



# TOWN OF AMHERSTBURG DRAINAGE BOARD MINUTES

Tuesday, April 30, 2024  
6:00 P.M.  
Council Chambers, 271 Sandwich St South

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## PRESENT

Allan Major  
Murray Sellars  
Brian Renaud  
Sam Paglia, Drainage Superintendent/Engineering  
Coordinator  
Nicole Humber, Recording Secretary  
Karly Kennedy, Policy and Committee Coordinator

## ABSENT

Anthony Campigotto  
Brad Laramie

### 1. CALL TO ORDER

The Vice-Chair called the meeting to order at 6:00 p.m.

### 2. ROLL CALL

### 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

#### **4. LAND ACKNOWLEDGEMENT**

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron- Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

#### **5. MINUTES OF PREVIOUS MEETING**

Brian Renaud moved, Murray Sellars seconded;

**THAT:**

**The minutes of the previous meeting BE ADOPTED:**

- 1. Drainage Board Meeting Minutes – April 4, 2024.**

**Motion Carried**

#### **6. OPEN COURT OF REVISION**

##### **6.1 Appeals – Collison Drain**

Brian Renaud moved, Murray Sellars seconded;

**THAT:**

- 1. The appeals submitted written or verbally to the Court of Revision for the Collison Drain BE RECEIVED; and**
- 2. The schedule of assessment as presented by Rood Engineering Inc. for the Collison Drain BE APPROVED.**

**Motion Carried**

## **7. CLOSE COURT OF REVISION**

The Court of Revision was closed at 6:02 p.m.

## **8. NEW BUSINESS**

### **8.1 Pike Road Drain East – Engineering Appointment**

**Murray Sellars moved, Brian Renaud seconded;**

**THAT:**

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated April 8, 2024 regarding the Pike Road Drain East – Engineering Appointment BE RECEIVED;**
- 2. The Drainage Board recommend that Council ACCEPT the request from the landowner(s) for improvements to the Pike Road Drain East drainage system as per Section 78 of the Drainage Act; and,**
- 3. The Drainage Board recommend the appointment of Josh Warner, P.Eng., of R. Dobbin Engineering Inc., to examination and report on the repair and improvement to the Pike Road Drain East drainage system BE APPROVED by Council.**

**Motion Carried**

### **8.2 Amending Bylaw – Jeths Drain**

**Brian Renaud moved, Murray Sellars seconded;**

**THAT:**

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated April 11, 2024 regarding the Amending By-Law(s) under Section 62(1) BE RECEIVED;**
- 2. The Drainage Board recommend that an amending By-Law No. 2024-037 BE APPROVED by council and given three readings to allow for the recovery of cost that Finance has provided in order to complete the works on the Jeths Drain.**

**Motion Carried**

### 8.3 Amending Bylaw – Foucher Drain

Brian Renaud moved, Murray Sellars seconded;

THAT:

1. The report from the Drainage Superintendent and Engineering Coordinator dated April 11, 2024 regarding the Amending By-Law(s) under Section 62(1) BE RECEIVED;
2. The Drainage Board recommend that an Amending By-Law 2024-038 BE APPROVED by Council.

Motion Carried

### 8.4 Levying Bylaw – 2023 Drain Maintenance

Murray Sellars moved, Brian Renaud seconded;

That:

1. The report from the Drainage Superintendent and Engineering Coordinator dated April 8, 2024 regarding the recovery of cost for money spent in 2023 to maintain and repair Municipal Drains BE RECEIVED;
2. That By-Law 2024-036 BE READ 3 TIMES to become the Levying By-Law to allow the collection of cost for maintenance performed by the Town in 2023.

Motion Carried

### 9. NEXT MEETING DATE

June 4, 2024 at 6:00 p.m.

**10. ADJOURNMENT**

Murray Sellars moved, Brian Renaud seconded;

**THAT:**

**The Board rise and adjourn at 6:07 p.m.**

**Motion Carried**

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Vice-Chair – Allan Major

\_\_\_\_\_  
Staff Liaison – Sam Paglia

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 3R2 or call 519-736-0012.



