



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

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To: Mayor and Members of Town Council

Subject: Boblo Island Ferry Services – Emergency Response

1. RECOMMENDATION:

It is recommended that:

1. The Boblo Island Ferry Services – Emergency Response report **BE RECEIVED for information.**

2. BACKGROUND:

Between December 23 and December 26, 2022, the Boblo Ferry had a disruption of service due to severe weather causing a drop in water levels to the point where vehicles could no longer utilize the ramps. This has resulted in a large number of questions from both the public and Council about the developer's legal requirement to provide ferry service to both residents and emergency services, about contingency plans put into place for emergency services on the island, and if anything additional can be done to mitigate these disruptions of service. This report was drafted to provide municipal council with a history of efforts between both parties, the Municipality and Amico Corporation and answers to those questions.

It is important to note the authority and mandate of the Fire Service in Amherstburg is directed by Municipal Council through an Establishing and Regulating By-law.

By-law 2022-035, *A By-law to Establish and Regulate the Fire Department* is the most current direction of Council. Defined in the By-law is "Fire Protection Services or Fire

Services" which include fire suppression, fire prevention, public fire safety education, communications, training of persons involved in the provision of fire protection services, apparatus equipment and maintenance, rescue "as defined as" emergency services, and administration services (as set out in Appendix "A"), and the delivery of all those services.

When it comes to island response the Appendix "A" – Core Services – Fire Suppression and Emergency Response includes the following bulleted advisory:

Due to present accessibility challenges, a delayed response or possibly no response to Wolfe Island and Boblo Island is a reality of current circumstances. The Town continues to consider resolution to both response areas.

This advisory is included specifically to ensure that those seeking residence on the island understand the limitations of Amherstburg Fire's ability to respond to the island.

The development agreement for the Boblo Island Development provides the requirement to provide a ferry service placed on the Developer, it states:

From Boblo Island Comprehensive Development Agreement dated December 13, 2006:

44. Access To and From the Island

Access to and from Bois Blanc Island (Boblo Island) for all residents and/or property owners on Bois Blanc Island (Boblo Island) is the sole responsibility of the Developer. The Town is not responsible in any way for access to or from Bois Blanc Island (Boblo Island). The Developer agrees to make a motor vehicle ferry and operator available to the Town, at no cost to the Town, for administrative purposes, maintenance, emergency, police and fire personnel and their equipment, whenever required by the Town. The Developer shall provide access to the Mainland and back for all school children on Bois Blanc Island (Boblo Island) to a bus stop on the Mainland designated by the local school boards. A provision outlining the above specification shall be contained in every agreement and in every deed between the Developer and a purchaser of any one or more of the lots in the development. The Developer shall provide access to and from Bois Blanc Island (Boblo Island) from and to a municipal roadway or right of way on the Island and Mainland. The Developer shall provide an easement/right-of-way access and egress in favour of the Bois Blanc Community Association from and to a municipal roadway or right of way, both on Bois Blanc Island (Boblo Island) and on the Mainland. These requirements for access shall apply for all residents and/or property owners of Bois Blanc Island (Boblo Island) upon such terms and conditions as are agreeable between the Developer and the residents and/or property owners.

From Appendix 'B' of the Agreement:

"Force Majeure" means and includes acts of God, terrorist attacks, weather conditions, labour disputes, shortage of labour and materials and any happening, condition or thing beyond the control of a person which could not reasonably have been anticipated and

avoided by such person which delays or prevents such person from performing any of its obligations hereunder, financial inability excepted.

From Appendix 'C' of the Agreement (same as clause 44 above):

Access to and from Bois Blanc Island (Boblo Island) for all residents and/or property owners on Bois Blanc Island (Boblo Island) is the sole responsibility of the Developer. The Town is not responsible in any way for access to or from Bois Blanc Island (Boblo Island). The Developer agrees to make a motor vehicle ferry and operator available to the Town, at no cost to the Town, for administrative purposes, maintenance, emergency, police and fire personnel and their equipment, whenever required by the Town. The Developer shall provide access to the Mainland and back for all school children on Bois Blanc Island (Boblo Island) to a bus stop on the Mainland designated by the local school boards. A provision outlining the above specification shall be contained in every agreement and in every deed between the Developer and a purchaser of any one or more of the lots in the development. The Developer shall provide access to and from Bois Blanc Island (Boblo Island) from and to a municipal roadway or right of way on the Island and Mainland. The Developer shall provide an easement/right-of-way access and egress in favour of the Bois Blanc Community Association from and to a municipal roadway or right of way, both on Bois Blanc Island (Boblo Island) and on the Mainland. These requirements for access shall apply for all residents and/or property owners of Bois Blanc Island (Boblo Island) upon such terms and conditions as are agreeable between the Developer and the residents and/or property owners.

