurs. Paint must not cause the crosswalk surface to become slippery. WHMIS – SDS of the paint to be used must be provided to Town Staff one week prior to the crosswalk being painted.
- Painting tools.
- Promotion of the crosswalk.
- Contracts and remuneration to contractor.
- Portable Lights and generators
- Proof of Health and Safety training for those people participating in and/or supervising the actual painting of the crosswalks (see Appendix A). Copies of certificates (WHMIS and applicable Health and Safety Awareness training) must be printed and provided to Town Staff one week prior to the actual painting of crosswalk.
- Personal protection equipment including, but not limited to: high visibility safety apparel (minimum CSA Class 2, Level 2 – see Appendix B), safety eyewear, gloves, and appropriate respiratory protection for those people doing the actual painting as per stated in the Safety Data Sheet (SDS).

Note: proof of an assessment of respiratory protection needs and fit testing of respirators must be provided one week prior to actual painting of crosswalks.

The Town and Pride will jointly:

- Advertise and promote the Rainbow Crosswalk through each respective social media channels.

IT IS AGREED that the Town hereby grants to Pride, its successors, and assigns, the right and privilege to make this agreement upon the following conditions, to wit:

1. That the Town reserves the right to determine all issues related to the review, installation, maintenance, removal and replacement of the Rainbow Crosswalk. If the Rainbow Crosswalk becomes damaged or becomes a safety hazard to the public, the Town has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport or restore the project elements located within the Town's right-of-way in whole or in part, in Town's sole discretion.
2. That Pride, its successors and assigns, agree to indemnify and hold harmless the Town, its officers and employees, from and against all damage, including injury to persons or damages to property, expenses or other liability which may result from, arise out of, or be brought by reason of the Rainbow Crosswalk installation. In case any suit or cause of action shall be brought against the Town on account of any act, action, neglect, omission or default on the part of Pride, its agents, subcontractors, employees and/or patrons, Pride hereby agrees and covenants to assume the defense thereof and to pay any and all costs, charges, attorney fees and other expenses and any and all judgments that may be incurred or obtained against the Town.



3. That if Pride contracts for installation of this Rainbow Crosswalk project, the Contractor must provide proof of WSIB and Liability Insurance to the Town

THIS AGREEMENT, made and entered into this the ____ day of _____, 2023, by and between the Town of Tillsonburg, (hereinafter "Town"), and Oxford County Pride Committee (herein referred to as "Pride")

Deb Gilvesy
Mayor
Town of Tillsonburg

DATE

Kyle Pratt, MPA, CMM III, CHRL, CMO
Chief Administrative Officer
Town of Tillsonburg

DATE

Tami Murray
President, Oxford County Pride Committee

DATE

APPENDIX A: HEALTH AND SAFETY:

All participants who are involved in the actual painting of the crosswalks are required to take the following training:

Worker Health and Safety Awareness

- <https://www.labour.gov.on.ca/english/hs/elearn/worker/foursteps.php>

Supervisor Health and Safety Awareness

- <https://www.labour.gov.on.ca/english/hs/training/supervisors.php>

WHMIS training resources

- <https://onlinewhmis.ca/online-whmis-certification-training/>
- <https://www.ccohs.ca/products/courses/login.html>

Information regarding high visibility safety apparel can be found here:

- https://www.ccohs.ca/oshanswers/prevention/ppe/high_visibility.html
- https://www.labour.gov.on.ca/english/hs/pubs/ib_mobileind.php

Information regarding assessment of respiratory protocol and mask fit testing can be found here:

- <https://www.safetyfirsttraining.ca/course/onsite-training/respirator-mask-fit-test-training/>
- <https://www.ccohs.ca/oshanswers/prevention/ppe/respslct.html>