



## TOWN OF AMHERSTBURG SPECIAL COUNCIL MEETING

### AGENDA

**Electronic Meeting**  
**Public Participation via Livestream**  
<https://www.amherstburg.ca/livestream>

Thursday, September 16, 2021

5:00 PM

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact Tammy Fowkes, Deputy Clerk at [tfowkes@amherstburg.ca](mailto:tfowkes@amherstburg.ca)

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

---

Pages

1. CALL TO ORDER
2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

### 3. LAND ACKNOWLEDGEMENT

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

### 4. REPORTS - INFRASTRUCTURE SERVICES

#### 4.1. Boblo South End Development – Streetlighting Request

5

It is recommended that:

1. The request from Boblo South Development Inc. for reduced streetlighting **BE DENIED**.

**4.2. Boblo Island Pumping Station and Forcemain to the Mainland – Financing and Project Options**

12

It is recommended that:

1. Administration **BE DIRECTED** to proceed with the project based on:
  - a. Option One – Enter into an agreement with Amico Infrastructure on a \$3,000,000 fixed price agreement to design and construct based on approved design criteria and timing. A capital expenditure not to exceed \$3,052,800 including net HST **BE APPROVED** as a first charge to the 2022 Budget for reconstruction of the Boblo Island pump station and forcemain, to be funded from as outlined in this report; **OR,**
  - b. Option Two – As a standard capital project with engineering request for proposals, detailed design, request for tenders and construction. A capital expenditure of \$50,000 **BE APPROVED** in 2021 and a capital expenditure not to exceed \$3,002,800 including net HST **BE APPROVED** as a first charge to the 2022 Budget for reconstruction of the Boblo Island pump station and forcemain, to be funded from as outlined in this report.
2. The funding for the design and installation of the sanitary pumping station and forcemain **BE APPROVED** as outlined.

**5. REPORT - CAO's OFFICE**

**5.1. Vaccination Policy**

19

It is recommended that:

1. The Vaccination Policy **BE APPROVED** as presented.

**6. SPECIAL IN-CAMERA COUNCIL MEETING**

**That Council move into an In-Camera Meeting of Council directly following Special session pursuant to Section 239 of the Municipal Act, 2001, as amended for the following reason:**

**Item A - Section 239(2)(d) - Labour relations or employee negotiations; and, Section 239(2)(f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

**7. ADJOURNMENT**

That Council adjourn from Special session at            p.m.



**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**OFFICE OF INFRASTRUCTURE SERVICES**

*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.*

<b>Author's Name: Todd Hewitt</b>	<b>Report Date: August 26, 2021</b>
<b>Author's Phone: 519 736-3664 ext. 2313</b>	<b>Date to Council: September 16, 2021</b>
<b>Author's E-mail: <a href="mailto:thewitt@amherstburg.ca">thewitt@amherstburg.ca</a></b>	<b>Resolution #: N/A</b>

**To: Mayor and Members of Town Council**

**Subject: Boblo South End Development – Streetlighting Request**

---

**1. RECOMMENDATION:**

It is recommended that:

1. The request from Boblo South Development Inc. for reduced street lighting **BE DENIED.**

**2. BACKGROUND:**

Boblo Island is a residential community situated on the Detroit River. Amico Engineering is currently designing the development for the south end of the island.

**3. DISCUSSION:**

Amico Engineering, in a letter dated June 28<sup>th</sup>, 2021 requested that the Town consider accepting a design that incorporates reduced streetlighting for the south end of the island. Lighting would only be placed at intersections, wildlife crossings and sharp curves.

Amico's reasons for the reduced lighting are:

- Provide lighting similar to the north end
- Promote a resort style setting

The development agreement for Boblo South End Development was authorized by Council on November 12, 2019 by resolution # **20191209-524**. The requirement for street lighting outlined in the agreement is as follows:

## ***Streetlights***

*The Developer shall install streetlights in accordance with the present design standards, all to be approved by the Town of Amherstburg. The Town requires the installation of LED fixtures*

Infrastructure Services does not support the request for reduced streetlighting. Although we appreciate the developer's desire to create a 'resort setting' the infrastructure will be accepted by the Town once the development is complete. Approving a deviation from the development manual for reduced streetlighting could expose the Town to additional risk and liability.

### **4. RISK ANALYSIS:**

A deviation from the development manual for reduced street lighting on the south end of Boblo Island may set a precedent moving forward for other development within the Town.

By accepting infrastructure that does not conform to the development manual the Town could increase its exposure to potential claims.

### **5. FINANCIAL MATTERS:**

This request has no direct financial impact to the Town.

### **6. CONSULTATIONS:**

Antonietta Giofu – Acting CAO  
Paula Parker – Clerk and Risk Manager

### **7. CONCLUSION:**

Administration recommends that Council deny Amico Engineering's request for reduced streetlighting.



