

Town of Collingwood Judicial Inquiry

AFFIDAVIT OF MEL MILANOVIC

I, Mel Milanovic, of the Town of Collingwood 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.

Position with Town of Collingwood

2. I am the Manager of Recreation Facilities for the Town of Collingwood. In this role, I manage the Town's recreation facilities, including the Centennial Aquatics Centre ("CAC") and the Centennial Park Arena ("CPA"), as well as the related capital and operating budgets. I have held this role since August 2016. I joined the Town in February 2015 as Supervisor of Recreation Facilities.
3. Before coming to Collingwood, I was the Superintendent of Parks and Facilities for the Town of Innisfil for seven years. Prior to Innisfil, I worked as Lead Hand at the Ray Twinney Recreation Complex in Newmarket for six years. Before that, I was a Facility Operator in Aurora for six years. In these positions, I became familiar with the operation of several arena and pool facilities.
4. Prior to coming to Collingwood, I had no experience operating or working with fabric recreation structures, other than researching Sprung as a potential structure to cover a soccer pitch in Innisfil.

Overall Experience with the Pool and Arena

5. Overall, the CAC and the CPA function in the same manner as any traditional pool and arena facility.
6. A primary difference between these facilities and traditional facilities is that Sprung structures are proprietary. As a result, when the Town needs to repair the membrane or the aluminium structure, it must go to Sprung or BLT for the repairs. In contrast, there are many contractors that can repair traditional arena and pool buildings. Most recently, the Town has needed to replace certain capping where seams of the membrane overlap. The Town has had to arrange for Sprung to replace this capping.
7. Similarly, when the Sprung membranes are punctured, the Town must go to Sprung or BLT for patching material. During my first two years with the Town, people would occasionally poke sharp implements through the membranes. This is now less common. When there is a puncture in the membrane, Sprung provides patches at a cost. The patches that Sprung provides are thinner than the original membrane.
8. An Elvis impersonator dropped a skydiving weight through the roof of the CPA in July 2016, requiring the Town to replace a membrane panel. The Town retained the damaged membrane panel that was

replaced and uses this panel to create patches when they are needed, instead of using the thinner patches that may be obtained from Sprung.

9. Certain items for the CAC have proven costly to repair. For example, it costs \$300 to replace a bulb in the fixtures, and the bulbs are only sold in packages of 12 for \$3,600. In addition, the shower fixtures in the pool are only available on order from the United States, and the valves cost approximately \$390 each to replace. It takes approximately three to four weeks for a new valve to be delivered, with a resulting three to four week period in which the shower is unavailable for use.
10. The Town has also had to replace rusted cables in the overhead doors) and other rusted parts in the change room partitions at the CAC. Certain metals do not perform well in the pool environment.

Unplanned Expenditures for Pool

11. The CAC has been closed since September 1, 2019.
12. The pool typically closes for three weeks in September for routine maintenance. The closure has been extended this year to allow for repairs to the tiles in the change rooms.
13. Dean Collver, Director of Parks, Recreation & Culture, submitted a Staff Report to Council on September 16, 2019 regarding the repairs (the "**Staff Report**"). A copy of the Staff Report is attached as **Exhibit "A"**. I assisted Mr. Collver in preparing the Staff Report and reviewed it before it was finalized.
14. As set out in the Staff Report, approximately a year and half ago, Town Staff began noticing hollow spots in the change room floor tiles, which had been installed during the construction of the CAC building. Town Staff also noticed issues with water migration in the change rooms but could not locate the source of the water. During a renovation to the Family changeroom in or about September 2018, some of the tiling was removed, which led to other issues being identified, including:
 - a. Changeroom drains that were not at the lowest points in the floor and parts of the floor that were not sloped towards the drains;
 - b. Unexpected amounts of adhesive on the tiles; and
 - c. Gaps between the tile and the cement floor.
15. Staff determined that it was too costly to remove the adhesive on the floor and, as a result, the new tiling will be built up from the existing base. Additional drains will also be installed to improve drainage.
16. The "Amendments" box on the first page of the Staff Report includes the following information about the total value of all unplanned expenditures at the CAC since it opened:

