



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: May 25, 2021

Report Number: PWES-2021-27

Subject: Request for Repair and Improvement to the McLean Hergott Drain
Appointment of Drainage Engineer

Recommendations

It is recommended:

That Rood Engineering Inc. **be appointed** drainage engineer to make an examination of the McLean Hergott Drain drainage area as submitted by the Drainage Superintendent on behalf of the Town of Tecumseh Water Division in the “Notice of Request for Drainage Improvement” dated February 10, 2021.

And that a Drainage Report **be prepared** in accordance with Section 78 of the *Drainage 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 McLean Hergott Drain (Drain).

The Drain is located on the south side of County Road No. 46. The Drain outlets both westerly into the Sullivan Creek Drain (approximately 65 meters west of Concession Road 10) and easterly into the Gzowski Drain (approximately 440 meters west of Concession Road 11). Please refer to Attachment 1 for the Drain location map.

The Town's Water Division has requested an access culvert over the Drain in order to access Fire Hydrant No. SS193 and an auto flusher located at the intersection of County Road No. 46 and Concession Road 10.

Comments

The Request for Improvement in Attachment 2 initiates the process to update the current By-Law and provide an access bridge over the Drain. Since Rood Engineering Inc. was the author of the current engineer's report under By-Law No. 2016-13, the Town will utilize this firm to produce an updated report that will include the watershed boundary, plan and profiles, and updated construction and future maintenance Assessment Schedules.

Legislation

The sections of the *Drainage Act* (Act) referenced within this report are included in Schedule A, which is attached to this Council Report as Attachment 3.

Required Approvals

On April 16, 2021, the Town sent notification to the Essex Region Conservation Authority (ERCA) that the Town received a request for the repair and improvement of the Drain.

On April 22, 2021, the ERCA responded by email and indicated that they do not expect any extraneous comments or concerns with respect to this project provided that the engineering report confirms that there will be no negative impacts upstream or downstream.

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 regulations in the area. This administrative report is in line with those provisions as the 30-day period expired on May 16, 2021.

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 Ministry of Natural Resources & Forestry 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 Gerard Rood, P.Eng., of Rood Engineering Inc., be appointed Drainage Engineer to the Drain. This firm has recently completed a Section 78 on the full length of the McLean Hergott Drain and has the ability to undertake the work in a timely manner.

Consultations

Financial Services
Corporate Services & Clerk

Financial Implications

There are no financial implications associated with this report.

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/utility liable for drainage assessments under the Act.

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:

Sam Paglia, P.Eng.
Drainage Superintendent/Engineering Technologist

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

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	McLean Hergott Drain Map
2	MC Notice of Request April 13, 2021
3	Schedule A – Drainage Act Excerpts