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF ENGINEERING AND PUBLIC WORKS

*MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Sam Paglia	Report Date: April 8, 2024
Author's Phone: 519 736-3664 ext. 2318	Date to Drainage Board: April 30, 2024
Author's E-mail: <a href="mailto:spaglia@amherstburg.ca">spaglia@amherstburg.ca</a>	Resolution #: N/A

To: Members of the Drainage Board

Subject: Pike Road Drain (East) – Engineering Appointment

#### 1. RECOMMENDATION:

It is recommended that:

1. The report from the Drainage Superintendent and Engineering Coordinator dated April 8, 2024 regarding the Pike Road Drain East – Engineering Appointment **BE RECEIVED**;
2. The Drainage Board recommend that Council **ACCEPT** the request from the landowner(s) for improvements to the Pike Road Drain East drainage system as per Section 78 of the Drainage Act; and,
3. The Drainage Board recommend the appointment of Josh Warner, P.Eng., of R. Dobbin Engineering Inc., to examination and report on the repair and improvement to the Pike Road Drain East drainage system **BE APPROVED** by Council.

#### 2. BACKGROUND:

The Town received a request for maintenance in December 2023 to maintain and repair the Pike Road Drain East drainage system. It was reported that the system was not performing well and that the surrounding lands frequently flood during rain events.

The Superintendent, after a site visit, discovered that the drain has considerable sediment in it and is need of repair. Also, there are several lands that are within the

watershed boundary, but not included in the assessment schedule under the current 1984 report appended to the Bylaw for the drain. Also noted, that some culverts appeared to have been altered in the drain, and are not shown on the profile of the same report.

An onsite meeting was held with the affected lands and roads on April 2, 2024. The Drainage Superintendent advised that performing maintenance on the drain will restore some functionality, but aspects that have changed from the original report will restrict what the Town can do under maintenance. It was agreed that the watershed should be updated and a new report produced to restore the drain to its functional design. Subsequently, the Town received a request for improvement to have Council appoint an engineer to examine and update the drainage report.

To support the need for an updated report, the current report does not provide a cost sharing mechanism for culvert replacements on the drain as it is dated prior to the requirement of engineers to include such cost sharing ratios in reports.

The current report on the entire drain is under By-law No, 84-27, dated June 8, 1984, written by Nick J. Peralta, P.Eng., of Nick J. Peralta Engineering and Consulting Engineers.

### **3. DISCUSSION:**

The current bylaw does not provide a mechanism to replace a culvert and fairly assess the upstream lands. Without updating the engineers report schedule of assessment for cost sharing of bridges, lands would be unfairly assessed. An examination of the entire drainage system would provide the recommendations required to bring the system to its functional design. The Engineer during their examination may also include culvert replacements required or any other improvements necessary to bring the bylaw to its current reflection of the watershed needs and for the benefit of all of the users of the system including the Town for its roads.

### **4. RISK ANALYSIS:**

It is the responsibility of the entire watershed along with Council, to keep Municipal Drainage systems in a good state of repair. It is Council's task to carry out such matters through the Drainage Act, which includes maintaining the Engineers reports that are appended to each By-law for the respective Municipal Drains so as to accurately reflect a fair mechanism for cost recovery. Most of the existing culverts on the drain were installed in the 1984 report and it is likely that they will need examination and future maintenance provisions as well. From a pro-active approach, and to allocate the necessary funds more effectively and efficiently, the examining engineer will report on the entire drainage scheme to satisfy the requests and to update and provide a mechanism for the Town to recover costs fairly for any recommended improvements as well as future maintenance on the drain.

**5. FINANCIAL MATTERS:**

The financial implications will be determined by the appointed engineer and will be provided in the schedule of assessment within the engineer's drainage report for the improvements to the Pike Road Drain East. Upstream lands are involved in the process as these lands are assessed for anything deemed necessary to carry stormwater safely to a sufficient outlet.

The Town is NOT assessed for its lands or roads within the watershed, but is tasked with funding the project in its entirety, and until costs can be recovered through the adopted bylaws assessment schedule.

**6. CONSULTATIONS:**

ERCA has been notified of the onsite meeting held with landowners, and also under Section 6(1) regarding environmental appraisals. An ERCA permit will be required under Section 28 of the Conservation Authorities Act.

