

Town of Collingwood Judicial Inquiry

AFFIDAVIT OF MARCUS FIRMAN

I, Marcus Firman, of the Township of Muskoka Lakes in the Province of Ontario, MAKE OATH AND SAY:

1. I have knowledge of the matters contained in this affidavit. Where my knowledge is based on information and belief, I have identified the source of the information and belief and in all cases believe it to be true.
2. In the 2011-2012 time period, I was the Manager, Water and Wastewater Services at the Collingwood Public Utilities Services Board (the "CPUSB"). In this role, I was responsible for managing the water utility.
3. I was not involved in the 50% share sale of Collus. I was not involved in any discussions about how the sale may affect the shared services as between Collus Power and the CPUSB.
4. Prior to the sale, I thought the shared services between the Collus entities and the CPUSB were a good deal for the Town. I thought the Town was getting extremely good value for the services that Collus employees provided, such as billing, finances and IT. I did not expect the 50% sale to have any effect on the shared services. My understanding was that the shared services would continue essentially as they had prior to the sale.
5. I do not recall receiving an email from Rick Lloyd in January 2012, suggesting that consideration be given to Gemba Environmental Services Ltd. ("Gemba") to assess the fuel storage tanks as the CPUSB facility. A copy of that email and my is response attached as **Exhibit "A"**. It was not out of the ordinary for Mr. Lloyd to email staff directly, although I do not recall any other instances where Mr. Lloyd suggested that staff look into retaining a specific company.
6. I do recall retaining Gemba to undertake a small study to confirm that the fuel storage tanks at the CPUSB facility met with new TSSA regulations. I recall dealing with a young engineer at Gemba named Craig Fisher. I reported to Ed Houghton at the time. I sought his approval to retain Gemba, as reflected in the email thread attached as **Exhibit "B"**. I did not know Paul Bonwick was involved in any way with Gemba.

SWORN BEFORE ME at the Town of Collingwood, in the Province of Ontario on May 23, 2019



Commissioner for Taking Affidavits
(or as may be)

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Marcus Firman

This is Exhibit "A" referred to in
the Affidavit of Marcus Firman
sworn May 23, 2019



Commissioner for Taking Affidavits
(or as may be)

Message

From: Marcus Firman [/O=TOC/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MFIRMAN]
Sent: 1/3/2012 6:41:36 PM
To: Rick Lloyd [/O=TOC/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Rlloyd]
Subject: Re: Storage Tank Risk Management

Have discussed briefly with Ed and it seems a reasonable approach.

~~~~~  
Sent from Blackberry Mobile Device

----- Original Message -----

**From:** Rick Lloyd  
**Sent:** Tuesday, January 03, 2012 05:27 PM  
**To:** Dave McNalty  
**Cc:** Marcus Firman; Brian Macdonald; Ed Houghton  
**Subject:** Storage Tank Risk Management

Dave:

Earlier today I had a meeting with Ed regarding Public Works budgets and one item that we discussed was the risks associated with our many fuel storage tanks. Ed mentioned that Collus and Public Utilities has hired Gemba Environmental Services to perform an initial assessment of their fuel storage facilities. He also mentioned that a discussion took place with the CAO and Treasurer during the preliminary budget talks that the Town has even more gas tanks that need to be assessed and ultimately made to meet minimum risk management.

Many of these tanks fall under Public Works authority but there are many that fall back to you under facilities. As Budget Chair I would suggest that it makes sense from a consistency perspective that consideration be given to have Gemba perform an initial assessment of our facilities. I would suggest a call to Ed would help fill in the blanks.

Rick

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Sent from Blackberry Mobile Device

This is Exhibit "B" referred to in
the Affidavit of Marcus Firman
sworn May 23, 2019

A handwritten signature in black ink, appearing to be 'M. C.', written above a horizontal line.

Commissioner for Taking Affidavits
(or as may be)

Message

From: Paul Bonwick [paulbonwick@compenso.ca]
Sent: 1/12/2012 7:56:16 AM
To: Ed Houghton [/O=TOC/OU=First Administrative Group/cn=Recipients/cn=ehoughton]
Subject: Re: Storage Tanks

It would be appreciated if you mentioned this to Marcus. Craig tends to be a bit shy when it comes to these matters.

Are you able to take a quick call?

PB

Sincerley,

Hon. Paul Bonwick P.C.

-Sent from my Blackberry.

From: Ed Houghton <ehoughton@collus.com>
Date: Thu, 12 Jan 2012 07:45:41 -0500
To: 'paulbonwick@compenso.ca' <paulbonwick@compenso.ca>
Subject: Re: Storage Tanks

Cool!

