

Jack Lakey E-Mails

9 April 2019

Hello Tim:

Jack Lakey here; we spoke on the phone recently about the boom at the Allen Mills dam. As I mentioned at the time, I am a cottager who has for 30 years rented the cabin beside the dam for the season from the Lisle family. I have been authorized by Tim and Kathy Lisle to speak to the CVCA on their behalf.

I know that Kathy has emailed you about her objection to the location of the boom, and how it invades our tiny strip of waterfront above the dam. Please allow me to reiterate some of the same points and show you, with photos that I took on Friday Mar. 29, a couple days after we talked, just how invasive the boom is to the use and enjoyment of our waterfront. We believe, as do many others with property in the immediate area, that the boom amounts to an excessive abundance of caution that does not take into account the unique circumstances of the stretch of river above the dam. We believe the chances of a boater going over the dam are zero, based on factors compelling boaters to slow down before they get anywhere near the dam, and the absence of any such incident since Kathy and Tim's father, John Lisle, purchased the property in the 1970s. I will elaborate below.

Our main objection is that one end of the boom slices through our swimming hole, near the point where it has been bolted to the dam (see IMG 4542 and IMG 4545). Our dock attaches to the rock in the lower right hand of IMG 4549 (you can see the dock on the right, further up from the shoreline in this photo, which will give you an idea of its length; the rock can be better seen in the foreground of IMG 4553) and is long enough that it will just about touch one side of the boom. I dock my small aluminum boat on the east side of the dock and will still be able to get it in and out. But Kathy and Tim's cousin, Wayne Hepburn, who has a cottage along the rocky shoreline below the dam, has for many years kept his slightly larger fishing boat tied up along our waterfront, on the side of the dock dissected by the boom. He will no longer be able to keep his boat there; the boom will be so close to the end of the dock that he won't be able to get past it. Same thing with our paddle boat. It also means that swimmers will have to go under the boom to access the water beyond it. For small children, that could be dangerous. Likewise, anyone who wanted to dive off the end of our dock will smash into the boom; no more diving. Had the CVCA consulted with us or the community before installing the boom, we could have made these points and possibly persuaded the CVCA that the boom should not have been installed, or at least not in our waterfront.

We would prefer that it be removed entirely, but instead are proposing an adjustment that will allow us to reclaim our waterfront, swim and use our watercraft as we have done for so many years, while providing a buffer between the main part of the spillway and boaters. Most of the spillway at our end of the dam is above the table rock on the west side (see IMG 4557); not only is there not enough current to push anything over (that's part of why it is a safe swimming area), but even if a boat somehow managed to go over, it would end up on the table rock, a drop of three feet at most. Any boat traffic approaching our swimming area from the east would have to come around a bit of a corner first, or aim for our shoreline at a high speed before making a hard left (and suicidal) turn to go over the dam, further reducing the likelihood of an accident. We absolutely believe that the small part of the spillway adjacent to our swimming area requires no boom to protect anybody from anything. If there's any danger (and we think not), it is along the part of the spillway that runs from the end of the catwalk over to the other bank. When the river is at normal levels, for all but the earliest part of the recreational season, there is

not enough current to push a boat or anything over the spillway. Our kids walks up and down the lip of the spillway, have done so for decades and are in no danger. But we understand that the CVCA has already made the decision to barricade the dam. We are asking the CVCA to remove the plate bolted to the dam beside our swimming hole and relocate it to the concrete wall below the catwalk, between the steel grate furthest to the left in IMG 4547 and the edge of the spillway. It would require the boom to be somewhat shortened by removing some of the chain links, but it gets it out of our swimming hole while continuing to keep boaters away from all of the spillway except the small area adjacent to our waterfront. As of a week ago Friday, the barge was still tied up along the Briggs property, next to our place, so it could be done quickly and easily. If the CVCA refuses to at least move the boom out of our waterfront, we will consult with a lawyer in Toronto specializing in property law; we believe the boom substantially erodes the property value and may be actionable, given the lack of consultation or prior notice. But we would prefer an accommodation that respects our needs and the CVCA's, and is agreeable to both sides. If moving the boom out of our waterfront requires CVCA board approval, we ask that it be added to the agenda of the May 16 board meeting and request an opportunity to make a deputation.

