



# Town of Newmarket MINUTES

**SPECIAL  
COMMITTEE OF THE WHOLE**  
Thursday, August 1, 2013 at 10:00 a.m.  
Council Chambers  
395 Mulock Drive

For consideration by Council  
on September 9, 2013

The meeting of the Special Committee of the Whole was held on Thursday, August 1, 2013 at 10:00 a.m. in the Council Chambers, 395 Mulock Drive, Newmarket.

**Members Present:** Mayor Van Bynen  
Regional Councillor Taylor  
Councillor Di Muccio  
Councillor Emanuel  
Councillor Hempen  
Councillor Kerwin  
Councillor Sponga (10:01 to 11:48 a.m.)  
Councillor Twinney  
Councillor Vegh

**Staff:** R. N. Shelton, Chief Administrative Officer  
C. Kallio, Acting Commissioner of Community Services  
A. Moore, Commissioner of Corporate Services  
R. Prentice, Commissioner of Development and Infrastructure Services  
L. Lyons, Deputy Town Clerk  
L. Moor, Council/Committee Coordinator

**Guests:** R. Sealy, Black and Moffat Architects  
W. Moffat, Black and Moffat Architects  
B. Kastiroumpas, Project Manager, Mettko Inc.  
S. Kastiroumpas, Project Manager, Mettko Inc.  
A. Bane, Structural Engineer, Reed Jones Christoffersen

The meeting was called to order at 10:01 a.m.

Mayor Van Bynen in the Chair.

The Chief Administrative Officer advised of an urgent request by the Newmarket Soccer Club to attend as a deputation regarding a release of performance securities as well as a Closed Session placeholder (if required) for the purpose of advice subject to solicitor/client privilege, and that a 2/3 majority vote of Council is required to consider the matter.

**Moved by Regional Councillor Taylor  
Seconded by Councillor Emanuel**

**THAT the rules of procedure be waived with respect to providing notice regarding a deputation request by the Newmarket Soccer Club regarding a release of performance securities and with respect to having a Closed Session placeholder (if required) for the purpose of advice subject to solicitor/client privilege.**

**CARRIED BY 2/3 MAJORITY**

## **DECLARATIONS OF INTEREST**

Councillor Hempen declared a pecuniary interest in the items associated with the Old Town Hall as his mother owns property within 50 metres of the Old Town Hall on Botsford Street. He advised that he would take no part in the discussion or voting of this matter. Councillor Hempen left the dais and sat in the gallery at 10:09 a.m.

### **1. SPECIAL COMMITTEE OF THE WHOLE MINUTES – AUGUST 1, 2013 – ITEM 1 EXCERPT FROM MINUTES – OLD TOWN HALL CONSTRUCTION BUDGET CONTROL TASK FORCE**

- a) Excerpt from Minutes of Old Town Hall Construction Budget Control Task Force Minutes of June 26, 2013 – Item 1.
- b) Excerpt from Minutes of Old Town Hall Construction Budget Control Task Force Minutes of July 30, 2013 – Item 2.

**Moved by Councillor Sponga  
Seconded by Councillor Kerwin**

**THAT the Excerpt from Minutes of Old Town Hall Construction Budget Control Task Force Minutes of June 26, 2013 – Item 1 and the Excerpt from Minutes of Old Town Hall Construction Budget Control Task Force Minutes of July 30, 2013 – Item 2 be received and the following recommendations be adopted:**

- 1. **THAT the Old Town Hall Construction Budget Control Task Force include Anita Moore, Commissioner of Corporate Services, as a voting member;**
- 2. **AND THAT Rob Prentice, Commissioner of Development and Infrastructure Services, assume the role of Chair of the Task Force;**
- 3. **AND THAT the Commissioner of Development and Infrastructure Services Report 2013-34 to the Task Force regarding the Old Town Hall building foundation repair options be received and referred to the Special Committee of the Whole meeting, August 1, 2013.**

**CARRIED**

### **2. SPECIAL COMMITTEE OF THE WHOLE MINUTES – AUGUST 1, 2013 – ITEM 2 DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – COMMISSIONER 2013-34 – OLD TOWN HALL RENOVATIONS**

Development and Infrastructure Services Report – Commissioner 2013-34 dated July 29, 2013 regarding Old Town Hall Renovations.

Mayor Van Bynen advised that an overview would be provided by the Project Manager (Mettko Inc.) before the recommendations in Development and Infrastructure Services Report – Commissioner 2013-34 would be considered.

The Commissioner of Development and Infrastructure Services provided an introductory briefing and introduced the following individuals – Mr. Rick Sealy and Mr. Walter Moffat of Black and Moffat Architects and Ms. Suzanne Kastiroumpas and Mr. Bill Kastiroumpas of Mettko Inc., Project Managers.

Mr. Kastiroumpas provided a verbal status update regarding the construction issues associated with the foundation of the Old Town Hall.

