



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: September 22, 2021

To: Mayor and Council

Author: Shaun Martinho, Manager of Public Works and Environmental Services

RE: Danube Drain Improvements

Report No.: IED 2021-39

RECOMMENDED ACTION

That Council authorize the following:

- Per Section 78 of the Drainage Act, the adoption of the engineers report provided by N.J. Peralta Engineering Ltd., titled Danube Drain Improvements;
- Given that the owners of Jem Farms waived their right to appeal, that By-law 76-2021 for the work be presented to Council for 1st, 2nd, and final reading and that the Clerk send by mail a copy of the By-law to each of the affected parties;
- That \$65,000.00 be included in the 2022 budget for replacing the culvert crossing on Peterson Side Road.

BACKGROUND

On October 10, 2019 administration received a request from Mr. Paul Mastronardi of 617885 Ontario Limited (JEM Farms) to complete improvements to the Danube Drain through Section 78 (1) of the Drainage Act. Generally, the improvements involve enclosing a portion of the Danube Drain to accommodate greenhouse development on the site.

At the regular meeting of Council on February 24, 2020, N.J. Peralta Engineering was appointed to design the enclosure and draft the required engineers report. The authorizing By-law and engineers report are attached as Appendix A.

DISCUSSION

On June 12, 2020, an on-site meeting was conducted with all the affected landowners and the consultant. At this meeting, a draft design and schedule of costs were discussed with the landowners. The new enclosure pipe has been sized to provide equivalent or better drain capacities than the existing open channel sections, ensuring that the new enclosure will not adversely affect the entire system.

However, during field investigations, it was determined that the existing 900mm corrugated steel culvert, crossing Peterson Side Road, is in poor condition and has reached the end of its service life. This culvert solely benefits the Town of Kingsville, and the consultant recommends replacing the crossing at the Town's expense.

The most recent site plan for JEM farms was approved at the Regular Meeting of Council on February 7, 2020. Infrastructure and Engineering have reviewed the Engineers Report specific to this drain enclosure and agree with its recommendations. All relevant stakeholders, such as Essex Region Conservation Authority (ERCA) and the Department of Fisheries and Oceans (DFO), provided recommendations that were considered when drafting the report.

Per Section 42 of the Drainage Act, all affected property owners were provided a Notice of this Meeting to Consider the Engineer's Report. Additionally, should Council endorse the recommendations of this report, a copy of the authorizing By-law will be sent by mail to each person or body entitled to notice.

LINK TO STRATEGIC PLAN

Support growth of the business community.

Link to Council 2021-2022 Priorities

- ☐ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☐ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- ☐ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw
- ☒ Economic Development: diversify the economy, create local jobs, industrial, Cottam

- ☐ Infrastructure (non-Municipal): Union Water expansion & governance
- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- ☐ No direct link to Council priorities

FINANCIAL CONSIDERATIONS

As determined within the Engineers Report, all costs associated with the enclosure of the open drain shall be paid for by JEM Farms. Since JEM Farms is paying for the drain enclosure, they requested permission to sole-source the project. In consultation with Infrastructure and Engineering, they have hired Dimenna Excavating to complete the work. To expedite the process, the Mastronardi's have waived their appeal rights to the Court of Revision, the Drainage Tribunal, and the Drainage Referee for this project (Appendix B).

The road crossing, which is not a requirement of the subject property development, is the responsibility of the Municipality. The Town has already incurred \$13,069.60 in engineering and field inspection costs to replace the culvert. The engineer's construction estimate to remove and replace the road crossing is \$44 927.00. As such, administration recommends including \$65,000.00 in the 2022 capital schedule for the engineering and construction of a replacement culvert.

CONSULTATIONS

Infrastructure and Engineering
N.J. Peralta Engineering Ltd.
JEM Farms
Dimenna Excavating

Respectfully Submitted,

Shaun Martinho

Shaun Martinho, H.B.Sc., MBA
Manager of Public Works and Environmental Services

G.A. Plancke

G.A. Plancke, Civil Eng. Tech (Env.)
Director of Infrastructure and Engineering