



## **FOUNDATION DOCUMENT PART II: FUNDING THE RECREATIONAL FACILITIES AT CENTRAL PARK AND HERITAGE PARK**

### **Chapter 10: Reaction to Sprung Decision; Ameresco Expresses Discontent With the Town's Process; Staff Identify Issues with Sprung Structures**

**Commissioner: The Honourable Frank N. Marrocco, Associate Chief Justice, Superior Court of Justice, Ontario**

**Please note that the statements in this Foundation Document have not been tested for the truth of their contents. The contents may be tested, challenged, supplemented, proven false, or discredited through the evidence called and the submissions made at the Inquiry. It will be for the Commissioner to consider all the evidence before ascribing any weight to anything contained in the Foundation Document**

## Chapter 10: Reaction to Sprung Decision; Ameresco Expresses Discontent With the Town’s Process; Staff Identify Issues with Sprung Structures

### 10.1 Council Receives Feedback after the August 27, 2012 Meeting

567. Between the end of the August 27, 2012 Council Meeting and August 31, 2012, members of Council and Town Staff received feedback regarding its decision to approve the purchase and construction of the Sprung Structures from residents, community groups and members of the PRCAC and FOCP. This feedback included correspondence from PRCAC member Norah MacLean, who provided a link to a website, [www.architectualfabrics.com](http://www.architectualfabrics.com), which she said, “provided an unbiased and in-depth analysis of membrane structure materials and potential issues.” These communications are detailed in [Summary Document 2-5](#).

*[Summary Document 2-5](#): Council, Staff, and Public Discussions Related to the Town’s Recreational Facilities, chapters 1.7 and 1.8*

### 10.2 Deputy Mayor Rick Lloyd and Journalist Ian Adams Discuss Funding the Sprung Structures

568. On August 29, 2012, Deputy Mayor Lloyd exchanged emails with Ian Adams about a citizen’s request for road repairs. Ian Adams wrote, “Maybe he wants the Collus money spent on repairs to Dawson...” Deputy Mayor Lloyd replied, “Broke! We blew (subject to public meeting) 8 mil Monday nite”. Mr. Adams wrote back, “Subject to public meeting? Like the Sprung building decision, the die has already been cast on that one...”. Deputy Mayor Lloyd replied, “Ya but its down to debenture the 8mil or use Collus! Might be best to pay off present debenture then redebenture at a lower interest rate the 8 mil”.

*Email chain including Rick Lloyd and Ian Adams, August 29 and 30, 2012, [TOC0207278](#)*

569. In another email on the same day, Rick Lloyd forwarded Ian Adams questions he had received from Steve Berman, a blogger. Mr. Adams replied, “Let’s see, when did you

know which way you were going to vote? Uh, July 17...". Deputy Mayor Lloyd replied, "Oh ya I believed in the sprung idea as I was the one who brought it forth because the 35mil was pie in the sky!"

*Email chain including Rick Lloyd and Ian Adams, August 29, 2012, [TOC0207284](#)*

### 10.3 Mayor Sandra Cooper Consults Paul Bonwick about a Concerned Citizen; Paul Bonwick Assists in Drafting a Town News Release

570. On August 28, 2012 at 10:13 am, Mayor Sandra Cooper forwarded Paul Bonwick an email exchange she had with a citizen who indicated disappointment with both the decision reached by Council about the new arena and the pool, and the process involved, writing, "Usually a supporter and very much a local a little younger than Mom. Doc Paul happy as a fiddler along with dunc". Mayor Cooper forwarded the email chain to Paul Bonwick a second time at 10:56 am on August 28, 2012, commenting, "This a very local senior resident who usually supports my views."

*Email from Sandra Cooper to Paul Bonwick, August 28, 2012, [TOC0206045](#)*

*Email from Sandra Cooper to Paul Bonwick, August 28, 2012, [TOC0206118.0001](#)*

571. At 11:03 am, Paul Bonwick replied to Mayor Sandra Cooper: "I suggested to Ed to get a news release ready for your review immediately...I believe he is taking care of that now....can't please everyone all the time! You will get more complaints from Y supporters". Mayor Cooper replied: "I agree. That is why Joe wanted separation of vote of ice and aquatics to appease and garner support for the Y. The Y organization has rubbed most of council the wrong way." Mr. Bonwick responded, "If you have time we should chat about Y and trying to repair damage." Mayor Cooper agreed "Absolutely".

*Email chain including Paul Bonwick and Sandra Cooper, August 28, 2012, [TOC0206118.0001](#)*

*Email chain including Paul Bonwick and Sandra Cooper, August 28, 2012, [TOC0206173.0001](#)*

572. At 11:16 am, Mayor Sandra Cooper emailed Ed Houghton, asking that a media release be prepared. Mr. Houghton forwarded Mayor Cooper's email to Marta Proctor, and asked that she assign it to "Karen."

