



**INFRASTRUCTURE
SERVICES**
Staff Report

REPORT NO: IS-2024-32

TO: Council

SUBMITTED BY: Jeff Molenhuis, P. Eng., Director of Infrastructure Services

PREPARED BY: Ken VanderWal, P.Eng. Manager of Engineering
Amy Kroetsch, Engineering and Corridor Management Technologist

REVIEWED BY: Greg Clark, Acting Chief Administrative Officer

DATE: 2024-10-07

SUBJECT: **Municipal Access Agreements for Third Party Utilities**

RECOMMENDATION:

THAT Council authorize the Director of Infrastructure Services or their designate to Enter into Municipal Access Agreements with Utilities seeking to maintain or install utilities within the Municipal Right of Way, and further,

THAT Fees and charges associated with the Municipal Access Agreement be removed from the Fees and Charges By-Law and a reference within the Fees and By-Law to Schedule B of the Municipal Access Agreement to be included in the Fees and Charges By-Law .

SUMMARY:

This report outlines the current status of Municipal Access Agreements within the Township of Wilmot and seeks Council Delegation of Authority to finalize Municipal Access Agreements with existing third party utility service providers, as well as new utility providers within the Township to ensure cost recovery for Township services provided.

BACKGROUND:

The Township of Wilmot has been working with The Right of Way Partnership to review the existing Municipal Access Agreement framework that the Township has been utilizing to establish right of way access for third parties to install and operate their utility. Currently the Township has Municipal Access Agreements with North-Frontenac Telephone and Mornington Communications, and has been working to formalize agreement with Bell, Rogers and other major third party providers.

Recently, the Accelerated High-Speed Internet Program through Infrastructure Ontario, which is a managed project in response to the Government of Ontario's investment to bring high-speed internet to unserved and underserved communities across the province by the end of 2025, has identified that there are two potential high-speed internet builds forthcoming in the Township.

REPORT:

The Township of Wilmot Engineering Staff have been working with The Right of Way Partnership (**The Partnership**) comprising of SVJR Consulting, T.E.P. R-O-W Co-ordination Inc and Sicotte Guilnbaukt Legal Services who are experts in the legislative framework surrounding Municipal Access Agreements and the associated regulations.

As part of the assignment with the Partnership, the standard form of Municipal Access Agreement with utility companies doing work within the Township of Wilmot was revised, along with the Fees and Charges associated with the agreement.

The Partnership also reviewed the existing policies and agreements to assist with a Right of Way Management Gap Analysis for the Township. As such Engineering Staff are recommending that the following items be approved by Council to address some of the items noted:

1. Approval of the Municipal Access Agreement as attached as the draft MAA to be utilized with utilities within the Township of Wilmot.
2. Remove the existing MAA fee structure from the Fees and Charges By-Law to be revised as per the draft MAA.

Currently, the Township of Wilmot has Municipal Access Agreements with North-Frontenac Telephone Company (NFTC) and Mornington Communications. NFTC was entered into in 2022 and is up for renewal in 2027 as per clause 2.1 of the agreement. Their serviced area is in the northeast quadrant of the municipality. Mornington Communications was entered into in 2021 and is due to automatically renew on March 12, 2026. Their serviced area is minimal in the northwest quadrant of the Township. Township Staff will be working in advance of these renewal dates to update these Municipal Access Agreements to align with the latest requirements.

Staff are seeking delegation of authority based on the standard form of agreement so as to give flexibility and expediency to staff in securing agreements as part of pending projects, where agreements do not currently exist.

In addition to the existing Municipal Access Agreements the Township will be seeking to enter into Agreements with the following utilities in advance of significant investments into infrastructure within the Township and based on current guidelines and recommendations from Infrastructure Ontario.

- Rogers Communications
- Bell Canada
- Xplornet Communications Inc.

Engineering staff will continue to work with the Partnership to address the following items

- Continual review of the changes within the legislation affecting Right of Way Management Issues including impacts on administration, operation and maintenance of the Municipal Right of Way.
- Create a by-law for installations within the right of way.
- Create a by-law or policy regarding encroachments

Through part of the Right of Way Management, Staff will also be investigating the agreements for utilities that are not subject to the Municipal Access Agreement Framework, these would include Enbridge Gas's Franchise Agreement, and Enova Power.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This report supports the goals and strategies of:

Quality of Life supporting Accessibility and Inclusivity,
Economic Prosperity supporting Economic Development
Responsible Governance supporting Fiscal Responsibility

FINANCIAL CONSIDERATIONS:

Municipal Access Agreements provide a framework to ensure that all works to support utilities within the Township are Cost Recovered as well as providing appropriate oversight of restoration and safety activities related to utilities within the Township.

ATTACHMENTS:

Attachment 1 – Draft Municipal Access Agreement
Attachment 2 –Right of Way Management Strategy Gap Analysis Report