

WITHOUT PREJEDUCE

Upon reflection of the last 3 years of communication with Mrs. Worth, Mayor - Borough of Pierrefonds-Roxboro and her team in regards to pool closures / construction & renovations, several executive Committee Members from five of the six Pierrefonds-Roxboro Pools (Briarwood, PPK, Roxboro, Thorndale & Versailles) have meticulously reviewed e-mails, correspondence, documents provided to the pools, media articles, etc. – to present a chronological timeline, to gain answers and further clarification in regards to our pools, and their future and to express our concerns and disappointments with the directions and actions that have been taken.

The Pierrefonds Pools have been a very important part of the community fabric of Pierrefonds for almost 50 years. They were built by volunteer community associations and have been operated in essentially the same way ever since.

- **March 7th, 2011** – Received an e-mail from Gaetane Allaire – Agent de soutien Pierrefonds – Roxboro, CC; Marc Blondin & Dominic Jacob, advising the board members of the Pierrefonds – Roxboro Pools that the meeting scheduled for March 8th, we now being re-scheduled for April 5th, 2011 at 7:00pm. The subject of this e-mail was **PAA MEETING**. (*Note – PAA = Pierrefonds Aquatics Association*)
- **April 5th, 2011** – Board Members were introduced to Marc Blondin & Dominique Jacob, Gaetane Allaire & Penny Lavoie were also in attendance. During this meeting, we were advised that the PAA, would be absolved, and Pierrefonds-Roxboro was in the process of re-structuring the department that handles the pools, and our needs / requests and communications will now be with Mr. Blondin & Mr. Jacob.

- **July 27th, 2011** – The board members of Pierrefonds-Roxboro Pools attended a meeting at Penny Lavoie's house. During this time, it was brought to the attention Board of Directors by Jim Beis, Borough Councilor - (also present at this meeting) that the Borough of Pierrefonds-Roxboro, was interested in conducting an **Obsolescence Study**, on the six Pierrefonds-Roxboro Pools. This study was to ensure the pools were in compliance with municipal and provincial regulations / standards & study the infrastructure of the pools so the borough could decide on the necessary investments. In order for the Borough to proceed with the Obsolescence Study, they would require that we sign documents allowing the borough to conduct the study, however some board members from certain pools, do not recall signing any documentation in this regard.
- **November 7 2011** – *Pierrefonds-Roxboro council meeting - RESOLUTION NUMBER CA11 29 0311: WHEREAS invited tenders were called for the study on the obsolescence of outdoors swimming pools; WHEREAS tenders were received and opened on October 20, 2011..., It was moved by Councillor Dimitrios (Jim) Beis seconded by Councillor Christian G. Dubois, THAT the Borough Council authorize an expense of \$58,671.37 taxes included, for the study on the obsolescence of outdoors swimming pools; THAT contract SI-2011-35 be granted to the tenderer having performed the highest score, Riopel & Associés, architectes for the amount of its tender, to wit: \$58,671.37 taxes*
- *Note here that the obsolescence study was assigned to Riopel & Associés, architectes. It will be noted later in the document for the entry of Feb 4 2013, that another contract will be given to Riopel Dion St-Martin inc. for the professional services for the realization of an exterior swimming pool and annexes in the Borough of Pierrefonds- Roxboro.*
- **March 16th, 2012** – Board members of the Pierrefonds-Roxboro pools were invited to a private / important meeting with Mrs. Worth, Mayor of Pierrefonds-Roxboro. A reminder was sent to all of the Board of directors on Monday March 19th, 2012.
- **March 21st, 2012** – the Pierrefonds-Roxboro council presented the results of the obsolescence study to the Pierrefonds-Roxboro Pool Board Directors / Executive Committee Members. The obsolescence study was completed by Riopel et Associés Architectes. Briarwood, PPK, Roxboro, Thorndale, Valleycrest & Versailles received individual reports on their respective pools. After reading through the reports and being

