

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON FEBRUARY 1ST, 2016, AT THE COMMUNITY CENTER, 30 LINCROFT ROAD, AT 8:00 P.M.

THOSE PRESENT WERE: Mayor William Steinberg, Councillors Karen Zajdman, Jack Edery, Leon Elfassy, Michael Goldwax, Warren Budning and Harvey Shaffer, forming a quorum with Mayor Steinberg presiding.

ALSO PRESENT: Mr. Richard Sun, Director General and Me Pierre Tapp, Town Clerk, acting as Secretary of the Meeting.

OPENING OF MEETING

The Mayor called the meeting to order at 8:03 p.m.

At 8.03 p.m. Councillor Leon Elfassy was absent.

At 8.05 p.m. Councillor Leon Elfassy joined the meeting.

FIRST QUESTION PERIOD

The Mayor invited those persons in attendance to ask their questions.

- No Question was asked.

2016-024

ADOPTION OF THE AGENDA

On motion of Councillor Harvey Shaffer, seconded by Councillor Michael Goldwax, it was UNANIMOUSLY RESOLVED:

- THAT the agenda of the regular meeting is hereby adopted as submitted.

Adopted

2016-025

ADOPTION OF THE MINUTES

On motion of Councillor Harvey Shaffer, seconded by Councillor Jack Edery, it was UNANIMOUSLY RESOLVED:

- THAT the Minutes of the Regular Council Meeting of January 11th, 2016 are hereby approved as submitted.

Adopted

2016-026

TOWN OF HAMPSTEAD'S PARTICIPATION IN 'EARTH HOUR'

WHEREAS the Town of Hampstead wishes to take a stand concerning one of the largest unaddressed threats to our planet, that of global warming;

WHEREAS the reduction of carbon emissions, which contribute to the greenhouse effect, is a responsibility in which all municipalities must become involved and which necessitates the effort of each person, enterprise and community;

WHEREAS, at 8:30 p.m. on Saturday, March 19th, 2016 ('Earth Hour'), many large metropolitan cities around the world will participate by turning off their lights for a period of one hour in an effort to combat global warming;

It was proposed by Councillor Michael Goldwax seconded by Councillor Harvey Shaffer and UNANIMOUSLY RESOLVED:

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- THAT the Town of Hampstead will extinguish all non-essential lights for a period of one hour at 8:30 p.m. on Saturday, March 19th, 2016;
- THAT all Hampstead residents are encouraged to participate in this initiative on March 19th; and
- THAT all municipalities of the Montreal Agglomeration are encouraged to join the Town of Hampstead and participate in 'Earth Hour' on March 19th, 2016.

Adopted

2016-027

RESOLUTION OPPOSING MODIFICATIONS TO THE ELECTORAL RIDING OF D'ARCY McGEE

WHEREAS, according to law, within the twelve (12) months subsequent to the general election, the Electoral Commission ("Commission") has the obligation to submit to the head of the National Assembly a preliminary report in which it proposes the division of electoral boundaries;

WHEREAS subsequent to the provincial general election of April 7, 2014, the Commission submitted, on March 17, 2015, its preliminary report in which it proposes the division of new electoral boundaries within Québec;

WHEREAS Québec is divided into electoral boundaries which must ensure equitable representation of voters; throughout the ridings, which shall number no fewer than one hundred and twenty-two (122) and no greater than one hundred and twenty-five (125) electoral divisions;

WHEREAS each electoral riding must be divided in such a manner, that the number of electors in the division be no fewer than and no greater than twenty-five percent (25%) of the average number of electors per riding in Quebec, taking into account the permanent electoral list divided by the number of divisions in Quebec;

WHEREAS an electoral division represents an established *community* based on, *inter alia*, demographic, geographic, sociological considerations such as: the density of the population, the potential growth of the population, the accessibility within the district, the configuration of the district and the natural borders of the said district as well as the local municipal territories;

WHEREAS in the aforementioned report, the Commission recommends the merging of the electoral division of Mount Royal with the division of Outremont;

WHEREAS the aforementioned merging would have deleterious effects on all residents within both aforementioned ridings and impact the neighbouring riding of D'Arcy McGee;