A final word about the unique circumstances of the river above the dam, as I mentioned above. Anyone familiar with it knows that boaters can only approach the dam from the east. Before they get there, boaters must travel through a long, narrower section of river with lots of cottages and homes along it. It requires a crawling speed, due to people and other craft in the water, and also to keep the wake down. The slow-down requirement is observed by everyone. While passing through this area, boaters can clearly see that they are approaching the Allen Mills bridge and must go under it to get to the dam, no more than 100 yards or so past the bridge. Anybody approaching the bridge (even those who are totally unfamiliar with that stretch of river) knows to go slowly beneath it, and then cannot help but see the dam in front of them. It's not like they are flying through the populated area at 50 k/ph, then under the bridge at the same speed, before hurtling off the edge of the dam. And if they did, they'd deserve their fate. You can't protect people from all forms of stupidity. If the approach to the dam was on open water, then there might be a case to be made for its necessity. But in these circumstances, we believe it is absolutely unnecessary. We believe that a large sign posted to the east side of the bridge that says "Caution, Dam Ahead. Slow Down!" would be at least as effective as a deterrent, cover off the CVCA on legal liability and allow the CVCA to spend its funding on better things.

Thanks Tim, and I will follow up with a phone call later this week.

Regards,

Jack Lakey

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6 June 2019

Hello Tim:

Just wondering if you are able to tell me anything about your recommendation to the board, prior to the June 20 meeting, regarding our request. If it is bad news, I'd rather know now, and request a second opportunity to address the board, prior to a vote. We have noticed that the barge that was used to install the boom and for months occupied the area between the bridge and the dam has suddenly disappeared. It has us wondering if bad news is in our future.

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Jack Lakey

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11 June 2019

Tim:

It's been nearly a week since I sent you an email asking about your staff report regarding our request to move the boom out of our waterfront. So far, no reply. I am surprised you have not shown us the courtesy of a response, even if only to tell us that you can't tell us anything. As a manager of a public agency, surely you understand that obligation.

I am requesting a second opportunity to address the board at its June 20 meeting. Whatever you decide, we will be there.

As I stated at the last meeting, if the board approves a recommendation to not move the boom, we will begin assembling a case to take legal action against the CVCA. I am requesting all documents related to the decision to install safety booms not only at Allan Mills, but at any of the 13 dams for which the CVCA is responsible. Everything I am requesting is (or should be) a matter of public record. I have used Ontario's Freedom of Information and Protection of Privacy Act many times as a newspaper reporter and have access to a researcher at the Toronto Star who specializes in making requests. I hope you will not deny me records and documents that the FOI Commissioner would only compel you to release. If you do not provide requested public records in a timely way, it would be noted in our court action. In our first phone conversation, you said the decision to install the boom at Allan Mills was based on a study done about four years ago. I am requesting that study. If the study was done by an outside consultant, I want to know how the consultant was chosen and if the board commissioned the study. I want to know how much the study cost, and who paid for it. I am requesting all documents and emails by CVCA officials/board members on why it took most of four years between delivery of the report to the board and the actual installation of booms.

I have many questions about the business side of the decision. The booms were manufactured by Tuffboom (Worthington Products), in Dayton Ohio. I am requesting all documents relating to the purchase of the booms, including costs, contracts and emails between the CVCA, Worthington Products/Tuffboom and any intermediary sales distributor, whether in Canada or the U.S. I am

requesting all documents and emails relating to the cost of the booms and how the money was allocated from within the CVCA budget. I am requesting all documents and emails that address whether the CVCA contracted separately for the installation of booms at Allan Mills or at any other CVCA dams, the costs, and if it was part of the deal with Tuffboom/Worthington or any sales distributor. I am also requesting copies of any emails sent to the CVCA from the public about the installation of booms.

I m sorry to burden you with so many requests for documents. But in the absence of a reply to my email last week, and the recent removal of the barge used to install the boom from the river at Allan Mills, we can only conclude you have no intention of moving it. So we have no choice but to proceed to legal action and request public-domain information to build our case. Also, keep an eye on local media and Facebook in the coming weeks; the booms will soon get a lot of attention. We are learning that many community members are unhappy about booms that are a solution in search of a problem. You can expect a community mobilization of people who oppose the booms.

Sincerely,

Jack Lakey

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416-702-4795.