



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: May 23, 2023

Report Number: PWES-2023-40

Subject: Request to Consider Engineer's Report
East Townline Drain (Lower Portion of the Lake St. Clair Outlet)

Recommendations

It is recommended:

That the Report and Specifications for the East Townline Drain (Lower Portion) (Drain) as prepared by Mark Hernandez, P.Eng., of Dillon Consulting Ltd., dated April 14, 2023, (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 the enclosed section of the existing East Townline Drain along the west side of Manning Road from St. Thomas Street north to the inlet structure at Municipal No. 157, **be abandoned** under Section 19 of the Act;

And furthermore that notice **be given** to all affected landowners of the Court of Revision to be held on June 27, 2023, 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 September 10, 2019 Council accepted the recommendation by the Director of Public Works & Environmental Services under report PWES-2019-42 and passed resolution (Motion: RCM-280/19) as follows:

That Dillon Consulting Ltd. (Dillon) be appointed Drainage Engineer to make an examination of the East Townline Drain – St. Clair Outlet drainage area as submitted by the Director Public Works & Environmental Services in the “Notice of Request for Drain Improvement” dated July 8, 2019;

And that a Drainage Report be prepared in accordance with Section 78 of the *Drainage Act* (Act), including provisions for future maintenance.

An on-site meeting was held on February 4, 2020. A summary of this meeting is included in Schedule ‘A’ of the Drainage Report.

On April 14, 2023, Mark Hernandez, P.Eng., filed a report dated April 14, 2023 for the repair and improvement to the Drain in accordance with Section 41 of the Act. On May 9, 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, May 23, 2023 at 4:30 pm.

This report incorporates the changes to the Drain under the Act which includes the relocation of the lower portion of the Drain to the east side of Manning Road (approximately 688 metres) and the enclosure of the Drain upstream (approximately 287 metres). These works were part of the Manning Road Improvements Phase 2 project, completed in 2021 and 2022.

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 approve 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 East Townline Drain (Lower Portion) and consist of:

- 1) Essex Region Conservation Authority (ERCA) – *Conservation Authorities Act*
 - a. A permit from ERCA was acquired prior to construction.
- 2) Department of Fisheries & Oceans (DFO) – *Fisheries Act*
 - a. A letter of advise was received from DFO confirming that this project did not require a formal review by DFO provided that appropriate mitigation measures were incorporated into the project.
- 3) Ministry of Environment, Conservation & Parks (MECP) – *Endangered Species Act*
 - a. The Town's Species-At-Risk Mitigation Plan continued to comply with the *Endangered Species Act*.

Consultations

Financial Services
Dillon Consulting Ltd.

Financial Implications

The Engineer's total estimated project cost is \$2,302,373. The Town of Tecumseh (Road Authority) has been assessed the total project cost of \$2,302,373 in the engineer's report for Special Benefit for works involving 5.10 Ha (12.60 acres) of Manning Road as shown on page 1 of 5 in the Overall Watershed Plan view.

The project costs were incurred as part of the Manning Road Phase II project, substantially completed in 2021. The Town's assessed costs as related to the Manning Road Phase II project were funded in part by OCIF grant funding and the Town's Roads Lifecycle Reserve, as per the funding strategy outlined in PWES-2021-20.

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

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	Drainage Report Summary
2	Drainage Report dated April 14, 2023 by Mark Hernandez, P.Eng., of Dillon Consulting Ltd.
3	Schedule A – Drainage Act Excerpts