



The Corporation of the Town of Tecumseh

Public Works & Environmental Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Environmental Services

Date to Council: July 23, 2019

Report Number: PWES-2019-18

Subject: Subsequent Connection to a Municipal Drain – Colchester Townline Drain

Recommendations

It is recommended:

That the Report prepared by Gerard Rood, P. Eng. of Rood Engineering Inc., dated May 23, 2019, including Appendix REI-A and REI-B, for the connection of drainage works to the Colchester Townline Drain (Drain) for 7981 Howard Ave. (Report) **be received**;

And that the connection of drainage works for the parcel at 7981 Howard Ave. into the Colchester Townline Drain, **be approved** as set out in the Report;

And further that By-law No. 2019-56 being a by-law to approve the Report and amendments to the Engineer's assessments set out in By-law No. 78-32 be adopted;

And further that a copy of By-law No. 2019-56 be sent to the Town of Amherstburg and the affected landowner of 7981 Howard Ave.

Background

The purpose of this report is to provide information regarding a proposed land improvement in the Town of Amherstburg and to advise on their request to allow a subsequent connection to the Colchester Townline Drain.

The Town received correspondence on July 8, 2018, from the Town of Amherstburg regarding a proposed development of a heavy industrial commercial truck yard at 7981 Howard Ave., Amherstburg, proposing to outlet stormwater into the Drain within the Town of Tecumseh.

Included in the correspondence from the Town of Amherstburg were the Essex Region Conservation Authority (ERCA) and the County of Essex, as well as an application to the Town of Amherstburg for a Zoning By-Law Amendment and a Draft Stormwater Management Plan Report by Chall.Eng. Consulting Engineers, dated May 4, 2018.

The Town of Tecumseh provided a response to the Town of Amherstburg's Drainage Superintendent on July 16, 2018, providing options under the *Drainage Act* (Act) to allow a subsequent connection to a Municipal Drain. The Town also met with the affected parties to discuss the approval process to accomplish a subsequent connection based on the circumstances. It was also determined that the subject property already has an existing tile connection into the Drain, however, this property was never included in the Drain's watershed through a formal process under the Act.

On September 24, 2018, the Town of Amherstburg procured the services of Mr. Gerard Rood, P.Eng., of Rood Engineering Inc., to prepare a report for a subsequent connection to a Municipal Drain under Section 65(3) of the Act and re-affirmed the procurement by providing further details on December 17, 2018.

On May 24, 2019, the Town of Tecumseh received the Section 65 Report from Mr. Gerard Rood, P.Eng., dated May 23, 2019, which is attached to this Report as Attachment No. 1.

In addition to the above, the Town completed a desktop review of the current Drainage By-Law for the Colchester Townline No. 78-32 (By-law)) and it was determined that it is not usable and requires several apportionments due to various land divisions, as well as the change of land use of many parcels in the watershed. Therefore, the By-Law requires updating. The appointment of an Engineer is necessary in order for the Town to maintain the By-Law and use it to recover any assessments for the repair or maintenance in a manner that is fair to the community of landowners on the Drain.

Administration will put forth under a separate report to Council a request to appoint an Engineer to prepare a Section 78 report with an updated Schedule of Assessment and Plan and Profile of the Drain that would include any changes since 1978.

Comments

Legislation

Section 65 of the Act is included in Schedule A, which is attached to this report as Attachment No. 2.

Consideration by Council

Subject to the discretion of Council, the Subsequent Connection Report may be:

- a. Denied 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. Approved by resolution and appended to the current By-Law for the Drain.

As a Section 78 Report will take some time to complete, approval of the Subsequent Connection Report will address the current immediate need to authorize the use of the Municipal Drain by the subsequently connected lands.

As indicated by the consulting Engineer, the parcel at 7981 Howard will not cause adverse effects to any lands on the Colchester Townline Drain provided that the stormwater release rate is restricted to the indicated rate in the Section 65 report, and therefore, Administration makes the recommendations noted above.

Consultations

Corporate Services & Clerk
Public Works & Environmental Services
Rood Engineering Inc.

Financial Implications

Following adoption of the Section 65 Report, under 65(12) of the Act, it is required that the imposed costs set out in the Report are applied as a credit to the account of the drainage works and shall only be used for the improvement, maintenance or repair of the whole or any part of the drainage works.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" 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:

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:

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	Section 65 Report
2	Applicable Sections of the Drainage Act