

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG
	STAFF REPORT
TO:	Mayor and Council Members
FROM: TITLE:	Dean A. Hustwick Director of Community Services
DATE OF MEETING:	Monday May, 11, 2020
TITLE / SUBJECT:	Cobourg Harbour Aquatic Safety Audit Report-Back
REPORT DATE:	April 30, 2020

1.0 STRATEGIC PLAN

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

- *Pillar: PEOPLE – The Town supports and Cares for the social and physical well-being of its citizens.*
 - *Action #3: Encourage Healthy Lifestyles across all age groups by promoting and raising awareness about public health and active transportation.*
 - *Action #5: Invest in programs, services and infrastructure to make Cobourg more accessible*
- *Pillar: PLACES – The Town protects, preserves and promotes its natural assets, heritage, arts, culture and tourism.*
 - *Action #5: Review and improve the financial performance of Town operated facilities*
 - *Action #7: No expansion of boat slips at the Cobourg marina will be considered during this term of Council and the natural environment of the West Harbor will be safeguarded and protected*
- *Pillar: PROGRAMS – The Town provides efficient and effective corporate, community and business and recreational services for its residents, businesses and visitors.*
 - *Action #3: Implement a comprehensive management plan for all town assets*
 - *Action #5: Review and assess appropriateness of agreements with Facility User Groups.*
- *Pillar: PARTNERSHIP – The Town engages in strong, sustainable public-private partnerships to improve the quality of life for everyone.*

2.0 PUBLIC ENGAGEMENT

The Lifesaving Society (LSS) met with Harbour users in 2018 and 2019. Most of those stakeholders also presented to Council on September 23, 2019 and the Parks and Recreation Advisory Committee on November 05, 2019.

3.0 RECOMMENDATION

THAT Council receive the memo from the Director of Community Services, dated April 30, 2020, for information purposes; and

FURTHER THAT Council directs staff to continue to implement the recommendations of the Cobourg Harbour Aquatic Safety Audit to reduce risk and liability and to promote healthy living and safe practices to all users; and

FURTHER THAT Council supports staff in its efforts to work collaboratively with recreational user groups to create reasonable, fair and transparent Harbour use policies and procedures for all users that are consistent with the Town's other recreational spaces and facilities.

4.0 ORIGIN

During the Committee of the Whole meeting on September 23, 2019, the following motion was passed:

THAT Council refer the Lifesaving Society's Audit of the Cobourg Harbour to the Parks and Recreation Advisory Committee to obtain feedback on the report's recommendations; and

FURTHER THAT Staff provide a report along with the comments from the Parks and Recreation Advisory Committee that is inclusive of all user groups; and

FURTHER THAT the Staff Report come to Council for the first Committee of the Whole meeting in March 2020.

Carried

5.0 BACKGROUND

Previous Risk Assessments

Since its inception in 2016, the Community Services Division has been strategically and systematically improving operations based on international and national best practices.

Blue Flag – Victoria Beach

After years of hard work and a detailed evaluation process, Victoria Beach received in 2016 the prestigious Blue Flag designation from Environmental Defence, the Canadian

administrator of the Blue Flag program. To receive this eco-certification, beaches and marinas must meet high international standards in water quality, environment management, environment education, safety and services.

Aquatic Safety Audit – Victoria Beach

As part of the Blue Flag evaluation, Environmental Defence required the Town to engage the Lifesaving Society (LSS) to conduct a safety audit of Victoria Beach and its lifeguarding services prior to the 2017 season to promote safety and mitigate risks of drowning and serious water-related injuries.

Clean Marine

In 2017, Community Services Division staff began evaluating eco-rating programs for the Marina and identified two leading programs — Blue Flag Marina, which has 38 assessment criteria, and Clean Marine, which has more than 220 assessment criteria. The Clean Marine Eco-Rating Program is an environmental program that allows marine businesses to follow best environmental practices to reduce and prevent water, air and land pollution associated with recreational boating activities in Ontario. It is the world’s leading environmental “Best Management Practices” program for marinas, boat dealers, yacht clubs and marine businesses.

After years of staff effort to improve recycling, waste reduction, documentation of environmentally friendly policies and procedures, safe fuelling practices and many other initiatives, Cobourg Marina underwent a comprehensive environmental site audit in 2018 and was awarded the Five Green Anchor Award, only the second marina in the history of the program to receive a Five Green Anchor Award on its first audit.

