

Town of the Blue Mountains
32 Mill Street
Thornbury
Ontario. N0H 2P0

November 6, 2012

Submission to the Infrastructure Committee Meeting, November 13, 2012

In August 2011 St. Georges Anglican Church entered into a Site Plan agreement with the Town of the Blue Mountains, relating to the construction of a building addition in the form of an accessible Parish Hall and related facilities.

Construction commenced during that month and the building was substantially complete and occupancy granted by the Town Building Department in December 2011.

Siteworks, including landscaping were left until the spring but were completed by April 2012.

Since January 2012 we have tried unsuccessfully to have the engineering firm of Gamsby & Mannerow to provide an inspection report and as-built documentation to satisfy the requirements of the Site Plan agreement and of the Towns Engineering Department.

Despite Numerous phone calls, e-mails and visits to their offices we have not been able to get them to carry this out.

- a. They have excused their non performance due to excessive workload.
- b. They have not responded to the majority of e-mails.
- c. I have endeavoured to contact the senior partner, MR. Bill DuBeau, by phone, with the result that when I say who is calling his secretary says that he is not in and will call back, this he does not do this.
- d. By subterfuge I have on occasion been able to speak to him and he says on those occasions that he will get on to it straight away.
- e. He has once used the excuse that he does not know what the Town wants, although I have explained to him in detail, both verbally and in writing.
- f. In our last phone conversation he stated that the parking layout was not as the original drawings, this I agreed that the layout was different but still provided the required number of spaces.
- g. He also pointed out that we had put a road in at the south end of the site which was not on the original construction drawings. I pointed out that this was the original driveway to the Carriage Shed which has been there for over 100 years; all we did was lay fresh gravel on it.

As we are unable to provide the documentation required by the Town we are asking that the Town consider waiving that requirement, releasing the monies held to us, given the non performance of the Engineering firm and that all required work has been completed for over six months.

Respectfully submitted



David Morgan
Project Manager for St. George's Anglican Church

Attachments:

- Title page of Site Plan agreement dated August 7, 2012
- Site Plan agreement schedule E.
- Time line of Site Plan agreement & related events.
- E-mail to Gamsby & Mannerow dated January 12, 2012.
- E-mail from Gamsby & Mannerow dated February 6, 2012
- E-mails dated 22nd and 23rd April 2012
- E-mail to Gamsby & Mannerow dated August 23, 2012
- E-mail to Gamsby & Mannerow on November 1, 2012.

SITE PLAN AGREEMENT

THIS AGREEMENT made this 17th day of ^{August} ~~July~~, 2011

B E T W E E N:

ST. GEORGE'S ANGLICAN CHURCH, CLARKSBURG

A company duly incorporated under the laws of the Province of Ontario hereinafter called the OWNER of the FIRST PART,

AND

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS
hereinafter called the TOWN of the SECOND PART,

WHEREAS the Owner warrants that it is the registered owner of lands described in Schedule "A" attached hereto (the "Lands");

AND WHEREAS the Lands are within an area designated as an area of Site Plan Control Area pursuant to the Town's Site Plan Control Area by-law passed pursuant to section 41(2) of the Planning Act and in force at the date of this Agreement;

AND WHEREAS the Owner applied to the Town for site plan approval for the development of the Lands;

AND WHEREAS the Town has given approval to the Site Plan pursuant to Section 41(4) of the Planning Act on the condition that the Owner enter into this Agreement to satisfy the conditions to approval of the Site Plan

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the Parties hereto agree one with the other as follows:

PART I

GENERAL

1. Subject Lands

The lands affected by this agreement are more particularly described in Schedule "A" attached hereto (the "Lands");

2. Consultants

The Owner shall retain competent engineers registered with the Professional Engineers of Ontario and members of the Consulting Engineers of Ontario and competent landscape architects registered with the Ontario Association of Landscape Architects (the "Consultant(s)") to carry out all the necessary engineering and landscaping requirements for the development and servicing of the Lands in accordance with this Agreement.

All the engineering requirements set out in this Agreement, including the issuing of certificates for the engineering Works shall be the responsibility of the engineering Consultant and all the landscaping requirements set out in this Agreement, including the issuing of certificates for the landscaping Works shall be the responsibility of the landscaping Consultant.

The Consultants shall be retained at all times until all of the requirements of this Agreement have been complied with to the satisfaction of the Town. In the event, for

This schedule forms part of a Site Plan Agreement between St. Georges Anglican Church, Clarksburg and The Corporation of the Town of The Blue Mountains

PART 1 - COST OF THE WORKS AND SECURITY A

- COST OF THE WORKS PUBLIC WORKS

1. Sanitary Sewer \$10,000

PRIVATE SERVICES

1. Sanitary Servicing \$29,600
 2. Drainage \$ 1,000
 3. Gravel Parking Lot \$ 1,000
 4. Landscaping \$ 1,000
 5. Siltation and Erosion Control Works \$ 600

Sub-Total \$ 43,200

9. Site Supervision, Contract Administration, Engineering (6%) \$ 2,600

TOTAL COST OF THE WORKS \$45,800

B - SECURITY REQUIRED

PUBLIC WORKS

1. Sanitary Sewer **Completed** \$10,000
 2.. Site Supervision, Contract Administration, Engineering (6%) \$ 600 **Completed** .