*Email chain including Sandra Cooper, Ed Houghton and Marta Proctor, August 28, 2012, [TOC0206142](#)*

573. At 2:40 pm on August 28, 2012, Manager of Culture and Events for the Department of Parks, Recreation and Culture Karen Cubitt emailed a draft news release, titled "Expanded Recreation Facilities Approved for Collingwood," to Mayor Cooper, Ed Houghton and Marta Proctor. Mayor Cooper replied shortly thereafter that she would like to add "this will meet the overdue needs of our community." Ms. Cubitt circulated a revised version at 2:45 pm to incorporate the change requested by Mayor Cooper. Mayor Cooper forwarded the draft news release to Paul Bonwick at 2:57 pm.

*Email chain and attachment including Karen Cubitt, Sandra Cooper, Ed Houghton, Marta Proctor, August 28, 2012, [TOC0206438.0001](#) and [TOC0206438.0001.0001](#)*

574. At 3:41 pm, Paul Bonwick sent Mayor Sandra Cooper a revised version of the draft press release that Mayor Cooper had forwarded at 2:57 pm, writing, "For your review. I would have your staff get this out this afternoon to every potential source. They need to track down the individuals quoted for approval. This should be up on the web site and circulated to Council asap." The revised release:

- a. Added to the first paragraph that "It is also important to note that the building operational costs are significantly lower than a conventional bricks and mortar building";
- b. Expanded Mayor Cooper's quote within the release to say:

...numerous Councils, Staff, Consultants, and Advisory Groups as well organizations have provided input for the past 12 years in our concerted effort to provide these basic services. Options explored ranged in cost from 35 million dollars, private/public partnership as well as the most recent option of utilizing the latest technologies in a cost effective manner. At the end of the day Council decided on a cost effect modern solution incorporating the latest Architectural Membrane technologies ensuring residents of all ages these important recreational amenities by spring of 2013;
- c. Added to the quotes in support of Council's decision from the Collingwood Clippers and the Collingwood Skating Club;

- d. Added to the Collingwood Skating Club: "...It has been recognized for many years that Collingwood requires an enclosed second ice surface to service our skating club, minor hockey as well as the many recreational team currently travelling as far as Barrie. The community has good right to celebrate this investment in active lifestyle and enhanced service"; and
- e. Added the desired Clippers quote: "We could not be more pleased that this Council has chose to act now by providing year round access as a result of this recent approval. Collingwood children along with the many other user groups will now have the facility we have long waited for!"

*Email and attachment from Paul Bonwick to Sandra Cooper, August 28, 2012, [TOC0206473.0001](#) and [TOC0206473.0001.0001](#)*

575. At 4:07 pm, Mayor Sandra Cooper forwarded an email to Karen Cubitt and Ed Houghton, writing, "This works with changes I have made. I would like to include on our town page and of course to all media." Ms. Cubitt replied shortly thereafter, copying Mr. Houghton and Marta Proctor, writing, "Here is the latest draft. I understand Councillor Chadwick will be taking a look at it tonight, so I will plan on sending it to Megan for circulation tomorrow morning." The draft attached to Ms. Cubitt's email did not include Mr. Bonwick's suggested comment about operational costs and the addition to Mayor Cooper's quote.

*Email chain and attachment including Sandra Cooper, Karen Cubitt, Ed Houghton and Marta Proctor, August 28, 2012, [TOC0206525](#) and [TOC0206526](#)*

576. Councillor Ian Chadwick sent Ed Houghton and Mayor Sandra Cooper a revised draft of the press release at 5:33 pm. Mayor Cooper forwarded this draft to Karen Cubitt, writing:

I could not get in touch with the Clipper person as she is away on vacation. So I suggest you omit the Clipper comments.

Further to Councillor Chadwick's review, I will include the following in the second paragraph after the sentence remarks from Mayor Sandra Cooper.

Cooper went on to say that numerous Councils, staff, consultants and advisory groups have provided input for the past twelve years in our concerted effort to provide these basic services.

*Email chain and attachment including Ian Chadwick, Ed Houghton, Sandra Cooper and Karen Cubitt, August 28, 2012, [TOC0206588](#) and [TOC0206589](#)*

577. The following day, on August 29, 2012, Karen Cubitt sent a revised draft of the release to Mayor Sandra Cooper, Ed Houghton, Marta Proctor, and Councillor Ian Chadwick, requesting approval. Later that day, the Town issued a media release titled, “Expanded Recreation Facilities Approved for Collingwood”. The release included statements of support from the presidents of the Collingwood Minor Hockey Association and the Collingwood Skating Club, and stated that:

.... The single-pad arena will be constructed from an insulated architectural membrane, with the option of being twinned in the future. Centennial Pool will be enclosed by a similar structure, allowing for year-round use of the 6-lane, 25m pool, plus deck space to accommodate 250 people.

