

Councillors disagree on how to tackle tower

By Brock Weir

Councillors will be listening intently this week to options presented to Council by their solicitor on how best to tackle the controversial cell phone tower in King.

After Warren Mar, solicitor for the Town of Aurora, came forward last week with suggestions it could cost over \$100,000 to seek an injunction with Bell Canada on the tower, Councillors had vastly different views on how to move forward.

Still intent on seeking an injunction was Councillor Chris Ballard. He told his fellow Councillors that he would have difficulty supporting a motion that would have the Town spend \$150,000 of public money on something staff say they have a slim chance of winning, but there are enough questions raised about how the situation went down that instigating the proceedings would buy time to talk with Bell and see if a reasonable solution could be found.

It is my belief that at this point in time, the best way to get Bell's attention is to go after an injunction, not just send them some emails and make some phone calls, but to really try and make ourselves and our opposition known.

I still think we need to stand up for our residents and move ahead. First the shock of \$150,000 did set me back on my heels, but we are prepared for and are budgeting for \$200,000 for our 150th anniversary and I think \$100,000 or \$50,000 to protect this community from the issues this Tower presents, \$50,000 or \$100,000 is cheap.

He also added with mounting evidence of the detrimental effects towers such as these could have in communities, its continued existence beyond their property lines, across Bathurst and a stone's throw from the Aurora-King Boundary could result in a significant devaluation of a large number of homes effected by that tower and it would affect the Town's tax base.

Councillor John Gallo was also supportive of the injunction in principle, but questioned whether the \$100,000 figure was an accurate one. He said using the base figure of \$300 an hour, a lawyer would have to be working around the clock days to reach those figures. Although Mr. Mar said the work in question would likely involve several lawyers to get it done before Bell flips the switch, likely a senior partner and at least two juniors. Nevertheless, he was undeterred.

I am struggling with this because I am faced with the issue of taking the information that has been brought forward this evening and trying to justify a decision, he said. I don't disagree that we need to make informed decisions, especially when we're spending taxpayers' money, but I have difficulty swallowing and digesting [this information].

If you're telling me it is going to cost \$150,000 to potentially do this, then I would say no, I am not in favour of it. At first blush, I have some serious issues with the information and a hard time basing my decision on that.

Also in favour of the injunction was Councillor Sandra Humfries. While she said she was not as concerned about the cost, she said it is important to inform them of their intentions for an injunction and also seek face to face meetings with Bell.

We need to meet with them on the seriousness of this issue, the process gaps, how this did not affect the process accordingly, not allowing residents and Council the opportunity to give input, she said. I think a serious process error that seems very minute has turned into a very serious issue for me. I have some personal issues of having a tower at that magnitude so close to where we live.

More reluctant to proceed with the injunction itself were Mayor Geoffrey Dawe, Councillor John Abel, and Councillor Michael Thompson. Councillor Thompson, for instance, said that he worries about the injunction in that all Bell had to do was simply flip a switch. The more effective use of money, he said, would be to take the cost and use that as a carrot to help cover the costs of taking down the tower and moving it to another location.

“The goal is to make changes to the tower, change the structure, and get it moved,” he said. “While there may be some that their concerns are related to the tower operating in their backyard, there are others that their concern is just the structure itself, how large it is, how much it overshadows and for what reason to tackle it,” he said. “Just listening to Mr. Mar, it sounds like a legal quagmire. At the end of the day we need to sit down with Bell and somehow entice them to make changes to that Tower.”

“I am happy to put the money on the table, but I think if we're going to get to that goal, and that is to make changes to this tower, that we would be much further ahead” to put the money on the table to leverage against Bell and move forward.”

On the part of Mayor Dawe, he said he agreed the tower is “big, fat and ugly” but marketplace drivers are not just housing prices but also cell phone users. That is why residents are seeing more and more towers dotting the landscape.

“Industry Canada's sole mission is to move as quickly as possible to provide service coverage,” he said. “That is a marketplace driver we deal with. I would suspect that 90 per cent of the people in this room have a cell phone. That is part of our reality. There are towers at the south end of town that are just as big, if not higher. But given that, I think Bell could have been far more cooperative in terms of how they did this. I think they did a pretty poor job, quite frankly, and I think every municipality could have been a much better neighbour.”

Most vehement in their opposition against seeking an injunction was Councillor Evelyn Buck. In making her decision, she said she was thinking about the taxpayers in the majority of Aurora who do not have the offending view from their property and would not like to see their tax dollars spent on what could ultimately be a \$150,000 exercise in futility.

“I am speaking for the part of the community that is not here, that is feeling the burden of taxation, feeling it badly,” Councillor Buck told a packed Council chamber. “I am not looking for ways and means of spending another \$100,000. When Mr. Mar tells me you have to prove harm to the municipality, I do not see harm to the municipality. I see inconvenience, I see resentment, and I see opportunities that were missed. On behalf of the rest of your community, we do not always agree with this action, we do not all agree you are harmed by this, you are inconvenienced, you're not going to enjoy looking at it [but] you will soon stop looking at it because that is the way things are.”