

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON SEPTEMBER 8TH, 2015, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

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

ABSENT: Councillor Michael Goldwax

ALSO PRESENT: Mr. Richard Sun, Director General and Mrs. Simona Sonnenwirth, Assistant Town Clerk, acting as Secretary of the Meeting.

OPENING OF MEETING

The Mayor called the meeting to order at 8:15 p.m.

FIRST QUESTION PERIOD

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

- Question was asked by a resident, answers were given by the Mayor and members of the Council.

2015-181

ADOPTION OF THE AGENDA

On motion of Councillor Harvey Shaffer, seconded by Councillor Leon Elfassy, it was UNANIMOUSLY RESOLVED:

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

Adopted

2015-182

ADOPTION OF THE MINUTES

On motion of Councillor Harvey Shaffer, seconded by Councillor Warren Budning, it was UNANIMOUSLY RESOLVED:

- THAT the Minutes of the Regular Council Meeting of August 3rd, 2015 are hereby approved as submitted.

Adopted

2015-183

NOTICE OF MOTION – BY-LAW N^o 795-6 – MODIFYING BY-LAW 795 CONCERNING NUISANCES

NOTICE OF MOTION was given by Councillor Warren Budning that, at a subsequent meeting of Council, By-law N^o 795-6 entitled By-law modifying By-law 795 concerning nuisances will be submitted to Council for adoption.

All Council members have received a draft copy of By-law N^o 795-6 and a motion to dispense with the reading of the said By-law was made.

2015-184

ADOPTION OF BY-LAW N^o 727-19 ENTITLED BY-LAW TO MODIFY ZONING BY-LAW N^o 727 IN ORDER TO ESTABLISH A DISTANCE BETWEEN A POOL AND A FENCE.

WHEREAS the Members of Council have received a copy of the By-law N^o 727-19 entitled By-law to modify zoning By-law n^o 727 in order to establish a distance between a pool and a fence, and declare to have read it;

Minutes of Town of Hampstead

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

- TO approve By-law N° 727-19 entitled By-law to modify Zoning By-law n° 727 in order to establish a distance between a pool and a fence.”

Adopted

2015-185

DEPOSIT OF THE MARKET STUDY OF THE VACANT LAND ON MACDONALD AVENUE, HAMPSTEAD, BY LE GROUPE ALTUS COMMISSIONED BY THE TOWN OF HAMPSTEAD

Each member of the Council having received a copy, the Town Clerk deposits the market study of the vacant land on Macdonald Avenue, Hampstead.

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

2015-186

DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON AUGUST 10TH 2015

Each member of the Council having received a copy, the Assistant Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on August 10th, 2015.

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

2015-187

REQUEST TO AUTHORIZE A MODIFICATION TO THE EXTERIOR CLADDING FOR A PREVIOUSLY APPROVED PROJECT (RESOLUTION 2015-012) FOR THE CONSTRUCTION OF A NEW TWO STOREY DETACHED SINGLE FAMILY DWELLING AT 111 STRATFORD ROAD, LOT NO.: 2 088 977, ZONE RA-1, (ZONING BY-LAW NUMBER 727) (SPAIP BY-LAW NUMBER 775)

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

- THAT the site planning and architectural integration program showing plans and elevations to authorize modification to the exterior cladding of a previously approved project as per Resolution no.2015-012 for a detached single family dwelling located at 111 Stratford Road, submitted to the Planning Advisory Committee meeting of August 10th, 2015 is *conditionally approved*. The modifications meet the prescribed standards of the Zoning By-law number 727 and meet partially the prescribed standards of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC provided that:
 - The proposed handmade brick is acceptable;
 - New architectural drawing has to be submitted to the Urban Planning Department to reflect the changes.

Adopted

Intervention of interested persons concerning the request for Minor Exemption for project located at 4 Belsize Road.