~~~~~  
 Sent from Blackberry Mobile Device

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**From:** Paul Bonwick [mailto:paulbonwick@compenso.ca]  
**Sent:** Thursday, January 12, 2012 07:43 AM  
**To:** Ed Houghton  
**Subject:** Re: Storage Tanks

Hi Ed: Craig and I spoke about that yesterday. He wanted to come in under budget with the intention of impressing you, Marcus and Dave. His hope is that you would use us for remediation assessments as well as potentially projects manager. I would like to discuss an interesting idea Craig had yesterday regarding staff.

PB

Sincerley,

Hon. Paul Bonwick P.C.

-Sent from my Blackberry.

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**From:** Ed Houghton <ehoughton@collus.com>  
**Date:** Thu, 12 Jan 2012 07:33:45 -0500  
**To:** 'Paul Bonwick' <paulbonwick@compenso.ca>  
**Subject:** FW: Storage Tanks

Paul:

It's interesting that there are more tanks than originally thought but yet he is doing it for the same price.

Mr. Ed Houghton, President & CEO

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 Collingwood Utility Services Corp.
 P.O. Box 189, 43 Stewart Road
 Collingwood, ON
 L9Y 3Z5
 Phone: 705-445-1800, 2222

Fax: 705-445-2549

Email: ehoughton@collus.com

Important Notice: This message is intended only for the use of the person to whom it is addressed, and may contain information which is privileged and confidential. If you are not the intended recipient, you are hereby notified that distribution or copying this message is strictly prohibited. If you received this in error, please notify the sender and delete the original message and attachments.

From: Marcus Firman
Sent: January-12-12 6:48 AM
To: Ed Houghton
Subject: FW: Storage Tanks

The quote for undertaking Fuel tank risk assessment for water and wastewater facilities is \$9,850 plus tax. If you are OK with this please let me know.

Thanks,

Marcus Firman C.E.T.

Manager, Water Services
 Collingwood Public Utilities

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Before printing, think about the environment

From: Craig Fisher [<mailto:craig@gembaenvironmental.com>]
Sent: Wednesday, January 11, 2012 10:04 PM
To: Marcus Firman
Subject: RE: Storage Tanks

Thank you Marcus. There are a few more tanks than I had previously thought, but I am confident we can complete the works for the same costs as initially discussed with Ed. For the tasks discussed, we are prepared to complete the work for \$9,850 plus HST (inclusive of disbursements).

I am headed to Calgary tomorrow (returning mid next week) but we are prepared to begin immediately upon your approval. Approval via email works as well.

Kind regards,

Craig T. Fisher, B.E.S. (Hon), EP
 President

Gemba Environmental Services Ltd.
 186 Hurontario St. Suite 203
 Collingwood, Ontario
 L9Y 4T4
 Ph: 705.812.1016
www.gembaenvironmental.com

From: Marcus Firman [<mailto:mfirmen@collus.com>]
Sent: Wednesday, January 11, 2012 7:28 AM
To: 'Craig Fisher'
Cc: Dave McNalty
Subject: RE: Storage Tanks

Hi Craig:

Sorry for the delay, attached is a spread sheet listing all wastewater and water facility fuel tanks. Please provide two separate quotes one for Dave and one for these facilities to me. Dave and I can sort out who pays for what after the quotes are issued.

Thanks,

Marcus Firman C.E.T.

Manager, Water Services
Collingwood Public Utilities

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Before printing, think about the environment

From: Craig Fisher [mailto:craig@gembaenvironmental.com]

Sent: Tuesday, January 10, 2012 8:36 PM

To: Marcus Firman

Subject: Storage Tanks

Hi Marcus,

Thanks again for meeting with me last week. I am following up to see if you had a chance to pull together the list of tanks. I will be speaking with Dave tomorrow and I just wanted to confirm the amount of tanks for Collus and the Town to confirm the costs for both of you.

Kind regards,

Craig T. Fisher, B.E.S. (Hon), EP
President

Gemba Environmental Services Ltd.
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Collingwood, Ontario
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Ph: 705.812.1016
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