



FOUNDATION DOCUMENT

PART II: FUNDING THE RECREATIONAL FACILITIES AT CENTRAL PARK AND HERITAGE PARK

Chapter 12: Town Staff and BLT Plan the Construction of the Pool and Arena; Council Approves the Addition of a Therapy Pool to the Pool Project; The Collingwood Clippers Request Competitive Improvements to the Pool and Facilitate a Private Conditional Donation

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 12: Town Staff and BLT Plan the Construction of the Pool and Arena; Council Approves the Addition of a Therapy Pool to the Pool Project; The Collingwood Clippers Request Competitive Improvements to the Pool and Facilitate a Private Conditional Donation

12.1 The Collingwood Clippers Email Council in Support of Sprung Decision

703. Deputy Mayor Rick Lloyd emailed Ed Houghton on September 8, 2012 stating that he had been speaking with Lisa Rennie. Ms. Rennie was a parent involved in the Collingwood Clippers competitive swim club. Deputy Mayor Lloyd advised Mr. Houghton that Ms. Rennie had obtained a quote from Sprung three years earlier. Deputy Mayor Lloyd wrote that it would “be great to have Paul Speak with her as well.”

Email from Rick Lloyd to Ed Houghton, September 8, 2012, [TOC0211256](#)

704. The following day, September 9, 2012, Clippers president Sharon McFarlane sent Collingwood Council an email expressing the Clippers’ support of Council’s decision to cover Centennial Pool.

Email from Sharon McFarlane to Sandra Cooper, Rick Lloyd, Mike Edwards, Kevin Lloyd, Ian Chadwick, Keith Hull, Dale West, Sandy Cunningham, Joe Gardhouse, Ed Houghton and Marta Proctor, September 9, 2012, [TOC0211825](#)

[Summary Document 2-3](#): Early Sprung Interactions with Collingwood Councillors, Residents, and Staff; Sprung’s Strategic Alliance Agreement with BLT (March 2010 – February 2011)

12.2 Council Approves the Addition of the Therapeutic Pool to the Centennial Pool Project

705. On October 2, 2012, Council directed Staff to prepare a report on including a therapeutic pool within the new Centennial Pool development. The report was to be presented at the October 15, 2012 Council meeting.

Council Minutes, October 1, 2012, [CJ10008102](#), p 4

Email chain and attachment including Marta Proctor, Joe MacDonald, Keith Hull, Dale West, Monica Gal, Catherine Campbell, George Christie, George Dickson, Pieter Huyssen, Karen Ciotti, Keith Hull, Mandy Long, Matt Water, Paul Cadieux, Penny Skelton, Peter de Vries, Ed Houghton, Sara Almas, Marjory Leonard and Larry Irwin, October 10 and 11, 2012, [TOC0227852](#) and [TOC0227853](#)

706. On October 4, 2012, Ron Martin, Ed Houghton, Dennis Seymour, and Marta Proctor attended a meeting about the pool with Paul Waddell at BLT. After the meeting, Mr. Martin wrote to Mr. Waddell, copying Mr. Houghton and said,

Thanks for this morning. You were a lot cooler than I might have been with all the suggestions and changes coming at you.....Not sure how we got this far however I agree that we should attempt to incorporate as many of the suggestions as possible within our **time frame and budget**. [emphasis in original]

Email chain including Paul Waddell, Ron Martin, Dave Barrow, Ed Houghton, and Marta Proctor, October 2-4, 2012, [CJI0007552](#)

707. On October 10, 2012, Marta Proctor circulated a draft of Staff Report PRC2012-22 to the Town Department Heads, Mandy Long, Christa Carter, Becky Dahl, Dave McNalty, and Ron Martin for review and comment. Ed Houghton replied with a revised draft and suggested that the report come from Ms. Proctor at PRC “with input from the EMC and Dave McNalty”.

Email and attachment from Marta Proctor to Department Heads, Mandy Long, Christa Carter, Becky Dahl, Dave McNalty, and Ron Martin, October 10, 2012, [TOC0227086](#) and [TOC0227087](#)

Email chain and attachment including Ed Houghton, Marta Proctor, Department Heads, Mandy Long, Christa Carter, Becky Dahl, Dave McNalty, and Ron Martin, October 10, 2012, [TOC0227136](#) and [TOC0227137](#)

708. Sara Almas emailed Ed Houghton, Marjory Leonard, Larry Irwin, Marta Proctor, Mandy Long and Christa Carter about the draft staff report, proposing that the Recommendations include two alternate options: to receive the report outlining an option to have a therapeutic pool within the new Centennial Pool development, or “to receive the report and direct Staff to incorporate a therapeutic pool....” She explained in her email: “...So it is Council that chooses which option to proceed with – it is not Staff’s recommendation.” Ed Houghton replied that Ms. Almas’ suggestion was a very good point, saying “We’ve been taking all the bullets.”

Email chain and attachment including Sara Almas, Ed Houghton, Marjory Leonard, Larry Irwin, Marta Proctor, Mandy Long, and Christa Carter, October 10, 2012, [TOC0227521](#) and [TOC0227522](#)

Email chain and attachment including Sara Almas, Ed Houghton, Marjory Leonard, Larry Irwin, Marta Proctor, Mandy Long, and Christa Carter, October 10, 2012, [TOC0517023](#)

709. On October 11, 2012, Marta Proctor sent a draft of the staff report regarding the therapeutic pool to the PRCAC, Ed Houghton, and the EMC, indicating that a final version would be circulated with the PRCAC agenda the next day. In her email, Ms. Proctor wrote, "...In moving forward with this project, Town staff have had follow up discussions with the YMCA to explore partnership opportunities in operating this facility. We are awaiting a reply from the YMCA on their position."

Email chain and attachment including Marta Proctor, Joe MacDonald, Monica Gal, Catherine Campbell, Dale West, George Christie, George Dickson, Pieter Huyssen, Karen Ciotti, Keith Hull, Mandy Long, Matt Water, Paul Cadieux, Penny Skelton, Peter de Vries, Ed Houghton, Sara Almas, Larry Irwin, and Marjory Leonard, October 10-11, 2012, [TOC0227852](#) and [TOC0227853](#)

710. PRCAC member Joe MacDonald responded to Marta Proctor's email, indicating that he reviewed the draft therapeutic pool report and asking,

...are you saying that a therapeutic pool can be built with everything included for \$550,000??? About 3.5million cheaper than the last time we had this discussion for this location. I would like to see how this number was arrived at and what is included in this. I think it would be prudent to include all costs associated with this pool not just the bare minimum building costs. Is a stand alone therapeutic pool really what the community needs, is this what other communities do?

Email chain including Marta Proctor, Joe MacDonald, Monica Gal, Catherine Campbell, Dale West, George Christie, George Dickson, Pieter Huyssen, Karen Ciotti, Keith Hull, Mandy Long, Matt Water, Paul Cadieux, Penny Skelton, Peter de Vries, Ed Houghton, Sara Almas, Larry Irwin, and Marjory Leonard, October 10 and 11, 2012, [TOC0227876](#)

711. Paul Cadieux also responded to Marta Proctor about the therapeutic pool, indicating that he was pleased it was being considered, and posed the following questions:

...

1. Was there any budget allocation within the BLT contract to upgrade the circulation system? If not, is some form of redundant water treatment system, such as an ozone sanitation system being considered?
2. I imagine the therapeutic pool will require its own circulation system and heater. Is this the case?

3. I also did not see any mention of a computerized water monitoring system. Is this being considered? ...

Email chain including Marta Proctor, Joe MacDonald, Monica Gal, Catherine Campbell, Dale West, George Christie, George Dickson, Pieter Huyssen, Karen Ciotti, Keith Hull, Mandy Long, Matt Water, Paul Cadieux, Penny Skelton, Peter de Vries, Ed Houghton, Sara Almas, Larry Irwin, and Marjory Leonard, October 10-11, 2012, [TOC0517021](#)

712. On October 11, 2012, Ed Houghton forwarded the PRCAC email chain about the draft therapeutic pool report to Mark Watts and Dave Barrow, asking, "...Two questions: are we still comfortable that we can build a warm water therapy pool for \$500,000 - \$550,000? And, have we considered the questions posed by Mr. Cadieux below?"