---

Todd Hewitt  
**Manager of Engineering/Acting Director of Infrastructure Services**

## Report Approval Details

Document Title:	2021 09 16 Boblo Island Streetlighting Proposal.docx
Attachments:	- Amico letter to Town - Boblo Street Lighting.pdf
Final Approval Date:	Sep 14, 2021

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



Justin Rousseau – Acting Director of Corporate Services



Antonietta Giofu – Acting Chief Administrative Officer



Paula Parker – Municipal Clerk/Risk Manager



June 28, 2021

Corporation of the Town of Amherstburg  
271 Sandwich Street South  
Amherstburg, ON N9V 2A5

Attention: Giovanni (John) Miceli  
Chief Administrative Officer

Dear Sir:

**RE: Boblo Island South End Development  
Street Lighting Requirements**

As you are aware, final approvals for the development of the south end of Boblo Island are being sought and anticipated to be obtained in the very near future. Part of the site servicing design includes the implementation of street lighting. Through discussions and review with the Engineering and Public Works Department, our request to deviate from the Town's Development Manual requires Council.

The development of the southern end of Boblo Island will be to a resort style neighbourhood as suggested in its zoning of "Resort Residential/ Resort Commercial (RR/RC)". It is proposed to construct the road right-of-way to a suburban standard, i.e., rural roadway (no curbs but roadside swales) with full municipal services. The northern end of the island was constructed primarily to a suburban standard with Riverwalk Crescent and a portion of Gold Coast Drive being constructed to an urban cross-section. Only River Walk Crescent has street lighting.

The Town's Development Manual states that development shall include street lighting and underground electrical distribution. No lighting standards are provided; however, current industry standard is the Illuminating Engineering Society of North America (IESNA) standards for roadway lighting (RP-8).

As Boblo Island will be to a resort setting, installing street lighting to an urban standard would diminish the appeal with a roadway lighted from one end to the other. We are suggesting that only intersections, the wildlife crossings (rumble strips) and sharp curves be illuminated (see Figure 1).

Our justification for a deviation from the Development Manual includes:

- While the Development Manual provides that street lighting is required for development, it does not differentiate the development type (urban, suburban or rural).

---

**AMICO ENGINEERING INC.**

2199 Blackacre Drive, Oldcastle, Ontario N0R 1L0 • O (519) 737-1577 F (519) 737-1929



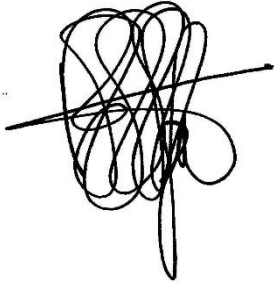
- We have maintained that the development on Boblo Island is not a typical urban residential development as described in the Development Manual.
- In the north end no street lighting is provided where a suburban cross section was used. The urban (curbed) section also does not have street lighting except for Riverwalk Crescent.
- The zoning for the island is “Resort Residential” which implies that the roadways would be suburban in style (no curbs but roadside swales) with a rural / vacation spot setting.
- IESNA RP-8 does allow for different standards for different zoning.
- The Transportation Association of Canada (TAC) Guidelines provides an exemption for streets meeting a warrant calculation for Lighting Arterial, Collector and Local Roads. Stantec Consulting Ltd. completed a warrant calculation and found that street lighting for the development is warranted but marginally. Of importance to note on the warrant form is Item No. 5, which has a high weight and high rating factor. Item 5 is the Horizontal Curve radius and due to the curvy layout indicates a high Rating Factor. We would suggest that while curves can create issues, the speed on the island is very low (30 kph) and this warrant does not consider that it is not a 50 kph roadway where people will do 80 kph. It would be completely reckless for anyone to drive the roadway more than 65 kph at night.
- The TAC warrant also does not consider there is a safety buffer, and that reflective paint or markers could be used to outline the multi-use path adjacent to the roadway. There will also be a contrast with the main roadway being concrete and the path being asphalt.
- We are not implying no street lighting is warranted but a reduced standard should be applied using engineering judgement.
- There are examples of recently constructed multi-use paths that are contiguous with the roadway in rural / urban settings with street lighting, notably Meloche Road from Alma Street to Simcoe Street. However, there are examples along County Roads that do not have street lighting excepting intersections, notably Huron Church Line Road (County Road 7) from Laurier Parkway to Broderick Road.

We are requesting on behalf of Boblo South Development Inc. that Council give consideration at its next Regular Council Meeting to allow a deviation from the Town’s Development Manual as described above.

Should you have any questions or comments, I can be contacted at (519) 737-1577 Ext. 267.

