

# STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



<b>Report to:</b>	Mayor and Council Members	<b>Priority:</b>	<input type="checkbox"/> High <input type="checkbox"/> Low
<b>Submitted by:</b>	Teresa Behan, Deputy Director Community Services tbehan@cobourg.ca	<b>Meeting Type:</b>	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
<b>Meeting Date:</b>	<b>August 23, 2021</b>		
<b>Report No.:</b>	Community Services-059-21		
<a href="#">Submit comments to Council</a>			

**Subject/Title:** Cobourg Marina Boat Lifting Options Analysis Report

## RECOMMENDATION:

THAT Council accept the Shoreplan Engineering Limited Report on Boat Lifting Options for the Cobourg Marina for information purposes; and

FURTHER THAT Council review and analyze the options for boat lifting and direct staff on how to proceed based on the recommendations in the Shoreplan Report.

## 1. STRATEGIC PLAN

The Town of Cobourg Strategic Plan Components (2019 – 2022) includes the following Strategic Actions:

- People: The Town supports and cares for the social and physical wellbeing of its citizens
- Partnerships: The Town engages in strong, sustainable public-private partnerships to improve the quality of life for everyone

## 2. PUBLIC ENGAGEMENT

This report will be placed on the Agenda ten (10) days prior to the Council Meeting.

## 3. PURPOSE

To review the boat lifting options as presented by Shoreplan Engineering Limited outlined in the attached analysis and to choose the most appropriate option for implementation and operation for the future needs of the Cobourg Marina Business Unit.

## 4. ORIGIN AND LEGISLATION

For approximately 30 years, the Cobourg Yacht Club has partnered with Cobourg Marina Staff to provide boat handling services to seasonal boaters of the marina. The lifting operation is carried out by contracting crane operators and boat haulers.

The lifting operation was first impacted by the identification of the deterioration of the East Pier where staging and lifting had historically occurred.

Currently the lifting operation is being further impacted by the inability to remain close to the harbour wall edges due to further identified load bearing issues. The result of moving the boat staging and lifting process away from the preferred areas is one that takes more time and involves higher costs.

Crane hoisting is an option moving forward with appropriate mediation, however there are other means of launching boats for consideration that could provide flexibility and the potential for additional revenue to the marina operation.

## 5. BACKGROUND

For approximately 30 years, the CYC has provided boat handling services to its members and non-member boaters. CYC plans and organizes the entire lifting operations by contracting directly with crane operators (for lifting boats to and from the water) and boat haulers (to transport boats to and from the lifting area and the storage compound), rented equipment and provided volunteer labour to staff the operation.

After lifting operations were completed, the CYC would invoice its members directly for the service and send an invoice to the marina for non-CYC boaters. The marina would then invoice individually each non-CYC boater.

In response to growing mutual concerns over roles, responsibilities and legal liabilities of the various aspects of boat handling operations, on January 25, 2017, the CYC formally notified the town that: "it is not viable for CYC to act as "primary constructor" for the annual lift-in / lift-out services for boaters in the Cobourg Marina effective for the lift-in of Spring 2017".

On March 22, 2017, a "Cooperative Boat Handling Agreement between the Corporation of The Town of Cobourg (Town) and Cobourg Yacht Club (CYC) was entered into. This agreement effectively shifted responsibility for boat transportation, cradle moving and invoicing from the CYC to the Town. Responsibility for hoisting operations remained with the CYC.

This arrangement was viewed as a functional division of responsibilities that would not require Town employees and the CYC volunteers to be on the same worksite at the same time (due to Occupational Health and Safety Act (OHSA) considerations – see below for explanations). It was also intended to be a short-term arrangement until such time as a new waterfront plan could be prepared and a safer and more efficient boat handling equipment and resources could be obtained.