Floating Playground

Also in 2018, Community Services Division staff once again engaged the Life Saving Society to assist with the risk assessment of the proposed floating playground. The findings and recommendations of that audit were provided to the proposed operator of the water park and the YMCA to ensure that all appropriate safety measures would be implemented to reduce risks in the operation of the playground and protect users.

This audit identified a number of operational challenges and potential risks associated with on-water programming on municipal property that local governments need to monitor and address through risk mitigation measures.

Aquatic Safety Audit Report – Cobourg Harbour

Having completed risk-assessments for Victoria Beach and the Marina, the Community Services Division turned its attention to the remaining high-use and high-risk area of the waterfront that had not yet been assessed - the West Harbour.

As explained in the 2019 Aquatic Safety Audit Report of Cobourg Harbour (Report), the purpose was to “maximize the safety of user groups utilizing the harbour for recreational, training and program use” and to outline the municipal responsibilities related to the safety

of all users and the steps it should take “to minimize the risk of drowning or serious water-related injuries.”

The LSS Audit Team included four senior members, including some who were already familiar with Cobourg’s waterfront because of their involvement with previous Cobourg audits and site visits.

For the purpose of this audit, the Audit Team visited Cobourg three times to do site inspections, to review safety documents and to meet with municipal staff and user group representatives: August 17, 2018, September 19, 2018 and February 06, 2019.

The Audit Team met with representatives of the following primary user groups:

- Cobourg Dragon Boat and Canoe Club
- Survivor Thrivers
- Cobourg Yacht Club

Based on its review of the Cobourg Harbour compared against national and international best practices, the Audit Team identified 16 safety recommendations that have been grouped into the following categories:

- Training Recommendations
- Policy Development and Enforcement
- Equipment and Signage
- Communication

The report states that improving safety is an ongoing process with shared responsibilities between the Town of Cobourg and the Harbour users, especially for the implementation of the recommendations and managing the identified high-risk zones within the Harbour. The Audit Team recommended sharing the Report with the user groups and to work together to establish time-frames and action items for implementation.

6.0 ANALYSIS

Aquatic Safety Audit

The Lifesaving Society’s (LSS) safety audits range in scope from a physical review of the signage and equipment of a single pool to a comprehensive review of facilities and their operating practices.

As was explained in the Aquatic Safety Audit Report (Report), the purpose of the review of Cobourg Harbour was to “maximize the safety of user groups utilizing the harbour for recreational, training and program use” and to outline the municipal responsibilities related to the safety of all users and the steps it should take “to minimize the risk of drowning or serious water-related injuries.”

In essence, the reason municipal staff initiated the Audit, similar to the other audits and assessments, was to carry out its fiduciary due-diligence to identify and ultimately mitigate potential risks for the municipality and taxpayers and, thereby, improve the safety of

residents and users in a portion of municipal property that is very active and potentially dangerous.

Some individuals have suggested that there have never been any “safety concerns” with the programs in the Harbour. While there may not have been any drownings or serious injuries in the recent past, this is a factually incorrect statement as there have been safety issues and close calls, which is expected when humans and water interact. Waiting to take steps to improve safety and reduce risks until after a drowning or serious injury is precisely the wrong and negligent approach. The Town of Cobourg owns the Harbour and is fully responsible for ensuring that the appropriate policies and practices are implemented by all users to mitigate risk. If the Town chooses to relinquish that responsibility, it will do so at the expense of increased liability and potential personal injury or loss of life.

Some individuals have suggested that the audit was commissioned as an attack on user groups and an attempt to put them out of business. Such suggestions are baseless and unreasonable. Water creates inherent dangers and by working together with stakeholders the Town can help to mitigate risks that will protect individual users as well as the business interests of user groups.

The Community Services Division works with groups across the community to provide recreational programs and services for all ages and interests. Cobourg is fortunate to be located on Lake Ontario with such a beautiful waterfront, and water-based programs are an important part of our identity.

Some criticisms of the Report focused on the format of the document and even suggested that the use of the word “audit” was inappropriate. According to the Merriam-Webster Dictionary, “audit” can be defined simply as “a methodical examination and review.” The LSS has used the same format for all of its clients for many years. It is intended to provide clients with an understanding of the safety issues, but it is not intended to provide a fulsome analysis of the documents or operations of all user groups nor is it intended to provide a complete outline of the solutions to those safety issues. The intention is that the findings and recommendations are used as a basis for further discussions and collaboration between the Town and the user groups to establish safety standards, policies and procedures that meet the needs of the community.