Without prejudice

informed on the costs associated with all the repairs that were necessary, we were advised that according to municipal & provincial regulations, no Pierrefonds-Roxboro Pool was up to code. Mrs. Worth then informed the meeting attendee's that the Borough can no longer invest / fund something that they do not own, as it does not comply with the rules and regulations that are in place. The Board Members were informed that the Borough can no longer support the six pools. We were then presented with a "Five Year Plan" which included the closure and renovating of 3 out of 6 Pierrefonds-Roxboro pools. These pools would be operated as a municipal pool, in partnership with the volunteers that are already in place. Their initial intentions / proposal with regards to the selection of which pools would be renovated were based on location & access by public transportation. It was mentioned that they were most interested in doing the re-vamp on Thorndale, Valleycrest & Versailles. Once the pools were officially chosen, those pools would then have to agree to transfer their property to the Borough of Pierrefonds-Roxboro. This raised some concerns from board members as some pools still had "shares". We were then informed that during the five year renovation process, the remaining three pools that were not chosen would remain open, until the last of the 3 pools to be renovated was completed. Once all the renovations were complete, the remaining three pools subsidies / funding would end. We were told that the remaining pools could also transfer their property to the city, or continue to run without the financial support from the borough of Pierrefonds-Roxboro (municipal taxes, school taxes, pool opening and closing expenses, etc.). The council also mentioned that they were committed to building an indoor pool in Pierrefonds for the residents. The preparation of the study provided the Committees with a detailed list of shortcomings. It had put Committee members in an uncomfortable situation about negligence issues – if anyone is ever injured – however we agreed to continue because of the value of the pools to the communities. As board members, we were then urged to call "AGM's" with our respective memberships and present them with the Obsolescence study that was done on behalf of our pools, and the information we received regarding the five year plan.

The Board members of the Pierrefonds-Roxboro pools were never provided with minutes from the meeting described and explained above. Everything that has been described was recounted by attendees of the meeting

- **March 29th, 2011** – An additional meeting was held the following week, where the Board of Directors were introduced to Ted Cox, Régisseur, Sports, loisirs et installations, Service Culture, sports, loisirs et développement social. Marc Blondin, Gaetane Allaire & Christiane Desjardins were also present. The focus of this meeting was to provide feedback to the Borough of Pierrefonds-Roxboro in regards to the five year plan, and the obsolescence study. There was a round table discussion. Representatives from the pools had an abundance of questions – in which Ted Cox & Marc Blondin had no answers for. Several Board of Directors members felt there was a lot of inconsistency to the reports, and it is documented in the minutes, that they would be contesting the obsolescence report. The remainder of the meeting was used to inform the pools of new protocols & procedures for the 2012 seasons – chlorine suppliers, pre-season repairs & running expenses. The Borough kindly asked that the pools e-mail the Borough their questions in order for the Borough to validate certain recommendations supplied on the obsolescence report.

After meeting with our memberships, we (pools) individually provided the borough with feedback, comments or concerns that were brought to our attention – however we were not given any information in return to give to our members. The media then started to contact the pools looking for a story, or any information they could find – however due to the lack of response from the borough, most pools were unsure about 2013, and could not even answer most of the questions people were asking. All of the six pools continued to push for answers so we could plan our operations for 2013. It was only at the end of August 2012, that we all officially received the green flag to hire staff for 2013 and that we would in fact continue to be supported by the borough until all three pools were completed.

- **June 2012** – All Pierrefonds-Roxboro pools were forced to have their diving boards evaluated by Luc Lepine of the Lifesaving Society, as the study conducted by Riopel that was presented in March of 2012 indicated our diving boards may not be up to code. The results indicated that Briarwood & Thorndale would be required to change their boards to a 0.5 meter board to conform to the Quebec standard. Roxboro, PPK, Valleycrest & Versailles were required to shut down and remove their boards, however the standard was not included in the original report that was sent to the Board of Directors via e-mail on July 9th, 2013. After numerous attempts to contact Luc Lepine at the Lifesaving Society to obtain a copy of reference of the standards that were used – he informed the

Board members in August of 2012 that the standard he used had not yet been passed as a law however if we followed those standards it would be safer.