In the spring of 2018, the Town closed the East Pier to vehicular traffic for safety considerations and to conduct engineering assessments. This required moving boat lifting operations from the East Pier to the parking lots on Division Street and the East and West Esplanade. As these are smaller operational areas and much more accessible to the public (harder to restrict public access), traffic control, boat lifting and boat transportation needed to be coordinated and occur at the same time to speed up the process and to ensure public safety. This significantly blurred the lines of responsibility for boat lifting operations between the Town and the CYC and created new challenges to control work site access and safety. Furthermore, additional considerations and concerns were raised by this new location, including:

- The work site contains obstructions such as street lights, railings, bushes and benches which must be worked around;

- The crane must be positioned further from the seawall resulting in a longer reach and a reduced lifting capacity;
- The vicinity around this new work site has evidence of settling and sink holes;
- Parking lots must be closed for three days at a time, resulting in lost revenue and inconvenience to individuals and businesses;

The Waterfront Plan recommended the Town acquire proper boat handling equipment and that boat handling services be taken over entirely by the Marina to improve the service, enhance safety, increase the use of boat storage and related services and, in turn, increase the profitability of the Marina. A detailed business plan was prepared by a respected consulting firm to substantiate the financial viability of this recommendation.

On July 03, 2018, Council adopted the Waterfront Plan and directed staff to consider the Plan and bring major recommended projects forward to Municipal Council and public consultation for final determination prior to implementation.

On July 17, 2018, the Cooperative Boat Handling Agreement was extended to May 31, 2019. This extension was provided with the following explicit intention:

Now that Council has adopted the Waterfront User Needs Assessment and Detailed Design Plan (Waterfront Plan) staff are actively reviewing the recommendations and working on a plan to provide boat lifting services beyond 2019.

On March 14, 2019, staff presented a report to Council for its 2020 Budget deliberations requesting approval of \$20,000 in funding to conduct preliminary planning, engineering and cost estimates to implement the recommendations of the Waterfront Plan related to boat handling and storage services. Council did not approve these funds and directed staff to conduct further public engagement before funding would be considered.

Recognizing the Cooperative Boat Handling Agreement with the CYC was expiring at the end of May (after lift-in), staff started contacting companies that provide crane services and requested quotes to provide both equipment and qualified labour to perform boat lifting operations. Staff received only one quote in June 2019, based on hourly equipment and labor rates. When these rates were applied against historic time-frames of the Cobourg boat lifting program, the cost per boat would be much higher.

In order to pursue this option further, staff then issued a Request for Expressions of Interest (RFEI) on Bidding to reach a much broader group of potential suppliers. This RFEI expanded the scope of work to include boat transportation and cradle moving, with the expectation that an expanded scope of work would attract more interest and competitive bids. Not a single supplier submitted a response.

On August 09, 2019, staff met once again with the CYC, this time to explain the results of this procurement process, the Town's concerns regarding continuation with the existing Cooperative Boat Handling Agreement (because of requirements and obligations under the Occupational Health and Safety Act (OHSA)) and several options for boat handling in the future. The Town explained that it was waiting for a formal legal opinion on these issues from its legal counsel. The two parties agreed that the Town would provide the CYC with its position once that legal opinion was received so that the CYC could consider its options.

On August 22, 2019, the Town's legal counsel provided written advice on the risks, liabilities and obligations of the Corporation regarding boat lifting operations involving the CYC and its volunteer labour. In summary, it recommended that the Town separate itself entirely from the CYC operation involving the use of volunteers and allow the CYC to run all aspects of the operation.

On August 26, 2019, a meeting was held with the Acting CAO to discuss the legal advice and the Town's position with respect to the CYC and boat handling operations.

