

Lot levy bylaw illegal, states Town solicitor

The Town lot levies bylaw is illegal in the opinion of Town solicitor Fred Helson.

He made the statement in a letter to Halton Hills council, Monday night, and pointed out that municipalities rely upon the developer signing an agreement to make a voluntary contribution for services before the development starts.

The lawyer's advice was sought when Al Pilutti, who has laid the foundations for six link homes at Pennington and Mountainview, asked council to waive the lot levies since the land was part of the Delrex agreement, and on which compensation had already been paid to the Town.

Pilutti signed an agreement December 3 in order to obtain foundation permits saying he would abide by the decision of local and regional council on whether lot levies are applicable in this case.

Pilutti told council Monday night in open council, after a request for an in-camera session was rejected, that he signed the agreement so he could start before the end of the year so buyers could qualify for the provincial and federal grants. He said he was asking for the lot levies to be waived and building permits issued. He emphasized the lawyer stated the levies are not valid.

The clerk administrator explained the R4 zoning allows any type of housing. He stated in recognition of the fact the land was originally three lots and now with link homes becomes six houses, he recommended lot levies be paid only on three lots.

Asked what had been paid to the Town earlier under the Delrex agreement, the clerk-administrator said it was part of payment in lieu of industrial land.

Councillor Pam Sheldon argued there would now be six families instead of the original three, so felt lot levies on three lots would be fair.

Pilutti, in reply, claimed the Town solicitor must have been aware the application was for six homes when he said the lot levy bylaw is not valid. He contended he was wrongfully refused a permit and pointed out under the zoning he could have built a 16 unit apartment building.

Asked by Councillor Phil Carney why the bylaw is invalid, solicitor Helson stated, "there must be authority to support a bylaw, and there is no legislation to support lot levies, so the bylaw is invalid whether on this piece of land or not."

Mayor Pete Pomeroy asked Pilutti if he felt there is a need for lot levies so new growth does not throw a load on existing taxpayers.

Pilutti agreed, adding he had never argued over lot levies before "but if a bylaw is illegal it's illegal." He said by signing the agreement saying he gave up his rights to legal recourse to obtain the foundation permit he had given up some of his fundamental rights.

In reply to a question from Councillor Dave Whiting, Pilutti said five of the houses have been sold to young couples with children, despite no advertising and only foundations in. "It's because of the price and quality of the homes. If you impose the lot levies I cannot pass it on since the price has been set, it will come out of my pocket."

Whiting in putting forward a motion to waive the lot levies, stressed the need for housing such as this and suggested local municipalities should waive the lot levies on all middle income homes to spur building and leave rental accommodation available.

Councillor Marilyn Serjeantson contended most communities charge lot levies, "and they don't have the authority either." She charged the original Delrex agreement wasn't any good, "money has been spent fixing up sewers and drainage, and claimed there was no parkland in the area. She said they had gone through putting foundations in at the end of the year, "and it's still there..."

Carney supported the waiving of the lot levies, saying his stance was based on the lawyer's advice. He urged council to take a hard look at the economic situation in the country. He said to go ahead with the foundation on Hall Road, referred to by Serjeantson, would have meant bankruptcy for the builder, since interest rates zoomed at that time.

Pomeroy contended every person coming in to the Town means extra costs and suggested lot levies only cover a portion. He said he was willing to have the clause stating Pilutti would not challenge in court taken out of the agreement. "I feel levies on three lots is appropriate."

The mayor admitted the solicitor says the bylaw is not valid, but emphasized the levies are based on a policy which is later covered in an agreement.

Whiting commented, "at the region in the interest of developing jobs, \$82,000 in lot levies was waived for Shell Oil, but we can't give our own people a break."

"I don't see how as the mayor of this town you can suggest we go against the law. It states here the bylaw is invalid." He questioned how much money has been raised in lot levies and how much has been used for hard services. "We may have been doing something illegal."