This type of structure is cost-effective and energy efficient. It can be LEED Silver Certified, has lower greenhouse gas emissions, and is constructed in a fraction of the time of a pre-engineered steel building.

*Email chain and attachment including Karen Cubitt, Sandra Cooper, Ed Houghton, Marta Proctor and Ian Chadwick, August 29, 2012, [TOC0206677](#) and [TOC0206678](#)*

*Town of Collingwood, “Expanded Recreation Facilities Approved for Collingwood”, August 29, 2012, [TOC0514848](#) and [TOC0514849](#)*

#### 10.4 Parks, Recreation and Culture (“PRC”) Director Marta Proctor Advises the PRC Advisory Committee (the “PRCAC”) and Central Park Steering Committee of Council’s Decision to Proceed with Sprung; Terry Geddes Raises Concerns with Mayor Sandra Cooper and Deputy Mayor Rick Lloyd

578. On August 29, 2012, Marta Proctor emailed the PRCAC and Central Park Steering Committee and advised them of Council’s decision to proceed with Sprung. Joe MacDonald replied: “Sad day for collingwood, and once again calls into question why we have an advisory committee.” Mr. Houghton forwarded this email to Ms. Proctor, asking:

Would you feel comfortable emailing back to Joe and telling him that he has it wrong. It should be a happy day, we will get a new ice surface and a new indoor pool and this could be just the beginning of something great.

If you don't I do understand.

*Email chain including Geoff Moran, Brian Saunderson, Claire Tucker, Terry Geddes, Dale West, George Christie, Joanne Pearson, Joe Macdonald, Karen Ciotti, Keith Hull, Mandy Long, Marta Proctor, Monica Gal, Norah MacLean, Paul Cadieux, Penny Skelton, Ed Houghton, and others, August 29, 2012, [TOC0207126](#)*

*Email chain including Marta Proctor and Ed Houghton, August 29, 2012, [TOC0207166](#)*

579. Marta Proctor responded, "Absolutely, I will acknowledge that he may feel disappointed but that this is a positive direction for collingwood rec facilities. Are you ok with that?"

Ed Houghton replied, "I would only send to him and only say that it is positive and to give it time. Please copy or blind copy me."

*Email chain including Geoff Moran, Brian Saunderson, Claire Tucker, Terry Geddes, Dale West, George Christie, Joanne Pearson, Joe Macdonald, Karen Ciotti, Keith Hull, Mandy Long, Marta Proctor, Monica Gal, Norah MacLean, Paul Cadieux, Penny Skelton, Ed Houghton, and others, August 29, 2012, [TOC0207166](#)*

580. Marta Proctor replied to Joe MacDonald writing, "Thanks for your feedback. I believe that mondays decision at Council will bring many opportunities for expanded recreation services in Collingwood." Ed Houghton replied to Ms. Proctor, "Just a question. What psrt of this is Joe on? As I understand the work of the Steering Committee is now complete." Ms. Proctor replied:

He's on the PRC advisory committee. Yes, the first central park steering committee is finished, although we need to make a decision on the approved resolution for a new steering committee. I was going to mention that when we meet tuesday.

*Email chain including Geoff Moran, Brian Saunderson, Claire Tucker, Terry Geddes, Dale West, George Christie, Joanne Pearson, Joe Macdonald, Karen Ciotti, Keith Hull, Mandy Long, Marta Proctor, Monica Gal, Norah MacLean, Paul Cadieux, Penny Skelton, Ed Houghton, and others, August 29, 2012, [TOC0207193](#)*

581. Ed Houghton replied, "I think we need to discuss this with Council. I'm afraid that right now they may not want to do anything." Marta Proctor replied that she agreed.

*Email chain including Geoff Moran, Brian Saunderson, Claire Tucker, Terry Geddes, Dale West, George Christie, Joanne Pearson, Joe Macdonald, Karen Ciotti, Keith Hull, Mandy*

*Long, Marta Proctor, Monica Gal, Norah MacLean, Paul Cadieux, Penny Skelton, Ed Houghton, and others, August 29, 2012, [TOC0207193](#)*

## 10.5 PRCAC Member Asks the Town a Series of Questions; A Meeting is Arranged

582. In response to an email of August 28, 2012 regarding Council's decision on the recreation facilities, on August 29, 2012, PRCAC member Dr. Geoff Moran wrote to Marta Proctor, expressing disappointment with Council's decision. He wrote that he would send a separate email with specific questions he hoped Ms. Proctor could answer.