**7. CONCLUSION:**

Administration is recommending that the appointment of the firm of R. Dobbin Engineering Inc. for the Repair and Improvement to the Pike Road Drain East drainage system, be brought to the next available Regular Council meeting for Council's consideration pursuant to the provisions of the Drainage Act.



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Sam Paglia, P.Eng.,  
**Drainage Superintendent and  
Engineering Coordinator**

**Attachment(s):**

- Request for Improvement received.



To: The Council of the Corporation of the Town of Amherstburg

Re: Pike Road Drain East

(Name of Drain)

In accordance with section 78 (1.1) of the *Drainage Act*, take notice that I, as owner of land affected, request that the above mentioned drain be improved.

The Major Improvement Project work being requested is (check all appropriate boxes):

- Changing the course of the drainage works;
- Making a new outlet for the whole or any part of the drainage works;
- Constructing a tile drain under the bed of the whole or any part of the drainage works;
- Constructing, reconstructing or extending bridges or culverts;
- Extending the drainage works to an outlet;
- Improving or altering the drainage works if the drainage works is located on more than one property;
- Covering all or part of the drainage works;
- Consolidating two or more drainage works; and/or
- Any other activity to improve the drainage works, other than an activity prescribed by the Minister as a minor improvement.

Provide a more specific description of the proposed drain major improvement you are requesting:

As per onsite meeting, requesting engineer's examination meeting.

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### Property Owners

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number, if available.

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Property Description

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Ward or Geographic Township

Amherstburg

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Parcel Roll Number



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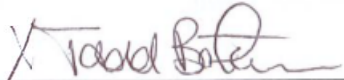
If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name and corporate position of the authorized officer. Only the owner of the property may request a drain improvement.

**Ownership**

**Sole Ownership**

If you need to provide additional information, please attach along with this form.

**Sole Ownership**

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
Bastien, Todd		2024/04/05

Enter the mailing address and primary contact information of property owner below:

Last Name Bastien	First Name Todd	Middle Initial
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**Mailing Address**

Unit Number	Street/Road Number [REDACTED]	Street/Road Name Pike Rd (County Rd 18)	PO Box
City/Town Amherstburg	Province Ontario	Postal Code N9V 2Y7	
Telephone Number [REDACTED]	Cell Phone Number (Optional)	Email Address (Optional) [REDACTED]	

To be completed by recipient municipality:

Notice filed this 5th day of April 20 24

Name of Clerk (Last, First Name) Paglia, Sam	Signature of Clerk 
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THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Drainage Board, Author's E-mail, Resolution #.

To: Members of the Drainage Board

Subject: Amending By-Law – Jeths Drain

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated April 11, 2024 regarding the Amending By-Law(s) under Section 62(1) BE RECEIVED;
2. The Drainage Board recommend that Council ACCEPT the report from the Drainage Superintendent to amend the By-Law(s) in order to recover costs.
3. The Drainage Board recommend that an amending By-Law No. 2024-037 BE APPROVED by council and given three readings to allow for the recovery of cost that Finance has provided in order to complete the works on the Jeths Drain.

2. BACKGROUND:

When Council has elected to proceed with the petition or request for drainage works under the Drainage Act (Act), Council is mandated under Section 75(2) to furnish the amount necessary to complete the drainage works.

The Act provides that for any By-Law that is acted upon, where lands and roads are assessed for their contribution for any drainage works, where more than sufficient funds or where insufficient funds have been provided for the completion of or proper construction of the drainage works be amended, and every such surplus or deficiency shall be applied by the council of the municipality proportionately according to the assessment in payment of rates imposed by it for the drainage works.

*62 (1) Any by-law for the assessment upon the lands and roads liable to contribute for any drainage works that has been acted upon by the completion of the drainage works in whole or in part shall, where more than sufficient funds or where insufficient funds have been provided for the completion of or proper contribution towards the drainage works or for the redemption of the debentures authorized to be issued thereunder as they become payable, be amended, and, if lands and roads in any other municipality are assessed for the drainage works, the surplus or deficiency of money shall be divided proportionately among the contributing municipalities, and every such surplus or deficiency shall be applied by the council of the municipality proportionately according to the assessment in payment of the rates imposed by it for the drainage works. R.S.O. 1990, c. D.17, s. 62 (1).*

### **3. DISCUSSION:**

The Jeths Drain is complete for which an Amending By-Law in accordance with Section 62 of the Act is required.