The relevance and usefulness of the Report has also been questioned because of its reference to expansion of docks. Staff provided the LSS with many documents, including some that user groups had previously provided to the municipality regarding their use of the Harbour and their opposition to marina expansion. These documents were provided to LSS to help the Team understand user programs and needs. The LSS inclusion of a reference to marina expansion in the report was an oversight. However, it would be difficult, and at times inappropriate, to expunge from all documentation references to marina expansion since the community has been debating the issue for years and many documents and master plans refer to marina expansion. Nevertheless, staff can assure Council, and the LSS has also confirmed, that marina expansion was not the basis for this

Report nor any of its recommendations, as evidenced by the fact that there are no other references to the expansion of the docking system.

It must also be pointed out that much of the work of the LSS is provided by experienced, dedicated and objective volunteers who provide services to help improve community safety. While perhaps the Report could have been more comprehensive, it was only intended as a brief summary of the safety findings of the Audit Team. It was not intended to be a justification for the audit or a legal defence of its findings and recommendations.

Because of the extent and public nature of the criticisms against the Report and the related matters of public safety and municipal legal liability, staff have attempted to provide Council with the following summary of stakeholder concerns along with staff responses. Almost all of the comments have been expressed by representatives of the Cobourg Dragon Boat and Canoe Club, Survivor Thrivers and members of the Parks and Recreation Advisory Committee. The Cobourg Yacht Club only provided a few comments. Staff have attempted to summarize the concerns without identifying the source as much as possible, since that would make the report cumbersome. Staff have also tried to focus on the most significant and credible concerns.

Lifesaving Society (LSS)

Some individuals have questioned the legitimacy and professionalism of the Lifesaving Society (LSS). Some have also questioned the independence of the LSS simply because it was commissioned by municipal staff.

The origin of the LSS dates back to 1891 England when it was first established as The Swimmers' Life Saving Society and has been teaching water safety and water rescue in Canada since 1896. It became The Royal Life Saving Society in 1904 and today is simply called the Lifesaving Society.

The LSS is a national, volunteer organization and registered charity comprised of 10 provincial/territorial branches, tens of thousands of individual members, and over 4,000 affiliated swimming pools, waterfronts, schools and clubs. It is a leader and partner in the delivery of water safety education throughout Canada and around the world. The Society operates globally in over 25 countries and represents Canada internationally in the Commonwealth Royal Life Saving Society and is Canada's Full Member in the International Life Saving Federation.

The LSS takes lead responsibility for drowning prevention in Canada through training programs, Water Smart® public education, aquatic safety management services, drowning research and lifesaving sport. It also establishes aquatic safety standards and consults on aquatic safety issues for the aquatic industry, governments, and the judiciary, including as expert witnesses for court and inquest findings. The Society's suite of aquatic safety services helps aquatic facility operators maintain and improve safe pool and waterfront operations.

The LSS establishes the standards for the National Lifeguard Program, the only nationally recognized lifeguard training program in Canada.

Audit Team Members

The following individuals formed the LSS's Audit Team for the Cobourg Harbour Audit:

Michael Shane

Mr. Shane has been with the LSS since 1988 and currently is its Safety Standards and Management Training Director. He is a Past President of Parks & Recreation Ontario Aquatics Branch and has delivered safety management educational sessions across Canada and internationally, including Portugal, Germany and the United States.

He has testified numerous times in court cases as an expert witness and has prepared numerous reports for the Coroner's Office and testified at Inquests as an expert witness. He has also prepared more than 300 Aquatic Safety Audit reports and has authored or contributed to more than two dozen publications. He also holds countless related certifications.

Shanna Reid

Ms. Reid is the LSS's Aquatic Safety Management Services Chief Auditor and has extensive experience in municipal aquatic supervision, evaluation and waterfront operations. She is a national trainer for the LSS and is certified in Municipal Emergency Preparedness. She is also very familiar with Cobourg's waterfront due to her involvement in previous audits.

Patrick D'Almada

Mr. D'Almada has held senior positions with the LSS, including Commissioner of National Standards, for more than a decade, is an experienced municipal Director of Parks, Recreation and Culture and has a Master's Degree in Public Administration.

John Gullick

Mr. Gullick is the Manager of Government and Special Projects for the Canadian Power and Sail Squadrons, immediate past Chair of the Canadian Safe Boating Council and a Regional Director of the Canadian Red Cross.

