



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: March 9, 2020

Report Number: PWES-2021-12

Subject: Request to Consider Engineer's Report – Dawson Drain

Recommendations

It is recommended:

That the Report and Specifications for the Dawson Drain (Drain) as prepared by Gerard Rood, P.Eng., of Rood Engineering Inc. (Rood), dated April 3, 2020 (Drainage Report) **be received**;

And that consideration **be given** to the first and second readings of Provisional By-law No. 2021-15 to adopt the Drainage Report in accordance with Section 42 of the Drainage Act (Act);

And further that notice **be given** to all affected landowners of the Court of Revision to be held on Tuesday, April 13, 2021 at 6:15 pm in accordance with Section 46(1) of the Act, subject to the adoption of the provisional by-law.

Background

The purpose of this report is to provide a summary of the background and other information in order to assist Council in giving consideration to the Drainage Report in accordance with the Act.

On January 14, 2020 Council accepted the recommendation by the Drainage Superintendent under Public Works & Environmental Services (PWES) Report No. PWES-2020-03 Request for Repair and Improvement to the Dawson Drain, Appointment of Drainage Engineer and passed resolution RCM-12/20 as follows:

That Gerard Rood P. Eng., of Rood Engineering Inc. **be appointed** drainage engineer to make an examination of the Dawson Drain drainage area as submitted by the

affected landowner in the “Notice of Request for Drainage Improvement” dated October 30, 2019;

And that a Drainage Report **be prepared** in accordance with Section 78 of the Drainage Act, including provisions for future maintenance.

An on-site meeting was held on February 10, 2020. A summary of this meeting is included in the Preliminary Examination and On-Site Meeting section of the Drainage Report (Attachment No. 1).

There was no Public Information Centre (PIC) held for this drain project, as there is only one affected landowner. As a matter of public relations, on February 5, 2021 the Drainage Superintendent, in a phone conversation, reviewed the Drainage Report with the affected landowner and the landowner indicated no concern with the Drainage Report or estimated costs.

On April 3, 2020, Gerard Rood, P. Eng., filed a report dated April 3, 2020 for the repair and improvement to the Drain in accordance with Section 41 of the Act. This report recommends the installation of a new access culvert to provide access to the agricultural portion of this parcel. The current effect on the watershed is noted as only affecting the assessed parcel requesting the bridge for both construction and future maintenance costs. As such, Notice of the Public Council Meeting, as well as a copy of the Drainage Report was sent to affected parties in accordance with section 41(1) of the Act on February 23, 2021.

It should be noted that Council adopted By-Law No. 2019-22, to provide for the repair and improvements to the Dawson Drain under a Drainage Report dated February 4, 2019, as prepared by the consulting engineering firm Rood Engineering Inc. for the Drain, on May 14, 2019. As indicated in PWES Report No. 2020-03, during the construction for the recommended improvements in the Drainage Report dated February 4, 2019, revisions to the drawings of the bylaw were required to complete the construction works. These edits were completed under this appointment and are included in the appended Drainage Report. These drawings will form the governing drawings for By-law No. 2021-15, as well as by-law No. 2019-03 as it relates to plan and profile for future maintenance of the Drain.

The changes in elevations that were made to the drawings, do not affect the future assessments of upstream landowners.

Comments

The sections of the Act referenced within this report are included in Schedule A which is attached to this Council Report as Attachment No. 2.

Consideration by Council

Subject to the discretion of Council, the Drainage Report may be:

- a. Referred back to the Drainage Engineer for reconsideration if it appears that there are, or may be errors in the report or for any other reason the report should be reconsidered; or
- b. Provisionally approve by giving first and second readings to a Provisional By-law.

Following provisional adoption of the By-law, a meeting of the Court of Revision shall be scheduled to allow any affected owner of land assessed for the drainage works to appeal their assessed costs subject to the following:

- a. Any land or road has been assessed too high or too low; or
- b. Any land or road that should have been assessed has not been assessed; or
- c. Due consideration has not been given as to type of land use.

Approvals

The Town made initial submissions to the Essex Region Conservation Authority (ERCA) regarding their requirements for approval under Section 28 of the Conservation Authorities Act. A response from the ERCA was received by email on November 12, 2019 indicating the Town must send a copy of the Drainage Report for their review and approval, apply for a permit, and follow standard measures to protect fish and fish habitat.

The Drain may contain significant species that are at risk (SAR) which includes aquatics, plants, animals, and habitats. These species are protected under the provincial Endangered Species Act, 2007 (ESA) which the Town has previously been complying with through the utilization of a Species at Risk Mitigation Plan with the Ministry of Natural Resources and Forestry (MNRF) under Section 23.9 of Regulation 242/08 for Drainage Works.

As of April 1, 2019, the administration of the ESA transitioned responsibility from the MNRF to the Ministry of the Environment, Conservation and Parks (MECP). Though the responsibility has transitioned to the MECP, the Town's SAR Mitigation plan continues to be in compliance with the ESA. As such, the Town, along with its contractors, gathers data with respect to information on any encountered species and/or mitigation plans implemented before and during construction for all registered municipal drainage works permitted under Section 23.9 of Ontario Reg. 242/08.

As directed by the MECP, administration continues to send notification to the MECP through the SAROntario@ontario.ca submission mailbox. To date, the Town has not received any further inquiry from MECP staff relating to this project. Administration will continue to include MECP in notifications, inclusive of the sending of any reports, as set out in the Drainage Act.

Consultations

Corporate Services & Clerk
Financial Services
Rood Engineering Inc.

Financial Implications

The estimate for the Dawson Drain is assessed in the Engineer's Report as follows;

Engineer's Estimates- Dawson Drain

Total Estimate	\$14,200
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Assessment Summary

Town of Tecumseh Road Authority – Drain Life Lifecycle Reserve	\$0
Total to Agricultural Lands	\$14,200
Total to Agricultural Lands: Non-grantable	\$0
Total to Non-agricultural Lands	\$0
Total Assessed	\$14,200

The Town of Tecumseh has no financial implications for these works.

Other than costs to administer the project, the cost of constructing the project is 100% recoverable by the affected land detailed in the Assessment Schedule included in the engineer's report dated April 3, 2020.

For assessments in excess of \$5,000 the Town offers landowners the option of paying the balance plus interest over a five (5) year period; the annual payments are added as a special charge on their taxes.

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:

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

Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Drainage Report dated April 3, 2020 by Gerard Rood, P.Eng., of Rood Engineering Inc.
2	Schedule A – Drainage Act Excerpts