

Report TR-TAPS-15-15

To: Chair Barfoot and Members of the Transportation and Public Safety Committee
From: M.J. Kelly, Director of Transportation Services
Meeting Date: February 19, 2015
Subject: Grey Northern Powerline Inc. - Encroachment Permit
Status: Recommendation adopted by Committee as presented per Resolution TAPS36-15; Endorsed by County Council March 3, 2015 per Resolution CC42-15;

Recommendation(s)

WHEREAS Grey Northern Powerline Inc. sent a letter to Grey County wishing to be reimbursed for an encroachment permit;

AND WHEREAS Grey County Encroachment Policy and Procedure requires all agencies, except for local municipalities, pay a fee for encroachment permits;

NOW THEREFORE BE IT RESOLVED THAT Report TR-TAPS-15-15 regarding the Grey Northern Powerline Inc. request to be reimbursed for the encroachment permit fees be received;

AND THAT Grey Northern Powerline Inc. request be denied.

Background

Grey Northern Powerline Inc. sent a letter to Grey County (attached) requesting to be reimbursed the Encroachment Permit Fee of \$505.00.

Staff discussed the request with a representative of Grey Northern Powerline Inc. and followed up with the attached letter indicating why encroachment permits are required and the rationale for the fees. Grey Northern Powerline Inc. was advised that it could appeal the decision and it has not.

The Grey Northern Powerline Inc. request was presented at the October 23, 2014 Transportation and Public Safety Committee Meeting and staff was directed to complete a report.

Grey County Encroachment Policy and Procedure

Grey County endorsed a procedure for encroachment permits on May 7, 2013.

The purpose of this procedure is to outline Grey County's requirements related to encroachments within the County Road right-of-ways.

Grey County owns the right-of-ways on Grey Roads and, as a result, it has a responsibility for work completed within the property limits. Therefore, Grey County must review and approve the work proposed to be completed on the right-of-ways to ensure that the agencies completing the work are aware of their responsibilities regarding safety and appropriate liability insurance, as well as the proposed work conforming to future plans for the road.

Encroachment permits are required for all work being completed on Grey County roads.

Some of the utility companies have agreements with Grey County for routine maintenance work and do not require an encroachment permit for this work; however, they do need a permit for new installations.

Grey County receives encroachment permits from a variety of agencies. All of these permits need to be administered. Some of the permits are very straight forward and require minimal administration, whereas, other permits require several field trips and necessary meetings.

All agencies other than municipalities are required to pay the defined encroachment permit fee. This fee is used to recuperate a portion of Grey County's costs required to administer the encroachment permits. To simplify the fee structure, all encroachment permits are charged a standard fee. This is similar to the practice used for other permits such as Special Events, Oversize Moving, Advertising Signs and Entrances.

Financial / Staffing / Legal / Information Technology

Considerations

The encroachment permit fee was established for Grey County to recuperate a portion of its cost to administer the encroachment permits.

Link to Strategic Goals / Priorities

Strategic Goal 6.5: Explore new or enhanced sources of revenue to offset services and program costs.

Attachments

[Grey Northern Powerline Inc. Encroachment Permit Fees and Refund Request](#)

[Grey Northern Powerline Inc Encroachment Permit Response Letter](#)

Respectfully submitted by,

M.J. Kelly

Director of Transportation Services

RECEIVED
SEP 11 2014

County of Grey
County Council
595 9th Ave. East,
Owen Sound ON N4K 3E3

August 29 2014

To Whom It May Concern,

We are writing at this time to express our anger and disagreement in being charged for an encroachment permit for work we performed for our client on County Road 40.

Our company is Grey Northern Powerline Inc. and we are electrical contractors. We were contracted to install a new hydro line for our client at 827195 Grey Rd 40, Euphrasia Twp. Our work costs were quoted and accepted at this time by our client. We were installing a hydro pole and anchor & primary underground cable into our client's property. As we would be doing excavating we contacted Ontario 1 call to obtain locates. From that application we believe somehow the County was notified. An email was then sent to us by Jim Stevenson, notifying us that possibly an encroachment permit would be required. Since we planned to do the work within the week, we filled out the necessary application so as not to delay our work schedule and submitted it by fax to the County department and followed up with a phone call asking if the permit was even necessary, given that the work we were performing did not impact any County infrastructure in any way. The clerk instructed us that Mr. Stevenson was out and she would inquire on our behalf. She called back to inform us that he did determine that a permit was required. Payment was made over the phone so as not to impede the progress of the job. Work was completed the next day and our office sent in the necessary notification to the County on that day.

To our knowledge no one from the County visited the site, eventhough the Clarksburg Depot is a short distance up the road from the work location.