*Email chain including Geoff Moran, Brian Saunderson, Claire Tucker, Terry Geddes, Dale West, George Christie, Joanne Pearson, Joe Macdonald, Karen Ciotti, Keith Hull, Mandy Long, Marta Proctor, Monica Gal, Norah MacLean, Paul Cadieux, Penny Skelton, and Ed Houghton, August 29, 2012, [TOC0207288](#)*

583. Shortly thereafter, Dr. Geoff Moran sent Marta Proctor a second email, which read:

I hope you can you answer a few questions?

What process lead council to this decision?

Why is there suddenly such a great urgency?

What is the cost of each facility? How does the town plan to finance these costs and what contingency is built in?

Will the ball diamond be relocated or decommissioned?

What is the cost to bring the Eddie Bush arena up to par for another 50 yrs? How extensive are the planned upgrades i.e. change rooms, addition of dedicated woman's change rooms, adding a pro shop, completely replacing the ice plant, floor etc?

Will the ice come out at Eddie Bush in the summer? Is the Eddie Bush upgrade also going to happen within months?

Was there any discussion about locating the arena against the curling club, or outdoor rink to gain some cost savings to run these facilities?

Have any studies been done on the outdoor pool as to the ability to enclose it and its general condition?

Where will parking be for the pool, as now that site is smaller with the fire hall taking up the adjacent soccer field.

What will be the annual, ongoing costs of operating these 3 separate facilities?



How did this Sprung company approach the town or the town find them? Have other similar companies been asked to quote on these projects ?

What is the longevity of these structures? Can you add on to these buildings in the future?

Thank you for taking the time to respond to these questions

*Email chain including Geoff Moran, Brian Saunderson, Claire Tucker, Terry Geddes, Dale West, George Christie, Joanne Pearson, Joe Macdonald, Karen Ciotti, Keith Hull, Mandy Long, Marta Proctor, Monica Gal, Norah MacLean, Paul Cadieux, Penny Skelton, Ed Houghton and others, August 29, 2012, [TOC0207293](#)*

584. On August 30, 2012, Acting CAO Ed Houghton forwarded Dr. Moran's emails to Mayor Sandra Cooper, Deputy Mayor Rick Lloyd, and Councillors Ian Chadwick, Mike Edwards, Kevin Lloyd, and Sandy Cunningham, indicating that he noticed that they were not copied on these emails. Councillor Joe Gardhouse was not included on the original email chain or on Mr. Houghton's forward.

*Email chain including Geoff Moran, Brian Saunderson, Claire Tucker, Terry Geddes, Dale West, George Christie, Joanne Pearson, Joe Macdonald, Karen Ciotti, Keith Hull, Mandy Long, Marta Proctor, Monica Gal, Norah MacLean, Paul Cadieux, Penny Skelton, Ed Houghton, Sandra Cooper, Rick Lloyd, Ian Chadwick, Mike Edwards, Kevin Lloyd, and Sandy Cunningham, August 30, 2012, [TOC0207322](#)*

*Email chain including Geoff Moran, Brian Saunderson, Claire Tucker, Terry Geddes, Dale West, George Christie, Joanne Pearson, Joe Macdonald, Karen Ciotti, Keith Hull, Mandy Long, Marta Proctor, Monica Gal, Norah MacLean, Paul Cadieux, Penny Skelton, Ed Houghton and others, Sandra Cooper, Rick Lloyd, Ian Chadwick, Mike Edwards, Kevin Lloyd, and Sandy Cunningham, August 30, 2012, [TOC0207324](#)*

585. On August 30, 2012, Marta Proctor forwarded Dr. Moran's email to Ed Houghton and asked for suggestions on how to respond. Mr. Houghton said that he was not sure how to respond and noted that "Council (at least some) are not happy that the Committee members continue to hammer them on a decision that has been made".

*Email chain including Geoff Moran, Brian Saunderson, Claire Tucker, Terry Geddes, , Dale West, Joanne Pearson, Joe Macdonald, Karen Ciotti, Keith Hull, Mandy Long, Marta Proctor, Monica Gal, Norah MacLean, Paul Cadieux, Penny Skelton and Ed Houghton, August 30, 2012, [TOC0207360](#)*

586. Other PRCAC members responded to the recipients of Dr. Moran's emails, indicating that they were questioning their continued involvement in the PRCAC.

*Email from Joanne Pearson to Joe MacDonald, Marta Proctor, Brian Saunderson, Claire Tucker-Reid, Terry Geddes, Dale West, Keith Hull, Mandy Long, Monica Gal, Paul Cadieux, Penny Skelton, Ed Houghton, and others, August 31, 2012, [TOC0208019](#)*

*Email chain including Joanne Pearson to Sandra Cooper and Rick Lloyd, August 31, 2012, [TOC0208072](#)*

587. Marta Proctor replied to Dr. Moran on September 5, 2012 offering a meeting between Dr. Moran, the Mayor, Ed Houghton and herself to discuss his questions. They arranged a meeting for September 11, 2012.