The amending By-Law provides the application mechanism to recover the actual funds related to each project that Council was obligated to raise, and forms part of the final grant application to the Ministry of Agriculture, Food and Rural Affairs, as well as the final assessment to lands and roads liable for contribution in accordance with the ratios provided for in the Schedule of Assessment for Construction in the original By-Law No. 2022-059 and in respect to the drainage report and recommendations that are appended to the adopted By-Law.

**E09-2019-010 – Jeths Drain** - The estimate amount provided for in the engineers report for construction on the Jeths drain (S.78) and Branch Drain (S.4) appended to By-Law 2022-059 was \$129,693 and \$28,027 respectively totalling \$157,720.

The tender opening of tender call no. 2023-002 produced the lowest bid of four(4) submissions that was overall, 7.5% higher then the engineers estimate (with contingency and without HST).

The Main portion of the drain assessed to upstream landowners was 6.5% lower than the construction estimate and the Branch Drain portion was 60% higher than the construction estimate. The Branch drain is assessed to one landowner who was contacted and wished to proceed with construction, so no meeting with landowners was required to consider the contract price under Section 59 (1) of the Act.

#### **Summary:**

- By-Law 2022-059 estimated construction and incidental costs to be \$157,720
- Tender 2023-002 yielded an estimated \$96,757 (Excluding HST)
- \*\*Final cost, notwithstanding interest and including the non-recoverable portion of HST - \$132,033

\*\*The final cost will include incidentals, postage and printing costs, Non-recoverable HST and the accrued interest to fund the project.

The Schedule of assessment assesses approximately \$115,168.58 as pro-ratable costs for the Main Drain, and \$16,865.18 assessed as benefit to one landowner for the Branch Drain.

Description	Assessed
Non Agricultural Lands	\$ 113,761
Agricultural Lands (Grantable)	\$ 00
County of Essex	\$ 1,407
Town of Amherstburg	\$ 00
Branch Drain	\$ 16,865
	\$ 132,033

4. **RISK ANALYSIS:** - N/A

5. **FINANCIAL MATTERS:**

The cost to the Town for its share of drainage assessment for the Jeths Drain project is zero as the Town does not have lands or roads within the watershed.

Aside from the interest, postage and printing fees spent by the Town for this project, the cost to administer the Drainage Act is non-recoverable.

6. **CONSULTATIONS:** N/A

7. **CONCLUSION:**

It is recommended that:

It is recommended that:

1. The report from the Drainage Superintendent and Engineering Coordinator dated April 11, 2024 regarding the Amending By-Law(s) under Section 62(1) **BE RECEIVED**;
2. The Drainage Board recommend that Council **ACCEPT** the report from the Drainage Superintendent to amend the By-Law(s) in order to recover costs.
4. The Drainage Board recommend that an amending By-Law No. 2024-037 **BE APPROVED** by council and given three readings to allow for the recovery of cost that Finance has provided in order to complete the works on the Jeths Drain.




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Sam Paglia, P.Eng.,  
**Drainage Superintendent and  
Engineering Coordinator**

**Attachment(s): None**

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2024-037**

**Amending By-law to provide for the Levying of costs for the Jeths Drain Improvements based on the Drainage Report by M. Gerrits Consulting Inc.**

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**It is recommended:**

**THAT** By-Law 2022-059 being a Capital Drain By-Law to provide for the improvements to the Jeths Drain and the assessment upon the lands and roads affected and liable to contribute for drainage works that has been acted upon by the completion of the drainage works, and for actual costs for which Council was obligated to raise.

**WHEREAS** By-Law 2024-037, be given first, second and third reading for the collection of actual costs related to the Jeths Drain Improvement works approved by Bylaw 2022-059;

**WHEREAS** \$157,720.00 was the approved estimated cost of repairing and improving the drainage works;

**WHEREAS** \$132,033.00 (plus accrued interest) is the actual cost to be recovered by lands and roads liable for their contribution of drainage works.