Sheldon said she was uneasy with a situation where Pilutti signed an agreement giving up his legal rights to challenge. "It's not fair as a resident and taxpayer."

Only Councillors Rick Bonnette, Phil Carney, Tom Hill and Dave Whiting favored waiving the lot levies on three lots, so the motion was defeated.



The 560 acre estate of the late Mr. and Mrs. Stewart G. Bennett, left to Her Majesty the Queen through the Ontario Heritage Foundation has been widely heralded as a gift to the public. These photos taken by Jennifer Barr when she interviewed the Bennetts in 1979 depict the beauty of the Bennett estate. The land use is still being considered.



Board, teachers apart in negotiations

By ALEX MATHESON

The Halton board of education and negotiators for its 1,100 secondary school teachers are about four per cent apart in salary negotiations, said a board spokesman.

Rae Stoness, superintendent of employee services, said the teacher's demand is for an 11 per cent hike, while the board is offering about seven. However, all of the demands of the teachers, including those built-in from previous settlements, would mean a cost increase of about 20 per cent to the board, he added.

The board and teachers list Dec. 2. It was the only meeting between the two sides during the 15-day grace period prior to the factfinders report becoming public.

President of the Ontario Secondary School Teachers Federation district 9 Halton, Joe Harwood said the board agreed to meet hoping to improve its position prior to the release of the fact-finding report.

"I believe the board is stalling and showing a lack of good faith and discontent grows with the

sense that the employee is held in contempt," he said.

Deteriorating morale will show up in enthusiasm for extra-curricular activities on the part of teachers.

However, Mr. Harwood had no comment on whether this could lead to a work-to-rule campaign in January.

Mr. Harwood sees the board's most recent offer as an improvement in total dollars, but involving less to certain teachers.

Although there was movement by both sides, Mr. Harwood is convinced the teachers are nearer to the settlement than the board.

Chief negotiator for the teachers, Ron Harris, said the teachers' demand is for 10.8 per cent.

Since the provincial government's wage guidelines have not been passed into law, the teachers don't feel bound to keep their demand under nine per cent.

However, the teachers would be hardpressed not to accept nine per cent if offered by the board, along with the factfinder's recommendations, said

Mr. Harris.

These would include incremental gains in staffing, working conditions and fringe benefits, he said.

Factfinder Doug Belch, in his report, suggested that the board improve (lower) the pupil-teacher ration, utilizing money that might have gone to salaries in the absence of provincial restraint legislation.

He said that Halton appeared able to allot more money in education, based on average salaries in the region.

Previous agreement with the board had made provision for the addition of 22 teachers this year.

However, the teachers want an additional 22 teachers to keep pace with the accelerated decline in pupil-teacher ratio in other boards, said Mr. Harris.

Halton is proportionately 129 teachers behind the Toronto board and 46 behind Peel, he added.

Along with concern over the pupil-teacher ratio, the teachers wish to get a maximum class size commitment in the contract.

Currently, the board uses 35-per-class as a guideline but isn't bound by it, said Mr. Harris.

The teachers are interested in a figure lower than 35, he said.

Mr. Harris said the board is meeting a crunch in P.T.R. demands now because it moved slowly in the past.

However, Mr. Stoness said the Halton board is adding staff at a greater rate than all other boards, except maybe Toronto.

Chairman of the Halton board, Len Auger said there seems to be a basis for settlement in the factfinder's report.

"It is interesting that the factfinder sees Halton as able to pay more for education despite layoffs and cutbacks around," he said.

The teachers see the board's offer as possibly averaging seven per cent across the board, but they're disappointed at the hike given teachers in the lower levels of the grid said Mr. Harris.

Offers for those below maximum range from zero to five per cent, excluding annual increment, he said.

Local trustees on committees

Rookie Esqueing trustee to the Halton Board of Education, Dick Howitt has been appointed to the finance committee of that board.

In addition, Howitt has also been placed on the staff board committee, library and awards committee of the board and the legislative and finance committees of ALSBO (Association of Large School Boards of Ontario).