AMENDMENTS

During an update to the Corporate and Community Services Standing Committee, it was requested that a total value of all unplanned expenditures at the CAC be shared along with this report:

2016 Warm Water Pool Tiles (mould found behind rubber liner)	= \$82,986
2017 Lobby Floor epoxy finish to replace rubber tile (tiles were peeling)	= \$9,328
2017 Main Pool perimeter deck tiles (to meet Building Code)	= \$82,115
2018 Warm Water Pool perimeter deck tile (to meet Building Code)	= \$50,771
2018 Change Room partitions	= 10,348
2018 Change Room tile replacement (per this report)	= \$144,970

Total = \$380,518

17. The change room tiling repair is the last item listed in the box. With respect to the other unplanned expenditures:

- a. The Town replaced the perimeter deck tiles to the main pool and the warm water pool to meet Ontario Building Code Section 3.11.3.1 (9)(c), which requires that that flooring adjacent to the pool be impervious. This Building Code provision was in place since at least 2012. In or around August 2016, Town Staff determined that the material used on the deck surface, called Rubaroc, was not impervious. The Town replaced a 1.82m perimeter of tiling around the main pool in 2017 and around the therapy pool in 2018. The remaining deck tiling has not yet been replaced due to the cost. The Town has received estimates for the cost of replacing the remaining flooring in the range of approximately \$300,000.
- b. Town Staff repaired the warm water pool tiles in 2016 because water would seep behind the pool's vinyl liner when the pool was overfilled. When this happened, the ramp into the pool, which was made of rigid foam block, would float off the base of the concrete pool tub in a manner visible through the vinyl line. At first, the ramp would settle once the water behind the lining had been drained. In or about March 2016, the ramp failed to settle after water seeped behind the vinyl liner. When the liner was pulled back from the pool tub to adjust the rigid foam ramp, black mold was discovered in the space between the vinyl pool liner and the concrete tub. As part of this repair, the rigid foam ramp was replaced with a concrete ramp.
- c. The Town has replaced the CAC front lobby flooring twice. The first replacement was to address uneven tiling. The original tiles were removed, the floor was re-poured and rubber tiles were laid. The rubber tiles subsequently began lifting and peeling off the floor. The second replacement was to remove those tiles and replace them with epoxy flooring.
- d. In 2017, Staff noticed that the metal components of the change room partitions were starting to rust and that they would need to be replaced at some point before someone cut themselves on the rusty edges. The project was placed in the Capital Budget to be replaced in future years.

Email to Sprung and BLT Regarding Change Room Tiling Issue

- 18. On September 5, 2019, I sent an email to Tom Lloyd at Sprung and Dave Barrow and Paul Waddell about the change room tiles in the CAC. A copy of the email is attached as **Exhibit "B"**. I emailed them at this point in time as Staff had just recently discovered the unexpected amount of adhesive on the tiling in the change room.
- 19. In the email, I stated there had been just over \$400,000 spent on the CAC in the pas three years. After I sent that email, I calculated the cost of all the unplanned expenditures and determined that the total amount was \$360,518, which is the amount referenced in the Staff Report.
- 20. Before this email, the Town has contacted BLT for assistance with repairs relating to a gable end cap at the CPA and a water leak in the front window at the CPA. In response, BLT advised that the buildings are outside warranty and, as a result, they would charge for the repairs. The Town did not engage BLT for the repairs as local contractors cost less.