- **Fall 2012** – President of Valleycrest Steve Sideris & President of Versailles Laura Logan were invited to a meeting of Pierrefonds-Roxboro citizens to provide input on what should be included in the Pierrefonds-Roxboro indoor pool / civic center that was mentioned in the March 2012 meeting. At this time, the Borough launched the development of their Plan Directeur des installations culturelles, sportives et récréatives.
- **December 19th 2012** – Ted Cox - Régisseur, Sports, loisirs et installations, Service Culture, sports, loisirs et développement social, invited the Presidents of the three pools that were to remain open were invited to a meeting with the borough and SODEM consultants. The purpose of this meeting was to review the partnership structure that would be used in the future to run the new municipal pools. Ted Cox & Marc Blondin were present from the borough.
- **February 4 2013** – *Pierrefonds-Roxboro council gives a contract to Riopel Dion St-Martin for professional services of all specialities for the realization of an exterior swimming pool: **RESOLUTION NUMBER CA13 29 0026** - CONTRACT NUMBER SP-2013-01; WHEREAS public tenders were called for professional services of all specialities for the realization of an exterior swimming pool and annexes in the Borough of Pierrefonds-Roxboro; WHEREAS tenders were received and opened on January 10, 2013, and after analysis, the tenderers have obtained the following scores: **It was moved by Councillor Dimitrios (Jim) Beis seconded by Councillor Bertrand A. Ward; AND RESOLVED THAT the Borough Council authorize an expense of \$266,742.00 taxes included, for professional services of all specialities for the realization of an exterior swimming pool and annexes in the Borough of Pierrefonds-Roxboro; THAT contract SP-2013-01 be granted to the compliant tenderer having obtained the highest score, **Riopel Dion St-Martin inc.**, for the amount of its tender, to wit: \$266,742.00 taxes included; THAT this expense **be paid from the budgetary surplus** according to the financial information described in the decision-making document. UNANIMOUSLY ADOPTED***

- **March 2013** – Representatives from selective Pierrefonds-Roxboro pools were invited to another meeting at the Council Chamber, where they were presented with the finalized Plan Directeur, mentioned above in point **FALL 2012**. The plan did in fact include money for the promised indoor pool that was first brought to our attention in March of 2012, with a mention of support for the outdoor Pierrefonds-Roxboro pools. What the plan lacked was the mention of the three pools that were originally slated to be renovated. Upon the presentation of Plan Directeur, the representatives learned that only Valleycrest was included. At this meeting, one of the representatives for a Pierrefonds-Roxboro pool, had an off the record conversation with Ted Cox – Régisseur, Sports, loisirs et installations, Service Culture, sports, loisirs et développement social. During this conversation, it was mentioned that there had been changes made to the original five year plan that the borough had presented us with, and the Borough would be moving forward with only Valleycrest. Ted Cox also stated that there was consideration of a second pool – in A Ma Baie, and if a third pool was to be considered, it would be west of Valleycrest – however at the time no final decisions had been made.

http://ville.montreal.qc.ca/pls/portal/docs/PAGE/ARROND_PIR_FR/MEDIA/DOCUMENTS/PLAN_DIRECTEUR_CSLDS.PDF

At this time, no Board of Directors from ANY Pierrefonds-Roxboro pool had any knowledge of these decisions. Valleycrest's renovations were estimated at \$4,000,000.00 in March 2013. This amount represents a %200 increase to the initial cost that was presented in March of 2012.

In the last documentation that we can find, total estimated costs to date, for the demolition and construction of the new Valleycrest Pool is \$5,481,194.15. There has been no further communication from the borough on the future of the remaining outdoor pools.

In the "Sommaire décisionnel" issued by Sylvain Marcoux, chef de division infrastructures, Ville de Pierrefonds-Roxboro, on August 14th, we were presented with a justification to the 5.2 million dollar expense. In the first page of the Sommaire décisionnel, under CONTEXT – second paragraph, it is stated that, "The conclusion reached by Riopel et Associés Architectes demonstrated that the facilities (Pierrefonds-Roxboro Pools) studied were dilapidated and did not conform to the standards of aquatic installations. An oscillating amount of 500,000.00 – 1,500,000.00 would be the required investment to rehabilitate each pool".

