



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 25, 2025

Report Number: PWES-2025-16

Subject: Request to Consider Engineer's Report – J.C. Smith & McPherson Drains

Recommendations

It is recommended:

That the Report and Specifications for the J.C. Smith & McPherson Drain Improvements (Drains) as prepared by Tony Peralta, P.Eng., of N.J. Peralta Engineering Ltd., dated August 2, 2024 (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 25, 2025 at 6:30 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 to assist Council in giving consideration to the Drainage Report, included as Attachment 1, in accordance with the Act.

On May 13, 2014, Council accepted the recommendation by the Drainage Superintendent under Public Works & Environmental Services Report No. 44/14 and passed resolution (Motion: RCM-212/14) that N.J. Peralta Engineering Ltd. be appointed Drainage Engineer to:

Make an examination of the JC Smith Drain and McPherson Drain and drainage areas; and that

The Drainage Engineer prepare a Drainage Report (Report) for the JC Smith Drain and a *Report* for the McPherson Drain. The Reports and process will follow in accordance with Section 78 of the *Drainage Act* for the JC Smith Drain as requested by the landowner at Roll No. 374441000001660 in the Request for Repair and Improvements (Request) form dated April 9, 2014, and the McPherson Drain as requested by the Town, Drainage Superintendent.

An on-site meeting was held on July 23, 2014, for each of the Drains. A summary of this meeting is included on pages 7 through 11 of the Drainage Report.

The Town received a draft report dated August 2, 2024, for discussion at a Public Information Centre (PIC). Invitations were sent to landowners and a PIC was held on Monday, November 18, 2024, at Town Hall to discuss the content of the draft report.

On December 5, 2024, Tony Peralta, P.Eng., filed a report dated August 2, 2024 for the repair and improvement to the Drains. On January 30, 2025, 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 25, 2025 at 5:30 pm.

This Drainage Report provides for the improvements to the Drains including the restoration of the Drains to design specifications, and the removal, repair (including cleaning) and replacement of several culverts along with future maintenance provisions for the Drains.

Comments

The sections of the Act referenced within this report are included in Schedule A which is attached to this Council Report as Attachment 2.

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.

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 Drains and consist of:

- 1) Essex Region Conservation Authority (ERCA) – *Conservation Authorities Act*

A permit from ERCA will be required prior to construction.

- 2) Department of Fisheries & Oceans (DFO) – *Fisheries Act*

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. Best management practices will be implemented during construction to minimize any potential for adverse impacts to fish and/or fish habitat.

- 3) Ministry of Environment, Conservation & Parks (MECP) – *Endangered Species Act*

The Town's Species-At-Risk Mitigation Plan continues to comply with the *Endangered Species Act*. The recommendations of the Mitigation Plan will be implemented, and the Town and Contractor will gather information on encountered species and/or mitigation plans implemented prior to and throughout construction.

Consultations

Financial Services

N.J. Peralta Engineering Ltd.

Financial Implications

Per the Drainage Report, the total estimated cost for the improvement works is \$741,260 including net HST, which is assessed to the watershed as depicted in pages 1 and 2 of 18 in the Plans of the Drainage Report. The Town's affected lands include 0.133 Ha (0.33 Ac.) of South Talbot Road and 5.174 Ha. (12.78 Ac.) of 10th Concession Road. Further, this Drainage Report includes improvements to road crossing culverts and access culverts to water division infrastructure.

Other than costs to administer the project, the cost of constructing the project is 100% recoverable by assessed lands as detailed in the Assessment Schedule included in the Drainage Report. The Town will utilize Lifecycle Reserves to pay for the Town's drainage assessment totalling an estimated \$298,757. Additionally, the Drainage Report includes an Assessment Schedule for future maintenance that includes lands/roads owned by the Town.

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	2023-2026 Strategic Priorities
<input checked="" type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

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:

Matthew Shiha, E.I.T.
Drainage Superintendent

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

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

Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Drainage Report dated August 2, 2024 by Tony Peralta, P.Eng., of N.J. Peralta Engineering Ltd.
2	Schedule A – Drainage Act Excerpts