

My name is Lynn Keays and I reside on [REDACTED] in the Town of the Blue Mountains. This deputation relates to TBM Staff Report FAF.23.102 relating to Astec Request for Exemption Under Noise By-Law.

Referring back to the motion passed by council on May 8, 2023 which reads: *That, in response to the request of Astec (BTI) requesting an extension of the current temporary relief to the Noise By-Law, Council of the Town of The Blue Mountains extends the current relief to the Noise By law for Astec (BTI) until 9:00 pm, until July 12, 2023 and direct staff to work directly with management of Astec (BTI) to consider permanent site plan improvement options to provide measurable improvement to the reduction of off-site noise through the general operations of Astec (BTI) industrial and manufacturing process, and to provide a report to the June 26, 2023 Committee of the Whole meeting for Council consideration including any information garnered from Astec (BTI) on mitigating reports, and information regarding the ownership of the neighbouring road allowance and to meet with the Ministry of Environment Conservation and Parks in order to identify a range of solutions from similar situations.*

I respectfully request that Mayor Matrosovs and Council consider the following points with a view to getting a more complete picture before moving forward with any decisions on this matter.

The staff report does not respond to any of the highlighted requirements in the motion. Specifically:

- Did staff work with Astec management to consider permanent site plan improvement options to provide measurable improvements to the reduction of off-site noise? If not, why not? If so, what options were considered and what steps will be taken? Additionally, I am aware of at least two requests made to Ryan Gibbons since May 8th to include resident involvement in discussion around options. That never occurred.
- What information was garnered from Astec on mitigating reports?
- What information was gathered regarding the ownership of the neighbouring road allowance?
- Did staff meet with the MERC to identify a range of solutions from similar situations? If not, why not? If so, what solutions have been identified?

What does the staff report say:

1. "...outlines what steps have been taken on behalf of staff to assist in the mitigation of the noise complaints by neighbours".

Firstly, it is the noise, not the noise complaints, that needs to be mitigated. Secondly, the report does not actually outline any steps taken. Additionally, I am aware of at least two requests made to Ryan Gibbons to include resident involvement and perspective in

2. "It sets out remediation attempts between Astec and the neighbours".

As a household that has been very involved in this matter since October 2021, I am not aware of remediation attempts that have occurred since May 8, 2023, although meetings did occur between Astec and residents prior to that. Regardless, the report does not actually describe any remediation attempts.

3. That information from Astec from its noise monitoring system has been forwarded to neighbours for their information.

This is not true. The only reports received by neighbours were 2 reports forwarded from Debbie Young to 4 neighbours on Friday, June 16, 2023. These reports were not in relation to specific noise complaints.

4. "The neighbours of Astec believe that the noise by-law means that Astec can only operate from Monday to Friday, 7 am to 7 pm."

This is not true. We do not dispute Astec's ability to operate between 7 pm and 7 am. We are opposed to excessive and disruptive noise between 7 pm and 7 am.

5. "Astec's interpretation of the noise by-law is that they can operate anytime as they are zoned as industrial".

The issue is not whether they can operate. The issue is whether they can make excessive and disruptive noise between 7 pm and 7 am.

6. "Staff received a legal interpretation"

What question was asked to get this legal interpretation?

7. "After consideration of the legal opinion received, staff do not feel that an exemption under the Noise By-law is required for Astec"

What does that mean? If an exemption is not required, does that mean that Astec must abide by the noise restrictions between 7 pm and 7 am? If so, and in light of the unavailability of by-law officers after 7 pm, how should residents make their complaints when noise is excessive? *Note: while I write this deputation after 10 pm, I have been listening to the sounds of grinding machinery emanating through an open door as Astec for at least the past 30 minutes.*

The excerpt of the legal opinion quoted in the staff report seems to suggest Section 3e of the by-law exempts Astec because they fall under non-residential use of land. However, that section (that is not affected by the by-law) specifically refers to noises or sounds between the hours of 7 am and 7 pm. Noise or sounds at other times are therefore affected by the by-law.

8. "Staff also have had discussions with the MECP, and they have advised that the acoustic engineer reports have deemed Astec to fall within allowable limits of noise decibels."

As mentioned above, did staff have discussions with MERC as directed by council to identify solutions?

One final note – the staff report references strategic priorities – communications, engagement between staff and residents, protecting the community feel of the Town, and fostering a high quality of life for residents. As a resident, I do not feel that those priorities are successfully reflected in this report.