

Report to Council

Report Title: Russell Municipal Drain 2018 - Update

Prepared By: Fiona Hamilton, Clerk

Department: Clerk

Date: November 5, 2018

Report Number: CLK2018-15 **File Number:** C11CL, E09RU

Attachments: N/A

Recommendation:

That the Council of the Municipality of Brockton receives Report Number CLK2018-15 - Russell Municipal Drain 2018 –Update, prepared by Fiona Hamilton, Clerk for information purposes, and in doing authorizes the By-Law come forward to preliminarily adopt the Engineer’s Report for the Russell Municipal Drain 2018 prepared by Ed De Lay from R.J. Burnside & Associates Limited dated September 2018.

Report:

Background:

Council for the Municipality of Brockton first considered the Engineer’s Report for the Russell Municipal Drain 2018 prepared by Ed De Lay from R.J. Burnside & Associates Limited at the Council Meeting on October 9, 2018. At that meeting, Wayne Poechman informed Council that he had changed his position and was now in support of the petition for the municipal drain to protect the wetland. As a result, the consideration of the Engineer’s Report was deferred to allow for more time to consider the various options.

I have been advised by Wayne Poechman that almost all of the affected landowners aside from the petitioner are now in support of the petition for the municipal drain to ensure the protection of the wetland. One neighbouring landowner is still undecided about his position.

Ed De Lay will attend the Council Meeting on November 5, 2018 to answer any questions Council may have about the Russell Municipal Drain 2018.

Analysis:

I have repeated the options available to Council regarding the Engineer’s Report for the Russell Municipal Drain 2018 below

- 1) Council preliminarily accepts the Engineer's Report and provisionally adopts the By-Law by giving it first and second reading as per the usual procedure. Landowners would still have the opportunity to provide submissions and appeal their individual assessments at the Court of Revision. Landowners could also bring an appeal to the **Referee only** on the basis that the Engineer's Report does not comply with the Act. The provision By-Law would then be given third and final reading and enacted once all applicable appeal periods have expired.
- 2) Council could refer the Engineer's Report back to the Engineer to be reconsidered if any changes are required (noting that changes to the Assessments follow a separate procedure). This option would incur additional costs and would require that the Engineer's Report be re-circulated to the other regulatory authorities. Please note that this option will also delay commencing construction and solving the drainage problems and would increase the cost of the project for all assessed landowners.
- 3) Council could also choose to set aside the Engineer's Report and not proceed further. Doing so, however, would provide landowners with clear grounds to appeal to the **Tribunal**. Council would not be able to recover any of the engineering costs incurred to date and also would not solve the drainage problems. If the Engineer's Report were to be considered again in the future, construction costs may have increased and, depending on the time of year, any construction may be significantly delayed.
- 4) Mr. Russell must be provided with the opportunity to remove his name from the Petition, and the other landowners could add their names. If Mr. Russell removed his name and no other landowners added their name, the process would stop and Mr. Russell would be responsible for paying all of the project costs incurred to date.

At this time, all other regulatory authorities have reviewed and approved the Engineer's Report.

Sustainability Checklist:

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- | | |
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| • Do the recommendations help move the Municipality closer to its Vision? | N/A |
| • Do the recommendations contribute to achieving Cultural Vibrancy? | N/A |
| • Do the recommendations contribute to achieving Economic Prosperity? | N/A |
| • Do the recommendations contribute to Environmental Integrity? | N/A |
| • Do the recommendations contribute to the Social Equity? | N/A |

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

Respectfully Submitted by:



Fiona Hamilton, Clerk

Reviewed By:

A handwritten signature in dark ink, appearing to read 'Fiona Hamilton', with a long, sweeping horizontal line extending to the right.

Chief Administrative Officer