Email from Ed Houghton to Dave Barrow and Mark Watts, October 11, [CJ10007237](#)

713. Council received the final version of Staff Report PRC2012-22 at the October 15, 2012 Council meeting (the "Therapeutic Pool Report"). The Agenda set out the alternate resolutions that Sara Almas had drafted. The Therapeutic Pool Report contained a different set of recommendations:

THAT Council receive for information staff report PRC 2012-22 outlining an option to have a therapeutic pool within the new Centennial Pool development

AND FURTHER THAT Council direct staff to proceed with confirming detailed specifications and firm costs to an upset limit of \$550,000 (excluding applicable taxes)

Special Meeting of Council Agenda, October 15, 2012, [CJ10008053](#)

Email and attachment Mandy Long to Christa Cater, Marta Proctor, Ed Houghton, Sara Almas, Marjory Leonard, and Larry Irwin, October 10, 2012, [TOC0227394](#) and [TOC0227396](#)

714. The Therapeutic Pool Report explained:

...

Recent discussions with various community stakeholders on the approved Centennial Pool project emphasised the need and value of a warm water therapeutic pool component. Support for this feature was also presented in several previous Parks, Recreation and Culture reports including the Central Park Redevelopment Final Report, the Heritage Park Retrofit Plan and the 2008 Leisure Services Master Plan...

Based on Council's direction, follow up discussions with Sprung/BLT have confirmed that adding a warm water therapeutic pool tank to the Centennial Pool project is a viable option. To accommodate the therapeutic pool component the site design and dimensions would need to be adjusted however no impact to existing park uses is anticipated. The proposed therapeutic pool tank would be approx 25ft by 30ft with a constant depth of approximately 4 ft...

Special Meeting of Council Agenda, October 15, 2012, [CJ10008053](#)

715. The Therapeutic Pool Report addressed the cost of the therapeutic pool:

Sprung/BLT continue to express a great level of interest in building this facility as a showcase for the Ontario/Eastern Canada marketplace. As a result, they have confirmed that they would include the therapeutic pool component and associated site design accommodations at their construction cost. Preliminary discussions have identified this cost in the range of \$500,000 to \$550,000. In order to incorporate the therapeutic pool in the construction schedule of this project, Council direction is required as soon as possible.

Special Meeting of Council Agenda, October 15, 2012, [CJ10008053](#)

Staff Report PRC2012-22, October 15, 2012, [TOC0227396](#)

716. The Therapeutic Pool Report also indicated that the costs of the new warm water therapeutic pool tank would be added into the overall cost of the Centennial Pool project.

Special Meeting of Council Agenda, October 15, 2012, [CJ10008053](#)

Staff Report PRC2012-22, October 15, 2012, [TOC0227396](#)

717. On October 15, 2012, Council directed Town Staff "...to proceed with incorporating a therapeutic pool into the current contract for the Centennial Pool development to an upset limit of \$550,000 (*excluding applicable taxes*).” Councillors Keith Hull and Joe Gardhouse opposed the motion. Council defeated a motion brought by Councillors Hull and Gardhouse to defer Council's decision on the integration of the therapeutic pool until the YMCA advised as to their interest in partnering with the Town to provide a therapeutic pool.

Special Meeting of Council Minutes, October 15, 2012, [CJ10008104](#)

Council Resolution 438, October 15, 2012, [TOC0009461](#)

12.3 The Pool and Arena are Considered at a Development Committee Meeting

718. A Development Committee meeting was scheduled for October 11, 2012 regarding the Central Park Arena. The Development Meeting Technical Report of Compiled Comments (the “Development Committee Comments”) included comments from Town Planning Services Senior Planner Trevor Houghton, Envision Tatham’s David Wood, Planning and Infrastructure Manager Robert Voigt, and Collus Power.

Development Meeting Technical Report of Compiled Comments, October 11, 2012, [TOC0514639](#)

12.4 The Town Receives a Request for a List of Payments to Compenso; The Town Responds There are No Records of Payments

719. On October 12, 2012, Steve Berman submitted a Freedom of Information request to the Town of Collingwood seeking, among other things, “An accounts payable listing of all fees paid by cheque or other method to Compenso from January 1, 2011 to present (October 12, 2012).” On October 26, 2012, Town Clerk Sara Almas responded, noting that the Town did not have any record of any payments to Compenso during the requested time period.

Email and attachment from Sara Almas to Becky Dahl, October 26, 2012, [TOC0235874.0001](#) and [TOC0235874.0001.0001](#)

12.5 The Collingwood Clippers Suggest Applying for a Grant for Pool Upgrades

720. On October 16, 2012, representatives from the Department of Parks, Recreation and Culture met with members of the Clippers executive board. After the meeting, Marta Proctor sent an email to the EMC and Ron Martin describing the discussions at the meeting:

... the Clippers executive confirmed that they also do not currently have any funds available to upgrade the pool for competitive purposes, however they would be greatly interested in doing the gutter work at some point in time, should they access funding. I will review this piece one more time with Paul and Ron, however, I told Keith at this point, there will likely be no upgrades to the 25 metre pool.

Email chain including Marta Proctor and Michelle Kusiar, October 15, 2012, [TOC0230061](#)

Calendar Invitation from Michelle Kusiar to Dennis Seymour, Marta Proctor, Mandy Long and Darin Potts, "Clippers Meeting", October 16, 2012, [TOC0230062](#)

Email from Marta Proctor to Ed Houghton, Larry Irwin, Marjory Leonard, Sara Almas and Ron Martin, October 17, 2012, [TOC0231636](#)

721. On October 17, 2012, Linda Simpson, Collingwood Clippers parent and Executive Director of the Georgian Triangle Tourist Association, emailed Deputy Mayor Rick Lloyd, Ed Houghton and Collingwood Clippers parent Lisa Rennie, seeking an update on "the potential costs for Pool Upgrades and Renovations." She suggested that the Town and the Clippers make a joint application for an Ontario Trillium Foundation grant, noted that the grant application deadline was November 1, 2012, and provided more details about the Trillium Foundation and the grant terms and conditions.

Email chain including Linda Simpson, Ed Houghton, Rick Lloyd and Lisa Rennie, October 17, 2012, [TOC0231748](#)

722. Deputy Mayor Rick Lloyd forwarded the emails from Linda Simpson and Lisa Rennie to Marjory Leonard with the comment, "CONFIDENTIAL."

Email chain including Linda Simpson, Ed Houghton, Rick Lloyd, Marjory Leonard and Lisa Rennie, October 17, 2012, [TOC0231756](#)

723. On October 22, 2012, Deputy Mayor Rick Lloyd asked Marjory Leonard if a grant application had been made to update the pool. Ms. Leonard responded that she thought not and that Deputy Mayor Lloyd should ask Ed Houghton because he had, "...prior knowledge regarding Myrtha and what they were being asked to do."

Email chain including Rick Lloyd and Marjory Leonard, October 22, 2012, [TOC0517006](#)

12.6 Treasurer Marjory Leonard Responds to Questions and to a By-Law Complaint regarding the Funding for the Recreation Projects

724. During the period between October 15 to October 22, 2012, Marjory Leonard responded to a series of questions from former PRCAC member Joanne Pearson about how Council was able to approve the arena and pool construction without provision for such

expenditures in the Town budget and in light of certain provisions in the Town's Purchasing By-Law. Ms. Pearson also asked how these projects would be paid for if the Collus share sale proceeds were not used. Sara Almas, Deputy Mayor Rick Lloyd and Ed Houghton also became involved in the email correspondence with Ms. Pearson.

Email chain including Keith Hull, Penny Skelton, Dale West and Marta Proctor, September 17, 2012, [TOC0216157](#)

Email chain including Joanne Pearson, Ed Houghton, Marta Proctor, Sandra Cooper, Keith Hull, Sandy Cunningham, Joe Gardhouse, Ian Chadwick, Rick Lloyd, Kevin Lloyd, Mike Edwards, Sara Almas, Mike Lewin, and Marjory Leonard, October 15, 2012, [TOC0517020](#)

Email chain involving Marjory Leonard, Joanne Pearson, Mike Lewin, Ed Houghton, Sara Almas, Larry Irwin, Marta Proctor, Keith Hull, Kevin Lloyd, Dale West, Joe Gardhouse, Rick Lloyd, Ian Chadwick, Mike Edwards, October 16, 2012, [TOC0230897](#)

Email chain including Joanne Pearson, Ed Houghton, Marta Proctor, Sandra Cooper, Keith Hull, Sandy Cunningham, Joe Gardhouse, Ian Chadwick, Rick Lloyd, Kevin Lloyd, Mike Edwards, Sara Almas, Mike Lewin, Larry Irwin and Marjory Leonard, October 16 - 26, 2012 [TOC0549342](#)

725. In the course of this email exchange, Marjory Leonard provided the following information:

...