*Email chain including Geoff Moran, Marta Proctor, Sandra Cooper, Ed Houghton, and Mandy Long, August 28, 2012, September 5, 2012 and September 6, 2012, [TOC0210422](#)*

*Email from Geoff Moran to Marta Proctor, Sandra Cooper and Ed Houghton, September 9, 2012, [TOC0212679](#)*

588. On September 11, 2012, Mayor Sandra Cooper sent Ed Houghton and Marta Proctor and email titled "Docs meeting" in which she wrote:

As always , you were a star this morning. I believe you can recite each rec document word for word. I liked Marta's input as she was very positive.

*Email from Sandra Cooper to Ed Houghton, Marta Proctor and Rick Lloyd, September 11, 2012, [TOC0212916](#)*

589. Later Mayor Cooper sent an email to Council about the meeting with Dr. Moran, writing:

There was a meeting this morning at the request of Dr Geoff Moran.

It was very positive as he was appreciative of information provided. Dr Moran invited Dr Mike Lewin to attend with him.

I wanted you to all be informed.

There was a PRC Advisory Committee meeting called today by chair Penny Skelton.

From staff attending were Ed, Marjory and Marta.

There were the two council reps in attendance along with myself and the deputy mayor. I would like to report it to be informative for those present. There was frank discussion with questions from their members which were answered honestly.

Tomorrow there is a meeting with Rob Armstrong and two others from the Simcoe-Muskoka YMCA. Also in attendance are the PRC council reps.

I will keep you informed of the discussion.

*Email from Sandra Cooper to Town Councillors, Ed Houghton and Marta Proctor, September 11, 2012, [TOC0213239.0001](#)*

590. Ed Houghton forwarded Mayor Sandra Cooper's email to Council on to Paul Bonwick with the comment "Ugh!" Mr. Bonwick responded, "Remember...lol."

*Email chain including Sandra Cooper, Town Councillors, Ed Houghton, Marta Proctor, and Paul Bonwick, September 11, 2012, [TOC0213239.0001](#)*

## 10.6 Deputy Mayor Rick Lloyd Responds to Questions About the Arena Construction Costs

591. On August 29, 2011, Dan Barill of Barill Engineering Limited emailed Deputy Mayor Rick Lloyd, advising that, in his opinion "Mr. Houghton's estimated construction cost for a single pad arena (\$11,100,00 - \$12,300,000 + additional \$1,000,000 for a second floor lounge area) is high." He wrote that his company had submitted a single pad arena proposal the Town of Listowel for \$9,998,000 and that the Town of Clinton built a single-pad arena for \$8,500,000. He also wrote:

As you know, with pre-engineered type buildings, adding a second ice surface in the future can be easily done. My concern with the Insulated Architectural Membrane type building (ie. Sprung Fabric Buildings) is that adding a second ice surface in the future is not easily done.

*Email chain including Dan Barill, Rick Lloyd and Ed Houghton, August 29, 2011, [TOC0207083](#)*

592. Deputy Mayor Lloyd forwarded this email to Ed Houghton, who wrote:

I would tell him thanks and that we will discuss. The estimates came from the architects that the Steering Committee used but he misread the \$1M for the mezzanine. That was already in the cost. We only identified it after. I would also tell him that I visited the Listowell arena. This also upsets me because we have already paid him for our Collus Bldg, the curling club and the outdoor rink.

*Email chain including Dan Barill, Rick Lloyd and Ed Houghton, August 29, 2012, [TOC0207083](#)*

593. Deputy Mayor Lloyd responded to Dan Barrill, writing:

Thanks very much for your thoughts and comment... I must tell you that I have had the opportunity to tour the Listowell Arena.

The estimate that you refer to came right out of the CENTRAL PARK STEERING COMMITTEE but I think you misread the \$1 million for the Mezzanine as that is already in the total cost. The cost is a "Turn Key" price that includes such things as the Zamboni ,Centre ice Score Board etc. It is more than just the building.

*Email chain including Dan Barill, Rick Lloyd and Ed Houghton, August 29, 2012, [TOC0207141](#)*

594. Deputy Mayor Lloyd also listed, "...the financial challenges that Collingwood is and will be facing in the next 10 years", which he said totaled: "\$151,405,577 MIL". Deputy Mayor Lloyd concluded: "Now that is one of the many reasons I can't support a \$30 to \$35 million dollar Recreational Facility at Central Park".

