

# No decision yet if Kingham will fight region charge for new sewers

The question of whether phase one and two Kingham townhouse owners will have to pay a local improvement charge for the new region sewer system installed for that area in 1982 remains up in the air.

After a public meeting with regional staff in October of 1983, officials of Condominium Corporations 20 and 24 and Councillor Dave Whiting got together and decided to seek legal advice regarding townhouse owners fighting the local improvement charge.

The charge amounts to \$426 for each townhouse unit in phase one and \$434 for each unit in phase two of Kingham.

Whiting said in an interview this week that three months after first starting to delve into this matter, the townhouse owners' lawyer, Ron Webb of Brampton, is still waiting for important "paperwork" from the region before deciding if they'll appeal the local improvement charge to the Ontario Municipal Board.

The regional councillor, who is also a townhouse resident, said the region hasn't filed with the OMB either so it can collect the money.

The delay in important documentation being turned over to Webb by the region may just be a communications problem or it may be a problem caused by the region changing the lawyer handling the case on their behalf, Whiting explained.

However, since new regional chairman Peter Pomeroy has been apprised of Webb's need to have the paperwork before deciding how to proceed, Whiting said he expects the needed information will now be forthcoming soon.

When the region first passed the bylaw for the work and set up the local improvement it was botched up so council had to pass a new local improvement bylaw last fall.

The bylaw must be approved by the OMB, which hasn't been done yet, and the residents can appeal the charge then.

A new sewage system was needed for that area of Kingham because it was a private sewage system approved by the former Town of Acton, but never taken over by Acton. When the region took over water and sewers in 1974 it didn't take over the private system.

There were a lot of problems with the private sewage system and finally the region agreed to install a new system, but only as a local improvement project which the residents would pay for as an extra charge on their taxes.

Residents went along with the deal as their only way of solving the mess. However, they felt it was unfair that they should have to pay for another sewage system since they'd already paid for one system, which was approved by government but proved quite inadequate, in the purchase price of their homes.

Another inequity was that when sewage surcharge was part of tax bills they still had to pay it even though they were paying to maintain their own sewage system.

If townhouse residents wind up having to pay the local improvement charge, each unit owner can pay the charge in one lump sum or spread it over 10 years of tax bills. If they opt for the installment plan then they must pay 11 per cent interest. This works out to \$77 a year.



Regional chairman Peter Pomeroy. Pomeroy is paying the difference to have a larger car than the one regional council decided it would rent for its leader. See story on page B1. The chairman isn't the only one at region getting a raise, regional councillors will be receiving a maximum five per cent raise this year.

## Salary hike for Pomeroy

It is official. Regional Chairman Pete Pomeroy will now make an annual salary of \$45,000 for his regional duties.

That is up from the \$36,000 paid to his predecessor Jack Raftis who was a part-time chairman. Pomeroy has committed himself to full-time attention to his political office.

A survey of the pay schedule for regional chairmen in Ontario indicated that Halton had the only part-time chairman, previous to Pomeroy, and paid the lowest salary for that position.

The pay for regional councillors in 1984 will be increased by five per cent or the Consumer price index, whichever is less.

The increase for councillors will bring their remuneration to about \$13,000 per year.

This is the first pay increase for elected officials since 1981, because the last council voted to forego an increase as an example of restraint.

The highest paid chairman in Ontario is in Ottawa-Carleton, at a salary of \$73,768 per year with full benefits and a chauffeured car.

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With a lull in the storms, works crews took advantage on the break to clear away some of those big snowbanks around town. Mayor Ross Miller discusses the snow service issue in an article on page B1 while school board members Arlene Bruce, Dick Howitt and Betty Fisher

talk about the bussing problems they face during the winter, especially one as severe as this one has been so far. Also on page 2 there's a story dealing with councillors' praise of how the staff has handled "the disaster".

### Question Town getting into development business

## Does council have right to buy more land than needed for complex?

Council can buy land for a municipal complex, it can even buy more land than it needs, but only if by purchasing the extra land the municipality is getting a better deal, Halton Hills councillors were told Monday night.