**WHEREAS** the report from the Towns Drainage Superintendent, dated April 11, 2024 and was considered by the Amherstburg Drainage Board at their meeting held on April 30, 2024;

**AND WHEREAS** the schedule of assessment as presented by M. Gerrits Consulting Inc. for the Court of Revision held on October 18, 2022, be used to assess actual costs;

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

**1. AUTHORIZATION**

The assessment upon lands and roads that are liable for their contribution to the Jeths Drain be assessed the actual cost Council was obligated to raise.

**2. RECOVERING**

The Corporation of the Town of Amherstburg may recover to the credit of the Corporation the amount of \$132,033.00 plus accrued interest being the amount used for the improvements of the drainage works.

**3. DEBENTURE(S)**

The Corporation may issue debenture(s) for the amounts collected less the total amount of:

- (a) Grants received under section 85 of the Drainage Act;
- (b) Monies paid as allowances;
- (c) Commuted payments made in respect of lands and roads assessed with the municipality;
- (d) Money paid under subsection 61(3) of the Drainage Act; and
- (e) Money assessed in and payable by another municipality.

**4. RECEIPT OF PAYMENT**

Such debenture(s) shall be made payable within 5 years from the date of the debenture(s) and shall bear interest at a rate not higher than 1% more than the municipal lending rates as posted by The Town of Amherstburg's Bank's Prime Lending Rate on the date of sale of such debenture(s).

- (1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads and shall be collected in the same manner and at the same as other taxes are collected in each year for 5 years after the passing of this by-law.
- (2) All assessments of \$1000.00 or less are payable in the first year in which the assessments are imposed.

Read a first, second and third time and adopted this 27<sup>th</sup> day of May, 2024.

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MAYOR – MICHAEL PRUE

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CLERK – KEVIN FOX



**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**OFFICE OF ENGINEERING AND PUBLIC WORKS**

*MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

<b>Author's Name: Sam Paglia</b>	<b>Report Date: April 11, 2024</b>
<b>Author's Phone: 519 736-3664 ext. 2318</b>	<b>Date to Drainage Board: April 30, 2024</b>
<b>Author's E-mail: <a href="mailto:spaglia@amherstburg.ca">spaglia@amherstburg.ca</a></b>	<b>Resolution #: N/A</b>

**To: Members of the Drainage Board**

**Subject: Amending By-Law – Foucher Drain.**

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**1. RECOMMENDATION:**

It is recommended that:

1. The report from the Drainage Superintendent and Engineering Coordinator dated April 11, 2024 regarding the Amending By-Law(s) under Section 62(1) **BE RECEIVED**;
2. The Drainage Board recommend that Council **ACCEPT** the report from the Drainage Superintendent to amend the By-Law(s) in order to recover costs.
3. The Drainage Board recommend that an Amending By-Law 2024-038 **BE APPROVED** by Council.

**2. BACKGROUND:**

When Council has elected to proceed with the petition or request for drainage works under the Drainage Act (Act), Council is mandated under Section 75(2) to furnish the amount necessary to complete the drainage works.

The Act provides that for any By-Law that is acted upon, where lands and roads are assessed for their contribution for any drainage works, where more than sufficient funds or where insufficient funds have been provided for the completion of or proper construction of the drainage works be amended, and every such surplus or deficiency shall be applied by the council of the municipality proportionately according to the assessment in payment of rates imposed by it for the drainage works.



*62 (1) Any by-law for the assessment upon the lands and roads liable to contribute for any drainage works that has been acted upon by the completion of the drainage works in whole or in part shall, where more than sufficient funds or where insufficient funds have been provided for the completion of or proper contribution towards the drainage works or for the redemption of the debentures authorized to be issued thereunder as they become payable, be amended, and, if lands and roads in any other municipality are assessed for the drainage works, the surplus or deficiency of money shall be divided proportionately among the contributing municipalities, and every such surplus or deficiency shall be applied by the council of the municipality proportionately according to the assessment in payment of the rates imposed by it for the drainage works. R.S.O. 1990, c. D.17, s. 62 (1).*

### **3. DISCUSSION:**

The Foucher drain has been completed for which an Amending By-Law in accordance with Section 62 of the Act is required.