Below I have repeated the initial funding as presented to Council August 27th now updated for the potential funding and costs for the therapeutic pool:

Funds available

• Reserve	\$1,500,000
• County – portion of Poplar Sideroad construction 2010	\$1,300,000
• Collus PowerStream Partnership (to be confirmed by public)	\$8,000,000
• Potential DC – Heritage Park – parking/landscaping (22%)	\$88,000
• Potential DC – Central Park – arena enclosure (18%)	\$821,488
• 2012 revenue to be recognized from reserve transfer	\$450,000
• Parkland Levy funds	\$43,395
• Total Available (potentially)	\$12,202,883

Capital Costs

• The Total Cost of the Two Buildings	\$10,617,000
• Warm Water Therapy Pool	\$550,000
• Accessory Costs	\$316,000
• Site Servicing Costs for Both Buildings	\$700,000
• Total Cost (less taxes)	\$12,183,000

Email from Marjory Leonard to Joanne Pearson, Mike Lewin, Town Councillors, Ed Houghton, Sara Almas, Larry Irwin, and Marta Proctor, October 16, 2012, [TOC0230526](#)

726. On October 16, 2012, Marjory Leonard also advised Joanne Pearson that, “We have sufficient funds on hand either through the use of the Collus funds or through internal borrowing from other reserves to fund these projects.”

Email chain including Marjory Leonard, Joanne Pearson, Mike Lewin, Ed Houghton, Sara Almas, Larry Irwin, Marta Proctor, Keith Hull, Kevin Lloyd, Dale West, Joe Gardhouse, Rick Lloyd, Ian Chadwick, and Mike Edwards, October 16, 2012, [TOC0230897](#)

12.7 The Town is Asked Again if it Violated its Own Borrowing By-Laws

727. On October 17, 2012, Joanne Pearson wrote, “...I will still be waiting for a response from the Clerk in regards to whether or not the town has adhered to it's bylaws as well as from the Treasurer in regards to borrowing policies...” Sara Almas provided responses to Ms. Pearson between October 17 to 26, 2012, advising that Ms. Pearson’s inquiry “...required a complex review wish was more appropriately undertaken by our external auditors.”

Email chain including Marjory Leonard, Joanne Pearson, Mike Lewin, Ed Houghton, Sara Almas, Larry Irwin, Marta Proctor, Keith Hull, Kevin Lloyd, Dale West, Joe Gardhouse, Rick Lloyd, Ian Chadwick, and Mike Edwards, October 16 – 24, 2012, [TOC0549342](#)

728. On October 22, 2012, Treasurer Marjory Leonard provided Clerk Sara Almas with a memo regarding Joanne Pearson’s by-law questions. In the memo, Ms. Leonard referred to the “Central Park Redevelopment Project” as the “CPRP”. Ms. Leonard’s memo included the following:

- a. In response to the question about whether the Town was contradicting its own by-law by proceeding with a project it had not budgeted for, Ms. Leonard's memo explained that Council had included provisions "for the CPRP capital expenditures in the 2012 budget with an intention of funding this through debentures":
- b. She stated the detailed Capital Project Information sheet for the Project that was provided to Council during budget deliberations set out total costs of \$34,193,715 and anticipated \$16,750,000 in funding from "Other Sources/Donations", with the balance to be funded through debentures;
- c. She explained that Council did not learn that the YMCA would not be able to contribute to the capital costs or that the Collus sale had received OEB approval (and therefore the Town would be receiving sale proceeds) until after it adopted the 2012 budget, and that the "...potential application of the Collus funds reduces the potential debenture requirements from this project...to zero."

Memo from Marjory Leonard to Sara Almas, October 22, 2012, [CBB0000189](#)

729. Marjory Leonard's memo also explained that:

The CPRP included an aquatic component, an ice component and a community space component. Council has chosen to answer the aquatic and ice needs of the community through separating the components in terms of location based on need, financial resources and the information received subsequent to budget adoption...the CPRP was included in the budget...as a multi-year project...and Council and the public were aware at the time of budget approval that funding would include \$17,5m in debentures, Council has re-evaluated the project....Council determined that as a whole the project was not financially viable within the policies and constraints that the municipality is facing...they did determine parts of the project were viable given the subsequent information and therefore determined to decrease the CPRP funds to relate solely to the ice component...In addition, they approved the Centennial Pool project to be added to the capital budget...

Memo from Marjory Leonard to Sara Almas, October 22, 2012, [CBB0000189](#)

730. With respect to the question of borrowing from reserves, Marjory Leonard explained that, "...a reserve is simply an allocation of the Town's surplus. Council does not have to

'borrow' from reserves, they can simply re-designate the use of any reserve by motion..." Ms. Leonard referred to Staff Report T2012-09, which indicated that the Town's reserve balance as at December 31, 2011 was \$20,212,384.00.

Memo from Marjory Leonard to Sara Almas, October 22, 2012, [CBB0000189](#)

731. On October 24, 2012, Accountant Janet Currie from the accounting firm Gaviller & Company emailed Treasurer Marjory Leonard with the following questions:

Did council at any time consider how the centennial pool/single pad arena project would be financed if the Collus/PowerStream funds were not used? I didn't see that in the EMC 2012-01 report. Original Capital Project had more than \$21M being debentured so if \$8M not used from Collus/PowerStream deal then only option would be debentures, correct?

In the original Central Park Redevelopment Project multi year capital budget you had total costs of \$34,193,715 from 2012 to 2016 which were to be financed from a combination of debentures and other/donations - where did the total costs come from? I thought somewhere I read that the Steering committee report wasn't presented to Council until early 2012 after budget time. So did you have preliminary info on which to base the capital project budget costs on?

What would it mean if Council did in fact violate its own By-Laws? What are the ramifications? Sorry I don't know the Municipal Act on this issue.

The real question might be is whether when Council approved the budget, which included the Capital budget did they understand that by approving the preliminary costs (design etc.) were they committing themselves to the entire Central Park Project. Based on John Mascarin's 2010 email Council would still have the authority to change the project if there were significant changes to the assumptions/estimates or costs involved.

Email chain including Janet Currie and Marjory Leonard, October 24, 2012, [TOC0516845](#)

732. Marjory Leonard replied:

You are correct on the debenture answer. As noted it was not a for certain that we would be able to sell the Collus shares at the time we prepared the budget so our option was to show the CPRP as debenture.

The estimated costs came from Marta. She was involved all along with the steering committee and we had those preliminary estimates prior to budget. The capital project sheets I provided were the revised sheets after budget deliberations. The project was initially ahead one year ie completion in 2015 and \$500k in design/engineering costs in 2012. Council directed that we only include enough to

cover market sounding and business plan preparation in 2012. It was a question of investigating P3 opportunities. Council balked at paying \$40k to do the market sounding when they found out that it meant potentially leveraging assets other than Central Park for the partnership ie CTL, Harbour, EBMA, Heritage Park, Sunset Point.

As to what happens if Council violated its own by-law - remember the Georgian Grill/Tremont kerfuffle. I believe that would pale in comparison to what may happen now.

Did they think they were approving the whole project as it was? No I don't believe so. At budget deliberations when they moved the project out one year they were interested in seeing if there was any funding or partnerships out there. Remember at budget time we didn't know that the Y couldn't contribute (I believe the Y itself knew they had not gotten the grant in the fall of 2011), we were not sure about Fed/Prov funding opportunities and we weren't sure of the Collus sale. This Council ran on a platform of fiscal responsibility and lowering debt not increasing it on 'nice to have' instead of a 'need'. I believe that without the Collus money and the opportunity it provided the project would have been deferred indefinitely similar to Heritage Park that was deferred when it came to light that servicing would add \$4 to \$5m to the project. I would also point out two facts about Heritage Park - Dunbar knew the servicing costs in July but let us go ahead with the budget in December showing the initial estimates from the previous budget (woefully underestimated) and, second the previous Council voted in August 2010 to defer that project which was significantly after the budget was passed in March 2010.