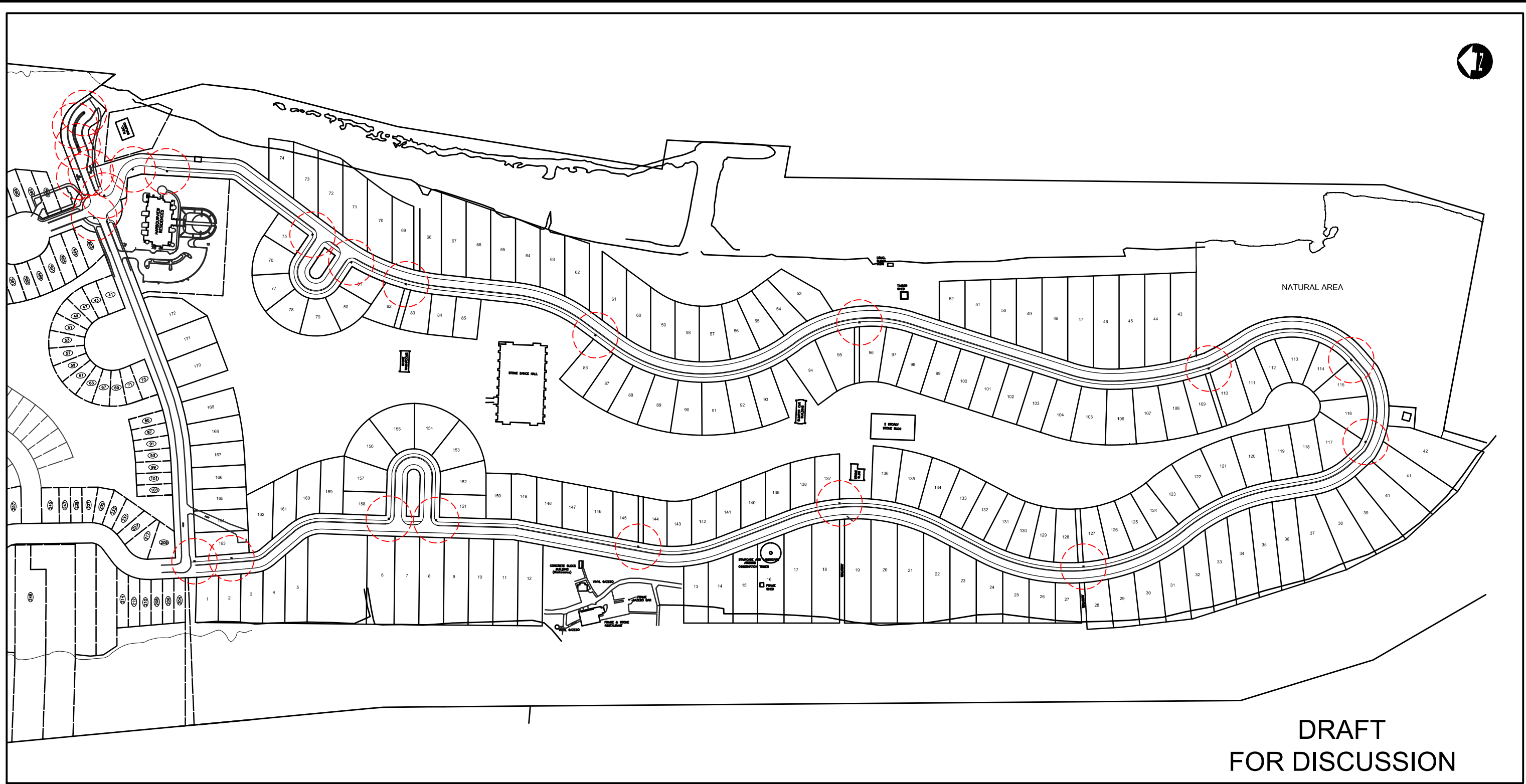
Sincerely,

**Amico Engineering Inc.**

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line crossing through the center.

Robert Filipov, P.Eng.  
Senior Engineer

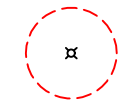
C.c. Cindy Prince – Boblo South Development Inc.  
Antonieta Giofu – Town of Amherstburg  
Todd Hewitt – Town of Amherstburg



**DRAFT  
FOR DISCUSSION**

**NOTES:**

- 1. PRELIMINARY STREET LIGHTING LAYOUT SHOWN. LOCATIONS MAY CHANGE PENDING FINAL DESIGN AND TOWN REVIEW.



STREET LIGHT  
w/45m COVERAGE

AMICO ENGINEERING INC.

**BOBLO ISLAND  
SOUTH END DEVELOPMENT  
Proposed Street Lighting Layout**

Scale: 1:3750

Date: JUNE 2021

**FIGURE 1**



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF INFRASTRUCTURE SERVICES

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.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Boblo Island Pumping Station and Forcemain to the Mainland – Financing and Project Options

1. RECOMMENDATION:

It is recommended that:

- 1. Administration BE DIRECTED to proceed with the project based on:
a) Option One – Enter into an agreement with Amico Infrastructure on a \$3,000,000 fixed price agreement to design and construct based on approved design criteria and timing. A capital expenditure not to exceed \$3,052,800 including net HST BE APPROVED as a first charge to the 2022 Budget for reconstruction of the Boblo Island pump station and forcemain, to be funded from as outlined in this report;

OR

- b) Option Two – As a standard capital project with engineering request for proposals, detailed design, request for tenders and construction. A capital expenditure of \$50,000 BE APPROVED in 2021 and a capital expenditure not to exceed \$3,002,800 including net HST BE APPROVED as a first charge to the 2022 Budget for reconstruction of the Boblo Island pump station and forcemain, to be funded from as outlined in this report.
2. The funding for the design and installation of the sanitary pumping station and forcemain BE APPROVED as outlined.

## 2. **BACKGROUND:**

Boblo Island is a residential community situated on the Detroit River. As part of the 2007 Class Environmental Assessment (EA) for the expansion of the Amherstburg Wastewater Treatment Plant (AWWTP) it was determined that the Boblo Sewage Treatment Plant would be decommissioned and the sewage pumped to the mainland to the AWWTP. The report deals with the funding the design and construction of the pump station and forcemain.

## 3. **DISCUSSION:**

The 2007 EA included recommendations with respect to redirecting flows to the expanded AWWTP:

- Install a new pump station and forcemain to redirect sewage from the Edgewater Lagoon to the AWWTP (completed in 2019)
- Install a new pump station on Boblo Island and forcemain under the Detroit River to the mainland sewer system to be directed to the AWWTP

In 2019 the Town completed a Development Charges Study. The Boblo Island pump station and forcemain was included in this study with a timing of 2020-2023

With the pending development on south end of Boblo Island and the continual deterioration of the Boblo Island Sewage treatment plant administration would like to move forward with this project. Two project management options are available for Council's consideration.