No intervention

2015-188

REQUEST FOR APPROVAL OF MINOR EXEMPTIONS TO ZONING BY-LAW 727, ART. 6.2.1., TO PERMIT THE EXISTING FRONT

Minutes of Town of Hampstead

SETBACK AT 4.50M (14.76 FT) INSTEAD OF 6.1M (20 FEET), FOR ART. 6.4.1 TO PERMIT THE REAR SETBACK AT 2.46M (8'1"FT) INSTEAD OF 4.88M (16.01 FEET) AND ART. 6.5.1 TO PERMIT THE RIGHT SIDE SETBACK OF THE SECONDARY FRONT YARD AT 4.57M (15 FEET) INSTEAD OF 6.1M (20 FEET) TO A DETACHED SINGLE FAMILY DWELLING AT 4 BELSIZE ROAD LOT NO.: 2 089 351 ZONE RA-2 (ZONING BY-LAW NUMBER 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 for minor exemptions to Zoning By-law 727, art. 6.2.1., to permit the existing front setback at 4.50m (14.76 ft) instead of 6.1m (20 feet), for art. 6.4.1 to permit the rear setback at 2.46m (8'1"ft) instead of 4.88m (16.01 feet) and art. 6.5.1 to permit the right side setback of the secondary front yard at 4.57m (15 feet) instead of 6.1m (20 feet) to a detached single family dwelling;

WHEREAS the Planning Advisory Committee, at its meeting held on August 10th, 2015, recommended the aforementioned requests for minor exemptions as follows:

1. The minor exemption to **article 6.2.1** of zoning by-law 727 in order to allow the existing front setback at 4.50 m (14.76 feet) from the lot line instead of 6.1 m (20 feet) should be **approved**;
2. The minor exemption to **article 6.4.1** of the zoning by-law in order to allow the rear setback at 2.46 m (8.08 feet) from the lot line instead of 4.88 m (16.01 feet) legalizing the existing and to permit the addition, should be **approved**;
3. The minor exemption to **article 6.5.1** of the zoning by-law 727 in order to allow the right side setback (secondary front yard) at 4.57 m (15 feet) from the lot line instead of 6.1 m (20 feet) should be **approved**;

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

- THAT the aforementioned requests for the minor exemptions for the property located at 4 Belsize Road, on lot no.: 2 089 351 Zone RA-2 is ***approved***.

Councillor Leon Elfassy disclosed that the owner of 4 Belsize Road is his nephew; he abstained from participating in the discussions and from voting or attempting to influence the vote.

Adopted

2015-189

REQUEST TO AUTHORIZE AN ADDITION IN THE REAR YARD OF A DETACHED SINGLE FAMILY DWELLING AT 4 BELSIZE ROAD LOT NO. : 2 089 351, ZONE RA-2 (ZONING BY-LAW NO. 727) (SPAIP BY-LAW NO.775)

On motion of Councillor Warren Budning, seconded by Councillor Karen Zajdman, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration program showing modifications to the plans and elevations to authorize an addition in the rear yard of a detached single family dwelling located at 4, Belsize Road, submitted to the Planning Advisory Committee meeting of August 10th, 2015 is ***approved*** as recommended by the PAC. The modifications 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.

Minutes of Town of Hampstead

Adopted

2015-190

REQUEST TO AUTHORIZE AN ADDITION IN THE REAR YARD OF A DETACHED SINGLE FAMILY DWELLING AT 35 BELSIZE ROAD LOT NO. : 2 089 633, ZONE RA-2 (ZONING BY-LAW NO. 727) (SPAIP BY-LAW NO.775)

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 an addition in the rear yard of a detached single family dwelling located at 35, Belsize Road, submitted to the Planning Advisory Committee meeting of August 10th, 2015 is *approved* as recommended by the PAC. The modifications 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.

Adopted

Intervention of interested persons concerning the request for Minor Exemption for project located at 5567 Queen Mary Road.

Mr. Joe Levine

2015-191

REQUEST FOR APPROVAL OF MINOR EXEMPTIONS TO ZONING BY-LAW 727, ART. 5.1., TO PERMIT A FLAT ROOF ON A PORTION OF 32% INSTEAD OF 20% AND TO PERMIT THE MAXIMUM HEIGHT OF 11.43M INSTEAD OF 10.67M (35 FEET), FOR ART. 6.5.1 TO PERMIT THE RIGHT SETBACK OF THE SECONDARY FRONT YARD AT 5.9M (19'8" FEET) INSTEAD OF 6.1M (20 FEET) AND FOR ART. 6.6.8 TO PERMIT THE EXTERIOR STAIRS AND PORCH REAR SETBACK AT 1.6M (5'3" FEET) INSTEAD OF 3M (9.8 FEET) FOR THE NEW CONSTRUCTION PROJECT OF TWO SEMI-DETACHED DUPLEXES OF 4 UNITS AT 5567 QUEEN MARY ROAD LOT NO.: 2 088 418 ZONE RA-3 (ZONING BY-LAW NUMBER 727) (SPAIP BY-LAW NO.775) (BY-LAW CONCERNING MINOR EXEMPTIONS # 18 G-0005)