Contrary to what is mentioned in the Sommaire décisionnel, the report that was issued by Riopel et Associés Architectes on March 21st, 2012 – the following amounts are needed to repair all the pools;

- Briarwood - \$730,000
- PPK – 685,000
- Roxboro - \$325,000
- Thorndale - \$460,000
- Valleycrest - \$600,000
- Versailles - \$543,000

The total amount for the restoration of the above mentioned pools is \$3,323,000.00 – with a \$553,883.00 average per pool.

After careful consideration – individuals from different Pierrefonds-Roxboro pools decided to seek second opinions regarding the initial repairs from the Riopel et Associés Architectes report & the costs associated with them. It was brought to our attention that several “upgrades” outlined in the report were in fact NOT mandatory, but recommendations made by Riopel et Associés Architectes.

Riopel et Associés Architectes with the help of Nacev Consultants Inc., conducted the study that produced the report. In 2012, the president of Nacev Consultant, Mr. Jean Leroux, was one of the several individuals arrested by the UPAC, on charges of fraud & corruption.

After lengthy discussions between Board of Directors members of Briarwood, PPK, Roxboro, Thorndale & Versailles, there have been discrepancies noticed on the reports along with speculation that some of the repairs that were said to have been done, as the Borough could not allow us to open knowing that a handful of “upgrades” were essential, were never completed.

Without prejudice

- **April 11 2013 – Public presentation of master plan** - Citizens, representatives of community organizations and sports associations and employees attended the public presentation of the Master Plan for Cultural, Sporting and Recreational Facilities of the Borough of Pierrefonds-Roxboro held on Thursday, April 11, 2013, at 7 p.m., at the Borough Hall. (Note however that it will only be at the May 6 2013 council meeting that the borough council will officially adopt this plan)
- **April 16 2013 - [Borough of Pierrefonds-Roxboro issues a communique announcing it's master plan](#)** – Note that the borough had presented the master plan to groups referred to in the March 2013 entry above and at a public meeting on April 11 2013 however that it will only be at the May 6 2013 council meeting that the borough council will officially adopt this plan
- **May 6 2013 – Borough council of Pierrefonds-Roxboro adopts MASTER PLAN FOR CULTURAL, SPORTS AND RECREATIONNAL FACILITIES OF THE BOROUGH**
- **September 3rd 2013** – Mrs. Monique Worth, Mayor – Borough of Pierrefonds-Roxboro, stated in a Borough Council meeting that she could not subsidize repairs of the pools recommended in the Riopel et Associés Architectes report, as per the Cities and Towns Act of Quebec.
- **September 3rd 2013 Pierrefonds Roxboro council meeting:** Resolution **RESOLUTION NUMBER CA13 29 0278 reads:** “TO APPROVE the deed by which the “Club de natation Valleycrest” transfers to Ville de Montréal a land of a surface area of 2,508.4 m², including several property facilities, located at 4600, rue des Cageux, adjacent to Park Grier, known and designated as lot 1 347 400 of the cadastre of Quebec, in the borough of Pierrefonds-Roxboro, without monetary consideration, under the terms and conditions stipulated in the deed; TO register in the Ville de Montréal public domain register, as park, the lot 1 347 400 of the cadastre of Quebec.

Further to the statement made by Mrs. Worth at the Sept 23 2013 council meeting, Mr. Sergio Arione, President of Roxboro Pool, decided to take matters into his own hand, and request, on numerous occasions, where in the Cities and Towns Act was it mentioned that municipalities were not permitted to subsidize, when the municipality did not own the land. Sergio never

received a response. It was brought to Sergio's attention that the statement made by Mrs. Monique Worth was not included in the minutes from the September Pierrefonds-Roxboro Borough council meeting.