WHEREAS the following arguments must be considered prior to any changes to the electoral map boundaries:

- i. The merging of two divisions (and therefore the resulting loss of one) significantly compromises the electoral influence of Québec's English-speaking minority community, a majority of whom live on the Island of Montreal (out of a Montreal-Island population of 1,073,820 there are 218,820 members of the English-speaking minority, said amount being twenty percent (20%));
- ii. The decision unduly reduces the legitimate electoral weight of Island of Montreal electors and residents with respect to the other regions of Québec;

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- iii. The merger and the resulting adjustments are a violation of the legislative and legally-confirmed requirement that *natural communities* be respected;
- iv. Beyond reducing the electoral weight of Montreal Island, the change would unleash a chain reaction of adjustments that negatively affect all three ridings, in that it would dilute the distinct character of the sociological and demographic natural communities which are presently represented within their respective boundaries;
- v. This proposal fails to consider important development projects and demographic trends (Blue Bonnets and the 'Triangle' residential development) that will add thousands of new residents to the territory within Mount Royal;
- vi. The Commission's proposal does not recognize the significant responsibilities of National Assembly Members with regards to diverse populations of *non-electors* within their ridings, who will become electors in the near future;

WHEREAS Section 3 of the *Canadian Charter of Rights and Freedoms* states ("Charter"):

"3. Every citizen of Canada has the right to vote in an election of the members of the House of Commons or of a legislative assembly and to be qualified for membership therein."

WHEREAS the merging of the electoral ridings is in stark contradiction of the principles cited within the Supreme Court of Canada's judgment regarding the Charter (*Provincial electoral boundaries 1991 2 SCR 158*) some of which are found hereunder:

"The purpose of the right to vote enshrined in [s.3](#) of the [Charter](#) is not equality of voting power *per se* but the right to "effective representation".

"...Factors like geography, community history, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic. "

It was proposed by Councillor Harvey Shaffer, seconded by Councillor Jack Edery and UNANIMOUSLY RESOLVED:

"THAT the preamble of this resolution shall form an integral part of thereof as if cited hereinafter at length;

THAT the Hampstead Town Council ("Council") strenuously objects to the proposed changes to the electoral boundaries of D'Arcy McGee, Mount Royal and Outremont;

THAT Council calls upon the Electoral Representation Commission to maintain the status quo of the current provincial electoral boundaries with regard to the three electoral ridings of Mount Royal, Outremont and D'Arcy McGee;

THAT the Electoral Commission take these comments into account and invite Hampstead representatives to make representations before the Commission".

Adopted

2016-028

DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON
JANUARY 18TH 2016

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Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on January 18th, 2016.

The Council takes note of the deposit of the said minutes by the Town Clerk.

2016-029

REQUEST TO AUTHORIZE A MINOR EXEMPTION TO ZONING BY-LAW 727, ART. 6.3.2 TO ALLOW THE RIGHT SETBACK AT 3.03 M (9.94 FEET) FROM THE LOT LINE INSTEAD OF 3.43 M (11.25 FEET) FOR AN EXTENSION TO THE SECOND FLOOR IN THE ALIGNMENT OF THE EXISTING WALL OF A DETACHED SINGLE FAMILY DWELLING LOCATED AT **336 DUFFERIN ROAD, LOT 2 088 589, ZONE RB-1, (ZONING BY-LAW NO. 727) (SPAIP BY-LAW NO.775) (BY-LAW CONCERNING MINOR EXEMPTIONS # 18 G-0005)**

WHEREAS the members of Council have reviewed the request for approval of minor exemption to Zoning By-law 727, art. 6.3.2 to allow the right setback at 3.03 m (9.94 feet) from the lot line instead of 3.43 m (11.25 feet) for an extension to the second floor in the alignment of the existing wall of a detached single family dwelling;

WHEREAS the Planning Advisory Committee, at its meeting held on January 18th, 2016, recommended *to approve* the aforementioned request for minor exemption;

On motion of Councillor Leon Elfassy, seconded by Councillor Warren Budning, it was UNANIMOUSLY RESOLVED:

- THAT the aforementioned request for minor exemption for the property located at 336 Dufferin Road, lot no. : 2 088 589, Zone RB-1 is *approved*.