The citizens' group probing the \$600,000 Stevens' land purchase and municipal complex issues raised a number of questions in its 19 page report about council's legal right to buy the whole 30 acres.

They also questioned use of all lot levies to build up the municipal complex reserve fund, council getting involved in the development business and some councillors trying to say they haven't in effect voted to build a complex but only to buy some land.

They note the Town couldn't buy the land, in their view of the Municipal Act, if it wasn't going to be used for Town purposes, but there is nothing to indicate the whole parcel will be used for a municipal complex. In fact all reports they've seen state the whole parcel won't be used for a municipal complex.

The report continued that the Municipal Act allows the Town to buy more land than it needs only if by purchasing the excess property too it gets the property "at a more reasonable price and on terms more advantageous" to the municipality.

However, they questioned if the Town was getting a better deal by acquiring nearly 30 acres instead of just the seven or eight acres reports have indicated the Town will need for the complex.

Portions offered  
The report notes a letter from Robert Nicholl, Longmore Developments, received by Halton Hills September 13, 1983, indicates the vendor (Stevens) "was now willing to discuss selling to the Town only the portion it required."

"Assuming that the Town can identify how much land it needs for its purposes, how much would that parcel have cost and at what terms could it have been purchased? This information we understand has never been presented to Council but the Municipal Act only permits purchasing excess land under certain conditions, i.e. where Council is satisfied that the purchase is at a more reasonable price and on terms more advantageous."

"One councillor has advised us that the vendor was willing to sell the quantity of land which the Town required, but wanted \$70,000 per acre. But we have spoken to a number of councillors (both those who voted for and against the purchase) who have said they have no knowledge of any discussions or writings concerning purchasing only seven acres and what it would cost. When was this alleged offer to sell seven acres at \$70,000 per acre made?"

They also asked if the Town ever made a written offer to buy just seven acres.

The citizens' presentation also asks why the Town needed to buy land for a municipal complex when a "number of councillors stated that they were not voting for a Town Hall but merely voting to purchase a piece of property."

"When is there going to be a new administration building erected on this (Stevens) site? Will it be erected in the term of this council and if not has the council committed a future council to expending money? We ask this because the reports proceed on the basis that sale and development proceed rather quickly. Should the approval of the Ontario Municipal Board be had for this by-law if future Councils are committed?"

Four blocks  
The council's building committee broke the Stevens' land into four separate blocks. One block would be for the municipal complex while another chunk would be for an institutional use. "No institutional use has been publicly suggested. On September 13 and as contained in the report of the building

committee, the then mayor (Peter Pomeroy) suggested that this site could be used for condominium apartments. One question the municipal purpose being affected here."

A third part of the Stevens site isn't suitable for any building and "possible use as park space was suggested." They noted "one could make the argument that a valid exercise of the municipal power is being used in acquiring this particular portion of land, though it is of some interest that no value has ever been placed on it and it appears to be a parcel the Town is acquiring only because it has to in order to get the whole parcel."

Land valuations from two separate firms follow the assumption made by the building committee in its reports that part of the Stevens land be used for housing development in the fourth block on the site. "It is the development and resale of those lands which helps justify purchasing the Stevens' property and justifying the price."

"But we suggest that there is no authority for a municipality to develop land and to sell it to individuals or to developers."

They noted the Town has the power to "deal with land assembly and land development" for industrial use or for subsidized low cost housing. However, the building committee never referred to any of the housing development on the Stevens' property as being subsidized low cost housing in co-operation with the province.

Not only do they not think the Town has the authority to acquire land for housing

(Continued on page 2)

### Stevens' land deal—complex issue

## Citizens numerous purchase questions are referred to staff

Halton Hills council was asked Monday night to repeal the bylaw authorizing the Stevens' land purchase and not complete the transaction which is to close at the end of March.