Site Visits

The Audit Team was criticized by some individuals for its alleged lack of "observational data." This was based largely on the belief that the Team's schedule of site visits, including one in the middle of winter, would not have allowed for an adequate visual observation of the programs in operation.

The Report stated that many of the Audit Team members were already familiar with Cobourg's waterfront because of their involvement with previous inspections and site visits. While the Report did not mention the Audit Team's initial site visit on August 17, 2018 during which it observed the activities of the Harbour and met with municipal staff, it did say

that the Team “completed its tour of the harbour on Sept 19, 2018 and Feb. 6, 2019.” The February visit obviously was not to observe activity in the Harbour but rather to visit the entire location and primarily to attend scheduled meetings with representatives of the user groups. It is also important to recognize that the fundamentals of water sports and their potential risks are universal.

There was also criticism that the Report seemed too generic and could have applied to “any municipal harbour authority.” The reason for this is because the LSS has audited and inspected hundreds, if not thousands, of similar operations and has used its individual and collective experiences as a basis for the Cobourg audit and its findings. That is exactly why organizations with a great deal of experience and expertise are selected for work like this.

Recommendations

Based on its review of the Cobourg Harbour against national and international best practices, the Audit Team identified 16 safety recommendations that have been grouped into four categories and summarized below. Following each recommendation is staff’s attempt to summarize the key stakeholder concerns and/or criticisms as expressed either in writing or at various meetings. Beneath those comments are staff responses, which were informed by additional discussions with the LSS to better understand their findings and recommendations.

Training Recommendations

- # 2 – Marina staff should be trained and certified in Standard First Aid (possible long-term goal of life guard certification), rescue equipment and extraction techniques

Stakeholder Comments

Nil

Staff Response

Waterfront Operations staff (almost entirely summer students) have been required to be First Aid certified for many years. If they are not hired through the recruitment process with certification they are required to complete the mandatory certification training shortly afterwards.

At this time, the Waterfront Operations Department does not require any certified life guards on staff primarily because the Town does not operate any in-water programs within the Harbour (the YMCA is hired each year to provide certified life guards for Victoria Beach). In 2019, the Town required the Dragon Boat and Canoe Club to provide certified life guards for its summer camp program for the improved safety of the children.

- #10 – Distribute the Lifesaving Society Dragon Boat Safety Guidelines to dragon boat event organizers to use as the minimum standard for the safe operation of events

Stakeholder Comments

Why is there a need to buy the Life Saving Dragon Boat Safety Guidelines when the sport of dragon boating in Canada is governed by Dragon Boat Canada?

Staff Response

The recommendation was “to encourage” the purchase. The Town has not required groups to purchase this document, which the LSS created a number of years ago through a province-wide collaboration process involving many organizations and experts. The LSS was not suggesting that this is the only standard, but that it should be considered as a minimum for discussion purposes. Ultimately, the municipality is responsible for determining operating expectations and standards on its property through discussions with user groups.

Through the Town’s Municipal Event Application process, the Town and event organizers negotiate and agree upon event operational requirements, including insurance, health and safety requirements and safety boats. However, even agreed upon requirements are not always implemented by event organizers, including the provision of safety boats, which creates risks for participants and leaves the municipality scrambling at the last minute to protect public safety.

- #15 – Marina staff should conduct regular stray electrical current testing

Stakeholder Comments

The risk of electric shock is very concerning and requires further explanation.

Staff Response

All of the AC electrical current that comes from the dockside electrical system, through the shore power cable and onto boats should return via the same path. The net result of this current flow should be zero. However, if there is an electrical fault or problem of some sort, either with the system or a particular boat, the electricity may have a path to ground into the water. This means it is not returning to shore via the shore power cable.

Some small amounts of AC stray current is acceptable. The accepted threshold is 30 milliamps (mA). This mirrors the trip point of residential GFCI 120v AC outlets in home kitchens and bathrooms.

While the probability of this may seem remote, drownings have been attributed directly to AC stray current in the water originating from electrical faults. If levels in the water are high enough, muscles can uncontrollably contract, resulting in drowning. This is one of the reasons no swimming should be allowed in marinas.

When the Cobourg Marina is opened each year, a certified electrician connects the docks to their source power, conducts voltage testing on all pedestals and repairs any identified faults. After installation, the certified electrician also conducts stray current testing. Being municipally owned and operated, the Marina also abides by the Occupational Health and Safety Act, Workplace Safety and Insurance Act and other applicable federal and provincial acts and regulations.

