



## 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-2022-20

**Subject:** Request to Consider Drainage Petition and Appointment of Drainage Engineer – Shields Street

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### Recommendations

It is recommended:

**That** the Petition for Drainage Works for Shields Street dated March 3, 2022 as submitted by the Road Authority in accordance with Section 4(1) of the Drainage Act, **be received**;

**And that** Dillon Consulting Limited **be appointed** drainage engineer in accordance with Section 8(1) of the Drainage Act to make an examination of the area requiring drainage and to prepare a Preliminary Report in accordance with Section 10(1) of the Drainage Act.

### 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 area requiring drainage and to prepare a Preliminary Report. A map showing the location of the subject area is provided in Attachment 1.

Drainage for Shields Street and the adjacent lands (which includes the Tecumseh Vista School) is currently provided by a private stormwater pump station that discharges into a private drainage ditch that drains northerly and ultimately outlets into the Desjardin Drain. The Town of Tecumseh has no control over the operation and maintenance of this private drainage system. During recent rain events, Town Public Works Operators have attended this site and found water ponding on Shields Street as a result of the pump not operating.

In addition, the Town has had preliminary discussions with the School Board regarding flooding that has occurred on their site. To ensure proper drainage is provided to Shields Street and the adjacent lands, it is preferred to have the drainage system designated as Municipal Drainage infrastructure that would be under the maintenance and operation of the Town's Drainage Superintendent.

On March 3, 2022, the Road Authority filed a petition (refer to Attachment 2) for a statute outlet for stormwater on Shields Street in accordance with Section 4 of the *Drainage Act* (the Act).

## Comments

Preparation of a Preliminary Report under the provisions of the Act will allow for various drainage options and costs to be considered in order to determine the most suitable drainage solution for this area.

In accordance with Section 10(1) of the Act, the engineer shall prepare and file the Preliminary Report for consideration by Council at a public meeting. The Preliminary Report shall contain a sketched plan of the drainage works, an estimate of the cost thereof insofar as it is practical to do so under Section 10(1) of the Act and, if required, any environmental appraisal and/or benefit cost statement.

## Legislation

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

## Required Approvals

On March 3, 2022, the Town sent notification to the Essex Region Conservation Authority (ERCA), that the Director of Public Works & Engineering Services for Town of Tecumseh submitted a "Petition for Drainage Works" form in accordance with Section 4 of the Drainage Act for the creation of a Municipal Drain to provide drainage for Shields Street and Tecumseh Vista School. The notification further advised that the Town would be appointing a Drainage Engineer for this project. On March 3, 2022, ERCA provided the following response:

"A review of the floodplain mapping indicates that Shields Street is not within a Regulated Area that is under the jurisdiction of the Essex Region Conservation Authority. However, it should be noted that new municipal drains may be incorporated into an area that is under the jurisdiction of the Essex Region Conservation Authority (ERCA) (Section 28 of the *Conservation Authorities Act*). Additionally, the Banwell Road Drain is located within an area that is under the jurisdiction of ERCA. As such, it is anticipated that prior to undertaking any works, a permit will be required from this office."

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 April 3, 2022.

Depending on the recommended solution from the Preliminary Report, approvals may also be required from the Department of Fisheries and Oceans for issues related to the federal Fisheries Act and from the Ontario Ministry of Environment, Conservation and Parks for issues related to the provincial Endangered Species Act.

## **Appointment of an Engineer**

It is recommended that Dillon Consulting Limited be appointed Drainage Engineer for this project. This firm is currently preparing a Section 78 report for the repair and improvement of the Desjardin Drain 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**

During the meeting to consider the Preliminary Report, Council shall give to any person who signed the petition an opportunity to withdraw from it by filing a signed withdrawal with the clerk, and to any person present who owns land in the area requiring drainage and has not signed the petition an opportunity to do so.

After the meeting to consider the Preliminary Report, if the petition does not comply with Section 4, the project would be terminated and the Road Authority would be responsible for the costs.

Similarly, if after the meeting to consider the Final Report, the petition does not comply with Section 4, the project would be terminated and the Road Authority would be responsible for the costs.

Alternatively, if the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the Engineer's report, as amended on appeal.

## 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:

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Reviewed by:

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Manager Engineering Services

Reviewed by:

Phil Bartnik, P.Eng.  
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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

<b>Attachment Number</b>	<b>Attachment Name</b>
1	PWES 2020-20 - Location Map
2	PWES 2022-20 - Petition for Drainage Works
3	PWES 2022-20 - Schedule A – Drainage Act Excerpts