Boblo Subdivision Agreement (South End) (Town of Amherstburg By-law 2019-091) based on the decision from the LPAT rendered November 29, 2018:

...AND WHEREAS the decision of the LPAT was rendered November 29, 2018 and the conditions presented at the Tribunal Hearing and attached hereto included a provision that the Developer must enter into a subdivision agreement with the Town wherein the Developer agrees to satisfy all the requirements, financial and otherwise, of the Town concerning the payment of development charges, community benefit charges (if applicable), provision of roads, installation and capacity of services, sanitary sewerage collection system, water distribution system, utilities and stormwater management facilities for the development of the lands within the plan and transportation to and from the island. It is understood and agreed that this subdivision development will not proceed until all necessary approvals are in place.

52. Schools

In accordance with the requirements of the Greater Essex County District School Board and the Windsor- Essex Catholic District School Board, the Developer is required to place notice in every agreement of purchase and sale advising purchasers that students may not be able to attend the closest neighborhood school and could be bused to a distant school with available capacity or could be accommodated in temporary space (i.e. portables).

The Developer is further required to place notice in every agreement of purchase and sale advising purchaser that school busses will not be transported to the

island and that the School Boards will designate pick points on the mainland for students to meet the bus.

54. Access to and From the Island

Access to and from Bois Blanc Island (Boblo Island) for all residents and/or property owners on Bois Blanc Island (Boblo Island) is the sole responsibility of the Developer and any subsequent Transferees (other than Transferees which are government entities) shall provide a ferry service to and from Bois Blanc Island (Boblo Island) that meets the requirements of the Ministry of Transportation and the safety standards of Transport Canada, and if the dimension or weight of any vehicle or load exceeds the limits set out in the Highway Traffic Act, then the vehicle operator shall obtain the appropriate oversize/overweight permit.

The Town is not responsible in any way for access to or from Bois Blanc Island (Boblo Island), and the Developer and any subsequent Transferee acknowledge that the Corporation of the Town of Amherstburg will not provide access to Bois Blanc Island (Boblo Island), and the Developer and any subsequent Transferee shall not request or demand that the Town of Amherstburg provide such access. The Developer and any subsequent Transferees (other than government entities) agree to make a motor vehicle ferry and operator available to the Town, at no cost to the Town, for administrative purposes, maintenance, emergency, police and fire personnel and their equipment, whenever required by the Town. The Developer and any subsequent Transferees (other than government entities) shall provide access to the ferry landing on the Mainland and back for all school children on Bois Blanc Island (Boblo Island).

A provision outlining the above specification shall be contained in every agreement of purchase and sale of any one or more of the lots in the development. The Developer shall provide access to and from Bois Blanc Island (Boblo Island) from and to a municipal roadway or right of way to the Island and Mainland. The Developer shall provide an easement/right-of-way for access and egress in favour of the Bois Blanc Community Association from and to a municipal roadway or right-of-way, both on Bois Blanc Island (Boblo Island) and on the Mainland.

All of the above requirements for access to and from the Island shall apply for all residents and/or property owners of Bois Blanc Island (Boblo Island) upon such terms and conditions as are agreeable between the Developer and the residents and/or property owners.

55. Emergency Response Plan & Fire Protection

Prior to final approval of any phase by the County of Essex, the Developer is required to prepare to the satisfaction of the Town, an Emergency Management Plan to address matters related to police and fire protection, Emergency Medical Services (EMS), and potential impacts due to the proximity of the Fermi II nuclear facility, in all climatic conditions.