Furthermore, each month during the operational safety inspection, staff conduct stray testing using Shock Alarm testing equipment. The reason this recommendation was included was because not all previous testing results were available for review by the Audit Team.

Policy Development and Enforcement

- # 3 – Create a “No Swimming” Bylaw for the Harbour to protect boaters, user groups and individuals from possible electrical shock and fatal interaction between swimmers and boaters

Stakeholder Comments

Does swimming exist in the areas of concern and do we have a related by-law?

Staff Response

The Parks Use Bylaw states in section 40.7 that “No person shall fish, swim, snorkel, or scuba dive, kiteboard, or hoverboard in the waters included within the Cobourg Harbour, excluding the west headland beach limits without the authorization of the Director.”

Therefore, while swimming is prohibited in the Marina portion of the Harbour, the LSS has identified risks associated with the shared use of the waters just off the headland beach by both boats and swimmers creating the potential for catastrophic interactions. In Recommendation #7, the LSS has identified two high-risk zones within the Harbour created by boat traffic that create the need for better management of the use of the Harbour to reduce risk.

In 2019, the municipality conducted water quality testing within the Harbour, and the results have raised concerns with the health and safety of swimming within the West Harbour. Staff will continue to conduct water quality tests in 2020 and seek further advice and guidance from the Haliburton, Kawartha, Pine Ridge District Health Unit.

- # 4 – The Town should develop a Harbour Emergency Procedures Manual as a framework that user groups should include in their operational manuals that should be used to train their staff and volunteers. This Manual should address safe rescue, missing persons, fire drills, major emergencies, collisions, cold water submersion, reporting procedures and the mandatory use of power craft in all programs as a safety vessel.

Stakeholder Comments

Do we currently have an emergency procedures manual and why didn't the LSS make specific recommendations to address these concerns?

Safety is important. We understand that and we want to work with the Town and everyone involved to make sure that all users are safe to enjoy their preferred activity. There are recommendations that can and should be implemented. They make sense.

We would welcome the opportunity to sit down with The Town and other user groups to assist in developing further safety guidelines and procedures especially as it relates to when and where groups will operate in the harbour.

Staff Response

The mandate of the LSS Audit was to identify safety needs and not to provide solutions to those needs, which would have required a much more extensive and costly project. The intention was always for the Town to take the recommendations and then work with user groups to identify reasonable solutions while still addressing the municipal ethical and legal obligations.

In 2019, the Community Services Division initiated a major review of all of its policies and procedures in order to modernize existing ones and to develop new ones to fill identified gaps.

The Waterfront Operations Department, part of this broader review, already has various procedures related to missing persons, fire drills, lightning strikes, sinking boats, collisions, etc. However, as this Audit has identified, there are additional issues that need to be addressed and new policies, procedures and standards established.

The Waterfront Operations Department is working with the Town's Emergency Planner to create a consolidated Harbour Emergency Procedures Manual and collaboration with the Harbour user groups will be essential to complete this project.

- # 6 – Revise user group agreements to stipulate mutual responsibilities and to promote best practices and minimum standards (a number of specific standards, guidelines and regulations were identified as examples of best practices)

Stakeholder Comments

Why were the existing lease agreements not reviewed?

What does this have to do with boat slip agreements and how are they deficient?

How do the High Five principles fit into the user group regime?

What are the "Ontario Camping Association Safety Standards" and how are our programs different or deficient?

Recreational Camps Regulation 503/17 should not be quoted for local camps since it is intended for overnight camps

This seems to give all the power to the Town to restrict the use of the harbour for anyone who doesn't follow the Town's rules

Staff Response

The recommendation referred to all rules, requirements, safety procedures and agreements related to the Harbour, including boat slip and storage compound agreements and harbour booking procedures. Waterfront Operations staff review and update the Marina slip-holder agreements on a regular basis. On February 03, 2020, Council authorized the execution of a new Memorandum of Understanding negotiated with Dragon Boat and Canoe Club.

The LSS did not provide specific recommendations on the existing lease agreements because their mandate was to identify safety needs and not to provide solutions to those needs. For some recommendations, the LSS provided examples of best

practices, but the intention was always for the Town to take the recommendations and then work with user groups to identify reasonable solutions while still addressing the municipal legal and moral responsibilities.

