

*This is copy of the document sent to Trisha McKibbin (CAO/Clerk) on January 4, 2022 outlining BLA's feedback on our Joint Agreement with the Township of Minden Hills for inclusion in their final report presented to Council.*

## **Conclusions resulting from the Joint Agreement with the TMH**

The present document is the view of the Bob Lake Association (BLA) related to the ongoing status of its proposal to restore a public boat launch on Bob Lake.

Concerns raised by the Township of Minden Hills (TMH) related to the construction of a public boat launch at the unopened road allowance on Claude Brown Road found in reports #18-017, dated Feb 22, 2018 can be grouped into five categories: Encroachment on private property, Traffic Safety, Land Use and Planning, Environmental and Construction Cost.

The Bob Lake Association retained EcoVue Consulting Services to do a feasibility assessment which concluded that there were no "showstoppers" among matters raised by the Township, but two issues should be examined more closely before any further work be undertaken: (1) legal advice as to any existing legal impediments to the project and (2) obtaining preliminary drawings from an engineer demonstrating the feasibility of a launch built entirely on the unopened road allowance without the use of private property.

Obtaining answers to these two questions were the subject of the joint agreement between the BLA and the TMH. Both the legal analysis and the preliminary drawings have been obtained and the following is a brief analysis of the conclusions reached by examining these matters, and a brief discussion of the matter of cost and funding.

### **Encroachment on Private Property**

The preliminary design of the launch by Tatham Engineering does not require the expropriation of private property. It eliminates the concern related to approaching the launch over the "forced road." Measures to mitigate the visibility of increased activity can be put in place to address nearby owners' concerns. Both the BLA and TMH agree on a prohibition on public parking at the launch. The bylaw enforcement aspect is the same for existing sites.

### **Traffic Safety**

The preliminary drawing of the launch site provides sufficient opening of the road allowance northward to allow a straighter approach to the ramp and allows adequate site lines for traffic approaching from either side of the proposed site based on Transportation Association of Canada (TAC) guidelines. According to Tatham Engineering the need for a traffic study is unnecessary given the low volume and frequency of use. Further the placement of appropriate signage on the road allowance on approach to the site is appropriate due diligence considering

any existing liability already covered under TMH's liability policy. The signage would include clear prohibitions on public parking.

## **Land Use and Planning**

Claude Brown Road up to and including the road allowance is a "forced road" and as such is a public thoroughfare maintained by TMH for decades and open to the public. In the view of the BLA, Eco Vue Consulting Services, and legal advice received, there are no legal impediments to using the forced road to access the proposed launch. Further, the use of the road allowance to access the launch does not impede use of the road by residents. Also, the engineer suggests using landscaping and fencing to buffer adjacent lots and there is no need for a light contributing to light pollution.

If the project meets the zoning provisions in the Zoning Bylaw (ZBL), no *Planning Act* application is required. If it does not meet the provisions, a minor variance would be required. In the view of the BLA this project is within the provisions of the Official Plan at 3.2.3.8 – Use within waterfront designation "access for angling or other similar activities."

As this is a "replacement" launch for Bob Lake, a recreational capacity study is not warranted.

## **Environmental**

Paraphrasing the words of Tatham Engineering, built correctly the launch will not adversely impact the health of the lake. The design concept captures surface drainage from the expanded surface area and provides sediment filtration and velocity control. A new crossroad culvert would exit water to the lake. The added drainage would be from the slab itself and minimal and typical. Phosphorous discharge is negligible in the opinion of the engineer.

An environmental assessment (EA) is not necessary for a project of this scale as TMH is exempt under Reg 334 of the *Act* as the proponent of a project less than \$3,5M. MNRF and DFO would need to be consulted as to what applications emanate from their respective jurisdictions. Preliminary indications from MNRF biologist did not raise any major hurdles.

## **Cost**

We believe a more realistic cost estimate is \$100K. Several stated costs included in Tatham's upward estimate are not necessary or overpriced in the view of the BLA: the environmental assessment priced at \$50K-60k is not necessary in the view of the MECP; the cost of the concrete is \$40K higher than local contractors; the cost of tree removal is high; and the asphalt pad, and the streetlight luminaire are not necessary.

We feel this launch can be built for less given similar projects in nearby Kearney, for instance. Attached to this document is a table showing comparative costs for the proposed launch from Tatham and local contractors using Tatham's design, as well as budget costs we obtained for

similar boat launches built by the municipality of Kearney, excluding any costs irrelevant to the Bob Lake situation such as docks or slips.

Although uncertainty persists about cost, as a practical matter, both TMH and the BLA had hoped that a more accurate cost estimate would have resulted. According to the engineer, although the detailed design represents an additional cost, it would likely show a lower construction cost than estimated in their report.

In our view the only serious challenge to TMH's undertaking the project is cost. To resolve the cost estimate disparity, and obtain a cost estimate within an acceptable range to TMH, the BLA suggests:

- tendering the construction of the launch and based on received submissions, decide if the project is within an acceptable cost for TMH.
- To minimize the cost to TMH, or recover/share costs related to the project, undertake discussions with the BLA with a view to exploring suitable means of funding the project. The BLA has previously indicated its willingness to have this discussion.

## Tatham Engineering Cost Comparison

	Cost (excludes HST)	Contingency (%)	Total (w/ contingency)	Comment
<b>Bob Lake Public Boat Launch Estimates</b>				
<b>Tatham</b>	\$155,025.00	20%	\$186,030.00	Excludes "Provisional Items"
<b>Prentice</b>	\$47,126.96	60%	\$75,403.14	Adding higher contingency for comparison. See reference link #1 for Prentice quote.
<i>Savings over Tatham:</i> ✓	(\$107,898.04)		✓ (\$110,626.86)	
<b>Hawk River</b>	\$61,401.93	60%	\$98,243.09	Adding higher contingency for comparison. See reference link #2 for Hawk River quote.
<i>Savings over Tatham:</i> ✓	(\$93,623.07)		✓ (\$87,786.91)	
<b>Town of Kearney Boat Launch Actual Cost References</b>				
<b>Sand Lake Launch</b>	\$85,840.46	n/a	\$85,840.46	See reference link #3 for Town or Kearny launch costs. Backed out \$38,307.00 for block wall and floating ramp costs N/A for Bob Lake.
<i>Total Invoices:</i> ✓	(\$124,147.46)		✓ (\$124,147.46)	
<b>Perry Lake</b>	\$67,285.85	n/a	\$67,285.85	See reference link #3 for Town or Kearny launch costs. Backed out \$40,849.50 for block wall and floating ramp costs N/A for Bob Lake.
<i>Total Invoices:</i> ✓	(\$108,135.35)		✓ (\$108,135.35)	

## Highlights

1. Tatham's concrete material estimate alone is inflated by \$33K (\$40K with the 20% contingency) compared to both Prentice and Orillia Precast quote (see reference link #4).
2. Tatham's gravel estimate alone is inflated by more than \$12K compared to Prentice quote.
3. Added triple the normal contingency to Prentice / Hawk River estimates to account for a far greater variance.
4. Extra contingency should more than cover any potential "Provisional Items" included in Tatham report.
5. Minden Hills staff should research past project cost for Rotary Park boat launch reconstruction as an additional reference.

## Reference Links

1. [Prentice quotation](#)
2. [Hawk River quotation](#)
3. [Town of Kearny public boat launch budget plus invoice costs](#)
4. [Orillia Precast quotation for exact concrete specs from Tatham design](#)

## Conclusion

**Recommend Minden Hills uses \$100K as a more appropriate Bob Lake Public Launch cost estimate based on this assessment.**