Acton trustee Arlene

Bruce will sit on the committees of salary, Halton News and CEDSS. Bruce has also been appointed to the Salary and Collective Agreement committee of ALSBO.

Georgetown representative Betty Fisher, vice chairman of the board, is sitting on finance, community schools, and research advisory committees. As vice chairman, she also has many other duties on the board and is very active on ALSBO.

Dog control up 10¢ per capita

The Animal Control Service in Town has been given up by George Herrington but Joe Kirley who has been employed there for several years will now operate the service for the Town.

The Town will increase its yearly payment to Kirley 10 cents per capita, from \$1.25 to \$1.35. However, Kirley will receive a commission on dog licence sales only from tags he sells directly. Previously he received a commission

on all dog tag sales wherever they were sold.

Kirley said in a letter to council he did not have the staff to do an adequate job selling tags.

The Town Bylaw Enforcement Officer and Licensing Officer will now be responsible for the sale of dog licences and will hire part-time help on a commission basis to do so.

The price of dog tags will remain as they are.

Historic designation remains on town hall...

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vited to drop in. Key persons and politicians in the community were interviewed. Graham said he discovered additional meeting space in Acton was not required. His office received petitions both pro and con he said.

Halton Hills clerk-administrator Ken Richardson also outlined the continuing saga of the town hall issue. He told the Board there was a concern from council that the hall was going to create a financial burden on the taxpayers.

The building was eventually put up for sale and an offer of \$1 came from George Elliott and Ted Tyler on behalf of the Restoration Committee. After renovations took place, the town could then buy back the hall, again for \$1. The offer was rejected on a recorded vote of 6-6. A tie vote automatically loses.

Recently council acquired two small lots one block from downtown which are being made into a parking lot.

Testifying on behalf of the Restoration Committee, Dr. Elliott, a professor at Guelph University, gave a brief history of the town of Acton and how the town hall figured into the community.

He noted over 100 years ago, there was great stir over the building of the hall, just like today. But, eventually it was built in 1882 for \$5,500 at six per cent interest. Reeve W.H. Storey resigned over the issue, only to be re-elected in 1883.

Until 1973, with the inception of regional government, council meetings were held at the Willow St. location.

The neighboring firefighters said they needed more parking so council decided to tear the building down to make way for 10 cars. A stormy protest and a petition with 2,000 names on it resulted in council changing their minds at that time. A committee was formed headed by Elliott to look into the hall's restoration.

Some \$10,000 in donations was received right away, Dr. Elliott said. This money will be returned in the event the building is demolished, he said. However, monies acquired through fund raising events (Actario, sale of plates, etc.) will not be returned.

The town hall is one of the last remaining public buildings in Acton, according to research conducted by Alice Doby.

Mr. Moffatt, of Moffatt and Duncan Architects in Toronto noted the town hall should be preserved. To follow the Kleinfeldt report and gut the inside would be a "great shame, it should be preserved."

Doug Fread, of the Restoration Committee and a consulting general contractor said a number of elements in the renovating could be deferred a couple of years. He suggested the service clubs could help out and maybe restore a room each.

Fread contended that while there are no obvious uses now for the building once fixes up people will want to meet there.

Halton Hills Councillor Ross Knechtel said that the three Acton councillors consistently supported the restoration. He feels that now Acton is part of a larger community, it is important that the long history of Acton be preserved. Knechtel said he was very impressed with the dedication the members of the Restoration Committee have shown.

Ted Tyler, of the Committee outlined the fund raising projects. In the first year of Actario, \$30,000 was raised. He blames the poor economy and the uncertainty of the hall's future with the poor results in the weekly draw's second year. But the group is ready to go ahead with year three with a revamped, cheaper draw. A three day ciderfest is also planned for next August, and a special New Year's Party in the renovated hall next year is scheduled.

