



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: April 26, 2022

Report Number: PWES-2022-15

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

Recommendations

It is recommended:

That Dillon Consulting Limited **be appointed** drainage engineer to make an examination of the Cunningham Drain drainage area as submitted by the landowner in the “Notice of Request for Drainage Improvement” dated February 3, 2022;

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 Cunningham Drain (Drain).

On February 3, 2022, the Town received a “Notice of Request for Drain Improvements” for the Cunningham Drain. The Drain is located on the south side of County Road 34 with its upper limit located on the north side of Highway 3 and its outlet into the Pike Creek Drain. A map showing the location of the Drain is attached to this report as Attachment 1.

Comments

The Request for Drain Improvement initiates the process to update the current By-law and provide for a new access culvert over the Drain. The Cunningham Drain was last examined by Bruce D. Crozier Engineering Inc. and an enclosure was constructed in 2003 under By-law 2003-39.

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 2.

Required Approvals

On March 2, 2022, the Town sent notification to the Essex Region Conservation Authority (ERCA) advising that the Town received 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 30 days after a notice has been sent 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 April 1, 2022.

The Drain may contain significant species that are at risk (SAR) which may be aquatic, plants, animals, habitat, etc. These species are protected under the provincial *Endangered Species Act* (ESA). As of April 1, 2019, the administration of the ESA transitioned responsibility from the Ministry of Natural Resources and Forestry (MNR) to the Ministry of Environment, Conservation and Parks (MECP). Though the responsibility has transitioned to the MECP, the Town's Species-At-Risk (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. Annual reports may be requested by the MECP.

Appointment of Engineer

It is recommended that Dillon Consulting Limited (Dillon) be appointed Drainage Engineer to the Drain. This consulting firm is currently completing a Section 78 report for the repair and improvement of the Pike Drain that is the outlet for Cunningham Drain. Dillon is therefore familiar with this area and has the ability to undertake the work in an efficient and timely manner.

Consultations

Financial Services
Legislative Services & Clerk
Dillon Consulting Limited

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:

Alessia Mussio, E.I.T.
Assistant Drainage Superintendent

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

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

Reviewed by:

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

Reviewed by:

Laura Moy, Dipl. M.M.
Director Legislative Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	PWES 2022-15-Cunningham Drain Map
2	PWES 2022-15-Schedule A – Drainage Act Excerpts