Email chain including Marjory Leonard and Janet Currie, October 24, 2012, [TOC0516845](#)

12.8 The Clerk Represents that the Auditors Have Found no Breach of Municipality By-Laws; The Auditors Advise that they Cannot Express an Opinion on By-Law Compliance

733. On October 26, 2012, Sara Almas advised Joanne Pearson that the auditors were reviewing their response letter with their professional advisors. In her email, Ms. Almas said, "...I can confirm that their position is that no breach of municipal legislation, by-law or policy has been made."

Email chain including Marjory Leonard, Joanne Pearson, Mike Lewin, Ed Houghton, Sara Almas, Larry Irwin, Marta Proctor, Keith Hull, Kevin Lloyd, Dale West, Joe Gardhouse, Rick Lloyd, Ian Chadwick, Mike Edwards, October 16 – 24, 2012, [TOC0549342](#)

734. On October 29, 2012, Janet Currie emailed Treasurer Marjory Leonard, and informed her that the Practice Advisory component of the Institute of Chartered Accountants had advised her that she could not give an opinion on the by-law complaint because it

appeared to be a legal issue. Ms. Currie offered to perform specific procedures regarding what amounts were included in the budget process if required.

Email from Janet Currie to Marjory Leonard, Sara Lomas, and Sue Bragg, October 29, 2012, [CBB0000189](#), p 3

735. On October 31, 2012, Clerk Sara Almas sent a response to Joanne Pearson's by-law complaint to Ms. Pearson, Town Council and Town Department Heads. Ms. Almas wrote, "Attached is the information that has been provided by the Treasurer and reviewed by our auditors. There is no breach of policy, by-law or legislation."

Email chain including Ian Chadwick, Sara Almas, Marjory Leonard, Ed Houghton, Larry Irwin, Joanne Pearson, Town Councillors and Department Heads, October 31-November 1, 2012, [TOC0238038](#)

Email chain including Rick Lloyd, Sara Almas, Marjory Leonard, Ed Houghton, Larry Irwin, Joanne Pearson, Town Councillors and Department Heads, October 31-November 1, 2012, [TOC0238080](#)

12.9 Staff and BLT Work on Site Plans for the Arena and Pool

736. On October 26, 2012, Ron Martin sent the draft site layout for the proposed Central Park Arena to Ed Houghton, Paul Waddell, Marta Proctor, Dennis Seymour, Marjory Leonard, Larry Irwin, Brian Macdonald, Nancy Farrer, Dave McNalty, Larry Irwin, Marcus Firman, Dan Hurley, and David Wood. He noted that,

...it is critical that we establish the final location of the building for engineering, site servicing, and site preparation for construction. The overall design concepts were prepared to confirm that the parking numbers work but will be open for further discussion and review.

Email chain including Ron Martin, Ed Houghton, Paul Waddell, Marta Proctor, Dennis Seymour, Marjory Leonard, Larry Irwin, Brian Macdonald, Nancy Farrer, Dave McNalty, Larry Irwin, Marcus Firman, Trent Elyea, Dan Hurley and David Wood, October 26-November 2, 2012, [TOC0514386](#)

737. On November 2, 2012, Ron Martin forwarded his draft Central Park Arena site plan email to all previous recipients, advising, "No concerns or comments have been received with regards to the proposed arena building location.... we will begin installing underground services to the building location as soon as possible."

Email chain including Ron Martin, Ed Houghton, Paul Waddell, Marta Proctor, Dennis Seymour, Marjory Leonard, Larry Irwin, Brian Macdonald, Nancy Farrer, Dave McNalty, Larry Irwin, Marcus Firman, Trent Elyea, Dan Hurley and David Wood, October 26-November 2, 2012, [TOC0514386](#)

12.10 The FOCP Make a Deputation to Council About Governance Issues Related to Sprung Decision

738. On October 30, 2012, Dr. Michael Lewin emailed Sara Almas, stating that he was preparing for his deputation to Council on November 5, 2012, and asking questions related to Council's decisions about the pool and arena. Ms. Almas and Dr. Lewin exchanged emails regarding his questions during the period between October 30 and November 2, 2012.

Email chain including Sara Almas, Michael Lewin and Marta Proctor, October 30-31, 2012, [TOC0238013](#)

Email chain including Michael Lewin, Sara Almas and Ed Houghton, October 30-31, 2012, [TOC0549348](#)

Email from Sara Almas to Michael Lewin, November 1, 2012, [TOC0549383](#)

Email chain including Mike Lewin, Sara Almas and Ron Martin, November 1 and 2, 2012, [TOC0549406](#)

Email chain including Ed Houghton, Sara Almas, Ron Martin, Marjory Leonard, Larry Irwin and Michael Lewin, November 1 and 2, 2012, [TOC0517001](#)

Email chain including Michael Lewin, Sara Almas, Ed Houghton, Marjory Leonard, Larry Irwin and Marta Proctor, November 1, 2012, [TOC0238846](#)

Email chain including Sara Almas, Michael Lewin, Ed Houghton and Ron Martin, November 1 and 2, 2012, [TOC0549401](#)

739. On November 1, 2012, Dr. Michael Lewin provided Sara Almas a copy of a report to Council to go with his deputation. Ms. Almas forwarded this to Ed Houghton, Larry Irwin and Marjory Leonard, saying, "!!!! ... Please see the attached report to be included in the Council agenda – from Friends of Central Park". Mr. Houghton replied, "I only have my bb. Does it get offensive to staff or me?"

Email chain and attachment including Michael Lewin, Sara Almas, Ed Houghton, Larry Irwin and Marjory Leonard, October 30 - November 1, 2012, [TOC0549376](#) and [TOC0549377](#)

Email chain including Ed Houghton, Sara Almas and Michael Lewin, October 30-November 1, 2012, [TOC0549380](#)

November 5, 2012 Council Agenda, [CJ10008047](#), p 31

740. The FOCP Report was titled, “Good Governance & the Development of Recreation Facilities in Collingwood – October 2012.” The subject of the memo was “Results of Public Input on the Development of Recreation Facilities in Collingwood and Good Governance.” It asked that Council ask staff to report on 12 items identified as “best practices in municipal good governance” by February 1, 2013, some of which included:
- a. “direct staff to revise the Procurement Policy to reflect more stringent guidelines and procedures reflective of other municipal, provincial and federal procedures; specifically articles on sole sourcing amongst a more robust review”;
 - b. “develop a Strategic Plan – in concert with the residents – for the remainder of their term and include community priorities, accountability/transparency measures and a supporting communications plan at a minimum”;
 - c. “include funds for the development of a long range master plan for the development of parks, recreation and culture infrastructure and service delivery with specific focus on the changing demographics, social issues and working better together with other service providers”;
 - d. “request an independent body of residents to complete research with a view to implementing an Ombuds and Ethics Office (contract) for Collingwood; whereby the public can be assured of transparency, honesty and fairness in local government in the future and the right to an independent review of questionable governance practices”;
 - e. “ensure the initiation of a Lobbyist Registry for Collingwood to communicate what firms/individuals are lobbying for what projects and initiatives and with which specific Councillors and senior staff”;

- f. “all expenditures including expense accounts be listed on line on a monthly basis – that this be implemented as soon as possible to include all costs associated with the development of recreation facilities in Collingwood”; and,
- g. “ensure that there is a panel of qualified citizens appointed by an independent body to oversee the recruitment, participate in interviews and the transparent selection process to fill the vacant position of Chief Administrative Officer for the Town of Collingwood.”

Good Governance & the Development of Recreation Facilities in Collingwood – October 30 2012, [TOC0000763](#)

741. The report also identified and discussed issues related to Council’s recent decision on the recreation project, including sole sourcing, and said:

The Town of Collingwood’s procurement policy does allow sole sourcing although the policy is silent on amounts and the usual and more acceptable exceptions and preconditions. Other levels of government and most local municipal governments are much more stringent on sole source conditions. Specifically sole sourcing is usually acceptable ONLY in emergency situations such as floods, tornadoes etc. and where there is a critical urgency and potential safety issues with the public if work is not done in short order. Further sole sourcing fiscal limits range from \$25,000 - \$50,000. It is common practice for all capital works to be tendered; the recreation projects are no exception...The rationale utilized for sole sourcing from staff remains unacceptable - which was that there is no other technology like the Sprung technology. This was not proven in the report and discussions with other suppliers on staff’s list of firms that they researched have indicated that the Town staff has never contacted them to discuss their product. To have developed a matrix and judged companies without even asking for written quotations and specifications was irresponsible at the very least and is negligent...

Good Governance & the Development of Recreation Facilities in Collingwood – October 30, 2012, [TOC0000763](#)

742. During the period between November 1 and November 5, 2012, Council exchanged emails regarding the FOCP deputation material.