### Constructor Managed

Amico Infrastructure has offered to complete this project as a fixed price contract. Their fixed price would include engineering, required approvals and construction. Proceeding in this manner would require an agreement with the constructor which would include specifications, very specific timelines and penalties if these timelines were not met. With this method there is no assurance that the Town is receiving the best possible pricing

There are a number of benefits of entering into a fixed price agreement:

- The Town would then be able to clearly identify the costs involved to complete the project and mitigate financial risk of material increases, labour cost increases and unexpected situations that add costs.
- Engineering oversight and project management would still be required by Infrastructure Services but at a reduced level.
- The Town would not be invoiced for this work until the project is substantially complete. This would improve cash flow and financing needs of a project of this size.
- Timing to complete the project would be ensured based on the agreement and penalties put in place if timing isn't met.

## Town Managed

In this scenario the town this project would be managed as a standard capital project. We would issue and award an engineering RFP, complete detailed design, acquire all necessary approvals and permits, issue and award a request for tenders and proceed to construction.

Completing the project in this manner would ensure that the Town would get the best pricing available at the time the RFP and tender were issued. Although we would be able to obtain best pricing there is risk that these total costs could result in costs exceeding the fixed price being offered by Amico. The proposal / tender process as well as Council funding approvals could add additional months to the overall project time. These delays could add additional financing cost to the project as well.

## Summary of Project Estimates

The Town does not have an engineering cost estimate available at this time as we have not procured an engineering firm. In the 2019 DC study the project was estimated to cost \$2,742,000. Indexed for the increase in non-residential construction the estimated 2021 cost would be \$ 2,926,628.

This is not a standard project that is completed regularly so creating an estimate is difficult but administration will use comparable project estimates to demonstrate potential costs.

Pump Station No.2 for the Southeast Quadrant will service approximately 550 units while the Boblo Island pump station will be designed to service approximately 500 units. Based on those numbers the two pump stations would be comparable in size and scope. The pump station for the Southeast Quadrant is estimated to cost \$1,600,000 including a standby generator.

In 2006 the Town installed a 300mm waterline under the Detroit River to service the residents of Boblo. The tendered cost of the project (not including engineering) was \$1,126,500. Based on the sizing of the pump station a 200mm forcemain would be anticipated under the river.

Using these estimates of cost (without adjusting for 2021 costs) the price of the project would be 2,626,500 before engineering.

## **4. RISK ANALYSIS:**

Not completing this project in a timely manner places the Town at risk with respect to the Boblo Island STP. It is in a deteriorated state and due to the age of the equipment is at risk for failure. If this equipment experiences a catastrophic failure the Town would be unable to meet our effluent requirements and would be at the mercy of the MECP with respect to how we would deal with the sewage on the island.

The project is also critical to future development on Boblo Island. Without the project development would need to be reduced and the Town would be forgoing valuable tax base and water/wastewater rate contributions.

## 5. FINANCIAL MATTERS:

The following are the estimated financial impact for the project and the project will be budgeted in 2022 and beyond if required:

### Town Managed Financials

Capital Project: <b>Boblo Island Sanitary Pump Station and Forcemain</b>	Budget 2022 and beyond	Actual (incl. net HST)	Variance (over)/under
<b>Cost:</b>			
Engineering & Project Management (1)	\$254,400	\$ 254,400	
Construction – Tender Pricing (2)	2,798,400	2,798,400	
<b>Total Project Cost</b>	<b>\$3,052,800</b>	<b>\$3,052,800</b>	<b>Nil</b>
<b>Funding:</b>			
Wastewater Reserves & Wastewater Rates	\$1,740,096	\$1,740,096	
DC Reserves	1,312,704	1,312,704	
<b>Total Project Funding</b>	<b>\$3,052,800</b>	<b>\$3,052,800</b>	<b>Nil</b>

Notes:

1. This value is an estimate of engineering required for the project including detailed design and contract administration.
2. This value is based on the 2019 DC study estimate with an increase to account for 2022 costs

### Constructor Managed Financials

Capital Project: <b>Boblo Island Sanitary Pump Station and Forcemain</b>	Budget 2022 and beyond	Actual (incl. net HST)	Variance (over)/under
<b>Cost:</b>			
Lump Sum Project cost (1)	\$3,052,800	\$ 3,052,800	
<b>Total Project Cost</b>	<b>\$3,052,800</b>	<b>\$3,052,800</b>	<b>Nil</b>
<b>Funding:</b>			
Wastewater Reserves & Wastewater Rates	\$1,740,096	\$1,740,096	
DC Reserves	1,312,704	1,312,704	
<b>Total Project Funding</b>	<b>\$3,052,800</b>	<b>\$3,052,800</b>	<b>Nil</b>

Notes:

1. This value is based on a \$3,000,000 fixed price contract.

**Other Financial Factors:**

Based on the approved draft plan the south end development includes 220 units consisting of both single family detached and semi-detached dwellings. The estimated value of the development charges for the build out of the south end of Boblo island is \$3,664,760 (220 units X \$16,658\*)

\*2021 DC rate inclusive of Wastewater

Currently Boblo Island makes up 2.47% of all weighted average municipal assessment in 2021 with an average assessment of \$380,000 per residential unit including condos

It is expected the 220 units on the South End of Boblo Island will have average assessment that range from \$850,000 to \$1,250,000 per unit and a sales value that ranges from \$1,000,000 to \$2,500,000

The following table provides a range of possible outcomes on taxation revenue for the Town. These calculations are based on the current average assessment per units and the possible average assessment range as outlined above of \$850,000 and \$1,250,000 per home for the south end.