HIGH FIVE is based on five principles of healthy child development that are essential for quality programs. This foundation comes from extensive research into what constitutes quality experiences for children, and the practical application of their principles in programs across Canada. The five principles are: a caring adult, friends, participation, play and mastery. These principles are seen as best practices that can be instilled in any program for children.

The Ontario Camp Association (OCA) safety standards for boating and swimming are considered best practices and include self-audit materials. According to the OCA:

The main purpose of the Ontario Camps Association's (OCA) Accreditation Program is to help camps maintain a safe and healthy experience for the children and staff in their care. Using the Year-round Standards, camps can examine their entire operation and determine if and where improvements should be made... Membership in the OCA and a commitment to follow the Year-round standards are not required by law to operate a camp in Ontario; rather it is a voluntary process. Therefore, camps who do belong to the OCA recognize the importance and value of adhering to high standards. Annually, OCA Camps sign a Membership Renewal Agreement re-committing to uphold Year-round Standards. Although camps can be very different, there are commonalities regarding health, safety, and best camp practices; therefore, one binder of Year-round Standards is used for all camps... most of the Year-round Standards duplicate government regulations, while the lesser number of Year-round Standards are still important as they are best practices developed by the Membership.

Regulation 503/17 under the Health Protection and Promotion Act of Ontario was listed as a best practice and a valuable standard on which to base waterfront safety procedures. While this regulation may not specifically apply to the Cobourg Dragon Boat and Canoe Club summer camp, it establishes reasonable safety standards for children's camps, including those in waterfront areas, for lifeguards and lifeguard ratios, rescue aids, swim tests, food safety and other important considerations. The Town of Cobourg must determine the minimum safety standards it will expect from all programs operating on municipal property for the safety of all users. When there is a tragedy, the first question is always "why didn't someone do more"? The Town must determine the minimum safety standards that it believes will adequately protect children and other users.

The Municipality has a legal obligation to conduct appropriate "due diligence" as part of its day-to-day operations, and this includes the creation of by-laws and policies that establish safety standards for staff and property users.

The Town owns the Harbour including the land beneath the Harbour basin and it can regulate activities in this area as long as its rules do not conflict with applicable Federal Regulations. This interpretation was affirmed in a letter from the Town's solicitors dated December 10, 2015, which stated:

...the Town of Cobourg received ownership of Cobourg Harbour pursuant to the Divestiture Agreement. As such, it appears that Cobourg Harbour is not a designated port or harbour...this means that Cobourg Harbour is municipal property, and like other municipal property, can be regulated by municipal bylaw however as with any municipal bylaw it is subject to the jurisdiction of provincial and federal laws.

It is not the intention of the Community Services Division to limit the use or enjoyment of the Harbour, and the Town does not restrict the use of municipal property to anyone who conducts themselves in accordance with municipal by-laws and policies. However, all municipal facilities maintain and enforce booking policies and procedures to ensure the fair, equitable and transparent use of those facilities.

- # 7 – Enhance craft safety and reduce risks inside the Harbour by separating motor craft and self-powered craft

Stakeholder Comments

Water safety zones, whilst visually appealing, is not practical

What specifically is proposed to implement this?

If the red and yellow areas must be avoided, where will dragon boats, kayaks, and paddle boards paddle and where will sail boats sail? Not much space.

Is the plan recommending that a schedule be developed to dictate when we will paddle to avoid more than one user group in the harbour?

Do lease agreements specify areas and times?

What is the status of by-law enforcement and is it deficient?

Is boater education deficient?

Staff Response

The high-risk zones exist because of the volume and constant flow of boat traffic entering and exiting the Harbour from both the boat launch and the Marina. A great deal of non-motorized water craft operating in the West Harbour, and sometimes swimmers, cross these heavy traffic channels, creating opportunities for accidents. To date, boat traffic and other activities within the Harbour have largely been self-managed.

Water safety zones could be easily marked to separate paddle craft and swimmers from motor boats and other self-propelled craft. Such zones would require better signage, communications and training. However, the implementation and operationalization of this recommendation would require considerable discussion with user groups in order to minimize the impact on existing programs and activities and ensure fair access and use of the Harbour by all groups.

Lease agreements currently do not include specific areas and schedules, although the Parks Use By-Law No 022-2016 section 40.7 was intended to prevent certain activities from crossing these heavy traffic channels by limiting swimming, snorkeling, scuba diving, kiteboarding and hoverboarding to the waters of the west headland beach limits. By-law enforcement is limited, although the intention of the Town always is to work collaboratively with stakeholders.