On August 28, 2019, the Town sent an email to the CYC explaining that it had received advice from its legal counsel and that it was not in the Town's best interest to participate in a boat handling operations involving a volunteer workforce and asked if the CYC would continue with boat handling operations under the following terms and conditions:

- Cobourg Yacht Club boat handling operations to pose minimum risk exposure to Town;
- Town will no longer contract CYC to provide lifting services;
- CYC to submit an event application for Lift-out/Lift-in events in accordance with Town's policy;
- CYC to provide proof of five million dollars commercial general liability coverage with boat hoisting/handling as a named peril and Town Of Cobourg as named insured;
- All aspects of the boat lifting operation, including boat transport and cradle moving shall be the responsibility of CYC;
- CYC to invoice non-CYC member boaters directly for boat lifting services rendered to non CYC member boaters;
- Fees charged to non-CYC members should be reasonable;
- The Town to provide traffic control for road closures required under the event application;
- The Town to provide pedestrian control for work site.

On September 23, 2019, the Community Services Division of the Town of Cobourg and the Cobourg Yacht Club (CYC) extended the terms and conditions of their Cooperative Boat Handling Agreement, originally dated April 17, 2017 and previously extended in July 2018 until May 31, 2019, until May 31, 2020 and remain in effect until October of the year 2022.

The most current agreement facilitated both the lift-in and lift-out for the 2020 season, and two additional seasons during which the Town will continue design and engineering work for the Harbour in accordance with the Waterfront User Needs Assessment and Detailed Design (Waterfront Plan), the Town and the CYC have agreed to extend their Boat Handling Agreement again until October 2022. The length of this operating agreement also provided stability for planning purposes.

## 6. ANALYSIS

Shoreplan Engineering Limited has identified three options for continuation of boat lifting services at Cobourg Harbour as follows:

1. Continuation of current operation with location options:
  - East and North seawall with wall structural support
  - East Pier inside the harbour with structural support
  - East Pier outside the harbour with structural support
2. Investment in a Self-Propelled Trailer and would require:
  - Infrastructure alterations and maintenance
  - Staffing and training
3. Procurement of a Travel Lift and would require:
  - Infrastructure alterations and maintenance
  - Staffing and training

## 7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

As outlined in attached Shoreplan Engineering Boat Lifting Options Analysis:

Option	Advantages	Disadvantage	Cost
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Current Crane Lifting Operation			Annual Rental Expense
East and North Wall	Known operation Adequate space Adequate draft	Safety concerns due to pedestrian control distance from storage compound  Cost of rental and unavailability of equipment year-round	Upgrades to east and north wall lifting areas \$50,000 to \$100,000 premium on repairs.
East Pier	Best location for pedestrian control  One location for staging Adequate draft	Closing down public amenity  Distance from storage compound  Cost of rental and unavailability of equipment year round  Conflict with Council approved plan to naturalize pier	Enhancements to centre pier to accommodate lifting within current landscaping plans - \$3.8 million (Shoreplan 2018)
Option*	Advantages	Disadvantage	Cost
<b>Alternative 1</b>			
Self-Propelled Trailer	Operated close to storage compound Minimal disruption to public space Better control of lifting site for enhanced safety Available year round Revenue generation	Initial capital investment, ongoing maintenance costs, additional resources costs Upgrades required to ramp	Model #SPSL 10 – \$240,000 OR Model #SPSL 20 – \$280,000 Dredging - \$80,000 Upgrades to ramp – \$180,000 Resources – \$100,000
<b>Alternative 2</b>			
Travel Lift	Operated close to storage compound Minimal disruption to public space Better control of lifting site for enhanced safety Available year round Revenue generation	Initial capital investment, ongoing maintenance costs and additional resources costs Upgrades required to construct operation area and basin	Model #MML 20 - \$326,000 Dredging – \$80,000 Extension and upgrades of ramp walls – \$265,000 Resources – \$100,000

\*These option costs do not reflect the need for addition staff/training for Alternative 1 or Alternative 2.

## 8. CONCLUSION

Staff are requesting that Council review the Shoreplan Engineering Limited Report on Boat

Lifting Options for Council to analyze the options for boat lifting, and direct staff on how to proceed regarding those recommendations.