<b>Average Assessment Value Per Home</b>	<b>Total Estimated Assessment Increase</b>	<b>Municipal purpose Annual Taxes Estimated Based on 2021 Rates</b>	<b>Total Taxes Based on 2021 Rates</b>	<b>Estimated Value of Total Town Weighted Assessment</b>
\$380,000	\$ 83,600,000	\$839,885	\$1,376,956	5.78%
\$850,000	\$187,000,000	\$1,878,691	\$3,080,035	9.87%
\$1,250,000	\$275,000,000	\$2,762,781	\$4,529,463	13.36%

Total annual taxation dollars collected for the residences on Boblo Island is estimated to increase anywhere from \$839,885 to \$2,762,781 dependant on assessed value. This estimate is based on the full build out of the south end of the island.

**6. CONSULTATIONS:**

Justin Rousseau - Treasurer



7. **CONCLUSION:**

The Boblo Island pumping station and forcemain is required infrastructure based on the 2007 Amherstburg WWTP EA. Council has been provided a funding model and options to move forward with construction.



---

Todd Hewitt

**Manager of Engineering/Acting Director of Infrastructure Services**

## Report Approval Details

Document Title:	2021 09 16 Boblo Island Pumping Station and Forcemain to the Mainland - Financing and Project Options.docx
Attachments:	N/A
Final Approval Date:	Sep 14, 2021

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



Justin Rousseau – Acting Director of Corporate Services



Antonietta Giofu – Acting Chief Administrative Officer



Paula Parker – Municipal Clerk/Risk Manager



## 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.*

Author's Name: Michelle Rose	Report Date: September 15, 2021
Author's Phone: 519 736-0012 ext. 2240	Date to Council: September 16, 2021
Author's E-mail: <a href="mailto:mrose@amherstburg.ca">mrose@amherstburg.ca</a>	Resolution #: N/A

**To: Mayor and Members of Town Council**

**Subject: Vaccination Policy**

---

#### 1. **RECOMMENDATION:**

It is recommended that:

1. The Vaccination Policy **BE APPROVED** as presented.

#### 2. **BACKGROUND:**

On August 24, 2021, the Ontario government amended O. Reg. 364/20 (Rules for Areas at Step 3 and at The Roadmap Exit Step) to permit the Chief Medical Officer of Health or a local medical officer of health in consultation with the Chief Medical Officer of Health to require businesses and organizations to establish, implement and ensure compliance with a COVID-19 vaccination policy. This is largely due to the spread of the Delta variant of COVID-19.

The Chief Medical Officer of Health has issued a directive for public hospitals, home health care services, and ambulance services directing these organizations to establish, implement and ensure compliance with a COVID-19 vaccination policy requiring its employees, staff, contractors, volunteers and students to provide:

- a) proof of full vaccination against COVID-19; or
- b) written proof of a medical reason, provided by a physician or registered nurse in the extended class that sets out:
  - (i) a documented medical reason for not being fully vaccinated against COVID-19, and
  - (ii) the effective time-period for the medical reason; or

c) proof of completing an educational session approved by the Covered Organization about the benefits of COVID-19 vaccination prior to declining vaccination for any reason other than a medical reason.

In the event any employee, staff, contractor volunteer, or student does not provide proof of being fully vaccinated against COVID-19, they shall:

a) submit to regular antigen point of care testing for COVID-19 and demonstrate a negative result, at intervals to be determined by the Covered Organization, which must be at minimum once every seven days. b) provide verification of the negative test result in a manner determined by the Covered Organization that enables the Covered Organization to confirm the result at its discretion.

The Windsor-Essex County Health Unit (WECHU) is encouraging all employers to consider following suit and implement a vaccination policy to protect their workforce and ensure the continuity of operations in the event of a positive case within their teams. The WECHU went further to recommend that for those businesses serving the public they consider patron/customer vaccination verification as part of their vaccination policy. Dr. Ahmed, Medical Officer of Health noted, "We need to improve the protection of our community and continue to curb the spread of COVID-19. We want to avoid further restrictions or closures. As more and more workplaces and businesses are adopting a vaccine policy, a vaccination verification strategy for businesses that serve the public is needed. A global solution implemented across the province would support all regions and businesses to implement this seamlessly however if needed a local strategy may need to move forward."

In addition, employers are legally required under the *Occupational Health and Safety Act* to take every reasonable precaution to protect the health and safety of workers. This includes protecting workers from hazards posed by infectious diseases. It is also important to ensure that members of the public who access in-person municipal services are kept safe.

