



The Corporation of the Town of Tecumseh

Public Works & Environmental Services

To: Mayor and Members of Council

From: Sam Paglia, Drainage Superintendent/Engineering Technologist

Date to Council: March 26, 2019

Report Number: PWES-2019-10

Subject: Consider Engineer's Report – Dawson Drain

Recommendations

It is recommended;

1. **That** the Drainage Report and Specifications for the Dawson Drain as prepared by Mr. Gerard Rood of Rood Engineering Inc., dated February 4, 2019 (Drainage Report), **be received**;
2. **And that** consideration **be given** to the first and second readings of a provisional by-law to adopt the Drainage Report;
3. **And further that** notice **be given** to all affected landowners of the Court of Revision to be held on Tuesday, April 23, 2019, at 6:00 pm in accordance with Section 46(1) of the Drainage Act (Act) subject to adoption of the provisional by-law.

Background

The Town initially received a draft copy of the Engineer's Report dated December 5, 2018 (Draft Report) and invitations were sent out to all affected landowners for a Public Information Centre (PIC) that was held on December 19, 2018, in Council Chambers to discuss the content of the Draft Report. Comments were received resulting in subsequent meetings with affected landowners. A summary of the PIC meeting is included in the Drainage Report, dated February 4, 2019.

The Town then received the Drainage Report and Notice of Consideration was sent out under Section 41 of the Act on February 12, 2019, with a copy of the Drainage Report to all landowners for the March 26, 2019 Public Meeting to consider the Drainage Report.

The final copy of the Engineer's Report dated February 4, 2019, for consideration is appended as Attachment 2.

Comments

Section 41 Notice of Drainage Works

(1) Upon the filing the Engineer's Drainage Report with the Clerk, and within 30 days of the filing, a copy of the Drainage Report was sent together with a notice of the date of the Council meeting at which the Drainage Report will be considered, to:

1. Affected property owners, within the initiating municipality, according to the last revised assessment roll to be the owners of lands and roads assessed for the drainage works or for which compensation or other allowances have been provided in the report;
2. The Clerk of every other municipality in which any land or road is assessed for drainage works or compensation, or other allowances provided in the Report;
3. The Secretary-Treasurer of the Essex Region Conservation Authority (ERCA);
4. Any railway, public utility or road authority affected by the report; and
5. The Minister of Agriculture, Food and Rural Affairs.
6. The Director appointed for the purposes of the *Drainage Act*.

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.

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 use of land.

Section 41

(3) Despite subsections (1) and (2), where a block assessment is made, the notice to the owners of the lands so assessed need not be accompanied by a copy of the report.

(3.1) Despite subsections (1) and (2), the council of a local municipality is not required to send a copy of the report to owners of lands and roads assessed for a sum of less than \$100.

Based on the comments above, it is recommended:

1. That The Drainage Report and Specifications for the Dawson Drain as prepared by Mr. Gerard Rood of Rood Engineering Inc., dated February 4, 2019 be received; and that
2. Consideration be given to the first and second readings of a provisional by-law to adopt the Drainage Report; and further that

3. The Clerk give notice to all affected landowners of the Court of Revision to be held on Tuesday, April 23, 2019 at 6:00pm in accordance with Section 46(1) of the Act subject to adoption of the provisional by-law.

Consultations

Financial Services
Corporate Services & Clerk
Rood Engineering Inc.

Financial Implications

Dawson Drain is assessed in the Engineer's Report.

Engineer's Estimates- Dawson Drain

Total Estimate	\$174,200
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Assessment Summary

Town of Tecumseh Road Authority – Drain Life Lifecycle Reserve	\$23,341
Total to Agricultural Lands**	\$67,747
Total to Agricultural Lands: Non-grantable	\$5,350
Total to Non-agricultural Lands	\$77,762
Total Assessed	\$174,200

**As shown in the table above, a portion of a Section 78 assessment for drainage works to agricultural lands described in an engineer's report are eligible for grants by the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) through the provisions set out in Sections 85, 86, and 87 of the Act. Upon Completion of the application form, the Minister may pay to the treasurer of the Town 33 per cent of the assessments eligible for grant in accordance with the Agricultural Drainage Infrastructure Program.

For lands assessed in excess of \$5,000 the Town offers landowners the option of paying the balance, plus interest at 4.0%, over a five (5) year period; the annual payments are added as a special charge on the property taxes.

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 February 4, 2019. The Town will utilize the Municipal Drain Lifecycle Reserve to pay for the Town's drainage assessment. A copy of the Municipal Drain Lifecycle Reserve is appended to this report for reference, as Attachment 1.

Link to Strategic Priorities

Applicable	2017-18 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 the Town of 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 the Town 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:

Sam Paglia, P.Eng.
Drainage Superintendent/Engineering Technologist

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

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

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Reviewed by:

Luc Gagnon, CPA, CA, BMath
Director Financial Services & Treasurer

Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

Attachment Number	Attachment Name
1	Drain Lifecycle Reserve
2	2019-03-04-Dawson Drain Report.