The Developer is also required, to the satisfaction of the Town, to notify purchasers in every agreement of purchase and sale to be aware that each residential dwelling shall be equipped with an automatic fire suppression system to the satisfaction of the Town's Fire and Building Departments, along with any other fire monitoring and response requirements deemed necessary by the Town.

56. **Emergency Management Plan**

It is noted that the Town of Amherstburg has an approved Emergency Management Plan and program. The Boblo Island emergency plan approved regularly is annexed to the municipal plan as Annex X and will be highlighted in the "Discussion" portion of this report. The Amherstburg Fire Department strongly recommends that all dwellings be equipped with a residential sprinkler system. If a wet fire sprinkler is not available within the dwelling, at a minimum a dry system of fire extinguishers should be available at appropriate locations within the dwelling. All smoke alarms should be interconnected and monitored by an independent answering service.

3. **DISCUSSION:**

As set out in the development agreements, the developer is required to provide ferry access for residents and the municipality to and from the island. This agreement does acknowledge that weather and other "acts of god" may impede on the ability of the developer to provide that service. To this issue, Administration has been working over the years to enhance response capabilities of the Fire Department to be able to respond and assist islanders even during these such events.

Previous Council reports and discussions included solutions for freeze-over of ice on the river to the island but did not account for ferry breakdowns or high-water levels. In case of fire, or medical emergency, storing additional equipment on the island is a short-term solution, marginally addressing this matter.

The short-term solution that was supported by Council utilized a surplus maintenance vehicle equipped with fire protection equipment housed on the island in a residents Garage in case of emergency.

The long-term solution supported by Council was to create an on-island response capability. This would enable Fire Services year-round access to the island without additional delay, utilizing Residents as Volunteer Fire Fighters and would allow the Amherstburg Fire Department to respond to a fire incident on the island in a limited manner at any time of year regardless of ferry service. However, given the resourcing challenges of the municipality it was not anticipated that the long-term solution would be implemented in the next few years.

In 2019 it was recommended that Administration be directed to move forward with completing the Short-Term objectives and consideration be given in the Long-term to the placement of a surplus Triple Combination Pumper on the Island.

Council agreed and funded the solution (\$52,000.00).

This included:

- \$32K for FF equipment
- \$5K for Vehicle repairs and certification
- \$15K for construction of a temporary structure for housing the vehicle.

Repairs were made to the retired vehicle, FF equipment to be placed on the vehicle (20-year lifecycle) were undertaken.

Amico followed through on an offer to provide accommodation for the Vehicle in the Basement of the Dance Hall at no cost to the Municipality. Due to the distance from the Ferry Landing area, Amico also provided a Vehicle for exclusive Fire Department use during the winter months for transportation of Fire fighters to the Dance Hall also at no cost to the Municipality. This saved the Municipality \$15,000.00 as well as operating costs.

The vehicle is fully equipped as a contingency, should it become necessary. Transport of fire fighters to the island using the 22' fire department boat or other means during open water conditions, or when the ferry is not operational, allows access to this vehicle.

The fire fighting vehicle and equipment is also available for our use at times of year when there is no ice on the river impeding our path or threatening the safety of our boat or staff.

Recently in 2022, the Dance Hall had become off limits due to Heritage restrictions and an inadvertent lack of electricity. The Fire truck has been temporarily re-located back to Station 1 until a solution is implemented.

Amico has been constructing another temporary storage facility on the island and has offered the Fire Department use. The department has visited to observe progress and the facility should be ready very soon. The Fire Vehicle will be re-installed on the island for our Short-Term solution.

The Long-Term solution includes a permanent location owned and in the control of the municipality. This also includes re-canvassing of the residents for those interested in becoming members of the volunteer fire fighters as was done in 2018.

Resources and funding for these next steps has been requested in budget years 2018, 2019 and for 2020 but has not been funded thus far. This is not surprising given the multitude of funding priorities and challenges facing Council.

Until the Long-Term Solution of an on-Island response capability is implemented, under certain circumstances the Fire Department may not be able to attend the island in a timely way, or at all. Specifically, if the River is frozen over with ice, until an unobstructed path is provided for the ferry or other department vessel. The Fire Department continues to collaborate with partners for other affordable contingencies that are safe for personnel to transverse the frozen waterway.