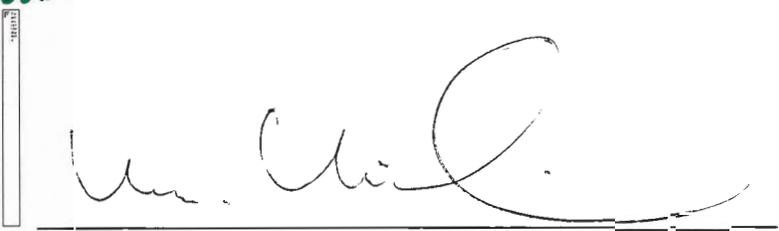
Tours of the Sprung Facilities

- 21. The Town regularly receives requests from Sprung and BLT to host tours of the CAC and the CPA. I accommodate these requests as often as I can. I also regularly receive phone calls about both facilities.

SWORN BEFORE ME at the Town of Collingwood
in the Province of ONTARIO on
OCTOBER 15, 2019

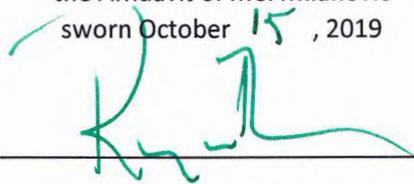


Commissioner for Taking Affidavits
(or as may be)



Mel Milanovic

This is Exhibit "A" referred to in
the Affidavit of Mel Milanovic
sworn October 15, 2019

A handwritten signature in blue ink, appearing to be 'K. J.', written over a horizontal line.

Commissioner for Taking Affidavits
(or as may be)



STAFF REPORT # PRC2019-13

Standing Committee n/a

Council 9/16/2019

Amendments: n/a

Submitted to: Council
Submitted by: Dean Colver, Director of Parks, Recreation, & Culture
Subject: CAC Changing Room Issues

PURPOSE

The purpose of this report is to provide Council with information regarding the challenges to the retiling project at the Centennial Aquatics Centre (CAC) and request additional budget to deal with these challenges.

RECOMMENDATION

THAT Council approves the additional expenditure of \$32,500 to add drains to the floor of the Centennial Aquatics centre change rooms

AMENDMENTS

During an update to the Corporate and Community Services Standing Committee, it was requested that a total value of all unplanned expenditures at the CAC be shared along with this report:

- 2016 Warm Water Pool Tiles (mould found behind rubber liner) = \$82,986
- 2017 Lobby Floor epoxy finish to replace rubber tile (tiles were peeling) = \$9,328
- 2017 Main Pool perimeter deck tiles (to meet Building Code) = \$62,115
- 2018 Warm Water Pool perimeter deck tile (to meet Building Code) = \$50,771
- 2019 Change Room partitions = 10,348
- 2019 Change Room tile replacement (per this report) = \$144,970

Total = \$360,518

1. BACKGROUND

Each year between the Summer and Fall swim sessions, the Town closes the pool for regular maintenance and upgrades where necessary. The pool is an exceptionally popular community offering and the volume of patrons and user groups does not allow for intermittent closures to perform routine maintenance. The length of the closure is related to the work that needs to be done and the estimated time to accomplish all shutdown tasks. Typical tasks include: painting throughout the facility, filtration system repairs and maintenance, a deep clean of semi-porous

surfaces, HVAC maintenance and repairs, stripping and repainting the pool surfaces, draining and acid washing the warm water pool, among others.

In 2019, the additional tasks to be performed included :

- Remove the existing floor tiles and wall tiles from the floor and shower areas
- Slope grade of floor to drains
- Waterproof floors, walls and ceilings before tiling
- Install floor, wall, cap and cove tiles throughout the change rooms
- Grout tile surfaces with latex grout

This project was originally implemented to deal with floor conditions that do not allow for water to run to the drains, therefore allowing water to pool in low areas. It was noted that there may be a few hollow spots beneath some of the tiles where water could accumulate, increasing the potential for mould growth.

Council approved a capital budget of \$144,970 from the Lifecycle Building Reserve Fund to perform these works.