Email chain including Ian Chadwick, Sandra Cooper, Ed Houghton, Sara Almas, Marjory Leonard, Larry Irwin, Rick Lloyd, Kevin Lloyd and Sandy Cunningham, November 1, 2012, [TOC0238787](#)

Email chain including Ian Chadwick, Sandra Cooper, Ed Houghton, Sara Almas, Marjory Leonard, Larry Irwin, Rick Lloyd, Kevin Lloyd, Sandy Cunningham, November 1, 2012, [TOC0238789](#)

Email chain including Sandy Cunningham, Ian Chadwick, Sandra Cooper, Ed Houghton, Sara Almas, Marjory Leonard, Larry Irwin and Town Councillors, November 1, 2012, [TOC0238852](#)

Email chain including Kevin Lloyd, Sandra Cooper, Ed Houghton, Sara Almas, Larry Irwin, Marjory Leonard and Town Councillors, November 1, 2012, [TOC0238844](#)

Email chain including Joe Gardhouse, Sandra Cooper, Ed Houghton, Sara Almas, Marjory Leonard, Larry Irwin and Town Councillors, November 1 and 2, 2012, [TOC0239383](#)

Email chain including Ian Chadwick, Sandy Cunningham, Kevin Lloyd, Rick Lloyd and Sara Almas, November 3, 2012, [TOC0239454](#)

Email chain and attachment including Ian Chadwick, Sandy Cunningham, Kevin Lloyd and Rick Lloyd, November 3, 2012, [TOC0239466](#) and [TOC0239467](#)

Email chain including Ian Chadwick, Rick Lloyd, Sandy Cunningham, and Kevin Lloyd, November 4-5, 2012, [TOC0239636](#)

Email from Sandra Cooper to Ian Chadwick and Rick Lloyd, November 5, 2012, [TOC0239900](#)

Email chain including Dale West, Sara Almas, Town Councillors, Ed Houghton, and Marjory Leonard November 5, 2012, [TOC0240141](#)

743. On November 1, 2012, Mayor Sandra Cooper emailed the EMC and Council about the FOCF deputation material, writing:

... I will not allow these people to address council and staff in a demeaning demoralizing manner...

How does it end? Enough is enough. I hope Mr Lewin's comments do not jeopardize the opportunity for \$ one million funding for the Eddie Bush or any other project going forward.

The addendum can include the presentation to the consent agenda.

I will contact this person to give him the message.

Email from Sandra Cooper to Ed Houghton, Sara Almas, Marjory Leonard, Larry Irwin and Town Councillors, November 1, 2012, [TOC0238795](#)

744. Deputy Mayor Rick Lloyd forwarded the Mayor's email to Ian Adams.

Email chain including Rick Lloyd, Ian Adams, Sandra Cooper, Ed Houghton, Sara Almas, Marjory Leonard, Larry Irwin and Town Councillors, November 1, 2012, [TOC0238819](#)

745. Deputy Mayor Rick Lloyd and Councillors Ian Chadwick and Sandy Cunningham, discussed walking out of the Council Meeting in protest. Deputy Mayor Lloyd emailed Mayor Cooper and Councillors Lloyd, Chadwick, and Cunningham, writing,

...I will NOT sit in any meeting and allow anyone to speak down to me or BULLY in this manner! I was not elected to be Mr Lewin,s whipping boy...This is nothing less then an attack on our integrity and nothing to do with Central Park.

TAKE HIM OFF THE AGENDA AND PLACE HIS INFORMATION ON THE CONSENT AGENDA!

Email chain including Ian Chadwick, Sandra Cooper, Ed Houghton, Sara Almas, Marjory Leonard, Larry Irwin, Rick Lloyd, Kevin Lloyd, Sandy Cunningham, November 1, 2012, [TOC0238787](#)

746. Deputy Mayor Rick Lloyd forwarded this email chain to journalist Ian Adams.

Email chain including Rick Lloyd, Ian Adams, Ian Chadwick, Sandra Cooper, Ed Houghton, Sara Almas, Marjory Leonard, Larry Irwin, Kevin Lloyd and Sandy Cunningham, November 1, 2012, [TOC0238791](#)

747. On November 3, 2012, Councillor Ian Chadwick emailed Councillors Lloyd and Cunningham, writing, “Rick has asked me not to leave the table but to stay and raise points of order or privilege when a speaker makes an incorrect statement. Your thoughts?” Councillors Chadwick, Lloyd, and Cunningham agreed to remain in the meeting and challenge perceived chain including during the FOCP deputation.

Email chain including Ian Chadwick, Sandy Cunningham, Kevin Lloyd, Rick Lloyd and Sara Almas, November 3, 2012, [TOC0239454](#)

748. Councillor Ian Chadwick sent Deputy Mayor Rick Lloyd and Councillors Sandy Cunningham and Kevin Lloyd a 14-page document that contained point-by-point responses to Dr. Lewin’s original report at 4:45 pm on November 3, 2012. Councillor Chadwick’s document included the statement that “...There are no lobbyists working with the municipality....” Councillor Chadwick also asserted that “...Staff indicated they contacted suppliers and researched the various technologies...” in response to a statement in the FOCP deputation materials that, “discussions with other suppliers on staff’s list of firms that they researched have indicated that the Town staff has never contacted them to discuss their product.”

Email and attachment from Ian Chadwick to Sandy Cunningham, Kevin Lloyd and Rick Lloyd, November 3, 2012, [TOC0239466](#) and [TOC0239467](#)

749. Councillor Ian Chadwick circulated a revised version that incorporated comments from Mayor Cooper and Ed Houghton on November 4, 2012. He arranged to meet with Deputy Mayor Lloyd and Councillors Lloyd and Cunningham on the morning of November 5, 2012.

Email chain including Ian Chadwick, Rick Lloyd, Sandy Cunningham, and Kevin Lloyd, November 4-5, 2012, [TOC0239636](#)

750. Sara Almas sent Council an email with the subject line "Tonight's Council" at 11:47 am on November 5, 2012, providing the Town's Procedural By-law provisions addressing procedure where a Council Member believes that the rights, privileges or integrity of a Council member were prejudicially affected and writing:

...Since the deputation this evening has 12 specific recommendations – the Mayor may choose to permit clarification or allow requests for additional information following each item. However, please do not enter into any debate or argument with the deputant and vice versa. Comments should be addressed through the Mayor.

Email from Sara Almas to Town Councillors, Ed Houghton and Marjory Leonard, November 5, 2012, [TOC0239955](#)

12.11 Town Staff Answer Questions about Sole Sourcing and their Contact with Sprung Competitors

751. On November 1, 2012, Deputy Clerk Becky Dahl sent Ed Houghton an email asking:

Can you please confirm at your earliest opportunity that you do not have any contact information for the below as per the Request for Information circulated earlier this month. I have received contact information for Sprung, but no others at this time.

This is the original request:

Item #8 Contact information including name, title and phone number for the following structure manufacturers that were reviewed in the comparison spreadsheet:

- i) Sprung

- ii) Big Top
- iii) Calhoun
- iv) Yeadon
- v) Megadome
- vi) Norseman
- vii) Bright Span
- viii) Rubb

Email from Becky Dahl to Ed Houghton and Sara Almas, November 1, 2012, [TOC0238530.0001](#)

752. Ed Houghton responded at 5:11 pm on November 1, 2013, "I will send later tonight."

Email chain including Becky Dahl, Sara Almas, Ed Houghton and Larry Irwin, November 1-2, 2012, [TOC0238937.0001](#)

753. On November 12 and 13, 2012, Steve Berman and Sara Almas exchanged emails about Mr. Berman's Freedom of Information requests. In this email exchange, Ms. Almas advised Steve Berman that Mr. Houghton and Marjory Leonard "...confirmed that the only information obtained by any of the other structure suppliers was strictly obtained from their website." In the same November 13, 2012 email, Ms. Almas said she understood that Mr. Berman and Mr. Houghton would be meeting in the near future. Ms. Almas confirmed this in a response to Mr. Berman's request for an email from "Ed or Majorie...in regards to the info being obtained form the company websites..."

Email chain including Steve Berman, Sara Almas and Becky Dahl, October 25-November 15, 2012, [TOC0244506.0001](#)

754. On November 14, 2012, Councillor Keith Hull sent a series of questions to Ed Houghton, including a question about the date for the public meeting about the Collus share sale proceeds. Mr. Houghton provided responses by emails dated November 15 and 21, 2012, and advised that the public meeting would be held on December 1, 2013.

