



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-2021-26

Subject: Request for Repair and Improvement to the
South Talbot East Drain and 12th Line Drain
Appointment of Drainage Engineer

Recommendations

It is recommended:

That Dobbin Engineering Inc., **be appointed** drainage engineer to make an examination of the South Talbot East Drain and 12th Line Drain drainage area as submitted by the landowner in the “Notice of Request for Drainage Improvement” dated April 16, 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 South Talbot East Drain and 12th Line Drain (Drain).

The South Talbot East Drain is located on the south side of South Talbot Road with its upper limit located at County Road 19 and its outlet into the Malden Road East Drain at Malden Road. The 12th Line Drain is located on the east side of Concession 12 with its upper limit at County Road No. 8 and its outlet into the South Talbot East Drain at South Talbot Road. Please see Attachment 1 for the drain location map.

Comments

The Request for Improvement in Attachment 2 is to update the current By-Law and provide a farm access bridge over one of the aforementioned drains. Since the current By-Law includes multiple drains, watershed boundaries and Assessment Schedules, the request and authority of the Engineer only requires that the work is taken to a sufficient outlet and therefore, the updated report will affect one or more of the several drains in the bylaw. For example, if the location of the final bridge is on Concession 12, an updated report will be prepared for the 12th Line Drain watershed only.

The owner has the option to place the culvert on South Talbot Road, where the access would be over the South Talbot East Drain or on Concession 12, where the access could be over the 12th Line Drain. The owner is requesting a review from the appointed Engineer and the Town for the most advantageous location of the access culvert, as design, cost and grant potential all play important factors in determining the best location for the bridge.

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 19, 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 29, 2021, the ERCA responded by email with approval for standard compliance and is not foreseeing any issues with Section 28 of the *Conservation Authorities Act* with this project request.

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 as the 30-day period expired on May 19, 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 Dobbin Engineering Inc. be appointed Drainage Engineer to the Drain. This engineer has completed a previous report under Section 78 for the Town with great results and has the capacity to accept and complete this 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	Location Map
2	Notice of Request for Drain Improvement, dated April 16, 2021
3	Schedule A – Drainage Act Excerpts