



THE CORPORATION OF THE TOWN OF AMHERSTBURG  
OFFICE OF ENGINEERING & INFRASTRUCTURE SERVICES

**Mission Statement:** As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Sam Paglia	Report Date: June 6, 2024
Author's Phone: 519-736-3664 ext. 2318	Date to Council: June 25, 2024
Author's E-mail: spaglia@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Ernest Paquette Drain – Tender Award

---

1. **RECOMMENDATION:**

It is recommended that:

1. Council **APPROVE** for immediate use up to \$176,925.00 from Drainage Line of Credit to fund the repair and maintenance of the Ernest Paquette Drain until work is completed and added to the affected property tax rolls;
2. Council **APPROVE** use of the Drainage Reserve funds up to \$20,000 to fund the Municipal cost of the repair and maintenance of the Ernest Paquette Drain once completed;
3. That Council **AUTHORIZE** the Clerk and Mayor to execute an agreement with Nevan Construction Inc. for services outlined in the tender documents in the amount of \$176, 925.00 plus HST.

2. **BACKGROUND:**

The request for drain maintenance was received by two (2) landowners on September 8, 2023 and September 18, 2023 respectively for the Ernest Paquette Drain in relation to failing culverts at those lands. One parcel of land being a farm parcel, the other a residential parcel.

The Town conducted a review of the drain and determined that the governing bylaw for the drain (By-law 2010-79) provides the mechanism to perform the

requested works, as well as recover costs associated with the works. Other than the works performed on the drain in 2010, the last time portions were repaired was in 1978.

At an onsite meeting with affected landowners held on October 11, 2023, landowners were informed of the requests for maintenance, as well as the condition of the current drain. As a result, the landowners agreed that the Town will be performing maintenance on the entire drainage system which will include brushing, restoring the design grade, flushing/cleaning of existing culverts, and the replacement of the requested culvert works. There may be the need to replace other deteriorated culverts that are found during the maintenance works once they are able to be examined.

The Town prepared and issued tender documents for the above mentioned works under 2024-011 and received three (3) submissions as follows;

Proponent	Price – (Excluding HST)
Nevan Construction Inc.	\$176,925.00
South Shore Contracting of Essex County Inc.	\$296,660.00
Rudak Excavating Inc.	\$304,700.00

### **3. DISCUSSION:**

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

Unlike Capital Drain projects, where an Engineer is appointed and invoices are sent to affected landowners, once the general ledger account is reconciled, maintenance costs are currently added to the tax bill of the lands assessed, and in the current year that the assessments are levied for maintenance under a Levying By-Law. The final billing for maintenance projects do not get levied after construction, but after the submission of annual maintenance that typically occurs the year after the repair and maintenance was performed and after the application for grant and Levying By-Law is passed.

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

There is a risk in not maintaining Municipal Drains at the requests of landowners and when the flow of water is obstructed by failing culverts. The Town has the responsibility to perform repairs and maintenance on all Municipal Drains to ensure the unobstructed Statute flow of water for all users of Municipal Drains.

**5. FINANCIAL MATTERS:**

Each calendar year, the Drainage Superintendent completes a summary of the repairs and maintenance to all Municipal Drains 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) Policies. Grants are awarded to all Agricultural lands that are registered and up to date with the Farm Tax Credit program. OMAFRA pays, to the Town, 33% of all eligible drainage assessments.

Section 61 of the Drainage Act requires that the Council of the local municipality raise the necessary funds in whole or any part for drainage works completed under the Drainage Act (Act), and therefore, the total cost of the project shall be approved and funded by the Municipal Drain operating fund.

At the time of the levying of assessments (likely in 2025), the current engineers report appended to By-Law 2010-79 for the Ernest Paquette Drain assesses the Town for about 10% of the cost for open drain work estimated in the tender (\$100,760) and 6% share of cost on all culvert replacements (\$76,165). The Town's assessment from the Drain Lifecycle Reserve is expected to be approximately \$15,000. The balance of the project for open drain work and culvert work is assessed to all affected lands on the project, in the ratios depicted in the engineers report schedules for both open drain and bridge cost sharing respectively.

**6. CONSULTATIONS:**

N/A

*(Space left intentionally blank)*

**7. CORPORATE STRATEGIC ALIGNMENT:**

*Vision: Preserving our past while forging our future.*

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p style="text-align: center;"><b>PILLAR 1</b> <b>Deliver Trusted &amp; Accountable Local Government</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures.</li> <li>✓ Deliver transparent and efficient financial management.</li> <li><input type="checkbox"/> Increase effective communication and engagement with residents.</li> <li><input type="checkbox"/> Develop our staff team, resources, and workplace culture.</li> <li>✓ Continue to deliver strong core municipal services.</li> <li><input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation.</li> </ul>	<p style="text-align: center;"><b>PILLAR 3</b> <b>Encourage Local Economic Prosperity</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Encourage development of commercial and industrial lands.</li> <li><input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation.</li> <li><input type="checkbox"/> Continue to facilitate downtown development for residents and visitors.</li> <li><input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.</li> </ul>
<p style="text-align: center;"><b>PILLAR 2</b> <b>Invest in Community Amenities and Infrastructure</b></p> <ul style="list-style-type: none"> <li>✓ Maintain safe, reliable and accessible municipal infrastructure and facilities.</li> <li><input type="checkbox"/> Increase access to recreation opportunities for all ages.</li> <li><input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy’s site, Belle Vue)</li> <li><input type="checkbox"/> Create public access to water and waterfront</li> <li><input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change.</li> </ul>	<p style="text-align: center;"><b>PILLAR 4</b> <b>Shape Growth Aligned with Local Identity</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Define and communicate a vision for the Town’s future and identity.</li> <li><input type="checkbox"/> Promote and plan for green and “climate change ready” development.</li> <li><input type="checkbox"/> Review and implement policies that promote greater access to diverse housing.</li> <li><input type="checkbox"/> Protect the Town’s historic sites and heritage.</li> <li><input type="checkbox"/> Preserve the Town’s greenspaces, agricultural lands, and natural environment.</li> </ul>

**8. CONCLUSION:**

It is recommended that Council proceed to fund the maintenance and repair of the Ernest Paquette Drain and approve the tender for the associated works.

---

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

## Report Approval Details

Document Title:	Ernest Paquette Drain - Tender Award.docx
Attachments:	
Final Approval Date:	Jun 13, 2024

This report and all of its attachments were approved and signed as outlined below:



Antonietta Giofu



Tracy Prince



Valerie Critchley



Kevin Fox