The request came from the citizens' group probing the property purchase and municipal complex issue when they presented a 19 page report to council Monday night. The report raises numerous questions: council's legal rights to buy more land than it needs for the complex; council getting involved in the development business; the appraisals done on the land; the space needs study; and other points (See other stories in today's paper and next week also).

There were over 50 taxpayers in the audience for the presentation.

Council didn't follow the request, but at the suggestion of Councillors Mike Armstrong and Dave Whiting, who both complimented the group on their report, their entire presentation and many questions were referred to staff for a report and the building committee will also examine the staff response. Staff has been given until February 6 to report back to council. They expect the staff report to answer the many new questions about the deal.

Armstrong said obviously council wasn't in a position to repeal the bylaw Monday night, but conceded he was sure the citizens had raised a number of questions councillors felt were new. He also said there were some inadequacies in the citizens' report.

Dr. Alex Furness, who made remarks following the written group report read by Georgetown lawyer Dave Page (chairman of the group Norm Elliott made opening remarks dealing with how the citizens' group came into being in October) said

many people feel the issue has been "shielded from the public." There was a draft plan for development of the Stevens' land in the Town's possession in August of 1982, yet nothing about the issue was presented to the voters before the November 1982 election.

There was only one meeting ever when the public was invited to offer input and then council moved to make an offer on the property the same night, Furness noted.

He said taxpayers are saying the Town can't afford a complex; they don't think it's needed; there are more important things like roads for the Town to spend money on; council shouldn't be in the development business; there's already too much government; etc.

Even though people don't like signing petitions, 1,793 had signed the one put out by the citizens' group. It was time council took a second look at the land purchase and municipal complex issue, he added.

The petition's preamble asked that council cease any planning or contemplation of a municipal complex; that it sell the Stevens' land for \$600,000; and that if the need could be proven for more space renovations to the Trafalgar Rd. site an addition would be acceptable. Furness indicated the wording of the petition wasn't the best it could be, but then it was done when the citizens' investigation began and couldn't be changed later when they had more information.

Councillor Marilyn Serjeantson noted she'd seen another preamble and Furness admitted he'd added quite a few statements to a petition at the Georgetown Medical Centre which were his personal observations. He'd urged people to help stop the complex, warning now was the time to say no to a pro-

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## MPP will probe further land purchase questions

Halton-Burlington MPP Julian Reed expects to meet with Ministry of Housing and Municipal Affairs officials this week to discuss questions raised by the citizens' group investigating the Stevens' land purchase.

Reed said he felt two important questions were raised by the citizens which he will pursue further with the province. He pointed to the question of if the Town should be buying more land than it needs for a municipal complex and selling off some of the property for housing development as one area of concern. Another question raised by the citizens in their brief, whether lot levy monies should be going towards a municipal complex instead of for services benefiting those who bought the lots the levies were paid on, is another area where provincial input is needed, he said.

The MPP said another aspect of the report which was very interesting, though it doesn't involve the province, is the numerous questions dealing with what information council based its decisions on. "Was there enough information and complete information gathered for council to properly act on?"

Reed admitted he'd been asked to attend the meeting by citizens making the presentation and was also on hand as a taxpayer and citizen of Halton Hills.

He said he was impressed with the presentation and "valid questions" have been raised.



Halton-Burlington MPP Julian Reed. He predicted it may require a previous judge's decision or even a new one, to settle the legal questions raised by the citizens about the Stevens' land purchase. "I must participate where I can, where matters pertain to provincial legislation. I'll be more informed than the lawyer and citizens who made the presentation by the end of the week," he vowed. He said he hopes to have some answers for the public by the end of the week. "This is a darned important situation and the citizens have raised some awfully serious questions."

**Inside today's Free Press**

- The appeal hearing for International Peace Camp was to be held yesterday (Tuesday) but the date was changed to January 18. See page 2.
- Lottery fever has swept into Acton. Turn to page 8.
- Reg DiCola isn't just a bank manager, he's also a politician. See page 9.
- Free Press reporter Mark Holmes tries skiing for the first time. More on page 13.

Now come a light snowfall is so heavy when you shovel it!