*Email chain including Dan Barill, Rick Lloyd and Ed Houghton, August 29, 2012, [TOC0207141](#)*

595. Deputy Mayor Lloyd then sent a further email five minutes later, writing: "Also is included in the Price is the Complete Site Servicing."

*Email chain including Dan Barill, Rick Lloyd and Ed Houghton, August 29, 2012, [TOC0207147](#)*

## 10.7 Ameresco Expresses Discontent with the Absence of a Procurement Process Prior to the Town's August 27, 2012 Decision

596. On August 30, 2012, Frank Miceli sent Mayor Cooper a letter by email, copying Deputy Mayor Rick Lloyd, Town Councillors, Anthony DaSilva, Enzo Colangelo, and Mark Palmer. Mr. Miceli wrote:

...

The main purpose of our deputation was not to provide a concept as a solution to the Town's recreational plan put rather to offer a process that the Town could use to acquire the services of a 'partner' to help you navigate through the multitude of options and variables that have been faced and will continue to be faced. Everyone seemed to miss that point and focused on the \$27 million concept. In light of the staff presentation that followed our deputation it is now understandable why that occurred.

We were extremely surprised to see that the staff report resembled nothing that had previously been discussed with respect to the scope or delivery method of the proposed facility. What was previously described as a comprehensive solution with a community centred facility seemed to morph into a fragmented solution to get a roof over an existing swimming pool and an additional ice pad.

The process then seemed to go off onto another tangent whereby the only acceptable solution was to have a fabric covered structure over both the pool and the arena. In addition, all the other related site work required to make this project viable were now being taken on by the Town.

If these divergences from the original plan were not enough, a formal procurement process seemed to be entirely abandoned in favour of a rapid award to a single supplier of a fabric covered structure.

This dramatic departure from the original vision of a Multi-Use Recreational Facility as well as from the established procurement policies of all public entities has left us with the following unanswered questions that we would respectfully ask be addressed by Your Worship.

1. If the scope of work changed from a multi use recreational facility to a single pad arena and a roof over an existing pool why was a Request for Proposals not prepared and issued to solicit these solutions from the marketplace? The staff report included an outline specification which could have served as the basis of a Request for Proposals.

2. How is it justified that an 'Element of competition was included in the gathering of estimates' when in fact what you received was a quotation from a fabric covered structure company and an estimate from an architectural firm. These are in no way comparable in our industry and we have not seen any provisions in the The Town of Collingwood's purchasing policy that addresses this as a valid procedure. Please provide some explanation with references both to accepted contracting practices and the Town's policy.

3. If a quotation was required for this new scope of work, in light of the fact that Ameresco Canada Inc. had met on several occasions with a variety of members of Council and staff directly involved with this process, why was contact not made to allow us to introduce something of a more competitive element? For that matter, why were local contractors not similarly invited even on an informal basis?

4. What technical evaluations have been conducted by Staff with respect to the suitability of fabric covered structures in these applications? How many similar installations have been completed? How long have these installations been in place? Have these existing facilities been visited by staff or by hired consultants experienced in this type of building evaluation/comparison?

We are disappointed that we will not be a part of this project, but as members of our industry we accept the fact that we will likely lose more projects than we win. However, it is the manner in which this opportunity was lost to us that prevents us from simply walking away without seeking clarification. After a more traditional and formal process the outcome may have been the same as the one reached on Monday night and everyone could sit back and watch the project become a physical reality. The Town would get delivered what is reported to be a leading edge

building, in a short period of time, with full LEED Silver Certification, at a cost within the funds available. Instead, the process that we observed leaves us with nothing but questions.

I look forward to hearing from you.

*Email and attachment from Frank Miceli to Sandra Cooper, Rick Lloyd, Mike Edwards, Kevin Lloyd, Ian Chadwick, Keith Hull, Dale West, Sandy Cunningham, Joe Gardhouse, Anthony DaSilva, Enzo Colangelo, and Mark Palmer, August 30, 2012, [TOC0207722](#) and [TOC0207723](#)*

597. Mayor Sandra Cooper responded to Frank Miceli's letter, writing: "Hello Mr. Miceli: Thank you for your presentation. The town has fulfilled all obligations."

*Email from Sandra Cooper to Frank Miceli, Rick Lloyd, Mike Edwards, Kevin Lloyd, Ian Chadwick, Keith Hull, Dale West, Sandy Cunningham, Joe Gardhouse, Anthony Da Silva, Colangelo, Enzo, Mark Palmer, August 30, 2012, [TOC0207801](#)*

## 10.8 Deputy Mayor Rick Lloyd responds to a Citizen's Concerns about the Cost of the Sprung Facilities

598. A member of the public wrote to Town Council expressing concern that the Town could not afford the \$12 million dollar project and noting that "The Deputy Mayor has said that there will be no TAX INCREASES...".