- # 9 – Ensure that all Harbour events and club scheduled activities adhere to the Town Special Events application process for the safety of all participants

Stakeholder Comments

Is it a change in policy that a special application is needed for the Dragon boat Festival United Way fundraiser?

Staff Response

All festivals and events taking place on municipally-owned property require a Special Event Permit issued by the Town of Cobourg. This permit is issued after completion of the Municipal Event Application and its review and approval by the Community Events Committee and/or Council.

This process was implemented to ensure that event applications are considered fairly and equitably, to avoid duplication and overlap of events and to promote safe and healthy practices by all events along with compliance with municipal, provincial and federal laws. Event organizers are required to provide evidence, if requested, of all necessary licenses, permits, insurance and other documentation.

- #14 – Ensure user groups mandate the compulsory use of approved PFDs by all boaters while on the water (swim testing of all participants should also be considered)

Stakeholder Comments

Nil – groups have suggested that they already meet this standard

Staff Response

Staff agree that the user groups generally comply with the use of PFDs, although not always strictly enforced by the groups themselves and swim testing may not be consistently monitored. Also, because some groups don't book the use of the Harbour through the Waterfront Operations Department and simply show up, the Town is not always able to ensure that the groups are aware of the safety rules. Staff also have concerns regarding the age and integrity of some equipment used by the groups.

- #16 – Designate camp user group indoor and outdoor spaces that are more appropriate, reasonable and safer than the current storage area

Stakeholder Comments

See Below

Staff Response

This and other related issues involving the Cobourg Dragon Boat and Canoe Club were investigated and reported by the Emergency Planner in the summer of 2019, which is beyond the scope of responsibility of the Community Services Division.

As previously mentioned, on February 03, 2020, Council authorized the execution of a new Memorandum of Understanding negotiated with Dragon Boat and Canoe Club.

Equipment & Signage

- # 1 – Install an Automatic External Defibrillator (AED) unit in the Marina area and ensure staff are trained in its use

Stakeholder Comments

Nil

Staff Response

For several years an AED has been maintained at the Campground but in 2019 another unit was installed at the Waterfront Operations Building.

- # 8 – Ensure all user groups are using a safety boat for all organized activities and that operators are trained and certified in their use in order to be better prepared to respond to emergencies

Stakeholder Comments

Adding another motorized boat to the mix

The recommendation is vague – who will provide the boats and how many are necessary?

The requirement for a motorized safety boat contradicts OPHEA requirements

I can personally think of several times when a safety boat should be available...but the Audit doesn't address many questions related to the types of events that should have safety boats, the type of boat, the type of equipment that the boats should have, etc.

Staff Response

The West Harbour is becoming increasingly populated by a variety of on-water vessels, both self-propelled and motorized. Safety boats dedicated to emergency response, safety and support during user events and programs has been identified by many organizations in Canada as a best practice and would represent a negligible addition to congestion.

The recommendation necessarily requires discussions between the Town and user groups to develop an appropriate policy and procedures.

The Ontario Physical and Health Education Association (OPHEA) guidelines under Equipment states: One safety craft supervisor/instructor boat must be motorized and equipped as per Transport Canada's Safe Boating Guide.

The purpose of this recommendation is for the Town and user groups to come together to discuss this issue and develop proper policies and procedures that meet

the needs of our community. There are many best practices provided by many different organizations. They need to be reviewed and a collaborative solution developed.

- #11 – Enhance signage in the Harbour & Marina to enhance the safety of boaters and the public regarding such things as no swimming, speed limits and location of lifesaving equipment

Stakeholder Comments

It does not address what we do have or whether it is actually deficient...Does the report imply that we do not have proper signage?

Staff Response

The Town's signage currently addresses speed limits and identifies our lifesaving equipment (three stations) with the recognizable symbol. The intention of this recommendation is that the Town should review its signage carefully and take steps to improve the safety of boaters and other users with enhanced signage, which staff are now doing.

- #12 – Complete a safety equipment audit to establish lifesaving/rescue stations and to determine the type, location and appropriate signage

Stakeholder Comments

The placement of lifesaving equipment is critical to safety at the water's edge. What locations are best and most needed? Are we deficient?

Staff Response

The recommended locations were on each dock, boat ramp and program locations.

