

<p>Letter from IC in response to email of Oct 24 2011</p> <p>In this column is the information included in an email sent by Industry Canada to a resident who lives near St Barnabas Church</p>	<p>Analysis of parts of the IC letter</p> <p>In this column, there are additional comments by Lewis Poulin (APRPR) concerning the information presented by IC</p>
<p>Subject: RE: INSTALLATION OF A CELL TOWER AND VAULT AT ST BARNABAS CHURCH in Pierrefonds-Roxboro QC  Date: Tue, 1 Nov 2011 14:05:39 -0400  From: Romain.Laflamme@ic.gc.ca  To:</p> <p>Sir,</p> <p>Thank you for your email dated November 24, 2011 which we read with attention. Unfortunately, we did not find any new elements that would bring the department to reconsider its decision to support the antenna structure Rogers Communications Inc. is in process of building next to St-Barnabas Church in Pierrefonds.</p> <p>Here is additional information and a brief history of this project.</p>	<p>I think IC was referring to an email sent October 24 2011</p>
<p>As you already know, in July 2010, the borough of Pierrefonds adopted a <b>by-law relative to conditional uses</b> allowing, amongst other things, antenna structures to be erected. Attached herein a copy of the bylaw: <b>BY-LAW RELATIVE TO CONDITIONAL USES By-law Number CA29 0043</b></p>	<p>The bylaw was adopted in June 2010</p> <p>The bylaw was promulgated into law July 19 2010</p> <p>(We should ask to obtain the actual evidence supporting the claim it was promulgated July 19 2010)</p>
<p>When elaborating a by-law, the borough can adopt rules and regulations that will dictate how the public consultation will take place.</p> <p>In Roxboro-Pierrefonds' by-law, the conditional use of antenna structures is covered in section 5 of chapter 3. The public consultation process adopted by the borough is described in item 14 of chapter 2. Here is an excerpt:</p> <p>Not later than 15 days before the holding of the sitting at which the council is to decide the application for authorization of a conditional use, the <b>Borough's office shall, by means of a public notice given in accordance</b> with the Act respecting cities and towns (R.S.Q., Chapter C-19) <b>and a sign placed in full view on the site to which the application relates, indicate the date, time and place of the sitting, the nature of the application and that any person interested may be heard at the sitting in relation to the application.</b></p>	<p>For those interested in the new bylaw:</p> <p><a href="#">CA29 0043 francais</a>      <a href="#">CA29 0043 english</a></p> <p>By experience, the public consultations in Pierrefonds-Roxboro are held for a few minutes prior to a council meeting, then the council meeting goes ahead and approves the item. It is very very rare the borough will consider the input from the public.</p> <p>Pierrefonds-Roxboro makes it very difficult for residents to know ahead of time what are the topics to be discussed at the CCU UPAC meetings, and CCU UPAC meetings are also used as consultation meetings in the conditional uses bylaw.</p> <p><a href="#">R.S.Q., chapitre C-19 francais</a></p> <p><a href="#">R.S.Q., chapter c-19 english</a></p>

<p>Here is a brief timeline of this file:</p>	<p>This timeline is as seen by Industry Canada and as presented to them by Pierrefonds-Roxboro and Rogers</p>
<p>01-04-2010</p> <p>Rogers starts negotiations with Roxoboro-Pierrefonds. A request for conditional use is presented to the urbanism department.</p>	<p>Pierrefonds-Roxboro and its consultants DA&amp;A <b>thus knew of the Rogers application in April 2010, right in the period of public consultation of the harmonized bylaws and the introduction of the new conditional uses bylaw.</b></p> <p>Yet the consultants and borough never mentioned the fact they were meeting with Rogers while the borough was consulting on the new conditional uses bylaw and as a result, this failure to disclose this information put residents at a clear disadvantage.</p>
<p>29-06-2010</p> <p>The architecture committee approves the revised project.</p>	<p>If the architecture committee approves the `revised` project, then when was the project given the go-head to get "revised", again here without public involvement</p> <p>It appears there had been a preliminary approval by the borough in advance of when the conditional uses bylaw had been adopted June 28 2010</p> <p>Where are the minutes indicating date and time and content of this committee's meeting?</p>
<p>12-07-2010</p> <p>During a public assembly, the urbanism committee recommends that the council approves the conditional use. In accordance with municipal by-law CA29 0043, a sign is installed on the future tower site and a notice is published in a local paper.</p>	<p>It is not clear at all when the borough published the CCU UPAC agenda,</p> <p>The borough often publishes the CCU UPAC agenda on the day of the ccu meeting.</p> <p>It is notoriously difficult to get advance notice of the content of CCU meetings in Pierrefonds-Roxboro</p>
<p>07-09-2011</p> <p>City council holds its regular assembly to debate Rogers' request for conditional use, among other things. Opposition from residents will postpone the council's decision.</p>	<p>In the recollections from that meeting, and notes jotted down from that meeting, the mayor had asked Rogers to go and do a full and proper consultation.</p> <p>It appears, in the light of the importance of the new conditional uses bylaw, the mayor did not know what she was talking about, re: consultation and the borough lawyer did not correct the mayor.</p> <p>Leaving the residents again at a disadvantage.</p>
<p>04-10-2010</p> <p>The council adopts a resolution rejecting Rogers' request.</p>	

<p>17-09-2010</p> <p>Rogers files a dispute resolution request with Industry Canada and deposits the required documents.</p>	
<p>29-09-2010</p> <p>The proposed site is visited by an Industry Canada representative.</p>	<p>Who else visited the site with IC?</p> <p>Why were residents not also invited to visit the site?</p>
<p>01-12-2010</p> <p>Industry Canada meets with borough officials, i.e. the urbanism committee. No new elements are presented to influence the project.</p>	<p>Why is IC meeting and negotiating with the unelected and unaccountable urbanism committee, again here without public notification.</p> <p>We should review our notes from previous meetings. It is my understanding that from Oct 2010 to the start of construction work, the borough told residents there was nothing new when in fact IC had met with local officials.</p>
<p>28-01-2011</p> <p>Industry Canada informs the borough that it supports Rogers' project to erect a structure next to the St-Barnabas Church of Pierrefonds. Review of the file shows Rogers met obligations as per the CPC 2-0-03. The site meets technical requirements for deployment of their network. No other site of lesser impact is available in the search radius. The project complies with Health Canada's Safety Code 6 for radio exposure limits.</p>	<p>Borough is informed by IC back in January 2010 yet the residents will not be informed until construction work is begun in September 2010</p>
<p>Note that residents were consulted as per the consultation process developed by the borough of Roxboro-Pierrefonds. Municipalities can and are encouraged to take part in the process of erecting of antenna structures, however, authority on antenna structures remains that of the federal government.</p>	<p>IC claims the residents were consulted yet on what does it base its claim?</p>
	<p>It has been documented that it was very very difficult even impossible for residents to appreciate what the harmonized zoning bylaws were about because of the manner used by the borough and its consultants to adopt new zoning bylaws and the NEW conditional uses bylaw.</p> <p>Again, residents were left at a disadvantage.</p> <p>Throughout the discussions of IC-Rogers and the Borough, the residents were consistently at a disadvantage and in the dark because of the manner in which the borough handled the file and the conditional uses bylaw.</p>
<p>We hope this information was useful.</p> <p>Best regards,</p> <p>Romain Laflamme</p>	