"We are searching for ways to raise money and we found a fairy princess in the form of Government of Canada," he said referring to a \$133,000 make work grant which was approved just hours before the hearing.

Tyler noted the community banded together to build the scout hall, the band hall, the curling club and the indoor pool. All are used continually, he pointed out.

The Acton town hall is one of few remaining such buildings in Ontario and should be preserved, says J.J. Talman, a professor of History at the University of Western Ontario. Dr. Talman had explained that he was not asked by anyone to attend the hearing, but was just interested in the fate of the hall after reading about it in the Globe and Mail. He used to live in this area, he said.

Art Gordon said he was speaking for a number of people in Acton who did not want taxpayers'

money spent on the restoration. He wondered where the people were when the old post office was demolished, and said the old Stone School is worth saving much more than the town hall.

Merlin Kobas told the Board he moved to Acton in April because of the community spirit. To tear down the town hall would be destroy that social fibre of the community.

"You rip down the town hall and you rip down Acton," he said.

Mayor Peter Pomeroy said the town hall was extremely important in the keeping of Acton's identity, especially since the inception of regional government.

Pomeroy noted that the vote to repeal the designating bylaw was very close and he felt this was an indication that the council wanted to put into perspective the costs the town would have to bear.

Seminar for unemployed professionals

Philip Wild, 22, of Georgetown is not unique—he's a qualified engineer who is unemployed, and doesn't believe he will get a job in the near future unless there is a dramatic increase in new developments.

"It's pretty bleak," said the Mary St. resident who is presently living at home with his parents. "But I keep slugging away looking for a job."

There are over 1,000 unemployed engineers

in Ontario, according to engineer Bob Walter-son, who lives in Georgetown. And, he says, there are more unemployed professionals today than in 1930.

Managing Your Career Change is the seminar he has organized on December 15 in aid of these professionals who are finding it difficult to get jobs. Discussed at the seminar will be proper resumes, and employment advice.

Painting stolen at Region

A \$1,250 original watercolor painting was stolen from under the noses of regional politicians at the inaugural ceremonies Wednesday afternoon.

Oakville artist John Van der Hart expressed dismay at a security system that would allow someone to lift a 38" x 28" painting off the wall at a regional function. He removed the rest of his paintings Friday afternoon, for fear of more thefts.

"It's not like something you can slip into your pocket," said Van der Hart. "I could understand if it had happened in a shopping mall, but in a building like this? I have exhibited my paintings all over the world and this is the first time it has happened."

When the region agreed to display Van der Hart's paintings during the month of December, they asked him to sign a waiver, absolving the region of any responsibilities.

"How can I blame the region if I signed the form?" asked Van der Hart. "It was quite clear, but I didn't realize the security was that anyone could walk in and steal something."

The inaugural was packed with prominent people in the region, with Police Chief James Harding being one of the guests.

Asked what he thought the chances for recovery of the painting were, Van der Hart said "nil."

"I think they could sell it at auctions or to a collector," he claimed, explaining he thought the theft was by two people who knew what they were doing," he said. The stolen painting was not the most expensive painting in the exhibit.

"They would have quite a time taking it off by themselves," he claimed, adding it could be done by one person but was more likely done by two people.

After the theft was discovered, according to Van der Hart, there was a search through the offices to "check it wasn't a joke—with an open bar, some people had a few too many."

Varley said later he checked because it could have been a joke, but also because of "malicious purposes."

The Oakville artist discourages any artist who wants to display his work in the building. "If it happens to me, then it could happen to anyone," he said.

Van der Hart recently had a show in Halton Hills at the Olde Hide House in Acton.

Painting found

The \$1,250 painting stolen from the region has been recovered and is back in the hands of artist John Van der Hart. He was called by someone who said they had the painting and would return it to him Sunday evening.

Halton Regional police are continuing to investigate the theft and suspicions surrounding the mysterious way the painting disappeared continue to arise. Oakville police Sergeant Paul Williamson will say only that the investigation is continuing.