- **September 23rd 2013** – Mr. Sergio Arione presented himself at the Montreal City Council meeting in hopes of obtaining a straight forward answer, as he had not yet received correspondence back in regards to where Mrs. Worth's statement is states in the Cities and Towns Act. Mrs. Monique Worth answered that is was not prohibited in the Cities and Towns Act, but it IS prohibited by the City of Montreal. This information is available on a video recording of the council meeting)

As per the Charter of the City of Montreal, in Article 130, point 5 & 6 – it indicates the opposite. Please find below, the General Provisions of the [Charter of the City of Montreal](#), Division III – under Jurisdiction of the Borough Council;

DIVISION III

JURISDICTION OF THE BOROUGH COUNCIL

§ 1. – General *provisions*

129. The borough council may submit opinions and make recommendations to the city council on the budget, the establishment of budgetary priorities, the preparation or amendment of the planning program, amendments to planning by-laws, or any other subject submitted to it by the city council.

130. The borough council has, for the borough and to the extent provided by this Act or by the order of the Government made under section 9, jurisdiction, powers and obligations in the following fields:

- (1) urban planning;
- (2) exceptions to the prohibition from converting immovables to divided co-ownership;
- (3) fire safety and civil protection;
- (4) the environment;
- (5) local economic, community, cultural and social development;
- (6) culture, recreation and borough parks; and
- (7) local roads.

Without prejudice

Subject to the provisions of this Act or of the order of the Government made under section 9, the borough council exercises on behalf of the city, with respect to its jurisdictions and with the necessary modifications, all the powers and is subject to all the obligations assigned to or imposed on the council of a local municipality by the Cities and Towns Act (chapter C-19) or any other Act. To that end, if a power is attributed to or an obligation imposed on the council of a municipality with a certain population, the population of the city is taken into consideration rather than the population of the borough.

- **September 24th, 2013** – Sergio attempted to contact Mrs. Worth again, to get further clarification on the Montreal city Charter. At this time, this was the sixth e-mail that had been sent.

As there are no minutes yet adopted to recount the Pierrefonds-Roxboro Borough Council meeting of October 2013, the following information below has been recounted and provided by attendees of the meeting;

Mr. Jim Beis, Borough Councilor, allegedly stated that the article the Borough has been referring to, since March of 2012, did not exist & that the Borough Council made a conscious decision to build Valleycrest Pool.

The Board of Directors that represent Briarwood, PPK, Roxboro, Thorndale & Versailles feel that if we had known that the legal impediment did not exist – perhaps there could have been something done. From the time we received the report from Riopel et Associés Architectes on March 21st, 2012 – there have been sentiments of deceit, uncertainty, misleading communications and or documentation.

This has resulted in the borough approving 5.2 million dollars to build a new outdoor aquatic facility where Valleycrest pool was located.

It is reported that the annual operating budget for this new facility is approximately \$125,000. The construction cost and annual operating cost for this one outdoor facility far exceeds the current annual operating budget of all 6 Pierrefonds-Roxboro pools and the original cost (\$3,323,000) estimates for the repairs as well.

Without prejudice

All of this investment of tax payer money buys ONE outdoor municipal pool – at the west end of the borough (west of St-Charles). The current remaining five pools have received no commitment from the borough.

The possible closure of Briarwood, PPK, Roxboro, Thorndale & Versailles will significantly limit access to outdoor pools – for children & families that do not live in that immediate area surrounding the new municipal pool.

What is the future for the remaining 5 outdoor Pierrefonds-Roxboro pools? Why have we not been informed of crucial changes in the five year plan that was presented to the six pools originally? Does Pierrefonds-Roxboro plan on cutting the subsidies on the remaining 5 pools once Valleycrest is operational? If there is no legal impediment on subsidizing the pools, can we – as representatives of these pools, ask for subsidies – push for more than what we are receiving?

How does the way that the Borough has handled these events, reflect the Borough of Pierrefonds-Roxboro's commitment to enhance the lives of its citizens, and display a commitment to positive and responsible government?