Email chain including Keith Hull, Ed Houghton, Town Councillors, Marjory Leonard, Sara Almas, Larry Irwin, November 14-21, 2012, [TOC0516995](#)

Email chain including Keith Hull, Ed Houghton, Sandra Cooper, Town Councillors, Marjory Leonard, Sara Almas and Larry Irwin, November 14-15, 2012, [TOC0516998](#)

755. Councillor Keith Hull also asked why the construction aspect of the Sprung structures could not have gone to tender, “Given that BLT has never built a Sprung structure (or arena or pool to my knowledge)”, and whether local contractors would be used to complete the project. Ed Houghton explained that BLT was Sprung’s exclusive installer and that BLT’s “key staff person Mr. Waddell” had built a Sprung structure before. He also advised that BLT had confirmed that they would use local contractors where possible.

Email chain including Keith Hull, Ed Houghton, Town Councillors, Marjory Leonard, Sara Almas, Larry Irwin, November 14-21, 2012, [TOC0516995](#)

Email chain including Keith Hull, Ed Houghton, Sandra Cooper, Town Councillors, Marjory Leonard, Sara Almas and Larry Irwin, November 14-15, 2012, [TOC0516998](#)

756. Councillor Keith Hull asked about the status of the discussions with the YMCA about operating and managing the pool. Ed Houghton responded that he was awaiting information about two options: a fee for operating the entire pool, and a partnering proposal in which the Y provided specific programs.

Email chain including Keith Hull, Ed Houghton, Town Councillors, Marjory Leonard, Sara Almas, Larry Irwin, November 14-21, 2012, [TOC0516995](#)

757. On December 14, 2012, Steve Berman emailed Mayor Sandra Cooper, Ed Houghton, Sara Almas, Marjory Leonard, Larry Irwin, Becky Dahl, and Council, writing,

A few weeks ago you emailed me in regards to Mr. Houghton's Membrane Competition Spread Sheet, that ‘He and Marjory have confirmed that the only information obtained by any of the other structure suppliers was strictly obtain from their websites.’ Can you please ask one or both of them to confirm that to me in an email, just so that there are no misunderstandings down the road?

Email chain including Steve Berman, Sandra Cooper, Ed Houghton, Sara Almas, Marjory Leonard, Larry Irwin, Dale West, Ian Chadwick, Joe Gardhouse, Keith Hull, Kevin Lloyd, Mike Edwards, Rick Lloyd, Sandy Cunningham and Becky Dahl, December 14, 2012, [TOC0256724](#)

758. Clerk Sara Almas replied, advising that in the future, he should “...direct questions to the individuals or Officials he wished to receive a response from rather than through the Clerk’s office,” unless he was requesting document.

Email chain including Steve Berman, Sandra Cooper, Ed Houghton, Sara Almas, Marjory Leonard, Larry Irwin, Dale West, Ian Chadwick, Joe Gardhouse, Keith Hull, Kevin Lloyd, Mike Edwards, Rick Lloyd, Sandy Cunningham and Becky Dahl, December 14, 2012, [TOC0256724](#)

12.12 November 5, 2012 Council Meeting: The FOCP Make a Deputation, and the Clippers Request Enhancements to Centennial Pool

759. The Council Agenda for the November 5, 2012 Council meeting indicated that the Clippers would be providing a deputation on the “Proposed Collingwood Clippers Trillium Grant Collaboration”, and that the FOCP would be providing an update.

Council Agenda, November 5, 2012, [CJ10008047](#)

760. On November 4, 2012, Linda Simpson sent Lisa Rennie and Deputy Mayor Rick Lloyd an email with the subject line, “Deputation”, writing,

...

A FINA regulation pool is a pool that meets FINA regulations but does not have eight lanes. It meets all the other FINA regulations except the number of lanes. A FINA pool is eight or ten lanes and can host FINA Events. So Centennial Pool can also be called a FINA regulation pool.....just like the proposed YMCA pool. The Steering Committee had a FINA 8 Lane Pool in the documentation.

The Clippers asked the YMCA to build a FINA regulation pool way back....Clippers wanted to ensure that YMCA did not skimp on lane width and depth.

Email chain including Rick Lloyd, Linda Simpson and Lisa Rennie, November 4, 2012, [TOC0239512](#)

761. Linda Simpson provided more information in a further email, stating “Final verdict on FINA... An Ont sanctioned Pool abides by FINA regulations so Centennial is An On sanctioned FINA regulated Pool. I have confirmed this with the Meet Manager...” On November 5, 2012, Deputy Mayor Lloyd forwarded the email to Councillors Kevin Lloyd and Ian Chadwick. Deputy Mayor Rick Lloyd also replied to Ms. Simpson, writing, “Perfect”.

Email chain including Rick Lloyd, Linda Simpson and Lisa Rennie, November 4-5, 2012, [TOC0239742](#)

Email chain including Rick Lloyd, Ian Chadwick, Linda Simpson and Lisa Rennie, November 4-5, 2012, [TOC0239690](#)

Email chain including Rick Lloyd, Kevin Lloyd, Linda Simpson and Lisa Rennie, November 4-5, 2012, [TOC0239763](#)

762. On November 5, 2012, Linda Simpson wrote to Ed Houghton, providing a slide presentation for the Council meeting that night, writing:

...I had a very uncomfortable situation in the Bleachers at the Barrie Aquatic Centre this past weekend with a member of the Friends' group. I would prefer not to have our presenters placed in the same place I was, prior to our deputation tonight. This deputation is NOT about them, its about the Clippers mission and mandate, our appreciation for the Town's investment in Aquatics and our willingness to collaborate and partner with the Town.

Email chain and attachment including Linda Simpson, Ed Houghton and Kevin Lloyd, November 5, 2012, [TOC0239824](#) and [TOC0239825](#)

763. Linda Simpson also forwarded this email to Councillor Kevin Lloyd, explaining,

...Building a 25 meter FINA 8 lane pool or ON sanctioned FINA regulated 6-lane pool does NOT mean this Pool Facility will be a facility where a Competitive Swim Club can host meets. Swim Ontario has specific standards for pool decking and bleacher seating. You can't host a Competition Meet without deck space for officials and teams and a place for people to watch.

Email chain and attachment including Linda Simpson, Ed Houghton and Kevin Lloyd, November 5, 2012, [TOC0239824](#) and [TOC0239825](#)

764. Council and Department Heads received an electronic copy of the Collingwood Clippers' slide presentation on the afternoon of November 5, 2012.

Email and attachment from Christa Carter to Town Councillors and Department Heads, November 5, 2012, [TOC0240134](#) and [TOC0240135](#)

765. The Collingwood Clipper Swim Club slide presentation provided an overview of the Clippers' club, current activities, and their interest in providing expanded competitive programs in the year-round Centennial Pool. It noted that they had been unable to grow programs because of a lack of pool time and local competitive pool. The Clippers' presentation also spoke about their application to the Ontario Trillium Foundation, possibilities for PPP funding, and marketing opportunities.

Collingwood Clippers' Deputation Power Point Presentation, November 5, 2012, [TOC0239825](#)

766. Sara Almas emailed Marjory Leonard, Ed Houghton and Marta Proctor, stating that she thought the Clippers' presentation was concerning "a trillium grant application for support for equipment that could be used in our new facility, not for operating our pool!?" Ms. Almas wrote,

...not sure where this stands with other discussions with the YMCA, and how this will impact our open discussion with them as I thought they were still putting together figures to consider. Not sure what the deadline is for the Clippers application, and when Councils resolution is required?

Email chain including Sara Almas, Marjory Leonard, Marta Proctor and Ed Houghton, November 5, 2012, [TOC0549424](#)

767. In the resulting email discussion between Marta Proctor, Sara Almas, and Ed Houghton, Ms. Proctor noted she was confused by the language used by the Clippers and had tried to discuss it with them several times but they had not responded. Mr. Houghton advised that, "I have never had a discussion with them on staffing. I continue to support that we need to keep control of the operating and staffing. I only had one brief meeting with Councillor Lloyd and Deputy-Mayor Lloyd."