*Email from member of the public to Town Councillors, Ian Adams and John Edwards, August 30, 2012, [TOC0207918](#)*

599. Deputy Mayor Rick Lloyd replied to the person, and forwarded his response to Councillor Kevin Lloyd, that the cost

can be paid in full from the 1.5 Million in reserves that last Council pledged to the YMCA, 1.3 million from Simcoe County, 8 million from the 14 million dollar sale of Collus and id the Balance from the Development charges. This will completely pay for the facilities so it doesn't effect our property taxes. NO EFFECT TO THE TAXE PAYER!

*Email chain including Rick Lloyd, Kevin Lloyd, member of the public, Town Councillors, Ian Adams and John Edwards, August 30, 2012, [TOC0207931](#)*

## 10.9 Steven Berman Corresponds with Members of Council About the Recreation Facilities After the August 27, 2012 Council Meeting; Deputy Mayor Rick Lloyd Responds

600. On August 29, 2012, Steve Berman, a blogger, sent emails to Councillors Kevin Lloyd, Ian Chadwick, Dale West and Mike Edwards as well as Deputy Mayor Lloyd and Mayor Cooper, asking them to detail the point in time between the July 16 Council resolution and the August 27 vote to construct the Sprung structures that they decided they were going to vote in favour of Staff Report EMC2012-01. The emails resulting from this correspondence are detailed in [Summary Document 2-5](#).

*Email from Steve Berman to Kevin Lloyd, August 29, 2012, [TOC0207013](#)*

*Email from Steve Berman to Rick Lloyd, August 29, 2012, [TOC0207017](#)*

*Email from Steve Berman to Ian Chadwick, August 29, 2012, [TOC0207121](#)*

*Email from Steve Berman to Dale West, August 29, 2012, [TOC0207135](#)*

*Email from Steve Berman to Mike Edwards, August 30, 2012, [TOC0207550](#)*

*Email from Steve Berman to Sandra Cooper, August 29, 2012, [TOC0207248](#)*

*[Summary Document 2-5](#): Council, Staff, and Public Discussions Related to the Town's Recreational Facilities, chapter 1.8*

601. On August 30, 2012, Steve Berman emailed Deputy Mayor Rick Lloyd, writing:

I was looking at your 2010 campaign page on issues. Specifically this part:

Rick Lloyd is concerned about what he calls the town's "run-a-way debt" that has grown from \$27 million three years ago to approximately \$50 million today. "We have to be much more aware of how much debt the Collingwood tax payers can take on and spend wisely."

Can you please tell me what formula you used to come up with the \$50 million figure, and using the exact same formula, what would that number be today, August 30, 2012.

*Email chain including Steve Berman, Rick Lloyd and Marjory Leonard, August 30, 2012, [TOC0207710](#)*

602. In response, Deputy Mayor Lloyd indicated that Steve Berman could ask his question directly to Town Treasurer Marjory Leonard, thanked him for all his interest, and said, "I

hope things are great at the Y". Deputy Mayor Lloyd and Mr. Berman's conversation is referenced in [Summary Document 2-5](#)

*Email chain including Steve Berman, Rick Lloyd and Marjory Leonard, August 30, 2019, [TOC0207710](#)*

*Email chain including Steve Berman, Rick Lloyd, Marjory Leonard, and Kevin Lloyd, August 30, 2012, [TOC0207936](#)*

*[Summary Document 2-5](#): Council, Staff, and Public Discussions Related to the Town's Recreational Facilities, chapter 1.8*

## 10.10 Staff Identify Issues and Consider Building Code and Planning Difficulties Moving Forward with Sprung Structures

603. On August 28, 2012, Marta Proctor emailed Acting CAO Ed Houghton, requesting a meeting the following week to discuss next steps on moving forward with the pool and arena.

*Email chain including Marta Proctor, Ed Houghton, Pam Hogg, Larry Irwin, Marjory Leonard and Sara Almas, August 28, 2012, [TOC0206123](#)*

604. The minutes of the August 28, 2012 Department Head meeting recorded that:

CBO Plewes noted that the Deputy CBO is busy and getting busier as project manager for the Fire Hall. If he is to also take the responsibility of managing the construction of both approved projects (Centennial Pool and the Ice Rink) then the CBO will require an additional Building Inspector for the Department to properly function. The Director of Parks, Recreation and Culture suggested that the Executive Management Team meet to discuss the strategy to move forward with the projects and invite those Department Heads whose role would be impacted by the project. The Chair concurred.

