



The Corporation of the Town of Tecumseh

Public Works & Environmental Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Environmental Services

Date to Council: September 10, 2019

Report Number: PWES-2019-42

Subject: Request for Repair and Improvements to the
East Townline Drain – St. Clair Outlet
Appointment of Drainage Engineer

Recommendations

It is recommended:

1. **That** Dillon Consulting Ltd. (Dillon) **be appointed** Drainage Engineer to make an examination of the East Townline Drain - St. Clair Outlet drainage area as submitted by the Director Public Works & Environmental Services in the “Notice of Request for Drain Improvement” dated July 8, 2019;
2. **And that** a Drainage Report **be prepared** in accordance with Section 78 of the *Drainage Act* (Act), including provisions for future maintenance.

Background

The purpose of this report is to provide a summary of the background and other information in order to assist Council in appointing an engineer to examine the drainage area on the East Townline Drain - St. Clair Outlet (Drain) affected by the reconstruction of Manning Road, Phase 2 Improvements.

The Drain is located on the west side of Manning Road with its upper limit located on the north side of County Road 42 and its outlet into Lake St. Clair via the Manning Road Pump Station. The reconstruction of Manning Road Phase 2 requires alterations to Manning Road from St. Gregory to Riverside Drive which will affect the current alignment of this Drain. In order to accommodate this, an engineer must be appointed to examine the drainage area and prepare a report in accordance with Section 78 of the Act.

Comments

Legislation

The sections of the Act referenced within this report are included in Schedule A, which is attached to this Council Report as Attachment No. 3.

Required approvals

On July 9, 2019, the Town sent notification to the Essex Region Conservation Authority (ERCA) that the Town had signed a request for the repair and improvement of the Drain.

As outlined in Section 78(2) of the Act, the Engineer shall not be appointed until after the 30-day notification to the Conservation Authority who has regulation of the area. This administrative report is in line with those provisions and the 30-day period expired on August 9, 2019.

Typically, any proposed drainage works would need to be self-assessed through the Department of Fisheries and Oceans (DFO). In this case in particular the Town had received authorization from DFO for the 'harmful alteration, disruption or destruction (HADD) of fish habitat' in 2011 for the enclosure and loss of approximately 1,000 metres of the existing open channel of the East Townline Drain (as part of Phase 1 of the Manning Road Improvements). In order to compensate for the HADD, the Town in 2012 lowered a section of a perched watercourse to promote fish passage on the Gouin Drain (a tributary to the Little River). In addition, a forebay and shallow pool was created to diffuse and oxygenate water entering the lowered channel on the Gouin Drain.

The Drain may contain significant species (aquatic species at risk (SAR) as well as plants, animals, habitat, etc.) that are protected under the provincial *Endangered Species Act* (ESA). The Town will use its SAR Mitigation Plan for Drainage Works under Section 23.9 of Ontario Regulation 242/08. The Town's registered municipal drainage works permitted under Section 23.9 of Ontario Reg. 242/08 will provide the MNRF with the Notice of Drainage Work Activity Form annually and provide information on any encountered species and mitigation plan for same.

Appointment of Engineer

It is recommended that Dillon be appointed Drainage Engineer to the Drain for consistency and efficiency as seen in previous drainage and capital projects completed for the Town. Dillon has currently completed the design for Phase 2 of the Manning Road Improvement Project and has provided recommendations to enclose a portion of the Drain along the west side of Manning Road south of Riverside Drive in By-law No. 2009-67. Additionally, Dillon will need to abandon the existing downstream portion of the East Townline as a Municipal Drain and accommodate these flows by a diversion and connection to the existing stormwater channel in Lakewood Park and ultimately, to the intake of the Manning Road Pump Station. Conveyance will be diverted across Manning Road and to the Lakewood Park stormwater channel which was

constructed in 2014 as part of the PWES Capital Works program. This stormwater channel will form part of the Report under the Act to make it a legal entity of the Drain.

Further to having completed the design for the Manning Road Improvements (Phases 1-3), Dillon has produced many detailed drainage reports including the drainage reports for the Manning Road Pump Station and upstream portion of the Drain from County Road 42 to County Road 22. As the Town continues to meet their Strategic Priorities, these attributes from a consultant are crucial in order to ensure future growth is built upon principles of sustainability and strategic decision-making.

Consultations

Financial Services
Corporate Services & Clerk
Dillon Consulting Ltd.

Financial Implications

The Engineer's Report shall assess for Special Benefit, Benefit, Outlet and Liability. A schedule of assessment is to be contained in the report which details in separate columns, the sums assessed for each parcel of land and the road authority's liability. It is anticipated that the Town will be assessed for both their affected roads and lands in addition to the extra works needed to alter the Drain to conform to the reconstruction of Manning Road Phase 2 Improvements.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Cameron Hedges, E.I.T.
Assistant Drainage Superintendent

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Notice of Request for Drain Improvement, dated July 8, 2019
2	East Townline (St. Clair Outlet) Drain Map
3	Schedule A – Drainage Act Excerpts