2. INPUT FROM OTHER SOURCES

3. APPLICABLE POLICY OR LEGISLATION

4. ANALYSIS

During the course of tile removal for the project it became apparent that the tiles had not been laid properly in the first place causing space between the tiles and the concrete floor where water could pool. The slope of the grade of the floor to the drain was inconsistent and inadequate to properly drain the floor. Also, improper wall board was used in the shower areas.

While the correction to many of these issues is already included in the original project, it was also determined that the existing drains are inadequate to remove water from the floor once it is repaired and replaced. Areas affected include the washrooms, the vanity areas, the individual showers, the entranceways, and the hallways that lead to the changing rooms.

The additional cost to add new drains is \$32,500

Once the required budget variance was discovered, work stopped in order to seek approval from Council to support the adjusted budget. If Council approves this request, it is estimated that the initial 3-week shutdown will be extended by up to 3-weeks. This delay to opening will have impacts on user groups and individual users which will result in an impact on annual revenues.

Registration for the Fall/Winter swim intake that was originally planned for September 17, will be delayed to September 24. Such groups as the Clipper Swim Team, High Schools and Elementary Schools, and Special Olympics, will need to delay or make adjustments to their normal seasonal routines to accommodate the additional closure.

5. EFFECT ON TOWN FINANCES

The estimate for additional drains to be installed is \$32,500 to be covered by the Capital Contingency Reserve.

Staff have reached out to the original contractors for support of this resolution. If support is offered, the impact to the Contingency Reserve will be less.

6. APPENDICES & OTHER RESOURCES

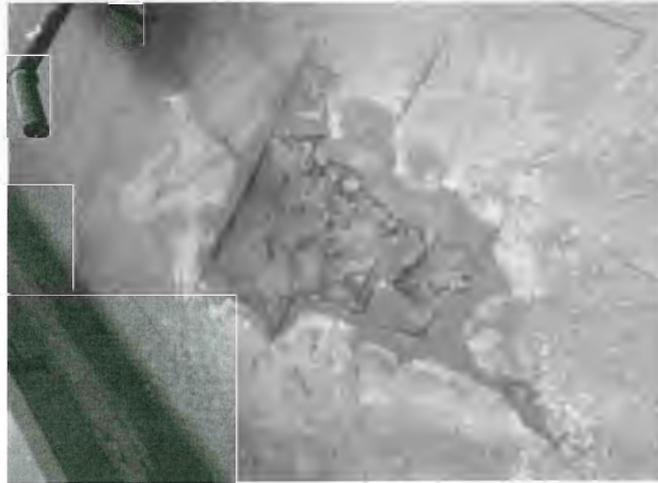
Appendix A	Images
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SIGNATURES

Prepared by:

Dean Collver, Director of Parks, Recreation,
and Culture
Town of Collingwood

Appendix A – Images of CAC Mens' Change Room –



**BY-LAW No. 2019-061
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD**



BEING A BY-LAW TO APPOINT MEMBERS TO THE
COLLINGWOOD HERITAGE COMMITTEE

WHEREAS Council has enacted and passed By-law No. 2015-003, being a by-law to re-establish a Collingwood Heritage Committee for the Town of Collingwood ;

AND WHEREAS Council deems it necessary to appoint members to the Collingwood Heritage Committee to fill vacancies in the committee membership ;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD HEREBY ENACTS AS FOLLOWS:

1. **THAT** Council hereby appoint the following as member(s) of the Collingwood Heritage Committee for the Corporation of the Town of Collingwood, for a term as identified below:
 - 1) Kelly Nesbitt (3 year term expiring March 31, 2022)
2. **THAT** this By-law shall come into full force and effect on the date of final passage hereof at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.

ENACTED AND PASSED this 16th day of September, 2019.

