

From: TERESA CLARKE [REDACTED]
Sent: Wednesday, May 3, 2023 9:02 PM
To: Town Clerk <townclerk@thebluemountains.ca>; Kyra Dunlop <kdunlop@thebluemountains.ca>
Cc: David Beevor [REDACTED]
Subject: David Beevor Deputation for May 8 Council Meeting - Against Request for Relief of Noise By-law

Dear Council,

In regards to the one-year temporary exemption to the Town's noise by-law granted to BTI (now Astec) that will expire on May 10, 2023 we wanted to express our concern that this grant should NOT be extended or that the town noise by-law should not be revised to accommodate their business. It should not have been granted in the first place. Over the past year, there has been little positive changes for the residents and in turn we now must endure longer periods of now permissible industrial noise inside and outside of our homes. There is no question that this by-law has decreased the value of properties in the surrounding area and no recognition by the city or the company has been expressed.

The noise by-law which is common across most communities in the province is in place to protect the tax paying residents from noise pollution outside of the by-law hours so we can live in our homes in a quiet environment during the evenings, early mornings, weekends and most importantly while our children are sleeping.

We believe that there should be repercussions to Astec / BTI for the consistent breaking of the by-laws, not rewards. We do not believe that Astec has been a good or respectful neighbour and ignores the well-being of residents that live in the area.

Emails Recorded of our formal complaints made to By-Law Officer Bobbi Jo Duff when BTI was in violation of current Noise By-Law include below:

11/19/2020 – video sent of fork lift driver outside of building and with doors open backing up with back up sensor beeper waking me from my outdoor sleep and my kids at 230am – sleeping outside to support homeless kids and raising awareness. This helps demonstrate that the residents too are providing benefit to the community.

12/29/2020 – video sent of noise at 4am

12/30/2020 – video sent of noise at 6am

1/06/2021 – video sent of noise at 10pm

1/26/2021 – email sent of noise at 12am

3/22/2021 – email sent to Arianna Vegter (Town of Blue Mountains Zoning and Compliance Dept.)

7/15/2021 – had a meeting in our back yard with By-Law officer Bobbi Jo Duff and neighbour John Edwards

8/25/2021 – video sent of noise at 6am

8/31/2021 – video sent of noise at 6am

10/20/2021 - email sent to by-law officers and town counsel after a night of loud banging noises, fork lifts beeping, factory doors wide open

01/26/2022 - video sent of loud buzzing noise heard from inside the factory though my closed windows, video provided and a meeting with the bylaw officer

We are happy to send all video footage however it may be easier to have Bobbi Jo Duff (by-law officer) pull them down given restrictions in what can be sent via email. There was zero resolution to these but rather the municipality somehow allowed extended hours of operation on a temporary basis and now we are back to square one. Given the frustration with ZERO action from prior complaints we have thrown up our hands.

I will reiterate that if the residents are willing to hire a lawyer, my family will contribute to take the appropriate legal actions to support the residents against any further decision with out repatriation to residents from Astec and the Municipality. This may seem harsh but with respect to the 130 jobs these jobs would be there no matter where Astec located as the vast majority are from away from the community and there is land away from residential areas where these employees could continue to commute to. These jobs were also available for the 65 years prior to last year where Astec was under normal noise by-laws which was too lenient before the extension. My hope is that the municipality would recognize the bad actor in this situation and put far more stringent requirements and actually penalize for infractions.

Violations we have observed since we lived in our home:

- Have been keeping factory doors open all night, they stated that they amended after our in person meeting with the By-Law officer to only open doors 7am-7pm HOWEVER this continues to be the case all last summer as I run by the factory between 5-7am. Perhaps the company can invest in proper HVAC system before putting their problems onto the residents living close by.
- BTI's outdoor lights on the side of the factory completely illuminate our back yards at night and shine into our bedroom windows
- According to the By-law officer BTI always denies our claims, blames on other things such as suppliers like Praxair and snow removal which they are actually in control of allowing onto the property
- Driving Forklifts at all hours (honking, back up beeping, headlights flashing all windows of our home)
- Crashing and Dumping Noises
- Large trucks arriving at all hours for drop up or pickups.

It is also our understanding that over the past year Astec did not adequately meet the conditions for the temporary exemption:

1) Astec establish a Community Engagement Committee:

-Committee was established but does not align with the concept of community engagement
-they have restricted the ability for all interested residents to participate by limiting in person attendance, totally refusing online participation and making the meetings during work hours
-minutes from these meetings are controlled by Astec with almost no opportunity for the residents in attendance to review or request changes. Therefore the minutes are totally skewed to Astec's perspective only which is not an accurate representation

2) Astec was to install noise detection equipment to establish baseline and provide records to the town

-only a single noise monitoring device was installed on the roof and nothing on the property line of neighbouring residents

-there is no information available for measuring noise on an ongoing basis to provide a baseline therefore no way to measure if the routine noise is within provincial guidelines

3) Astec be invited to present to Council through deputation when the above conditions are met
- have these conditions adequately been met? To the residents' knowledge it has not

In conclusion, after numerous noise complaints with video proof over the past 3 years and face to face meetings with 2 different by-law officers on a few occasions, it seems that the town is not taking this matter seriously. All of the noise complaints I have made to the town have occurred outside the hours of the by-law or the by-law exemption. It seems that no matter how many noise complaints I filed in blatant violation there has been no corrective action or discipline to BTI/Astec so they just continued to ignore the laws. This whole situation does not align with the residents well being and only seems to be in favour BTI/Astec which suggests an external party provide an investigation into the relationship with the municipality and Astec. We all pay a lot of taxes and have an expectation that our town will make decisions that help protect all residents.

In my opinion there is NO justification for the town to continue to permit the extension of this by-law to grant increased hours of industrial noise on the residents, in fact I believe on the weekends the hours should be eliminated and drastically shortened for family well being and comfort. There are very few waking hours that the neighbours are free from the noise pollution. The by-law should protect us from the exact thing that the extension takes away from us.

I urge you to please carefully consider this decision to protect the quality of life for us residents and give us the relief from this noise pollution.

Regards,
Teresa and David Beevor