PRIVATE SERVICES

1. Sanitary Servicing **Completed** \$ 0
 2. Drainage **Completed** \$ 1,000
 3. Gravel Parking Lot **Completed** \$ 1,000
 4. Landscaping **Completed** \$ 1,000
 5. Siltation and Erosion Control Works **Completed** \$ 600

Sub-Total \$ 3,600

9. Site Supervision, Contract Administration, Engineering (6%) \$ 250 **Completed**

TOTAL SECURITY REQUIRED \$ 14,450

ST. GEORGES ANGLICAN CHURCH, CLARKSBURG BUILDING ADDITION AND RENOVATION

SITE PLAN AGREEMENT & RELATED EVENTS

TIMELINE

1. Application submitted to Town to make Site Plan submission | April 2011
2. Documentation revised and resubmitted | May / June 2011
3. Site plan application approved & agreement signed | August 2011
4. Construction commenced | August 2011
5. Construction completed and occupancy achieved | December 2011
6. Request to Engineers of record to prepare as-built drawings & report | February 2012
7. Engineering inspection carried out and report submitted to Church | February 6, 2012
8. Final site works and Landscaping commenced | March 2012
9. Application made for partial release of security deposit | March 13, 2012
10. Inspection and meeting with Town Eng. rep. [M. Campbell] | April 6, 2012
 - a. Informed by Mr. Campbell that partial release is not acceptable and that such a procedure is not allowed by the Town.
 - b. Apart from some minor comments Mr. Campbell agreed that the work completed appeared to be acceptable and of the required standard.
 - c. Mr. Campbell noted that several items of documentation had not been provided, however he agreed that he was not aware if they had even been requested of the contractor or the Church.
11. All site works including landscaping completed | April 2012
12. Gamsby and Mannerow engineer carries out final inspection | April 27, 2012
 - a. G & M engineer, Derek Brewster, agrees that all is completed and raises only very minor points which were cleared up upon detailed inspection and discussion.
13. Numerous e-mails and phone calls to Mr. B. DuBeau of Gamsby and Mannerow asking for the final report and documentation [as-built drawing] necessary to satisfy the Towns requirements, starting in May and continuing on through June, July, August, September and October.
14. In our last phone conversation he stated that the parking layout was not as the original drawings, this I agreed that it was different but still provided the required number of spaces. Also that we had put a road in at the south end of the site which was not on the original construction drawings. I pointed out that this was the original driveway to the Carriage Shed which has been there for over 100 years; all we did was lay fresh gravel on it. This occurred in | October 2012
15. Final e-mail to the Engineers asking them to complete their work sent | November 1, 2012
16. Request to make a presentation to Town Infrastructure committee | November 6, 2012

David Morgan

From: David Morgan [morgan_david@rogers.com]
Sent: January-12-12 10:58 AM
To: 'Bill Dubeau'
Cc: 'Don Gauer'
Subject: St. George's Clarksburg

Happy New Year Bill;

We are endeavouring to get the security deposit back from the Town, which was imposed with the Site Plan Agreement. All of the conditions in the agreement have been met with the exception of connecting the Rectory to the new pumping station and getting rid of the septic tank which served that building. The Town requires a letter from you stating that all is complete apart from that, this includes;

1. Installation of the sewage pump and connection to the Town sewer.
2. Emptying and removal of the septic tank serving the church.
3. Installation of a silt fence.
4. Reinstatement of the road and sidewalk after connecting to the sewer.
5. Expansion of the north east parking lot by 15ft.

I am out of town for the next ten days but would like to get this resolved when I return.

Many thanks in anticipation of your assistance.

David

From: Bill Dubeau [<mailto:bdubeau@gamsby.com>]
Sent: February-06-12 8:40 AM
To: David Morgan
Cc: Steve Garrow (steve@dezign2000.com); Derek Brewster
Subject: [Bulk] RE: C-7628 St. George's Clarksburg
Importance: High

Hello David,

With the mild weather, I would like to clear up the requested site inspection today or tomorrow if possible.

1. For the reviewing of the manhole and forcemain operation, our inspector would have to open the manhole at the street and witness the flow from the forcemain to the manhole. We will need yourself or the contractor on-site to access the church to run the water. The approximate location of the forcemain should be identified in order that it can be shown on the plan as well.
2. Dinsmore can also identify the approximate location of the gravity sewer from the Rectory and confirm removal of the septic tank.
3. We can confirm the installation of the silt fence and obtain a few elevations for the rough grading. I understand that the grass seeding has not been completed yet.
4. Our inspector can review the road work. It look good when it was completed.
5. Our inspector can also confirm the expansion of the parking area.