We understand that there is a cost required should a contractor or homeowner impact the existing property of the County when doing work along a County road, but in this circumstance there was no impact whatsoever other than merely being in the vicinity of a County Road. We contacted Mr. Stevenson to voice our disapproval and was told it was policy and nothing would change and could not provide us with details on what the \$505.00 fee was based on. As our work for this project was quoted and we were unaware of this fee we have no choice but to absorb the cost against the job.

Given the proximity to the Clarksburg Depot and the fact that nothing was affected in regards to County property we feel that a fee of \$505.00 was not only unnecessary but extremely excessive.

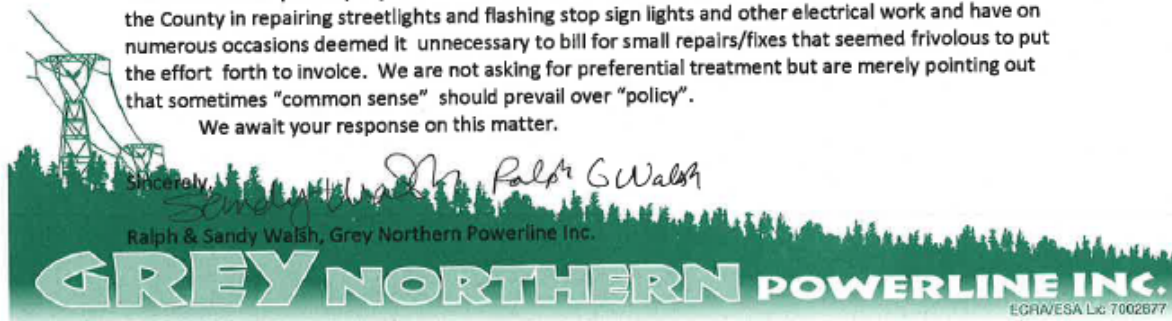
We would request a refund and should one not be given then a detailed accounting of how the amount of \$505.00 is justified in this circumstance.

We understand policies are put in place due to precedent situations that make it necessary to recoup costs for maintaining County property, but as in anything, policy has its exceptions that need to be reviewed and possibly adjusted for specific situations. We have been happy to have done work for the County in repairing streetlights and flashing stop sign lights and other electrical work and have on numerous occasions deemed it unnecessary to bill for small repairs/fixes that seemed frivolous to put the effort forth to invoice. We are not asking for preferential treatment but are merely pointing out that sometimes "common sense" should prevail over "policy".

We await your response on this matter.

Sincerely,


Ralph & Sandy Walsh, Grey Northern Powerline Inc.



Electrical Services · New & Up Grades · Underground & Overhead · Off Road Specialists · Generators · Sales & Related Equipment · Street & Yard Lighting · Sales & Services
Fire #155431 · 7th Line · RR #2 · Markdale · Ontario · N0C 1H0 · Telephone: 519-986-4138 · Fax: 519-986-3244 · Email: greynorthern@everus.ca



Transportation Services

595 9th Avenue East, Owen Sound Ontario N4K 3E3
519-376-7337 / 1-800-567-GREY / Fax: 519-376-0967

November 19, 2014

Ralph Walsh
Grey Northern Powerline Inc.
155431 7th Line
Markdale, ON
N0C 1H0

Dear Mr. Walsh:

Thank you for your letter and discussing your concerns regarding Grey County encroachment permits.

Grey County owns the right-of-ways on Grey Roads and as a result, has a responsibility for work completed within the property limits; therefore, Grey County wishes to review and approve work proposed to be completed on the right-of-ways to ensure that it will conform to future plans of the facility. In addition, we wish to ensure that the agencies completing the work are aware of their responsibilities regarding safety and appropriate liability insurance.

Encroachment permits are required for all work being completed on Grey County roads. Some of the utility companies have agreements with Grey County for routine maintenance work and do not require an encroachment permit for this work; however, they do need a permit for new installations. Grey County receives encroachment permits annually from a variety of agencies. All of these permits need to be administered. Some of the permits are very straight forward and require minimal administration; however, prior to permit approval, several field trips and meetings are required for many of the applications.

All agencies, other than municipalities, are required to pay the defined encroachment permit fee. This fee is used to recuperate a portion of Grey County's costs required to administrate the encroachment permits. To simplify the fee structure, we charge all applicants the same fee.

The Encroachment Permit Policy and Procedure was approved by County Council and implemented on May 7, 2013. I understand prior to this date, a formal encroachment permit was not required by Grey County.

Grey County: Colour It Your Way

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The Encroachment Permit Policy includes a section outlining appeals. If you wish to appeal any portion of the policy, including the price, you may do so for consideration by the Transportation and Public Safety Committee.

If you have any question please contact me.

Yours truly,



Michael Kelly
Director
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Grey County: Colour It Your Way