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RECEIVED

June 19, 2006

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Norfolk County

NORFOLK COUNTY

Dear Mayor Kalmbach and Members of Council:

In respect to my deputation to Council of May 2, 2006, Mr. D'hondt was instructed to respond to my concerns. Mr. D'hondt requested 4 weeks in which to respond. Councillor Wells had requested that I also be provided with a copy of Mr. D'hondt's response to Council.

On Monday June 12, 2006 I inquired to Public Works as I had not yet received this response. A copy of my inquiry was also filed at the Clerks Office. Monday afternoon our office received a call from Mr. D'hondt to advise that a report was forthcoming and that I would receive a copy 1 week in advance of the Council meeting.

On Friday morning June 16, 2006 Mr. D'hondt hand delivered a copy of his response to our office and had Deputy Clerk Kathy Balcomb call to arrange to put me on as a deputation for the June 20, 2006 Council meeting. I was contacted by my office on my cell phone while on business in Paris advising me of this matter. At that point I advised our Secretary to advise Kathy Balcomb that I would not commit to meet with Council until I had reviewed Mr. D'hondt's response. I returned to the office late Friday afternoon and read Mr. D'hondt's response which I found to be completely unacceptable and which will require further research and verification in order to receive and respond to questions from Council. However, please find the following response in part at this time.

Noted discrepancies in Mr. D'hondt's response which requires further clarification:

Concern #1: Season not finished.

Nichols Response:

Misleading Response. Would imply intent to purchase.

After the Spring maintenance of gravel roads in preparation for application of dust layer, there is almost no further requirement for Gran A under the Aggregate Quotation.

#2 Quote: "Response was correct (Mr. Hamilton) that the County can choose to use limestone rather than crushed gravel." unquote.

Nichols Response:

Please provide this authority of choice, either in Purchasing Policy or previous Council resolution.

Dwayne Nichols did **not** thank Mr. Hamilton for the shoulder gravel in Windham. There was **no** shoulder gravel purchased in 2006 for Windham or anywhere else. No sales 2006 Granular A to Norfolk County. Dwayne thanked Mr. Hamilton for calling back. Mr. Hamilton stated that trucks would be in to get shoulder gravel, but that didn't happen, and there was **no** agreement to use crushed gravel instead of crushed limestone. This conversation has been badly misrepresented, which the total lack of purchases of Granular A 2006 confirm, and now we confirm that Norfolk County is placing shoulder gravel Gran. A over the concrete waste on Road 9 as of last week, but not from our pit sources.

#3 Quote: "False statement, gravel patching is what is taking place." unquote.

Nichols Response:

Please provide totals of Granular A purchased for areas 1, 2, and 3 Spring of 2006. No **gravel** used.

#4 Quote: 'These shoulders are to be up graded as part of the 2006 maintenance program already identified.' unquote.

Nichols Response:

Please identify roads to be upgraded 2006 program and whether they include Rd. 4, 9, 37 and 16 and a copy of contract award as bid and awarded by County for this work.

#5: Award Winter Sand to Livingston Attachment 4.

Nichols Response:

Note: Attachment 4 **not** included with copy left by Mr. D'hondt.

#6: Mileage Calculation: Response explains method used, but does not explain if my figures are accurate, or the Counties figures are inaccurate and why?

#7: Illegal weighing device: Quote: "Weights and Measures Canada met with P.W. Staff and stated the measuring device used by Livingston was acceptable." unquote.

Nichols Response:

Please provide further particulars in writing from Weights and Measures Canada, the meeting date, name of Inspector and Public Works Staff involved, and why the 2006 Class 1 Stone Chip Tender contained a specific clause for the first time. Quote: "Norfolk County requires

that the contractor use weigh scales equipped with an automatic printing device capable of producing tickets.” unquote.

#8: Increase in Fuel Prices: Quote: “Fuel prices are included in fleet rental price, that is adjusted annually.” unquote.

Nichols Response:


This appears to be a false statement confirmed by the Aggregate Summary for 2005 included with Mr. D’hondt’s response which shows a trucking rate for aggregate at Truck \$34.72, Driver \$22.97, but by comparison to Winter Sand 2005/2006 the calculation used was Truck \$32.45 and Driver \$22.97. This lower haulage calculation for sand, appears to be an intended manipulation which would provide a cost advantage to suppliers with long haul distances to the respective sand domes and has **not** been adjusted (confirmed in my deputation documents) for the past 3 years.

Please clarify difference between rates for hauling sand and hauling Granular A and why these calculations are **not** the same.

I hereby request that council direct Mr. D’hondt to properly respond with appropriate verifiable documentation where possible to items listed 1 to 8 and that I be placed on a deputation for the Council in Committee Meeting July 4, 2006 to discuss the responses by Mr. D’hondt to my deputation of May 2, 2006.

Thank you for your consideration in this matter.

Yours sincerely,



Gary Nichols