As a result of the direction from the Chief Medical Officer of Health and the WECHU's encouragement to implement a vaccination policy, the following employers are implementing a vaccination policy:

- The federal government of Canada has announced that all federal employees and those working in some federally regulated industries (airlines, railways, etc.) will have to be vaccinated.
- The Ministry of Education intends to introduce a vaccination disclosure policy for all publicly-funded school board employees, and staff in private schools as well as for all staff in licensed child care settings for 2021-22 school year, with rapid antigen testing requirements for staff who are not immunized against COVID-19.
- Vaccination policies will also be implemented in other high-risk settings such as post-secondary institutions, licensed retirement homes, women's shelters and congregate group homes and day programs for adults with developmental disabilities, children's treatment centres and other services for children with special needs, and licensed children's residential settings.

As of September 22, 2021, Ontarians will need to be fully vaccinated against COVID-19 (two doses plus 14 days) and provide their proof of vaccination along with photo ID to access certain public settings and facilities.

The new requirement applies to the following settings:

- Restaurants and bars (excluding outdoor patios, as well as delivery and takeout)
- Nightclubs (including outdoor areas of the establishment)
- Meeting and event spaces, such as banquet halls and conference/convention centres
- Facilities used for sports and fitness activities and personal fitness training, such as gyms, fitness and recreational facilities with the exception of youth recreational sport
- Sporting events
- Casinos, bingo halls and gaming establishments
- Concerts, music festivals, theatres and cinemas

Individuals with medical exemptions will be required to provide a doctor's note in order to gain entry to these settings until the recognized medical exemptions can be integrated as part of a digital vaccine certificate.

### **3. DISCUSSION:**

Administration has drafted a policy that aligns with vaccination policies implemented at the County of Essex, the Municipality of Leamington, Town of Kingsville, City of Windsor, and Town of Tecumseh.

This mandatory vaccination policy will apply to all Town employees, members of Council, members of Committees of Council, and will include students, contractors, volunteers, and volunteer firefighters.

This policy will require employees, and other applicable persons, to be fully vaccinated with a COVID-19 vaccine by November 1, 2021. For a two-dose vaccine series, employees must receive one dose of COVID-19 vaccine by September 30, 2021, and two doses of COVID-19 vaccine by November 1, 2021. For a single dose vaccine series (e.g. Johnson & Johnson), employees must receive the dose by September 30, 2021.

Administration considered allowing staff who choose not be vaccinated the opportunity to be tested daily by rapid antigen testing, however through speaking to a local Covid-19 researcher, administration found that rapid antigen testing may provide false-negative and false-positive results. Since the tests may be unreliable, administration is not providing accommodation for those who choose not to be vaccinated to ensure the safety of all employees and other applicable persons.

**4. RISK ANALYSIS:**

If Council chooses not to implement the vaccination policy, the risk of spreading COVID-19 in the workplace will continue, and therefore the Town will not be doing everything reasonable to prevent this infectious disease from spreading in the workplace.

**5. FINANCIAL MATTERS:**

For current employees who cannot be vaccinated because of a legitimate medical reason or require an accommodation under the Ontario Human Rights Code (OHRC), the Town will ensure daily rapid antigen testing is conducted by these employees at the expense of the Town. The Town has a duty to accommodate employees in this category under the OHRC. At this time, it is unknown as to the number of current employees who may fall in this category and therefore it is unknown as to the financial impact to the Town.

**6. CONSULTATIONS:**

The Senior Management Team was consulted in the preparation of this report. The County of Essex, Municipality of Leamington, City of Windsor, Town of Leamington, Town of Kingsville and County of Essex provided copies of their vaccination policies to Administration.

**7. CONCLUSION:**

It is in the best interest of the Town to adopt the Vaccination Policy to prevent the spread of COVID-19 in the workplace.

*Michelle Rose*

---

Michelle Rose  
**Manager, Human Resources**

mr

## Report Approval Details

Document Title:	Vaccination Policy.docx
Attachments:	- Vaccination Policy September 15, 2021.pdf
Final Approval Date:	Sep 15, 2021

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



Justin Rousseau – Acting Director of Corporate Services




Antonietta Giofu – Acting Chief Administrative Officer



Paula Parker – Municipal Clerk/Risk Manager

# POLICY

	Policy:	<b>Vaccination Policy</b>		
	Department:	CAO's Office		
	Division:	Human Resources	By-Law No.:	
	Administered By:	Human Resources	Approval Date:	
	Replaces:	N/A		
	Attachment(s):	N/A		

## 1. POLICY STATEMENT

- 1.1. The Corporation of the Town of Amherstburg is committed to providing a safe working environment for our employees and members of the public with whom we interact regularly.

## 2. PURPOSE

- 2.1. The Town of Amherstburg (Town) has a responsibility to take every precaution reasonable in the circumstances to ensure the health and safety of our staff. It is therefore critical that the Town and our staff take all reasonable precautions to protect against the transmission and reduce the severity of the illnesses associated with COVID-19.
- 2.2. Receiving the recommended and approved COVID-19 vaccinations (double vaccination or full vaccination) as soon as possible, and any further recommended booster vaccinations, will help continue to protect our staff, the public and our families by reducing transmission and the severity of the illnesses associated with COVID-19.
- 2.3. The purpose of the COVID-19 Vaccination Policy (the "Policy") is to confirm the expectations and requirements of staff with respect to COVID-19 and vaccination.

## 3. SCOPE

- 3.1. This policy applies to all employees, contractors, students, volunteers, college program placements, volunteers, elected and appointed members of Council and Council appointed Committees and any other individuals employed, contracted or engaged to provide service in any capacity to the Town of Amherstburg (collectively the "Staff").
- 3.2. This Policy does not apply to customers or clients who utilize the services of the Town, its partner agencies or its tenants.
- 3.3. This policy shall be reviewed every year from the date it becomes effective, and/or sooner at the discretion of the CAO or designate.

