Minutes of a Public Meeting held by Planning and Development Committee on Tuesday March 4, 2003 at Town Hall, 56 Queen Street. The meeting convened at 6:03 p.m.

Present: Chair: Councillor L. Thompson
Members: Mayor R. Austin, Deputy Mayor A. D'Agostino and Councillors J. Lees, D. Watson, J. Mavis and L. Hall
Staff: CAO M. Rostetter, Clerk/Deputy CAO F. Aird, Deputy Clerk C. Martinell, Director of Planning Services S. Hutchison and Municipal Planner A. Taylor
Others: Industry Canada Representative Ronald Flieler, Bell Canada Representatives John Woods, Daniel Lacroix and Dave Yaromich.

Members of Public: Approximately 50

The meeting was called to order by Chair L. Thompson and announced that the Planning and Development Committee would be considering an application from Bell Mobility for a Tower - 6835 9th Line. Chair Thompson provided the following statement:

This public meeting was called at the request of Council and it is not a requirement under the Planning Act or by Industry Canada. Industry Canada is the Federal approval authority responsible for the licensing of telecommunication towers. You will find enclosed with our agenda this evening a copy of CPC-2-0-03 outlining the Policy of Industry Canada.

Industry Canada Policy will consider environmental effect and Safety Code 6, and will ensure that land-use authority consultation has been taken into consideration before issuing a site-specific radio authorization for significant antenna structures.

Industry Canada only lay's out a time frame for Land use authorities to use and suggests that cooperation and negotiations and that the community and land-use authorities should have the opportunity to make their views known. If there are objections Industry Canada will delay for a period of time so sufficient negotiations between the parties can take place.

Industry Canada is clear in that:
If a land-use authority opposes an application, Industry Canada will ensure that both parties have had sufficient opportunity to negotiate before entertaining a petition to issue the authorization. If the land-use authority and the applicant are unable to come to an agreement, it is the responsibility of the applicant to provide Industry Canada with a written submission detailing all actions taken to address the concerns of the land-use authority.

A blanket refusal may result in the municipality losing any input into the final site selection, or controls over that site.

Introduction:

Bell Mobility Tower – 6835 9th Line

A request has been received by the Municipality from Bell Mobility to locate a telecommunications tower on the south end of the property forming Part of Lot 2, Concession 8, and municipally known as 6835 9th Line. It is proposed that an area approximately 155m x 160m would be set-aside for the tower. The tower would be approximately 107 metres high and be stabilized by three sets of guy wires. At the base of the tower would be a fenced compound. A service access road to the tower would be provided from the 9th Line.
2. Consideration of the Proposal:

2.1 Bell Mobility Tower

2.1.1 Confirmation of Notice by the Clerk – Ads were placed in the Port Evening Guide and Northumberland News on February 11, 2003. All property owners within 1.5 KM of the site were contacted by first class mail on February 11, 2003. A second mailing by first class mail also took place to include properties in the North portion of Concession 9 Lots 3, 4, 5 & 6 and the N. portion of Concession 8 Lots 5, 6 and 7.

2.1.2 Correspondence Received:

2.1.2.1 Agencies, Municipal Departments and Ministries – Industry Canada forwarded their information entitled “Client Procedures Circular”. A copy has been circulated.

2.1.2.2 Letters and/or comments received from the public:

- Brenda E. Seeney – find another place.
- James L. Sovey – consider an alternate location.
- Mary Elliott – Council deny this application – again.
- Robert E. Campbell – relocate in an area that has less impact on the residents.

Copies circulated.

Correspondence received after preparation of the agenda:

- Rob & Eydie Vandenberg – location of proposed tower unacceptable. If forced to choose, the proposed site at 8730 Highway 28 would be a better choice.
- E-mail from Rob & Eydie Vandenberg – put it in Hamilton Twp. Another location suggested was the Morton Gravel pit which is zoned M3
- Steve A. Stavro – deny the application once again.
- Susan Sinnott – Tower is not needed and is not wanted.
- Kevin and Sharon Lowery – signed a petition against the proposed site. The previous site at 8730 County Rd 28 is less offensive.

Copies can be provided.

Correspondence received at the meeting:

- Nancy Foote 6667 9th Line – Health Concerns

2.1.3 Review of the proposal by the Director of Planning Services which included:

2.1.3.1 Purpose of the Public Meeting

2.1.3.2 Proposed Site and relevant Municipal Land Use policies and included copies of:

- Industry Canada – Client Procedures Circular
- Black and White air photo of the subject lands
- Ward 2 Official Plan excerpt from Section 3.7.3: Permitted Uses – General Industrial
- Zoning By-law 3350 and included Schedule A Zone Map of Zoning By-law 3350; excerpt from Section 4.21 Permitted Uses Rural Area and Section 4.14.1 Permitted Uses Extracted Industrial Zone and excerpt from Section 5.17 Public Uses and Utilities
- Oak Ridges Moraine Conservation Plan and included the designation map; excerpt from section 13 and 41

Summary

Telecommunication towers are permitted in all zones within the Ward 2 Zoning By-law; telecommunication towers are permitted within the Countryside Area land use designation of the Oak Ridges Moraine Conservation Plan; the Ward 2 Official Plan lists communication towers as a permitted use within the General Industrial area; the installation and operation of radio communication systems are a Federal...
jurisdiction and the land use consultation procedure does not have the affect of conferring federal power on land use authority, nor does it confer any right or veto.