There are three rescue stations at the Cobourg Harbour located at the fuel dock, north wall and East Pier (the latter is seasonal) with additional ones to be installed on the docks and near the boat launch. Safety ladders and fire extinguishers have been installed on all docks except one. Additional rescue station locations, equipment needs and signage are being assessed

- #13 – Clearly identify the egress ladders in the harbour to enhance visibility

Stakeholder Comments

Nil

Staff Response

Staff have installed six aluminum safety ladders on the docks as well as 15 built-in ladders on the piers and north wall. Additionally this season, ladder locations will be highlighted with painted markers.

Communication

- # 5 – Educate and communicate with all Harbour users to ensure they are familiar with such things as Harbour operations and schedule (including formal scheduling

of the Harbour), policies and procedures (including emergency), user expectations, etc.

Stakeholder Comments

Communication needs to be more than a vehicle for informing/telling users groups what new rules have been set by the Town.

There has been a schedule in place. Are there problems with the schedule as it currently exists? What changes are proposed? Will user groups be consulted? Concern is that if the plan is implemented, user groups will be told when and where they can paddle

The requirement to schedule when the user groups can use the harbour would put the CDBCC day camps out of operation

It will become prohibitive for the Survivor Thrivers and other user groups to operate if all of the recommendations are implemented

Staff Response

The Town fully supports and promotes stakeholder engagement and active, two-way communications. The Community Services Division meets regularly with stakeholders to discuss facility scheduling and other issues of interest and concern, including those that play hockey, softball, baseball, pickle ball, table tennis and soccer, as well as campers and others to develop schedules for the use of limited municipal facilities in a fair, transparent and equitable manner to meet the needs of all groups as equitably as possible. These are smooth and amicable processes with few issues.

The Division would like to work with Harbour users in a similar way to develop a schedule that meets the needs and safety of all groups and individuals as fairly as possible. The West Harbour is a large space and there are relatively few regular user groups, so the scheduling and booking process should not be complicated. The schedule and paddling zones/lanes will need to be discussed in light of the broader safety concerns and risks of collision and potential impacts on program activities.

What must be clearly understood is that the implementation of reasonable safety standards, based on national and international best practices, and a schedule of activities, will in no way force the closure of programs but will simply create consistent practices across the municipality. Water-based safety standards have been implemented around the world while still allowing organizations and programs to flourish. None of the Harbour user groups provided specific examples of how these recommendations would drive them out of business. However, what could instantly jeopardize an organization and its programs is a serious injury or drowning.

Parks and Recreation Advisory Committee

The Parks and Recreation Advisory Committee (PRAC) considered the Lifesaving Society's Aquatic Safety Audit of the Cobourg Harbour on November 05, 2019. At that

meeting there were presentations from the Survivor Thrivers (2), Cobourg Dragon Boat and Canoe Club and the Cobourg Yacht Club.

The Committee rejected municipal staff's recommendation to invite the Lifesaving Society to a meeting so that it could explain the report's findings and recommendations, address comments from individuals and groups, and answer questions.

The Committee passed the following recommendation to Council:

Moved by Member Pope:

THAT the Parks and Recreation Advisory Committee recommends that Council receive the Lifesaving Society Aquatic Safety Audit of the Cobourg Harbour for information purposes; and

FURTHER THAT the Town direct the Town of Cobourg Risk Manager to conduct a full study of the Harbour Safety based on extensive consultation and observation with the main Harbour users, including but not limited to; the Marina, the Sailing Club, the Cobourg Dragon Boat and Canoe Club and the Survivor Thrivers; and

FURTHER THAT Staff present the results of said report/study to the Parks and Recreation Advisory Committee for comments before sending to Council.

7.0 FINANCIAL IMPLICATION

N/A

8.0 CONCLUSION

The Life Saving Society is a respected national leader in water safety and provided reasonable and rational recommendations to improve the safety of Cobourg Harbour. Municipal staff have implemented numerous changes in response to the recommendations, continue to assess the recommendations and would like to address the rest of recommendations through collaborative discussions with user groups.

9.0 POLICIES AFFECTING THE PROPOSAL

- Public Engagement Policy
- Purchasing Policy
- Sign By-Law

10.0 COMMUNICATION RESULTS

As per above.

Title:	Signing Official:	Signature:	Date:
Director, Community Services	Dean A. Hustwick	Electronically Signed	April 30, 2020

Treasurer/Interim Chief Administrative Officer	Ian Davey		April 30, 2020
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