To date some solutions have been identified, which include;

- Response arrangements have been made with Lasalle Airboats Inc. which, depending on availability, can provide an airboat and operator to transport staff and equipment to the Island.
- Arrangement with Amico who have purchased a Large (10 Passenger) Air Boat and intend to offer it to us for use if required. Training for their operators is underway along with modifications we requested to improve the usefulness of the vessel.

Efforts by the municipality to ensure minimal fire response on the island and improvement across the municipality have been validated by Fire Underwriters. Prior to 2021 the island was considered to be an unprotected area of the municipality. Today it enjoys a rating similar to that of the main land. The combination of contingency planning, fire prevention and public education programs, equipment enhancement, training thoroughness, and response capabilities of Amherstburg Fire Department has greatly improved over this time period, including response across the municipality and to Boblo Island.

Lastly, the Boblo Island Emergency Management Plan, required by the Subdivision Agreement was completed and approved by the response agencies in 2018. It is Annexed as part of the Town of Amherstburg Emergency Response Plan Annex – X which is passed by Municipal Council annually and includes:

2.1 *Boblo Developments Inc.*

Boblo Developments Inc. is responsible for working with the Town of Amherstburg on the following aspects of emergency management relating to Bob-Lo Island:

- *Establish and maintain plans, organizational structures and communications facilities for the management of emergencies.*
- *Cooperate with the organization and Implementation of training drills and exercises.*
- *Continue to close and secure unsafe facilities.*
- *Continue to monitor risk associated with various facilities in order to minimize risk to the general public.*
- *Provide support as needed (Operational/Administrative) for other agencies and authorities to prevent or minimize risk or injury as a result of any emergency.*

Bob-Lo Island is unique in that it is an island where regular access is only provided by the ferry service. There is some limited access at the marina situated on the west side of the island.

Every resident and visitor to the island should be made aware that Emergency Services may be limited or not available when the ferry cannot cross the river and plan their situation accordingly.

On the rare occasion that ice impedes the ferry service, there is an arrangement with a local company to provide a tug to act as an ice breaker. There is also an informal arrangement with the Coast Guard to use its icebreaker as needed.

In the warmer months, the water level of the Detroit River fluctuates. Amico has designed ramps to facilitate entrance onto the ferry for lower profile vehicles for times of high-water level and low water level.

Should there be a situation where one of the ferries must be removed from service, it will typically take only 10 minutes to have the second ferry operational. The Dispatch Centre at Windsor Fire and Rescue will also be notified at (519) 258-4444.

All residents of the island will be provided with the sign-up instructions for "Amherstburg Alert," and be strongly encouraged to do so.

It is recommended that the Chair of the Boblo Island Home Owners Association be assigned as a community resource to facilitate emergency procedures on the island.

2.2 Fire Services

Under normal operating conditions, the Amherstburg Fire Department is able to respond to island emergencies within Provincially mandated times. However, under certain circumstances the Fire Department will not be able to attend the island. As such every homeowner should make themselves aware of how to address emergency situations. This includes Home Escape Planning, "Shelter in Place" and Evacuation Protocols.

The Amherstburg Fire Department therefore strongly recommends that all dwellings be equipped with a residential sprinkler system. If a wet fire sprinkler is not available within the dwelling, at a minimum a dry system or fire extinguishers should be available at appropriate locations within the dwelling. All smoke alarms should be interconnected and monitored by an independent answering service.

It is also strongly recommended that all residents attend fire safety education courses that the Amherstburg Fire Department is willing to provide at prescribed dates and locations.

4. RISK ANALYSIS:

N/A

5. FINANCIAL MATTERS:

N/A

6. CONSULTATIONS:

N/A

7. CONCLUSION:

This report is provided to Council to advise of the developer's legal requirement to provide ferry service to both residents and emergency services to and from Boblo Island and regarding contingency plans put into place for emergency services on the island, and if anything, additional can be done to mitigate these disruptions of service



B. Montone
Fire Chief



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Report Approval Details

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Attachments:	
Final Approval Date:	Jan 17, 2023

This report and all of its attachments were approved and signed as outlined below:



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