MAYOR

CLERK

**BY-LAW No. 2019-062
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD**



BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD

WHEREAS the *Municipal Act 2001*, S.O. 2001, c 25, Section 5(1), provides that the powers of a municipality shall be exercised by its council;

AND WHEREAS the *Municipal Act 2001*, S.O. 2001, c 25, Section 5 (3), provides a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS it is deemed expedient that the actions of all meetings of Council of The Corporation of the Town of Collingwood be confirmed and adopted by by-law;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

1. **THAT** the actions of the Council of The Corporation of the Town of Collingwood in respect of:
 - a) each recommendation in the reports of the Committees;
 - b) each motion, resolution or other action passed, taken or adopted at the meetings listed below are hereby adopted, ratified, and confirmed as if same were expressly included in this by-law, provided that such adoption and confirmation shall not be deemed to include the final passing of a by-law that requires the prior approval of a Minister, a Ministry, to the Ontario Municipal Board or any other governmental body:
 - *Regular Meeting of Council held September 16, 2019*
2. **THAT** the Mayor and the proper officials of The Corporation of the Town of Collingwood are hereby authorized and directed to do all things necessary to give effect to the action of the Council referred to in Section 1.
3. **THAT** the Mayor, or in the absence of the Mayor, the Deputy Mayor, and the Clerk, or in the absence of the Clerk, the Chief Administrative Officer;
 - a) are authorized and directed to execute all documents to the action taken by Council as described in Section 1;
 - b) are authorized and directed to affix the seal of The Corporation of the Town of Collingwood to all such documents referred to in Section 1.
4. **THAT** this by-law shall come into effect upon the passing thereof.

ENACTED AND PASSED this 16th day of September, 2019.

MAYOR

CLERK

This is Exhibit "B" referred to in
the Affidavit of Mel Milanovic
sworn October 15, 2019

A handwritten signature in blue ink, appearing to be "R. J. K.", is written over a light blue rectangular background. The signature is stylized and cursive.

Commissioner for Taking Affidavits
(or as may be)

To: Mel Milanovic[mmilanovic@collingwood.ca]; tlloyd@sprung.com[tlloyd@sprung.com]; Paul Waddell[pwaddell@bltconstruction.com]
Cc: Dean Collver[dcollver@collingwood.ca]
From: Dave Barrow[dave@bltconstruction.com]
Sent: Mon 9/9/2019 5:55:53 PM (UTC-04:00)
Subject: RE: Centennial Aquatic Centre

EXTERNAL EMAIL: This email originated outside of the Town's email system. Do not click any links or open any attachments unless you trust the sender and know the content is safe. If in doubt, please contact the helpdesk at x4357.

Hi Mel

Good evening I wanted to reply to your email you sent last Thursday sorry I've been away. Even though the warranty period is over I would like to see if you would like me to send someone to review the tile work? This is the first time hearing you are changing the tile and we were not aware there was an issue before this email. I would have liked to have been told so we could see what we could have done to help you. The workmanship would be easier to point out if it was still laid to get the trade involved.

Again my apologies for the late reply.

David Barrow

Executive Vice President

BLT Construction Services

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From: Mel Milanovic

Sent: Thursday, September 5, 2019 2:00 PM

To: tlloyd@sprung.com; Dave Barrow ; Paul Waddell

Cc: Dean Collver

Subject: Centennial Aquatic Centre

[EXTERNAL EMAIL] This email originated from outside BLT Construction. Use caution!