## 4. DEFINITIONS

- 4.1. **CAO:** the Chief Administrative Officer of the Corporation or his or her delegate.
- 4.2. **Corporation:** The Corporation of the Town of Amherstburg
- 4.3. **Council:** the Council of the Corporation
- 4.4. **COVID-19:** the infectious disease caused by a newly discovered coronavirus known as SARS-CoV-2 virus.
- 4.5. **COVID-19 Vaccine:** a vaccine used to prevent COVID-19 disease caused by the SARS-CoV-2 virus, which has been approved by the Government of Canada.



- 4.6. **COVID-19 Assessment Centre:** a facility, designated by the Province of Ontario, capable of providing COVID-19 testing to members of the public.
- 4.7. **Education Program:** an educational session approved by the Covered Organization (hospitals, local health unit and EMS) about the benefits of COVID-19 vaccination prior to declining vaccination for any reason other than a medical reason.
- 4.8. **Employees:** means an employee of the Corporation, including but not limited to those who are employed pursuant to a contract, casual and seasonal, part-time employees; co-op students and volunteers and “Employed” shall have a corresponding meaning.
- 4.9. **Rapid Antigen Test:** means an antigen test which detects protein fragments specific to the Coronavirus.
- 4.10. **Unvaccinated:** (of a person) not inoculated with a vaccine to provide immunity against a disease.
- 4.11. **Vaccinated or fully vaccinated:** to be fully treated with a vaccine approved for use in Canada or by the World Health Organization to produce immunity against COVID-19 or such meaning as provided by the Ontario Ministry of Health, and “Vaccination” shall have a corresponding meaning
- 4.12. **Vaccination Due Date:** the 1<sup>st</sup> day of November, 2021.
- 4.13. **Workplace:** means any municipal facility, land, premises, location or thing at, upon, in or near which the Employee works, but does not include an Employee’s home.

Common definitions, acronyms, and terms are available in the Glossary located on the Town’s Policies webpage.

## 5. INTERPRETATIONS

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

## 6. GENERAL CONDITIONS

### 6.1. **Mandatory Vaccination**

- 6.1.1. The Town will require all staff to be fully vaccinated against COVID-19, as recommended by the Ministry of Health and Ontario’s Chief Medical Officer of Health (CMOH). Full vaccination will be required of all staff in accordance with this policy, regardless of how often they are currently attending the work location, or how much time they spend there unless there is a legitimate medical or OHRC exemption to being vaccinated. In such cases, unvaccinated staff will be subject to Rapid Antigen Testing within 12-hours prior to each shift. All other public health measures related to COVID-19 must still be followed.
- 6.1.2. All employees will be asked to declare their vaccination status by selecting one of the five categories listed below.
- 6.1.3. Declaration of status and proof of vaccination can be submitted to the confidential email [covid@amherstburg.ca](mailto:covid@amherstburg.ca) on or before September 30, 2021. Staff will be subject to one of the categories below:

CATEGORY	REQUIREMENTS
1. They are <b>fully vaccinated</b> as defined by the Ministry of Health.	<ul style="list-style-type: none"> <li>• Written proof of full vaccination from the Ministry of Health to be provided at time of declaration no later than September 30, 2021.</li> </ul>
2. They have or will receive their first dose no later than September 30, 2021 and will be <b>fully vaccinated</b> no later than November 1, 2021.	<ul style="list-style-type: none"> <li>• Written proof of first dose of vaccination from the Ministry of Health to be provided at time of declaration no later than September 30, 2021.</li> <li>• Completion of COVID Rapid Antigen Testing within 12-hours prior to each shift until full vaccination is reached.</li> <li>• Written proof of full vaccination from the Ministry of Health to be provided to covid@amherstburg.ca by November 1, 2021.</li> </ul>
3. They are unable to be vaccinated for <b>medical</b> reasons.	<ul style="list-style-type: none"> <li>• After completion of declaration, written proof of the medical reason must be provided by either a physician or nurse practitioner that sets out the details below, by September 30, 2021 to covid@amherstburg.ca: <ul style="list-style-type: none"> <li>1. That the staff member cannot be vaccinated against COVID-19 and;</li> <li>2. The effective time period for the medical restriction and date by which the restriction will be removed.</li> </ul> </li> <li>• Completion of COVID Rapid Antigen Testing within 12-hours prior to each shift.</li> <li>• If the medical reason is time-limited, within thirty (30) days of expiry, proof of vaccination must be provided to covid@amherstburg.ca or further proof is required. If an extension or proof of vaccination is not received, the staff member will be considered unvaccinated in accordance with Option 5.</li> </ul>
4. They are <b>requesting accommodation</b> under the Ontario Human Rights Code (OHRC) for a legitimate and demonstrable religious exemption.	<ul style="list-style-type: none"> <li>• After completion of the declaration, a written request must be provided to covid@amherstburg.ca no later than September 30, 2021 with their legitimate and demonstrable religious objection.</li> <li>• Completion of COVID Rapid Antigen Testing within 12-hours prior to each shift.</li> </ul>

