



Report to Council

Department: Infrastructure Services
Division: Drainage
Date: March 2, 2026
Prepared by: Lindsay Dean, Drainage Superintendent
Report Number: Drainage-2026-06
Subject: Appointment of an Engineer under Section 78 of the Drainage Act for the Philip Ferris Drain- East Branch
Number of Pages: 5

Recommendation(s)

That Drainage-2026-06 entitled Appointment of an Engineer under Section 78 of the Drainage Act for the Philip Ferris Drain- East Branch prepared by Lindsay Dean, Drainage Superintendent dated March 2, 2026 be received, and

That Council appoint N.J. Peralta Engineering Ltd. under Section 78 of the Drainage Act for the Philip Ferris Drain- East Branch.

Purpose

To hire an engineer to allow for the enclosure of the outlet portion of the Philip Ferris Drain – East Branch.

Background and Discussion

The Philip Ferris Drain – East Branch runs through Lots 11 and 10, Concession 2 heading westerly into the Philip Ferris Drain

The procedures and appeals under Section 78 are followed in the same manner as Petition Drains, Section 4 of the Drainage Act. The general procedure is as follows:

- Council appointment of an engineer to prepare a report;
- Conduct an on-site meeting with affected landowners;
- Submission of Report and notification period;
- Consideration of the Report by the Drainage Board;
- Provisional By-law and Adoption by Council
- Court of Revision;
- 3rd and Final Reading of the by-law;
- Construction of drainage works.

It should be noted, that while this is the intended scope of the project at the current time, at the on-site meeting other landowners may come forward with additional works that may modify the scope of the report.

N.J. Peralta Engineering Ltd. is currently working on an assignment on the Philip Ferris Drain under report Drainage-2025-10 approved on November 3, 2025 for the addition of a new crossing for the same site, so the intent is to merge both projects together. Based on their extensive background and experience working on this drain and watershed with the other project, it is recommended that they be appointed to this project as it will allow them to complete the project more efficiently.

Schedule

Should Council approve to proceed with the report and appoint an Engineer, the estimated schedule will be as follows:

- Council approval and appointment of Engineer –April 2026
- On Site Meeting – April 2026
- Submission of Report and notification period – November 2026
- Consideration of the Report by the Drainage Board – December 2026
- Provisional By-law and Adoption by Council – December 2026
- Court of Revision –January 2027

- 3rd and Final Reading of the By-law – February 2027
- Construction – Summer 2027

Financial Impact

The cost sharing for the installation of the enclosure will be determined by the appointed Drainage Engineer, however, it is anticipated that the requesting owner will pay the full cost of the project. Should any cost be assessed to the Town of Essex, it will be funded through the 2026 Operating Budget (Roads-Municipal Drainage).

Consultations

Kevin Girard, Director of Infrastructure Services

Norm Nussio, Manager of Operations & Drainage

Kate Rowe, Director of Corporate Services

Jackson Tang, Assistant Manager of Business Services

Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote** jobs and economic investment.
- Take care of our natural environment and strengthen the sense of belonging to everyone **who makes Essex "home"**.
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

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| Document Title: | Appointment of Engineer for Section 78 for Philip Ferris East Branch.docx |
| Attachments: | - Procurement Section 22 -Philip Ferris Enclosure portion FINAL.pdf |
| Final Approval Date: | Feb 26, 2026 |

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

Norm Nussio, Manager, Operations and Drainage - Feb 26, 2026 - 10:19 AM



Kevin Girard, Director, Infrastructure Services - Feb 26, 2026 - 1:34 PM



Kate Giurissevich, Chief Administrative Officer - Feb 26, 2026 - 3:11 PM