



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: February 28, 2023

Report Number: PWES-2023-13

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

Recommendations

It is recommended:

That the Report and Specifications for the Shuttleworth Drain (Drain) as prepared by Mr. Gerard Rood, P.Eng., of Rood Engineering Inc., dated December 14, 2022 (Drainage Report) **be received;**

And that consideration **be given** to the first and second readings of a provisional by-law 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 March 28, 2023, at 6:00 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 June 13, 2017, the Town received a "Notice of Request for Drain Improvement" in accordance with Section 78 of the Drainage Act for repair and improvement to the Drain. The work consists of new replacement bridges and repair and improvement to the open drain and ancillary work.

On July 25, 2017 Council accepted the recommendation by the Drainage Superintendent under Public Works & Engineering Services [Report No. 36/17](#) and passed resolution (Motion: RCM-267/17) as follows:

That Rood Engineering Inc. be appointed Drainage Engineer to:

- (i) make an examination of the drainage area for the installation of an access bridge, located at 5074 North Talbot Road, Con 8 Pt Lot 11 RP 12R4966 Part 2 of Roll No. 540000007010000, and
- (ii) to prepare a Drainage Report for the Shuttleworth Drain (Drain) in accordance with Section 78 of the Drainage Act, including provisions for future maintenance of the Drain.

An on-site meeting was held on November 9, 2017. A summary of this meeting is included in Section III of the Drainage Report.

The Town received a draft report dated February 10, 2022, for discussion at a Public Information Centre (PIC). Invitations were sent to landowners and a PIC was held virtually on Tuesday, March 1, 2022, to discuss the content of the draft report.

On December 20, 2022, Mr. Gerard Rood, P.Eng., filed a report dated December 14, 2022 for the repair and improvement to the Drain in accordance with Section 41 of the Act (see Attachment 1 & 2). On February 13, 2023, invitations were sent to all affected landowners and agencies that the Public Council Meeting to consider the Engineer's Report would be held on Tuesday, February 28, 2023 at 6:00 pm.

The Engineer's Report provides for the cleanout of accumulated silt and debris, replacement of existing bridges and enclosures and future replacement specifications for remaining bridges and enclosures.

Comments

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

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 approved by giving first and second readings to a Provisional By-law.

Subject to the discussions that take place at the Public Council Meeting to consider the report, and if no issues are raised that would warrant the report being referred back to the engineer,

Administration recommends giving the first and second readings of a Provisional By-law to adopt the Drainage Report.

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.

Regulatory Approvals

Regulatory Approvals have been reviewed for the Shuttleworth Drain and consist of:

- 1) Essex Region Conservation Authority (ERCA) – *Conservation Authorities Act*
 - a. A permit from ERCA will be required prior to construction.
- 2) Department of Fisheries & Oceans (DFO) – *Fisheries Act*
 - a. A self-assessment has been completed and determined that this project does not require a formal review by DFO and the Drain should not contain any aquatic species at risk or critical habitat.
- 3) Ministry of Environment, Conservation & Parks (MECP) – *Endangered Species Act*
 - a. The Town's Species-At-Risk Mitigation Plan continues to comply with the *Endangered Species Act*. The Town and Contractor will gather information on encountered species and/or mitigation plans implemented prior to and throughout construction.

Consultations

Financial Services
Rood Engineering Inc.

Financial Implications

The Engineer's total estimated project cost is \$290,550. The Town of Tecumseh lands have been assessed \$88,124 in the Drainage Report, including \$42,086 for Benefit and Outlet Liability for works involving 0.809 Ha (2.0 acres) of North Talbot Road and \$46,038 for Benefit, Outlet and Special Benefit Liability for 1.822 Ha (4.5 acres) of the land encompassing the area as shown on page 1 of 9 in the Overall Watershed Plan view.

Other than costs to administer the project, the cost of constructing the project is 100% recoverable by affected lands including the Town's portion of land mentioned above and

detailed in the Assessment Schedule included in the engineer's report dated December 14, 2022. The Town will utilize the Drain Lifecycle Reserve to pay for the Town's drainage assessment.

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:

Alessia Mussio, E.I.T
Drainage Superintendent/Engineering Technologist

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Engineers Report Summary
2	Drainage Report dated December 14, 2022 by Gerard Rood, P.Eng., of Rood Engineering Inc.
3	Schedule A – Drainage Act Excerpts