It is possible that Brian Dinsmore or one of his staff and yourself can meet our inspector today?

Let me know. Thanks

Bill Dubeau, P. Eng.
Gamsby and Mannerow Limited
1260 – 2nd Avenue East, Unit 1
Owen Sound, Ontario
N4K 2J3

David Morgan

From: David Morgan [morgan_david@rogers.com]
Sent: April-23-12 8:57 AM
To: 'Bill Dubeau'
Subject: RE: C-7628 RE: St.George's

Bill:

If you can let me know ahead of time I can meet him there. I would like to ensure that things are underway before I go away on the 1st May as I will not be back until 21st May, and would like to go to the town as soon as I do get back.. Many thanks for your help.

David

From: Bill Dubeau [<mailto:bdubeau@gamsby.com>]
Sent: April-23-12 8:42 AM
To: David Morgan
Subject: C-7628 RE: St.George's

David,

It will likely be Thursday or Friday before Derek can visit the site for the updated topo survey and inspection.

Bill Dubeau, P. Eng.

Gamsby and Mannerow Limited
1260 – 2nd Avenue East, Unit 1
Owen Sound, Ontario
N4K 2J3

Telephone (519) 376-1805 (Ext. 2332)
Fax (519) 376-8977

E-mail: bdubeau@gamsby.com
Web Site: www.gamsby.com

From: David Morgan [mailto:morgan_david@rogers.com]
Sent: April-22-12 7:09 PM
To: Bill Dubeau
Subject: St.George's

Hi Bill:

I am pleased to report that all works are now complete, hydro seeding was completed on Thursday and the attached confirms that the Rectory septic tank was decommissioned. I see no reason now why you should not proceed with as built drawings and final report letter.

Regards

David

David Morgan

From: David Morgan [morgan_david@rogers.com]
Sent: August-23-12 3:35 PM
To: 'Bill Dubeau'
Cc: 'David Finbow'; 'Steve Garrow'; Don Gauer (dgauer@sympatico.ca); 'sarahebedard@bell.net'; 'Gary Huber'; 'Ruth and Doug McWhirter'; 'Mike Seagram'
Subject: St. George's Church Clarksburg
Attachments: Site plan agreement schedule E.RTF

Tracking:	Recipient	Read
	'Bill Dubeau'	
	'David Finbow'	
	'Steve Garrow'	
	Don Gauer (dgauer@sympatico.ca)	
	'sarahebedard@bell.net'	Read: 24/08/2012 9:42 AM
	'Gary Huber'	
	'Ruth and Doug McWhirter'	
	'Mike Seagram'	

Bill:

I have been requesting assistance from you for the past eight months in an effort to get the security deposit released from the Town of The Blue Mountains, which formed part of the Site Plan agreement with them, to date with no success.

In order to get that money released we require from you the following, which I have been requesting from you since earlier this year:

1. Confirmation that the items listed on the attached sheet have in deed been complied with / completed.
2. A copy of your original site plan, updated to the "As Built Condition"

Although all work has been completed for several months the Town Engineering Department is refusing to release this money without both of the above items from the engineer of record, in other words Gamsby & Mannerow.

Your Engineer, Derek Brewster conducted an inspection in early April and apart from landscaping all had been completed, at that time. The landscaping is now complete and established.

Bill you have in previous conversations, referenced other items which were not part of this contract or were existing conditions prior to the work being carried out. In my opinion these have nothing to do with this matter, your inspection and comments should focus only on the site plan agreement issues and the work of the contract..

It will be appreciated if you would give this matter you immediate attention, if necessary phone me to discuss.

David Morgan
p.p. St. George's Anglican Church

David Morgan

From: David Morgan [morgan_david@rogers.com]
Sent: November-01-12 5:46 PM
To: 'Bill Dubeau'
Cc: 'Sarah Bedard'; 's.haig@bmts.com'; 'dougmcwhirter@rogers.com'; Don Gauer (dgauer@sympatico.ca); 'Mike Seagram'; 'Michael Martin'
Subject: St. George's Clarksburg
Importance: High

Bill:

Yet another week has passed with still nothing from you. Last time we spoke you promised to get the drawing and letter out that week, that was over three weeks ago.

You mentioned that we had not provided the full complement of parking spaces, we have checked physically on site and although the parking configuration on the over-width driveway is not as shown on your drawing, with angle parking and allowing for the two spaces on the Rectory driveway we have the required number.

You also stated concerns that the driveway to the shed was new, that is not the case it has always existed since the beginning of the last century when the drive shed was constructed. We did, for construction purposes, install a new level of gravel over part of it but since then the grass has started to spread over taking it back to its previous state.

Bill: If you have no intention of completing this work and providing documentation as required by the Town then we will have no alternative, apart from approaching your professional association which we are loath to do, than to make a representation to Town Council explaining why we cannot fulfill the final and last requirements of the Site Plan agreement.

We await your response which we hope will be to our mutual satisfaction.

David Morgan
St. George's Anglican Church