Gentlemen ,

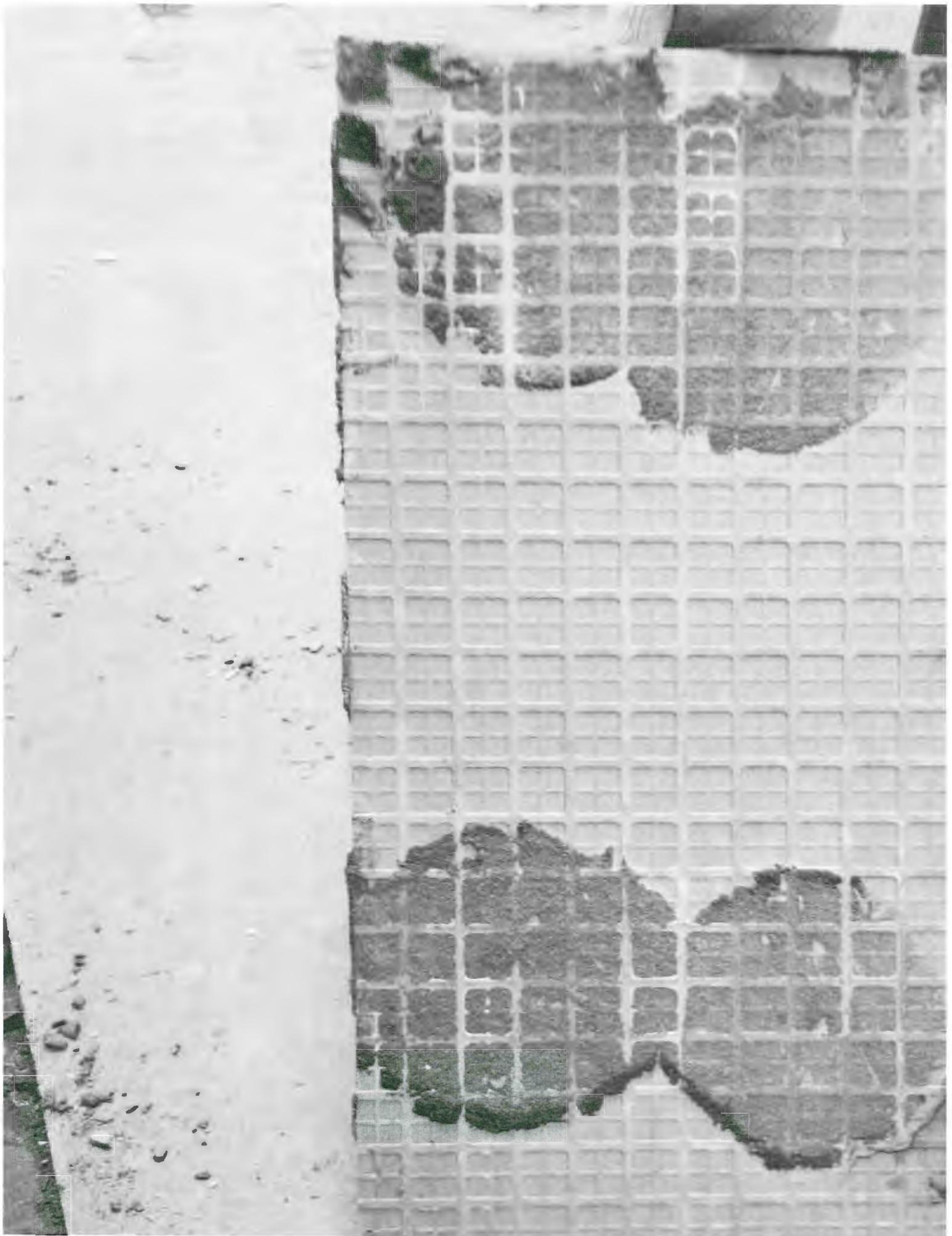
We have started the process to re-tiling the change rooms at the pool and wanted to show you what we found. Not sure who you used to set the tiles, but the quality of workmanship is very poor as you can see in the pictures below. Wrong materials were used, there was no waterproofing, adhesives were incorrect, floors were not sloped at all toward the drains, the type of tile is not correct for this application and not enough floor drains were installed for these areas.

Our facilities are your flag ship buildings when it comes to arenas and pools. The groups that I tour through these facilities or that call to enquire about them are asking about the quality of workmanship and the longevity of materials used. I think you need to take a long, hard look at what went on here. We will have spent just over \$400,000 in the last three years correcting issues that should never have needed correcting.

Regards,













Mei Milanovic, CRFP, CIT, CPT, CAT, CPC
Manager of Recreation Facilities, PRC Department
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705-446-6402

mmilanovic@collingwood.ca

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