*Department Head Meeting Minutes, August 28, 2012, [TOC0208293](#)*

605. On August 29, 2012 at 9:16 am, Bill Plewes, Director of Building Services and Chief Building Official for the Town of Collingwood, emailed Marjory Leonard about the Sprung Structures, writing:

Can you tell me the sizes of the two structures that the Town is proposing to buy. I think we should be doing a preliminary code review prior to placing the order. Also, is there an interior layout indicating rooms and floor levels.



The Building Code is very strict with this type of occupancy and the type of construction materials being used.

*Email chain including Bill Plewes, Marjory Leonard, Dave McNalty, Ed Houghton, Sara Almas and Larry Irwin, August 29, 2012, [TOC0206762](#)*

606. Marjory Leonard forwarded Bill Plewes' email to Dave McNalty and the EMC, indicating that Mr. McNalty, "has more knowledge of the materials than I do." At 9:53 am, Mr. Houghton replied to the EMC and Bill Plewes, advising that he wanted to have a meeting the following week with "the larger group."

*Email chain including Bill Plewes, Marjory Leonard, Dave McNalty, Ed Houghton, Sara Almas and Larry Irwin, August 29, 2012, [TOC0206762](#)*

607. On August 31, 2012, Ed Houghton scheduled a meeting between Staff, Sprung, and BLT, to take place on September 4, 2012. Included were Bill Plewes, Sara Almas, Marjory Leonard, Marta Proctor, Larry Irwin, and Nancy Farrer. Nancy Farrer forwarded the meeting invitation to Trevor Houghton, asking that he attend on her behalf.

*Calendar Invitation from Ed Houghton to Bill Plewes, Sara Almas, Marjory Leonard, Marta Proctor, Larry Irwin and Nancy Farrer, "Meeting with Sprung BLT", August 31, 2012, [TOC0208166](#) and [TOC0208167](#)*

*Email from Nancy Farrer to Trevor Houghton, August 31, 2012, [TOC0208325](#)*

608. On the same day, August 31, 2012, Nancy Farrer forwarded to Community Planner Mark Bryan an August 7, 2012 email she had sent to Ed Houghton and Senior Town Planner Trevor Houghton regarding zoning requirements for Heritage Park and Central Park, writing "fyi- just so you know what I said previously." In her August 7, 2012 email, Ms. Farrar had written:

Ed - both of these properties are in a Recreation REC zone. The minimum setbacks to property line in a Recreation zone are 7.5 metres (so in other words a 7.5 metre setback to Spruce Street and to Third Street). The maximum building height is 12 metres. The other applicable zoning provisions would be maximum lot coverage and minimum landscaping which would probably be fine. In addition, we would need to look at the parking section of the by-law and determine how many spaces would be required based on the size of the proposed building.

For this type of municipal building we have traditionally run the proposal through Development Committee who identify any issues from any department. Please let

me know when there is more information about the size and location of. these buildings and we will start whatever process is required asap.

*Email chain including Nancy Farrer, Ed Houghton, Trevor Houghton and Mark Bryan, August 31, 2012, [TOC0207932](#)*

609. Mark Bryan replied: "I found it hard to believe that the EMC would take a report like this to Council without being aware of the potential planning issues and our needed involvement... "

*Email chain including Nancy Farrer, Ed Houghton Trevor Houghton and Mark Bryan, August 7 and 31, 2012, [TOC0208001](#)*

610. On August 31, 2012, Dave Barrow emailed Ed Houghton: "Is there anyway I can get the lot plans for the pool and arena. I would like to print off for Tuesday's meeting and provide the consultants." Ed Houghton forwarded the chain to Dave McNalty, who responded to Mr. Barrow:

We don't have the AutoCad file for Heritage Park which is home to Centennial Pool. There are four PDF plans attached that do include site information. These are from a prior proposed project. The Architectural Site Plan for that prior project is included simply because it has some key dimensions from property lines to the existing structures. There are also two aerial views - one of the park, and one of the pool.

Attached to a subsequent email will a couple of the original drawings of the pool and change house showing some construction details, etc.

*Email chain including Ed Houghton, Dave Barrow, Dave McNalty and Paul Waddell, August 31, 2012, [CJI0007508](#)*

611. On August 31, 2012, Deputy Chief Building Official Ron Martin and Deputy Mayor Rick Lloyd exchanged emails about a building under construction. Deputy Mayor Lloyd said to Mr. Martin, "Have the eagle call Bob Nicholson from Hockey Canada as he endorsed the Sprung Concept. Eagle will know him as Doc Paul called Nicholson and was impressed." Mr. Martin replied, "I will see if Al knows Bob. Probably does. He seems to know everyone in hockey.... You and I still could have built a real arena a lot less than the numbers thrown around.... Too bad!"

*Email chain including Ron Martin and Rick Lloyd, August 31, 2012, [TOC0208227](#)*