It is the opinion of the Planning Staff that it is in the Municipalities best interest to suggest to Industry Canada where the most appropriate site for a tower should be. It is felt that a blanket refusal of any site within Ward 2 will probably result in the Municipality losing any input in the final site selection.

It is therefore suggested that Council should recommend to Industry Canada that if a site is required in Concession 8 then Council's preference is that the tower be located in one of two locations. It is felt that the site at the south end of the property located at 6835 9th Line is not an appropriate site.

Council should request that any approval by Industry Canada of a telecommunications tower in Ward 2 be made conditional on:

- The preparation, submission and review of the Municipality of a site plan for the selected site.
- That all blinking lights be shrouded from adjacent residential dwelling dwellings.
- No strobe lights be permitted.

2.1.4 The Proponent to elaborate on the proposed telecommunication facility.

Mr. John Woods of Bell Canada addressed Committee and provided a slide presentation “Engineering Report on the Bewdley Cell Site”; which included the Executive Summary; History; Why not the Morton Pit and co-location on hydro towers.

Daniel Lacroix continued the review and noted that they have conducted a crane testing to see if coverage is possible. They have also tried the hydro tower but it is too low and hydro would not allow them to extend the height. If they go to the gravel pit site (second option) they will need an additional 50 feet above the tower proposed on County Road 28. Maps outlining and showing the current coverage, coverage prediction and the transmit test at the Bewdley location were reviewed and it was noted that the optimal site is W0784-Bewdley. Mr. Lacroix noted that Safety Code 6 is accepted by Industry Canada and there would be co-location on the bell tower with Rogers and Teleus. The RF radiation verification form indicates that the tower will be 2,000 times below the acceptable level allowed by Industry Canada.

2.1.4.1 Review of site selection process and options explored
2.1.4.2 Co-location opportunities
2.1.4.3 Description of facility to be installed at requested location
2.1.4.4 Environmental effects & Safety Code 6 requirements

2.1.5 Question Period

Anne Downing - 6131 7th Line addressed the Committee and noted that it would appear that they have no choice in the matter but would be making an emotional appeal to Council on this matter. A written presentation to be provided for the record. Items highlighted the following:

- Residents are looking for more time to review the situation and would like to hear if the tower is a necessity.
- Even though they were asked to look at an industrial site there is still the need to know if the tower is necessary.
- A petition of 50 opposed to the proposal is available.
- Thought it was successfully rejected and now its back only 290 metres to the west.
- Proposal was rejected in principle not just the proposed sighting.
- Not appropriate in this area.
- Reviewed the comments from the May 2002 meeting and information from the Engineering report.
- Questioned whether it is a necessity as cell phones are a luxury and a convenience. What are the demands for use and who is responsible when it becomes obsolete?
- If it is necessary can there be a location where it is least offensive to residents – fewer number of residents.

Susan Sinnott of 9255 Honey Road questioned the description of the area and how it cross references with the Oak Ridges Moraine.

The Director of Planning reviewed the map and provided an outline of the differences between the uses permitted in “Countryside” versus “Natural Core area” in the Oak Ridges Moraine Plan. Location is within the Countryside designation, which permits telecommunications towers.

Anne Downing requested clarification on countryside and the need to justify the proposal.

The Director of Planning noted that a tower is not disallowed and is a use permitted in the countryside area of the ORM which is where the tower would be located.

Ronald Flieler, Industry Canada noted that Industry Canada encourages the consultation process to allow input from the community. However the final authority is the Federal Government as communications is a regulated area. Their mandate is to foster growth of wireless communication, which includes cell companies providing coverage to customers. Part of the job is to ensure that they have maximum coverage.

Anne Downing noted the question of justification is still outstanding. There are dead zones along the 401 so why are we going here first.

John Leyerle - 9868 Woodvale School Road commented that technically we are looking backward rather than forward looking, which is in satellites. This is a quasi-permanent structure that has impact as noted by Anne Downing. Bell want to fill a gap in the community and the community is here to say that they don’t want it. There are multiple disadvantages with very limited advantages. There will be a negative impact on property value and questions whether Council would reassess their properties. It was also noted that within the next ten years driving with a cell phone will be prohibited and he can’t see why there is any basis to overcome the disadvantage when the majority of the community is here against it.

Derrick Kelly – property south of the Brisbin pit noted that he is opposed to this happening. It seems that Bell Canada is saying that it is customer service, which is more important than the residents. If the tower goes up he will cancel his cell phone service, ExpressVu and Sympatico. John Wood of Bell Canada noted that it would be a joint venture as all three service providers, which include Rogers and Teleus, will be on the tower, as Industry Canada requires that they work together. They are trying to avoid two more towers in the area.