The amending By-Law provides the application mechanism to recover the actual funds related to each project that Council was obligated to raise, and forms part of the final grant application to the Ministry of Agriculture, Food and Rural Affairs, as well as the final assessment to lands and roads liable for contribution in accordance with the ratios provided for in the Schedule of Assessment for Construction in the original By-Law and in respect to the drainage report and recommendations that are appended to the adopted By-Law.

**E09-2019-014 – Foucher Drain** - The estimate amount provided for in the engineers report for construction on the Foucher Drain (S.78) appended to By-Law 2023-028 was \$107,459 with the total estimated cost including incidentals and non-recoverable HST of \$144,384.

The tender opening of 2023-012 produced the lowest bid of seven (7) submissions that yielded a low bid that was 48% of the engineers' estimate. As a result of this contractor not having municipal drain experience, and although the engineering firm has worked with this contractor in the past related to greenhouse construction. The Town and Engineer recommended that full time inspection and supervision be provided by the consultant.

The project was completed and the contractor performed extremely well.

#### **Summary:**

- Tender 2023-012 yielded an estimated \$50,656 (Excluding HST)
- \*\*Final cost, notwithstanding interest and including the non-recoverable portion of HST - \$ 97,434.23

\*\*The final project costs include incidentals, postage and printing costs, Non-recoverable HST and the accrued interest to fund the project.

The Schedule of assessment assesses 100% of the cost to two (2) affected landowners in the By-Law. The Town has no assessment on this project.

Description	Assessed
Non Agricultural Lands	\$ 69,754.17
Agricultural Lands (Grantable)	\$ 27,680.06
Total pro-ratable cost	\$ 97,434.23

4. **RISK ANALYSIS:** - N/A

5. **FINANCIAL MATTERS:**

The cost to the Town for its share of drainage assessment for the Foucher Drain project is zero as no upstream lands are assessed for cost sharing on the culverts installed in this project.

It should be noted that the office of Peralta has been appointed by Council to prepare a report on the downstream culvert and the future maintenance costs will be provided for all upstream lands (including the Town) for future works on the culverts installed under this project.

Aside from the grant paid for employing a Drainage Superintendent and the interest, postage and printing fees spent by the Town for this project, the cost to administer the Drainage Act is non-recoverable.

6. **CONSULTATIONS:** N/A

7. **CONCLUSION:**

It is recommended that:

1. The report from the Drainage Superintendent and Engineering Coordinator dated April 11, 2024 regarding the Amending By-Law(s) under Section 62(1) **BE RECEIVED**;
2. The Drainage Board recommend that Council **ACCEPT** the report from the Drainage Superintendent to amend the By-Law(s) in order to recover costs.
4. The Drainage Board recommend that an Amending By-Law 2024-038 **BE APPROVED** by Council.




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Sam Paglia, P.Eng.,  
**Drainage Superintendent and  
Engineering Coordinator**

**Attachment(s): None**

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2024-038**

**Amending By-law to provide for the Levying of costs for the Access Structures Over the Foucher Drain based on the Drainage Report by N.J. Peralta Engineering Ltd.**

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**It is recommended:**

**THAT** By-Law 2023-028 being a Capital Drain By-Law to provide for the improvements to the Foucher Drain and the assessment upon the lands and roads affected and liable to contribute for drainage works that has been acted upon by the completion of the drainage works, and for actual costs for which Council was obligated to raise.

**WHEREAS** By-Law 2024-038, be given first, second and third reading for the collection of actual costs related to the Access Structures Over the Foucher Drain works approved by By-Law 2023-028;

**WHEREAS** \$144,384.00 was the approved estimated cost of repairing and improving the drainage works;

**WHEREAS** \$97,434.23 (plus accrued interest) is the actual cost to be recovered by lands and roads liable for their contribution of drainage works;

**WHEREAS** the report from the Town's Drainage Superintendent, dated April 11, 2024 and was considered by the Amherstburg Drainage Board at their meeting held on April 30, 2024;

**AND WHEREAS** the schedule of assessment as presented by N.J. Peralta Engineering Ltd. for the Court of Revision held on March 7, 2023, be used to assess actual costs;

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

**1. AUTHORIZATION**

The assessment upon lands and roads that are liable for their contribution to the Foucher Drain be assessed the actual cost Council was obligated to raise.

