

Skateboard park rebuild gets Council greenlight

By Brock Weir

A \$600,000 project to replace the popular skateboard park outside the Aurora Family Leisure Complex (AFLC) received the formal green light from Council last week.

The formal approval, satisfying the conditional approval of the project within the 2019 Budget, came a week after a contentious debate at the Committee level on the condition of the skatepark and the causes of its rapid deterioration since opening in 2015.

As The Auroran reported last week, problems with the skate park became apparent almost as soon as the facility opened with concrete surfacing failing to withstand its first winter. Significant cracking was also evident, due to the retention of water beneath the surface and other on-site drainage issues.

The site, along with construction shortfalls on the part of the contractor, have been the subject of an investigation carried out by an external consultant retained by the Town which found 'critical deficiencies' in the build.

Coming into focus at the Committee level last month was just who should be held liable for the problems. These concerns were raised by Councillor John Gallo, who was subsequently told these issues had been addressed in a confidential memo circulated to local lawmakers which contained information protected under solicitor-client privilege.

Questions had previously been asked behind closed doors on whether the construction company could either be held liable for the build and/or whether the Town could recoup some of the money spent on the project. At the end of the day, however, time had lapsed and, in the words of CAO Doug Nadorozny, Aurora was 'outside any reasonable hope of successfully making a claim at this stage.'

But questions continued into last week's Council meeting, with Councillor Gallo pressing for the confidentiality surrounding the memo be waived and its contents released to the public.

At the outset, Councillor Gallo moved that the reconstruction project be moved until this month's Council cycle pending the release of the memo as work was not set to begin until late summer or early fall.

'I had some

conversations with [Town Solicitor] Patricia De Sario and it is my understanding that there is no urgency to pass this tonight and one more cycle of Council would be fine in terms of moving this item forward," said Councillor Gallo, asking the memo be placed on the agenda of a Closed Session meeting for further Council discussion. "My objective, as it was last week, is to first have the discussion and, I will be frank with you, after that discussion, I am going to probably be suggesting that the memo be made public so that we can properly communicate to the residents the full story of this project."

Some Council members were skeptical on the impact this memo might have on the decision-making process.

"I am not sure what this Closed Session agenda is going to prove," said Councillor Sandra Humfries. "We have all the information, we've worked on this for years, is this going to stop any progress in terms of getting this skate park moving? By the time we have a Closed Session, and who knows what comes out of that? This is something we have let the residents down for many reasons that we all know and I would like this to move forward. We have kids who are going to go to Newmarket and anywhere else (to skate) but not here. I don't want to see the delay here."

In that event, Council decided to ultimately go into Closed Session during last week's Council meeting and make a decision then and there after Ms. De Sario said as the memo contains legal advice still subject to privilege, Council had to make a formal decision on what could and could not be released to the public.

"Do you have to go into closed session to do it? Only if you have questions for me, then I will be providing further legal advice," she told Council members. "If there aren't going to be any questions, you could potentially think about waiving [the memo] now and making it public."

Councillor Gallo said he "wasn't interested in delaying anything" and was interested instead in "the public having full disclosure" and didn't object to having the Closed Session at that point.

"I am fine with supporting the motion as it stands," said Councillor Michael Thompson. "I would prefer to go into closed session and the only reason is I would like to hear from Ms. De Sario if there are any ramifications of making that report public."

Council ultimately spent just over half an hour behind closed doors, emerging to pass a motion to release the memo subject to redactions made in private.

The motion was passed 6 ? 1 with Councillor Rachel Gilliland being the dissenting vote.

The Town is yet to confirm when this memo will be made public.