Email chain including Sara Almas, Marjory Leonard, Marta Proctor and Ed Houghton, November 5, 2012, [TOC0549424](#)

Email chain including Sara Almas, Marjory Leonard, Marta Proctor and Ed Houghton, November 5, 2012, [TOC0240311](#)

768. The November 5, 2012 Council Meeting minutes reported that Clippers' president and founder Sharon McFarlane advised Council of their recent submission for funds through the Ontario Trillium Foundation and requested Council's support for a collaborative business plan that would permit their club to provide swim school programming. Council directed Staff to prepare a report to clarify the request from the Collingwood Clippers to meet the Trillium Grant collaboration proposal and determine how this would meet the current funding proposal.

Council Minutes, November 5, 2012, [CJ10008049](#)

769. The November 5, 2012 Council meeting minutes also reported that Dr. Mike Lewin gave an “update” on behalf of the FOCP. Dr. Lewin expressed concerns about the process undertaken during the Central Park redevelopment project and related communications with the community, adherence to Town procedures, project costs, and Council’s decision-making over the course of the project. The minutes stated that, “Council requested clarification be provided to the items within the documents submitted by Friends of Central Park.”

Council Minutes, November 5, 2012, [CJ10008049](#)

770. The November 5, 2012 Council meeting included an *in camera* session. The *in camera* minutes recorded that:

Ed Houghton reviewed the comments of recent blogs and expressed his concerns about the content, defending his position. He also advised Council of his heavy workload and commitments, suggesting Council should be looking for a CAO in the New Year and perhaps look at a strong management team and offered his assistance.

In-Camera Council Minutes, November 5, 2012, [TOC0512117](#)

12.13 Councillor Ian Chadwick Advises a Member of the Public that Paul Bonwick “Does not do Business with the Municipality” and that “the Town has not Paid Mr. Bonwick for any Service”

771. After the November 5, 2012 Council meeting, a member of the public sent Mayor Cooper and Councillors Mike Edwards and Ian Chadwick an email in which he expressed disappointment with the treatment of Dr. Mike Lewin during his deputation. He raised several issues, including that he had, “...heard your cousin paul bonwick was paid a substantial amount to negotiate this deal...i would especially like to hear ...whether your close relative paul Bonwick...benefited from this deal!”

Email chain including Member of the Public, Sandra Cooper and Ed Houghton, November 6, 2012, [TOC0240669.0001](#)

772. Councillor Ian Chadwick responded to the person approximately two hours later. In response to the question about whether Paul Bonwick benefitted from the Town’s

decision to build two Sprung structures, Councillor Chadwick wrote, "A Freedom of Information request recently filed to the town of Collingwood turned up NO payment to Mr. Bonwick for any service. Mr. Bonwick does not do business with the municipality."

Email from Ian Chadwick to Member of the Public, Mike Edwards, Sandra Cooper and Ed Houghton, November 6 2012, [TOC0240831.0001](#)

773. Three days later, the person responded, "guess i had the scandels all mixed up...kim wingrove resigned over the collus sale where paul bonwick(who is sandra coopers brother) was paid to negotiate...for the town". Councillor Chadwick replied:

Kim Wingrove did not resign. Her contract was terminated by the town long after the Collus sale was approved.

Paul Bonwick did not negotiate the sale for Collus. It was done through the standard request for proposal (RFP), with sealed envelopes from several interested utility companies opened by a committee of staff, Collus board and council. That group analysed the proposals and made a recommendation to council based on an evaluation matrix. No one received a commission for the sale.

[...]

A recent Freedom of Information request asked for a list of any payments made by to Mr. Bonwick or his company by the town. There were none. The town has not paid Mr. Bonwick for any service.

Email chain including Member of the Public, Ian Chadwick, Mike Edwards and Sandra Cooper, November 6-9, 2012, [TOC0242236.0001](#)

774. Twelve days later, the person responded, stating,

i too have some corrections; it is still a widely held belief in the community that paul bonwick profited from...the sale of collus to powersteam.

in such cases, just like the sale of a house, moneys are put in an account, payments are made through this account for fees to agents, lawyers etc. these payments are said to come from the account not the buyer or seller.

will you confirm that paul bonwick in no way profited from either of these or other town deals?

Email including Member of the Public, Ian Chadwick, Sandra Cooper and Mike Edwards, November 6-21, 2012, [TOC0247117.0001](#)

12.14 Abby Stec Raises Questions About the Possibility of LEED Silver Certification for the Pool Now that Work has Started

775. On November 12, 2012, Abby Stec emailed Mark Watts, Paul Waddell and Ed Houghton:

...

It is important to understand that the feasibility study may conclude that the pursuit of a LEED rating is not possible in the current project circumstances. This is especially important to for the pool which has already started work and has a very limited scope of mechanical/electrical upgrades. Yolles is more than happy to complete the analysis and make recommendations on changes that are required but may be not possible on this particular project. I believe it is in everyone's best interest to do so...

Email chain including Abby Stec, Mark Watts, Paul Waddell, Dave Barrow and Ed Houghton, November 12, 2012, [CJI0007372](#)

776. Abby Stec concluded her email with a list of information she required.

Email chain including Abby Stec, Mark Watts, Paul Waddell, Dave Barrow and Ed Houghton, November 12, 2012, [CJI0007372](#)

777. After receiving her email, Paul Waddell forwarded Abby Stec's email to Dave Barrow and Mark Watts with the following comments:

This is exactly why we have a detailed list of what we're providing. In much less 6 weeks all trade contracts will be released and we will want to be fully prepared for the extra train coming with this/

Ron is well versed in this and still dealing with the library 3 years later. He advised me that once "they" are involved beyond this report, all shop drawing review grinds to a complete halt as it has to go to Abby, Yolles for review and certification, and then to our consultants (and the first 2 charge additional fees each time). The process will most definitely delay us and the cost is nowhere near 1% of \$7M even with LEED shadow. The additional certification consulting fees alone would be double that...

Email chain including Abby Stec, Mark Watts, Paul Waddell, Dave Barrow and Ed Houghton, November 12, 2012, [CJI0007372](#)

778. Dave Barrow replied to Paul Waddell and Mark Watts:

I say we award full steam ahead and forget the Leed other than it itself being a shadow in the background. I agree 1% is a joke 10% maybe. Deal with the extras if Ed decides we move forward. Keep In mind we hike 30 points on all tenders and add time line and supervision and housing. Could be a new pair of shoes (real Italian leather) at the end for us Paul.

Email chain including Abby Stec, Mark Watts, Paul Waddell, Dave Barrow and Ed Houghton, November 12, 2012, [CJI0007372](#)

779. On November 20, 2012, Abby Stec received hard copies of the purchase orders for the feasibility studies from BLT. She emailed Mark Watts, Dave Barrow, Paul Waddell and Mitch Gascoyne of ch2m (Yolles), and reiterated her information request, noting, "...the sooner we can get enclosed materials to...Yolles, he can begin the process on the facilities..."

Email from Abby Stec to Mark Watts, Dave Barrow, Paul Waddell and Mitch Gascoyne, November 20, 2012, [CJI0007171](#)

12.15 BLT and Town Discuss Division of Responsibility for the Arena and Pool Construction Projects

780. On November 14, 2012, Deputy Mayor Rick Lloyd asked Ron Martin, "Have you confirmed the costing with BLT?" Mr. Martin replied,

No.

None of the site work is by BLT. All of the servicing, parking, etc. is by the TOC.

I am trying to get a detailed contract breakdown from BLT/SPRUNG on what is in the signed contract price and what is by the TOC.

Paul from BLT is preparing the breakdown now and it will be circulated after our review.

BLT is also working on the details for the therapy pool. The pool will be tendered through BLT including design and consulting fees.

Email chain including Ron Martin and Rick Lloyd, October 20 - November 14, 2012, [TOC0243960](#)

781. On November 20, 2012, Ron Martin forwarded "Responsibility Matrices" for the arena and the pool from BLT. The matrices set out a list of construction-related items, and

identified which of those items were the Town's responsibility and which items BLT would complete.

Email chain and attachments including Paul Waddell, Ron Martin, Ed Houghton, Dennis Seymour, Dave McNalty, and Marta Proctor, November 20, 2012, [TOC0246371](#) and [TOC0246372](#)

12.16 Implications of Pool Enhancements; Staff and Council Discuss a Potential Private Conditional Donation Via the Collingwood Clippers

782. On November 14, 2012, Councillor Keith Hull emailed Ed Houghton about the deputations at the November 5, 2012 Council meetings, writing:

...I am wondering if there has been any additional information provided by the Clippers regarding their proposal, business model, costs and scope and limitations of the private donation that appears to hinge on Council investing in the infrastructure improvements to the current tank at Centennial Pool?