**2. RECOVERING**

The Corporation of the Town of Amherstburg may recover to the credit of the Corporation the amount of \$97,434.23 plus accrued interest being the amount used for the improvements of the drainage works.

**3. DEBENTURE(S)**

The Corporation may issue debenture(s) for the amounts collected less the total amount of:

- (a) Grants received under section 85 of the Drainage Act;
- (b) Monies paid as allowances;
- (c) Commuted payments made in respect of lands and roads assessed with the municipality;
- (d) Money paid under subsection 61(3) of the Drainage Act; and
- (e) Money assessed in and payable by another municipality.

**4. RECEIPT OF PAYMENT**

Such debenture(s) shall be made payable within 5 years from the date of the debenture(s) and shall bear interest at a rate not higher than 1% more than the

municipal lending rates as posted by The Town of Amherstburg's Bank's Prime Lending Rate on the date of sale of such debenture(s).

- (1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads and shall be collected in the same manner and at the same as other taxes are collected in each year for 5 years after the passing of this by-law.
- (2) All assessments of \$1000.00 or less are payable in the first year in which the assessments are imposed.

Read a first, second and third time and adopted this 27<sup>th</sup> day of May, 2024.

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MAYOR – MICHAEL PRUE

---

CLERK – KEVIN FOX



**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**OFFICE OF ENGINEERING AND PUBLIC WORKS**

*MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

<b>Author's Name: Sam Paglia</b>	<b>Report Date: April 8, 2024</b>
<b>Author's Phone: 519 736-3664 ext. 2318</b>	<b>Date to Drainage Board: April 30, 2024</b>
<b>Author's E-mail: <a href="mailto:spaglia@amherstburg.ca">spaglia@amherstburg.ca</a></b>	<b>Resolution #: N/A</b>

**To: Members of the Drainage Board**

**Subject: Levying By-Law – 2023 Maintenance**

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**1. RECOMMENDATION:**

It is recommended that:

1. The report from the Drainage Superintendent and Engineering Coordinator dated April 8, 2024 regarding the recovery of cost for money spent in 2023 to maintain and repair Municipal Drains **BE RECEIVED**;
2. That By-Law 2024-036 **BE READ 3 TIMES** to become the Levying By-Law to allow the collection of cost for maintenance performed by the Town in 2023.

**2. BACKGROUND:**

The Town has the responsibility to perform maintenance and repairs to all Municipal Drains upon the requirement to do so, or the request to do so by an affected landowner.

Each calendar year, the Drainage Superintendent completes a summary of maintenance and prepares an application to the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) for Provincial Grant according to the Agricultural Drainage Infrastructure Program (ADIP) Policy. Grants are awarded to all Agricultural lands that are up to date with the Farm Tax Credit and OMAFRA pays to the Town, 33% of all eligible drainage assessments.

Section 61 of the Drainage Act, requires that the Town of Amherstburg, who is required to raise the necessary funds in whole or any part for drainage works completed under

the Act, shall by By-Law impose upon the lands assessed for the drainage works, the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council may prescribe.

The Town has prepared the assessment to all affected lands and will add a line item on the respective tax account of each of the affected lands, for the amount chargeable to those lands.

**3. DISCUSSION:**

Unlike Capital Drain projects where an Engineer is appointed and invoices are sent to affected lands once the general ledger account is reconciled, maintenance costs are added to the tax bill of the lands assessed, and in the current year that the assessments are levied for maintenance, not the year the maintenance was performed.

**4. RISK ANALYSIS:**

There is risk in not maintaining Municipal Drains at the requests of landowners.