Mr. Walter Moffat addressed the Committee regarding the conditions of the unforeseen exterior and perimeter rubble foundation of the building.

Discussion ensued regarding the following issues:

- the initial mould problem that existed in the building
- the feasibility of a peer review of due diligence during the design stage
- testing areas;
- contingency details

Mr. Andrew Bane of Reed Jones Christoffersen (RJC), Structural Engineer addressed the Committee regarding the condition of the rubble foundation walls and he provided commentary regarding the due diligence completed during the design phase.

Councillor Sponga left the meeting at 11:48 a.m.

Mayor Van Bynen advised that the Old Town Hall matter discussion would be stood down to accommodate the deputation from the Newmarket Soccer Club.

Councillor Hempen returned to the table for the Newmarket Soccer Club deputation and discussion.

### **3. SPECIAL COMMITTEE OF THE WHOLE MINUTES – AUGUST 1, 2013 – ITEM 3 NEWMARKET SOCCER CLUB DEPUTATION**

#### **Deputation:**

Mr. Dave Hanson, Vice-President, Newmarket Soccer Club, addressed the Committee regarding the current financial situation of the Newmarket Soccer Club. He requested, on behalf of the Club, a release of performance securities in the amount of \$30,000 to continue with the operational flow of the organization until the end of the outdoor playing season.

Discussion ensued regarding the cash flow requirements of the Club on a short term basis and the feasibility of Town staff analyzing the Soccer Club's financial statements and work plan.

**Moved by Councillor Twinney  
Seconded by Councillor Kerwin**

**THAT the deputation by Mr. Dave Hanson, Vice-President, Newmarket Soccer Club, be received.**

**CARRIED**

**Deputation:**

Mr. John Blommensteyn, President, Newmarket Redbirds Lacrosse Club, addressed the Committee regarding the status of facilities and field usage by the Newmarket Soccer Club and he respectfully requested equitable opportunities for field usage by the other sports organizations in town.

**Moved by Regional Councillor Taylor  
Seconded by Councillor Twinney**

**THAT the deputation by Mr. John Blommensteyn, President, Newmarket Redbirds Lacrosse Club, be received.**

**CARRIED**

**Moved by Regional Councillor Taylor  
Seconded by Councillor Kerwin**

**THAT staff immediately release the performance securities associated with the Newmarket Soccer Club in the amount of \$30,000;**

**AND THAT this be subject to the Newmarket Soccer Club's agreement to providing to the Town their financial statements and related financial information for staff's review.**

**CARRIED**

The Chief Administrative Officer clarified that although Recommendation 2 referenced above provides for the Soccer Club's financial statements to be reviewed that the securities will be released without delay.

The Committee recessed at 12:56 p.m.

The Committee reconvened at 1:35 p.m. and resumed the discussions with respect to the Old Town Hall Renovations Report. Councillor Hempen took no part in the continuation of discussions on this matter.

Mayor Van Bynen queried the gallery audience if anyone wished to speak regarding the Old Town Hall Reconstruction matter.

**2. SPECIAL COMMITTEE OF THE WHOLE MINUTES – AUGUST 1, 2013  
ITEM 2 (CONTINUED)  
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – COMMISSIONER  
2013-34 – OLD TOWN HALL RENOVATIONS**

**Deputations**

**Mr. Athol Hart**

Mr. Hart addressed the Committee regarding the Old Town Hall and proposed another option being to remove the current addition option and proceed with a smaller scaled version of the addition. Mr. Hart also suggested a member of the Heritage Newmarket Advisory Committee attend the Old Town Hall Construction Budget Control Task Force meetings to offer input.

**Moved by Regional Councillor Taylor  
Seconded by Councillor Kerwin**

**THAT the deputation by Mr. Athol Hart proposing another project option in the Old Town Hall Reconstruction be received.**

**CARRIED**

The Commissioner of Development and Infrastructure Services provided a verbal report regarding the feasibility of the proposed smaller addition option and advised that such would require a re-design of the building which would set the project back significantly.

Discussion ensued regarding reduction of the scope of the project. Further discussion ensued regarding the feasibility of scaling the project back with perhaps semi-completed portions (rough-ins versus actual completions).

Discussion ensued regarding the feasibility of a demolition permit on a historically designated building, the implications of issuance of a stop work order as well as fundraising opportunities from the community.

**Ms. Anne Martin**

Ms. Anne Martin, resident, addressed the Committee and suggested that Town staff attempt to conserve as many historically significant buildings in Town as possible.

**Moved by Councillor Kerwin  
Seconded by Councillor Twinney**

**THAT the deputation by Ms. Anne Martin regarding the conservation of as many historically significant buildings in Town as possible be received.**

**CARRIED**

The Committee recessed at 3:01 p.m.

The Committee reconvened at 3:15 p.m.