Email chain including Keith Hull, Ed Houghton Town Councillors, Marjory Leonard and Sara Almas, November 14-21, 2012, [TOC0516995](#)

783. Ed Houghton replied to Councillor Keith Hull, explaining:

... I had only one very brief discussion with the Clippers regarding their financial donor, their Trillium Grant and their desire to address Council. Since this time, I have had another discussion with them so that I better understand what they are requesting and what their ask may be of Council. Hopefully later today, PRC will send out an email to Council further explaining the process that we are hoping to follow to allow Council to make an informed decision... I can tell you that the private donation does not hinge on Council further investing in the Centennial Pool.

Email chain including Keith Hull, Ed Houghton, Town Councillors, Marjory Leonard and Sara Almas, November 14-21, 2012, [TOC0516995](#)

784. On November 14, 2012, Ron Martin sent an update on the therapy pool and competitive pool upgrades from Paul Waddell at BLT to Marta Proctor, Ed Houghton, Marjory Leonard, Sara Almas, and Dave McNalty. Marta Proctor replied,

I would like to discuss further when you have a minute. My comments are as follows;

- We need a ramped option not stairs for the therapeutic pool tank as this will provide us the broadest range of programming....

- I would like to know what other components are options for us to consider... it sounds like there will be some opportunity to discuss
- I am working on a report for Council that will outline the Clippers request and from which Council can authorize us to tender the work as outlined below. I'm assuming that's the preferred course of action. Please let me know if you feel otherwise...

Email chain including Paul Waddell, Ron Martin, Marta Proctor, Ed Houghton, Marjory Leonard, Sara Almas, Dave McNalty, Dave Barrow and Mark Watts, November 13 and 14, 2012, [TOC0244037](#)

785. Ed Houghton replied to Marta Proctor, "...Your comments below seem to suggest that the therapy pool will be tendered. Is that what you are saying?" Ms. Proctor replied,

No I was suggesting that the upgrades to the 25 metre pool (based on the Clippers request) would be tendered to confirm pricing, and not by us but rather BLT. Would you agree? Yesterday I met with the Clippers executive and the DM sat it as well, that was what I took away from our meeting and my brief discussion with him.

Email chain including Paul Waddell, Ron Martin, Marta Proctor, Ed Houghton, Marjory Leonard, Sara Almas, Dave McNalty, Dave Barrow and Mark Watts, November 13 and 14, 2012, [TOC0244037](#)

786. On November 19, 2012 Council held a Planning and Development meeting. On November 20, 2012, Deputy Mayor Rick Lloyd emailed Councillor Kevin Lloyd, asking if there was anything interesting to report from Council the previous night. Councillor Lloyd replied,

No it was quite uneventful...Today we made good progress on pool upgrades for Clippers. Ed and I discussed with Linda. Ed came to the rescue and solved the issue. We look good to move ahead with engineering and RFQ's. Next step staff report and Council approval.

Planning and Development Meeting Minutes, November 19, 2012, [CJI0008049](#), p 10 to 12

Email chain including Rick Lloyd and Kevin Lloyd, November 20, 2012, [TOC0246560](#)

787. On November 20, 2012, Dr. Geoff Moran emailed Councillor Dale West, asking,

Heard rumour that town did not get the grant for eddie bush ? True ? Does it affect things ? i.e. will we still do the new floor / roof etc. Are they hoping to upgrade change rooms? How much are clippers requested pool "enhancements" going to cost?...

Email chain including Geoff Moran, Dale West, Ed Houghton, Sandra Cooper and Marta Proctor, November 19 and 20, 2012, [TOC0246045](#)

788. Councillor Dale West replied that they had not received confirmation regarding the grant one way or the other, and said:

My understanding is that with or without the grant, and with or without the new Arena at Central Park there is work that still must be done. The rest would be part of budget discussions

I do not know the cost of the Clippers "enhancements" when I was talking to Marta last Friday she didn't have final numbers.

Email chain including Geoff Moran, Dale West, Ed Houghton, Sandra Cooper and Marta Proctor, November 19-20, 2012, [TOC0246045](#)

789. Councillor Dale West forwarded this email exchange to Ed Houghton, Mayor Sandra Cooper and Marta Proctor.

Email chain including Geoff Moran, Dale West, Ed Houghton, Sandra Cooper and Marta Proctor, November 19-20, 2012, [TOC0246045](#)

790. On November 21, 2012, Community Recreation Supervisor Michelle Kusiar sent an update on the Clipper's request to upgrade the Centennial Pool from a "good to a great pool" to the Town Council, the EMC and Dennis Seymour. She advised that she and Dennis Seymour met with Sprung, BLT, Ron Martin and Ed Houghton. She attached a memo with information about the meeting, funds from a private donor, and next steps. The memo read:

As you know, the Clippers have a private donor that will be giving them \$50,000 per year for three years (\$150,000). It is the intent of the Clippers to use this money to purchase accessories for the pool that will become the ownership of the Town of Collingwood. At present they have identified approximately \$88,000 of accessory equipment which will be purchased with the remaining donor amount going to the operation of the pool (the details of this will be made clear in the near future). It is also their intent that in year one, they will only purchase up to the \$50,000 allotment and are not looking to the Town to bankroll any additional purchase of accessory equipment.

To be able to determine the exact scope of work and the costs for doing so, it became evident that a pool professional should be engaged. The private donor has accepted the offer from Sprung BLT to engage the pool specialist, to work with our PRC staff and the Clippers to create the scope of work, to survey the pool to ensure

that any alterations do not affect it from being a FINA regulated, to prepare the necessary drawings and tender documents and to send out a Request for Quotations to qualified pool contractors. The cost of this work is \$10,000 and once again the Clipper's donor has accepted this cost to come from the donated \$150,000. Sprung BLT have confirmed that, if the alterations of the pool go forward then there will be no charge and the \$10,000 can go back to the Clippers for the purchase of accessories.

Once the quotations have been returned then PRC staff will bring forth a Staff Report that contains the exact scope of work and the tendered dollar amount to perform the works.

Currently, we are attempting to set up a meeting with Sprung BLT, the Clippers, and staff to further discuss and provide insight to the pool consultant.

Email and attachment from Michelle Kusiar to Town Councillors, Ed Houghton, Marjory Leonard, Sara Almas, Larry Irwin, Marta Proctor, Dennis Seymour, November 21, 2012, [TOC0246968](#) and [TOC0246969](#)

Email chain including Michelle Kusiar, Town Councillors, Ed Houghton, Marjory Leonard, Sara Almas, Larry Irwin, Marta Proctor, Dennis Seymour, and Rick Lloyd, November 21, 2012 [TOC0247089](#)

Memo from Michelle Kusiar and Dennis Seymour, "Centennial Pool Upgrades", November 21, 2012, [TOC0516994](#)

791. PRC Director Marta Proctor sent an email to Michelle Kusiar and Ed Houghton, stating that the suggestion to get accurate costs was excellent.

Email chain including Marta Proctor, Ed Houghton and Michelle Kusiar, November 21, 2012, [TOC0247030](#)

792. Minutes from the November 27, 2012 Department Head Meeting Notes recorded that,

...

Department Heads sought clarification from the Community Recreation Supervisor as to if and how the proposed upgrades would impact FINA Certification. The Community Recreation Supervisor will contact Swim Canada. Staff also wishes to determine how much additional funding would be required to complete all requested upgrades as they believe that those costs may likely escalate to approximately 500,000 – 600,000 dollars. The Treasurer expressed concern that despite the generous donation of 150 thousand dollars over a 3 year period and the fact that the Trillium Funding Grant Application has been submitted by the Clippers it may not be forthcoming, the Town would have to cover the balance of the expenses. The Acting CAO advised that he spoke with the principals at BLT Construction, who recommended that they retain the services of a pool specialist

whose refundable fee would be 10,000 dollars. Staff and the Clippers Executive will speak with the donor and request that the fee be paid from the donation.

...

...it was agreed that the Treasurer is to speak with Cindy Shuttleworth, Controller of COLLUS / Power Stream. Department Heads to provide list of options including prioritized list of roads and approximate costs which need to repaved. The Treasurer suggested that a portion of funds be reserved for internal loans to create a COLLUS Legacy Fund.

Department Head Meeting Notes, November 27, 2012, [TOC0248084](#)