**5. FINANCIAL MATTERS:**

2024 Application for Grant for works completed in 2023					
Drain	Total Cost of Maintenance	Assessment on Agricultural Lands	Grant Amount	Town	
1 Charles Shepley Drain	\$ 26,660.02	\$ 26,660.02	\$ 8,886.67	\$ -	
2 2nd concession Drain	\$ 3,536.98	\$ 26.90	\$ 8.97	\$ 832.64	
3 3rd Concession Drain	\$ 3,029.30	\$ 1,856.37	\$ 618.79	\$ 602.53	
4 3rd Concession Drain	\$ 1,492.04	\$ 953.51	\$ 317.84	\$ 309.48	
5 Amlin Drain	\$ 5,154.70	\$ 4,806.67	\$ 1,602.22	\$ 89.06	
6 Willow Beach Drain	\$ 10,275.52	\$ 2,050.99	\$ 683.66	\$ 2,269.86	
7 Leo Beaudoin Pumping System	\$ 6,374.63	\$ 3,099.30	\$ 1,033.10	\$ 413.66	
8 7th Concession Drain North	\$ 4,931.06	\$ 4,001.05	\$ 1,333.68	\$ 530.35	
9 7th Concession Drain South	\$ 661.44	\$ 465.64	\$ 155.21	\$ 49.63	
10 Dauphin Drain	\$ 17,473.77	\$ 17,094.48	\$ 5,698.16	\$ -	
	<b>\$ 79,589.46</b>	<b>\$ 61,014.93</b>	<b>\$ 20,338.30</b>	<b>\$ 5,097.21</b>	

In 2023, the Town performed maintenance on several drains, an application for grant involving agricultural lands included details for 10 projects. Five (5) maintenance projects are non-grantable and shown below. A total of \$94,028.22 was funded by the Town to perform the maintenance projects completed in 2023.

The total cost on grantable projects was \$79,589.46 where \$61,014.93 was assessed to eligible agricultural lands. The Total Grant application sees the lands credited with \$20,338.31 of their drainage assessments through the grant application and the Town has applied those savings in the assessment schedules when preparing the recovery for all costs.

Non-Grantable Maintenance works completed in 2023			
	Drain	Total Cost of Maintenance	Town
11	Bailey Beach Pump	\$ 4,057.56	\$ 1,154.23
12	Caya Drain - Essex	\$ 2352.57	\$ -
13	Lakewood Pump No. 1	\$ 2,617.22	\$ 546.84
14	Lakewood Pump No. 2	\$ 2,752.06	\$ 900.88
15	Mickle Pump	\$ 2,659.35	\$ 468.16
		<b>\$ 14,438.76</b>	<b>\$ 3,070.11</b>

The Town's portion of drainage assessment for its use of the aforementioned drainage works is \$8,167.32 for maintenance work occurring in 2023.

6. **CONSULTATIONS:** N/A

7. **CONCLUSION:**

Administration is recommending that

1. That By-Law 2024-036 **BE READ 3 TIMES** to become the Levying By-Law to allow the collection of cost for maintenance performed by the Town in 2023.




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Sam Paglia, P.Eng.,  
**Drainage Superintendent and  
 Engineering Coordinator**

**Attachment(s):** None

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2024-036**

**By-law to provide for the Levying of costs spent in 2023 to maintain and repair  
Municipal Drains**

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**THAT** By-Law 2024-036 being a Levying By-Law to provide for the assessment upon the lands and roads liable for their contribution to drainage works that has been acted upon by Council, and for the recovery of costs for the completion of the drainage works for which Council was obligated to raise.

**WHEREAS** Collection of actual costs related to maintenance and repair of Municipal Drains in 2023, be given first, second and third reading;

**WHEREAS** \$79,589.46 was the actual costs of maintenance and repairs to Municipal Drains;

**WHEREAS** \$79,589.46 is the actual cost to be recovered by lands and roads liable for their contribution of drainage works.

**AND WHEREAS** The Council of the Corporation of the Town of Amherstburg, pursuant to the Drainage Act hereby enacts the following;

1. That the assessment schedules prepared for the purpose of assessing costs to lands and roads on each Municipal Drain that had repair and/or maintenance completed in the year 2023 be applied for the cost recovery of funds necessary for the completion of those works.

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

**1. AUTHORIZATION**

The assessment upon lands and roads liable for their contribution to the Maintenance and Repairs to Municipal Drains be assessed the actual costs that Council was obligated to raise.

Read a first, second and third time and fully adopted this 27<sup>th</sup> day of May, 2024.

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MAYOR – MICHAEL PRUE

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CLERK – KEVIN FOX