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Appeal court reserves decision on rail sale issue

By DAN PELTON
Staff Reporter

Orangeville's appeal of a Superior Court judge's decision that provincial law bars the town's representatives from voting on sale of a county-owned railbed regarding the sale of a county-owned rail bed ended Friday with three Ontario Court of Appeal judges reserving judgement.

At stake is whether Orangeville's two representatives on county council would be in breach of Ontario's Municipal Conflict of Interest Act because of a contract to sell the town-owned Orangeville Brampton Railway.

Superior Court Justice Francine Van Melle's July 21 decision was based, in part, on the agreement between the Highland Group and the Town. She ruled that since the town is

contractually obligated to assist Highland in the latter's efforts to buy the railbed north of Orangeville its representatives have a pecuniary interest in the sale.

A pecuniary interest is declared when a party — in this case a councillor or someone close to him or her — has a financial interest in an issue.

Mayor Rob Adams, who with Deputy Mayor Warren Maycock represents the town on County Council, says the issue "is a matter of the right of the taxpayers to be represented in the political process."

As town solicitor, Bill Stutz gave Orangeville council a legal opinion that neither the mayor nor the deputy mayor had a pecuniary interest with respect to the rail bed sale and should therefore participate in discussions and voting on this issue.

The opinion of Dufferin lawyer Stanley Makuch was that Orangeville's representatives had a conflict of interest in any sale of the county-owned rail corridor north from Orangeville, and therefore were disqualified from participating in deliberations or voting on the issue.

Orangeville's conditional agreement for the sale of its railway to the Highland Rail Group includes a condition that Highland would withhold a final \$2-million payment until Orangeville lays about one mile of track on the county-owned rail bed. It also has a condition that Orangeville help promote the railway as a business operation.

While it is uncertain when the appeal court will render its judgement, there has been speculation the decision could come as early as next month.

If the appeal court's decision were to be appealed to the Supreme Court of Canada, a more thorough review of the legal issues could be filed, further delaying a vote on the proposed sale.

Mayor Adams has maintained that a municipality's ability to represent itself efficiently at the county or regional level could be compromised if the current decision is upheld.

"There is obviously a lot of interest in this case," he said.

"There could be ramifications across the province. Everyone we know in municipal legal affairs is interested in the decision.

"If it is upheld, a municipality may not be able to vote on an issue at an upper tier, simply because the issue is taking place within the municipality."

LED light exchange, food drive a success

Orangeville Hydro hosted its annual Christmas Cheer week December 7 - 11, raising funds for three local charities, The Salvation Army, Family Transition Place and the Orangeville Food Bank.

"We are very pleased to announce that this year's Christmas Cheer week was very successful, thanks to our staff and companies that donated prizes for our Silent Auction and Holiday Raffle," said Hydro's Pietra Velinor. "We managed to raise over \$1700 for Family Transition Place and the Salvation Army. We donated two bins of food to the Orangeville Food Bank and hats, gloves and scarves to the Salvation Army."

In addition to this event, Orangeville Hydro ran its annual LED Light Exchange and Food Drive, collecting seven bins of food for the Orangeville Food Bank (including the

two bins from Christmas Cheer week and two from Theatre Orangeville; 18 large garbage bags of Christmas lights for recycling. In all, 426 LED light strings were given away and 198 coupons for customers to purchase LED lights at a discounted price.

To quantify the saving, Orangeville Hydro handed out 426 boxes of 70 LED light strings.

This would account for a savings of approximately \$4,473 for this holiday season alone. If you take into consideration the additional 198 coupons handed out with a 50% take-up rate, it would be a combined savings of approximately \$5,512.50 if the lights had been used for six hours a day over the month of December.

As a bonus, Orangeville Hydro also raffled off a Christmas Conservation Gift Basket. Congratulations to this year's winner, Hilda Welsh of Orangeville.



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