**Moved by Councillor Di Muccio  
Seconded by Regional Councillor Taylor**

**THAT the Special Committee of the Whole resolve into a closed session for the purpose of discussing advice that is subject to solicitor/client privilege including communications necessary for that purpose.**

**CARRIED**

The Special Committee of the Whole resolved into a Closed Session at 3:15 p.m.

The Special Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Special Committee of the Whole resumed into public session at 4:16 p.m.

Mr. Athol Hart requested another opportunity to address the Committee regarding the Old Town Hall.

**Moved by Councillor Kerwin  
Seconded by Councillor Emanuel**

**THAT Mr. Athol Hart be provided another opportunity to address the Committee regarding the Old Town Hall.**

**CARRIED**

**Deputation**

Mr. Hart addressed the Committee and advised that there may exist an opportunity to utilize the services of the Ontario Heritage Trust and the Architectural Conservancy of Ontario in assisting with support in an effort to keep the reconstruction of the Old Town Hall progressing. He further offered his services and that of two individuals in the gallery to engage their personal time in fundraising efforts.

**Moved by Councillor Kerwin  
Seconded by Councillor Vegh**

**THAT the deputation by Mr. Athol Hart regarding information pertaining to the Ontario Heritage Trust and the Architectural Conservancy of Ontario as well as the progression of the reconstruction of the Old Town Hall be received.**

**CARRIED**

**Moved by Regional Councillor Taylor  
Seconded by Councillor Emanuel**

1. THAT staff report back within a 21 day time-frame on the various budget reduction options available related to the reconstruction of the Old Town Hall, or other Town projects, with an analysis of each option;

A correction was made to Recommendation 1 of the lost motion – see Item 12 of the Council Minutes of September 9, 2013

2. AND THAT such report contain financing and offset costing reduction options.

MOTION LOST

**Report**

Development and Infrastructure Services Report – Commissioner 2013-34 dated July 29, 2013 regarding Old Town Hall Renovations.

Recommendation #2 contained within Development and Infrastructure Services Report – Commissioner 2013-34 dated July 29, 2013 regarding the Old Town Hall Renovations was replaced with the following:

- “2. THAT an amount of \$500,000 be utilized from the Asset Replacement Fund to be repaid through fundraising efforts over a five year period and the balance of \$900,000 to be made up from a suite of items including the project contingency allowance, project modifications, reductions and public art contributions in a report to be set out at the August 26, 2013 Committee of the Whole meeting;”

**Moved by Councillor Kerwin  
Seconded by Councillor Vegh**

**THAT Development and Infrastructure Services Report – Commissioner 2013-34 dated July 29, 2013, regarding Old Town Hall Renovations be received and the following recommendations, as amended, be adopted:**

1. **THAT approval be granted to amend the scope of the Old Town Hall Renovations to provide for the replacement of the existing foundation with new concrete footings and concrete block foundations at an upset estimated cost of \$1,400,000;**
2. **AND THAT an amount of \$500,000 be utilized from the Asset Replacement Fund to be repaid through fundraising efforts over a five year period and the balance of \$900,000 to be made up from a suite of items including the project contingency allowance, project modifications, reductions and public art contributions in a report to be set out at the August 26, 2013 Committee of the Whole meeting;**
3. **AND THAT the Project Manager, Architect, and Town Staff continue to negotiate with the contractor with respect to the final cost for this additional work in the contract and report back to the Budget Task Force;**
4. **AND THAT the Project Manager, Architect and Town Staff review the existing contract to identify any areas for amendments to the contract and scope of work for the purpose of reducing the cost of the project for consideration by the Budget Task Force.**

**CARRIED**

An additional recommendation was added to Development and Infrastructure Services Report – Commissioner 2013-34 dated July 29, 2013 regarding the Old Town Hall Renovations as follows:

“5. THAT staff authorize a peer review on the due diligence aspect of the project.

Mayor Van Bynen advised that Recommendation 5 would be dealt with separately.

**Moved by Councillor Kerwin  
Seconded by Regional Councillor Taylor**

5. **AND THAT staff authorize a peer review on the due diligence aspect of the project.**

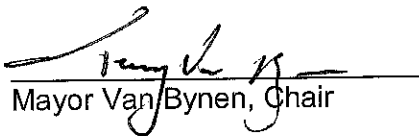
**CARRIED**

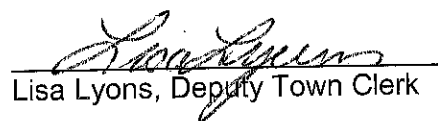
**Moved by Councillor Vegh  
Seconded by Councillor Kerwin**

**THAT the meeting adjourn.**

**CARRIED**

There being no further business, the meeting adjourned at 5:00 p m.

  
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Mayor Van Bynen, Chair

  
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Lisa Lyons, Deputy Town Clerk