Adopted

Intervention of interested persons concerning the request for Minor Exemption for project located at 336 Dufferin Road.

No intervention

2016-030

REQUEST TO AUTHORIZE A SECOND FLOOR ADDITION TO A DETACHED SINGLE FAMILY DWELLING LOCATED AT 336 DUFFERIN ROAD, LOT 2 088 589 ZONE RB-1, (ZONING BY-LAW NO. 727) (SPAIP BY-LAW NO.775) (BY-LAW CONCERNING MINOR EXEMPTIONS # 18 G-0005)

On motion of Councillor Leon Elfassy, seconded by Councillor Warren Budning, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration program showing modifications to the plans and elevations to authorize a second floor addition to a detached single family dwelling located at 336, Dufferin Road, submitted to the Planning Advisory Committee meeting of January 18th, 2016 is *conditionally approved*. The modifications partially meet the prescribed standards of the Zoning By-law number 727 and meet the prescribed standards of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC provided that:

- The second floor window on the right side wall must be slightly offset from the corner (the window must be shortened by 6 inches on each side).

Adopted

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2016-031

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF JANUARY 2016

WHEREAS Council reviewed the list of payments for the month of January 2016;

On motion of Councillor Jack Edery, seconded by Councillor Michael Goldwax, it was UNANIMOUSLY RESOLVED:

- THAT the disbursements for the period from December 21st, 2015 to January 20th, 2016, in the total amount of \$ 1,794,112.73 are hereby approved (\$ 1,298,074.29 for cheques and \$ 496,038.44 for on line payments).

Adopted

2016-032

PAYMENT OF THE FIRST INSTALMENT OF HAMPSTEAD'S SHARE OF MONTREAL AGGLOMERATION 2016 ANNUAL EXPENSES

On motion of Councillor Jack Edery, seconded by Councillor Warren Budning, it was UNANIMOUSLY RESOLVED:

- THAT the Town of Hampstead pays the first instalment March 1st, 2016, in the amount of \$4,950,961 for its share of expenses in the 2016 operations of the Montréal Agglomeration; and

The Treasurer's certificate N^o 16-04 dated January 22nd, 2016 has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2016-033

PAYMENT OF THE FIRST INSTALMENT OF HAMPSTEAD'S SHARE TO THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL FOR 2016

On motion of Councillor Jack Edery, seconded by Councillor Harvey Shaffer, it was UNANIMOUSLY RESOLVED:

- THAT the Town of Hampstead pays the first instalment dated March 15, 2016 in the amount of \$100,339.99 for their share of expenses for operations of the 'Communauté métropolitaine de Montréal'.

The Treasurer's certificate N^o 16-05 dated January 22, 2016 has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2016-034

APPROVAL OF THE LIST OF WHITE COLLAR STUDENT EMPLOYEES FOR THE COMMUNITY SERVICES AND RECREATION DEPARTMENT

CONSIDERING THAT Council members reviewed the report of the Director of Community Services and Recreation, dated January 22nd, 2016, on the hiring of white collar student employees,

It was proposed by Councillor Karen Zajdman, seconded by Councillor Warren Budning, and UNANIMOUSLY RESOLVED:

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- THAT the Town Council approves the hiring of white collar student employees as detailed on the list for the Community Services and Recreation Department. The hiring is subject to the usual conditions and in accordance with the provisions of the collective agreement between CUPE Local 429 and the Town of Hampstead.

Adopted

SECOND QUESTION PERIOD

The Mayor invited those persons in attendance to ask their questions.

- No Question was asked.

2016-035

ADJOURNMENT

All the subjects of the Agenda having been discussed, it was proposed by Councillor Warren Budning, seconded by Councillor Michael Goldwax and unanimously resolved to declare that the meeting be closed at 9.02 p.m.

Adopted

(s) William Steinberg
Dr. William Steinberg, Mayor

(s) Pierre Tapp
Me Pierre Tapp, Town Clerk