Nancy Foote - 6667 9th Line noted that she is directly influenced by the proposal and there has been a lot of time, energy and money spent on the project. The RFR studies and results were reviewed and showed a negative impact. It was noted that she did submit correspondence on health issues. Mrs. Foote raised concern on who pays if property is devalued or if the residents get sick. She stated she is opposed and there has to be other ways to provide better service.
John Wood of Bell Canada commented that satellite service is not used in Canada. It is available at an economical rate, but when it does become available the tower would be dismantled.

Jim Sovey - 6780 9th Line stated that he is opposed for all the reasons previously given and noted that he thought there was one God and sees several who want to be God here tonight.

Rob Vandenberg - 6746 9th Line stated that he is strongly opposed to the tower. He and his wife are renovating and want to raise their family here. He would be highly disappointed if Council and Industry Canada allow the tower to be put in but it is difficult to fight Bell who is a multi-million dollar company.

Robert Campbell - 6607 9th Line questioned the impact if it didn’t work, happens if it does not go there? Is it that catrosofic or is Bell just loosing business? We have to question – how are we going to gain and what are we going to loose if it does not go there.

John Wood stated that there is an obligation to customers along and provided a petition of support. If the tower does not go there, there will be minimum service in the area, which equates to no service.

Mayor Austin noted that he felt very frustrated, as this is the second public meeting on the matter. If we were to turn it down it is appalling that Industry Canada can go ahead and approve it anyway.

Bruce Cox - 9406 Woodvale School Road questioned what happened to his freedoms. He would not mind if the tower was there for a security reason.

John Leyerle - 9868 Woodvale School Road - The idea that this is a done deal is legally nieve. This will be appealed and there will be a legal challenge to delay to make it uneconomical. We don’t want the service and don’t need the service.

Deputy Mayor D’Agostino questioned where the decommissioning plan is and it was noted that Bell would provide written documentation that the tower will be removed should there be an alternate service source.

Councillor Hall questioned that the satellite service is uneconomical because it is not available. Towers are becoming obsolete as satellite costs come down in price. The opportunity to put a halt to it is now and to force them to use satellite.

Councillor Watson questioned the costs if all of the companies got together and invested in satellite service versus the tower system. Bell representatives noted that it is not economically feasible now but maybe in the future.

2.1.6 Recommendation:

Items number 7 & 8 from the Planning Report were reviewed. It was noted that any requirements to Industry Canada should include decommissioning/dismantling of the tower should there be an alternate service and that there be co-location with all major service providers.

Mr. Woods noted that there would also be service provided for our Fire Departments and for our Transportation Department.

Moved by Councillor J. Mavis that this Committee recommend that Council deny the proposal for a telecommunication tower by Bell Canada in the northeast portion of the Township.

There was no seconder so therefore the motion was lost.
Ronald Flieler of Industry Canada noted that if there were total denial there would likely be a tower somewhere in the area based on the mandate of Industry Canada.

Moved by Mayor Austin and Seconded by Councillor J. Lees that this Committee recommend to Council that the application for a telecommunications tower Con 8 Pt Lot 2 6835 9th Line be denied and that a letter be forwarded to Industry Canada stating that if a telecommunication tower is approved in Ward 2 that it be made conditional on:

1. The preparation, submission and review by the Municipality of a site plan for the selected site.
2. That all blinking lights be shrouded from adjacent residential dwellings.
3. No strobe lights be permitted.
4. That decommissioning/dismantling of the tower is proposed if there are alternate service providers.
5. That all service providers co-locate on the same tower as much as possible.

DISCUSSION

- The representative of Industry Canada noted that they are not going to deny the opportunity to fill the gap. They come to these types of meetings to find out if there is a preferred location. Part of their requirements is that adequate service be provided. Outright denial is not an option. Provide the consultation process to make it as acceptable as possible.

- Councillor Lees questioned how many years would it be before Bell comes again and how many towers are proposed in the area/how many do you expect to construct in order to provide optimum coverage.

- Mr. Woods noted that this tower will provide excellent coverage and there would not be another tower for 15-20 years unless there is substantial growth. It was also noted that they will be co-locating south of Peterborough on a tower that already exists.

- Councillor Watson questioned whether any towers are being proposed at the south end of the municipality and it was noted that the existing towers are sufficient. Also Bell representatives provided a petition in favor of the Bewdley tower and it was noted that most of the names are Cobourg residents and not area residents.

- Deputy Mayor D’Agostino questioned who takes the first step to go to the next upgrade in communications technology (satellites). Who makes it happen industry such as Bell Canada or Industry Canada?

- Ronald Flieler of Industry Canada noted that this not a national issue rather an international issue which is more complication and he cannot speak on the process required. Satellite is not an option in the short-term.

Consideration of the Motion  CARRIED

Moved by Councillor L. Hall and Seconded by Councillor D. Watson that the details of this debate and the opposition be described in a letter to our MP Mr. Paul Macklin and that the letter take note that it is evident that the people in the area/the vast majority are opposed to the proposed telecommunications tower.

CARRIED

2.1.7 Committee adjourned at 7:32 p.m.