5. They elect <b>not to be vaccinated</b> , and are without a medical reason or OHRC accommodation.	• The employee will be subject to discipline, up to and including dismissal.
---	--

**6.2. Educational Program**

- 6.2.1. All Staff will be required to complete an educational program approved by the Town, which will be consistent with the Ministry of Health recommendations. Attestation to the completion is required. This program may be completed during working hours.
- 6.2.2. This educational program will include the following:
  - 6.2.2.1. How COVID-19 vaccines work
  - 6.2.2.2. Vaccine safety related to the development of the COVID-19 vaccines
  - 6.2.2.3. The benefits of vaccination against COVID-19
  - 6.2.2.4. Risks of not being vaccinated against COVID-19
  - 6.2.2.5. Possible side effects of COVID-19 vaccination
  - 6.2.2.6. Ways to help prevent infection

**6.3. Testing**

- 6.3.1. After completion of the educational program, Staff that select Options 2, 3, or 4 will be required to participate in COVID-19 Testing Program below.
- 6.3.2. Staff must at a minimum:
  - 6.3.2.1. Conduct Rapid Antigen Testing and demonstrate a negative result. Testing must be conducted within 12-hours prior to every shift.
  - 6.3.2.2. Provide verification of the above negative test result. Results can be provided to covid@amherstburg.ca.

**6.4. Obtaining a Rapid Antigen Test**

- 6.4.1. Testing locations can be found at <https://www.wechu.org/cv/getting-tested>. The Town will cover the cost of the testing for employees who are waiting for their second dose, are unable to be vaccinated for medical reasons, or for those who have a legitimate and demonstrable religious objection under the OHRC.

**6.5. Testing Results**

<b>Asymptomatic</b>	These antigen tests are meant for regular testing of asymptomatic employees only and to identify those who may be infectious and at risk of infecting others before coming on-site. The tests are also not to be used by anyone with symptoms or who has a known exposure to someone with COVID-19.
<b>Symptomatic</b>	Symptomatic and exposed individuals must follow current COVID-19 Windsor Essex County Health Unit (WECHU) guidelines.
<b>Positive Results</b>	Staff who test positive must immediately contact their health practitioner and proceed to arrange a confirmatory diagnostic test at an approved Public Health assessment center. In addition, they must advise their assigned department supervisor and will need to self-isolate at home pending the result of the confirmatory test. All positive Rapid Antigen Tests results will be relayed to WECHU. Staff who have a positive test will not be allowed to physically report

	to work as per current guidelines and must follow the direction of WECHU in regards to isolation.
--	---

## 6.6. **Change in Status**

6.6.1. Any individual who initially selected option 2, 3, or 4 and later becomes fully vaccinated will be able to update their vaccination status by emailing proof of vaccination to covid@amherstburg.ca.

## 6.7. **Contractors attending Town of Amherstburg facilities and workplaces**

6.7.1. Contractors who choose not to be fully vaccinated will not be allowed to physically access Town facilities and workplaces.

6.7.2. Contractors must ensure that all of their employees accessing Town facilities and workplaces are fully vaccinated or meet the testing requirements at the expense of the Contractor. Individuals not compliant with this requirement will not be allowed to access Town facilities and workplaces. All other public health measures related to COVID-19 must still be followed.

## 6.8. **Accommodations**

6.8.1. Staff who can establish that they are restricted from being vaccinated for medical reasons, or that they have a legitimate and demonstrable religious objection to vaccination, will have their cases considered on an individual basis. After submission to Human Resources, their request will be reviewed to determine the applicability of an exemption and whether any additional information or documents are required to be provided.

## 6.9. **Non-Compliance**

6.9.1. Staff failing to follow this Policy and/or falsifying information may be subject to disciplinary action up to and including termination of employment. Contractors may be subject to having their contracts voided and being denied access to facilities and workplaces.

## 6.10. **Confidentiality**

6.10.1. Information relating to an individual's proof of vaccination and/or the reason(s) for not receiving a COVID-19 vaccination will remain in their confidential health file and will not be disclosed except as may be required for the purposes of ensuring the safety of the Town's employees, contractors, clients and local communities in the event of a COVID-19 outbreak, as may be required to ensure every precaution reasonable is taken to protect health and safety of Staff, or as otherwise may be required by law.

## 6.11. **Contact**

6.11.1. Employees should contact their supervisor or a member of the Human Resources team with any questions.

## 6.12. **Corporate Accommodations**

6.12.1. The Chief Administrative Officer maintains the right, based on business operating need, public safety and other relevant legal considerations, to make exceptions to the Policy on an individual and/or departmental basis.

### 6.13. Amendments and Compliance with Applicable Law

6.13.1. This Policy may be amended from time to time by the Town as it deems necessary or appropriate, as relevant circumstances change, and at all times will be applied in accordance with the [Occupational Health and Safety Act](#), the [Ontario Human Rights Code](#), and all other applicable law and collective agreements.

## 7. REFERENCES AND RELATED DOCUMENTS

- 7.1. Occupational Health and Safety Act, R.S.O. 1990, c.O.1 (as amended)
- 7.2. Ontario Human Rights Code, R.S.A. 1990, c. H. 19
- 7.3. <https://www.ontario.ca/page/covid-19-vaccines-and-workplace-health-and-safety>
- 7.4. <https://files.ontario.ca/mltsd-factsheet-post-vaccination-for-employers-en-2021-08-16.pdf>