WHEREAS the members of Council have reviewed the requests for approval for minor exemptions to Zoning By-law 727, art. 5.1., to permit a flat roof on a portion of 32% instead of 20% and to permit the maximum height of 11.43m instead of 10.67m (35 feet), for art. 6.5.1 to permit the right setback of the secondary front yard at 5.9m (19'88" feet) instead of 6.1m (20 feet) and for art. 6.6.8 to permit the exterior stairs and porch rear setback at 1.6m (5'3" feet) instead of 3m (9.8 feet) for the new construction project of two semi-detached duplexes of 4 units;

WHEREAS the Planning Advisory Committee, at its meeting held on August 10th, 2015, recommended the aforementioned requests for minor exemptions as follows:

1. The minor exemption to **article 5.1** of Zoning By-law 727 in order to allow a flat roof on a portion of 32% of the roof instead of 20%. **Approve.**
2. The minor exemption to **article 5.1** of Zoning By-law 727 in order to allow the maximum height of 11.43 m (37.5 feet) instead of 10.67 m (35 feet). **Refuse.**
The members of the Council deferred this item.
3. The minor exemption to **article 6.5.1** of Zoning By-law 727 in order to allow the right setback (secondary front yard) at 5.9 m (19'8" feet) from the lot line instead of 6.1 m (20 feet). **Approve.**

Minutes of Town of Hampstead

4. The minor exemption to **article 6.6.8** of Zoning By-law 727 in order to allow the exterior stairs and porch rear setback at 1.6 m (5'3" feet) from the lot line instead of 3 m (9.8 feet). Approve.

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

- THAT three of the four aforementioned requests for the minor exemptions for the new construction project of two semi-detached duplexes of 4 units located at 5567 Queen Mary Road, on lot no.: 2 088 418 Zone RA-3 are *approved*.

Adopted

RECESS

The Mayor recessed the meeting at 9:12 p.m and reconvened the meeting at 9:40 p.m., all members of Council present at the beginning of the meeting remaining to form a quorum.

Intervention of interested persons concerning the request for Minor Exemption for project located at 1 Haverstock Road.

No intervention

At 9.45 p.m. Councillor Warren Budning left temporarily his seat.

2015-192

REQUEST FOR APPROVAL OF MINOR EXEMPTIONS TO ZONING BY-LAW 727, ART. 6.16.d., TO PERMIT INSTALLATION AND LOCATION OF EQUIPMENT AT THE FRONT BUILDING LINE INSTEAD OF 6M (19.7 FEET) AND ART. 6.16.i., TO PERMIT INSTALLATION OF THREE HEAT PUMPS INSTEAD OF TWO ON A SINGLE PROPERTY FOR A DETACHED SINGLE FAMILY DWELLING AT 1 HAVERSTOCK ROAD LOT NO.: 2 089 770 ZONE RA-1 (ZONING BY-LAW NUMBER 727) (SPAIP BY-LAW NO.775) (BY-LAW CONCERNING MINOR EXEMPTIONS # 18 G-0005)

WHEREAS the members of Council have reviewed the requests for approval for minor exemptions to Zoning By-law 727, art. 6.16.d., to permit installation and location of equipment at the front building line instead of 6m (19.7 feet) and art. 6.16.i., to permit installation of three heat pumps instead of two on a single property for a detached single family dwelling;

WHEREAS the request was sent to the Planning Advisory Committee on June 5th 2015, 2015, recommended the aforementioned requests for minor exemptions as follows:

- The minor exemption to allow 3 machines instead of 2 (as actually allowed by Zoning By-law 727) should be conditionally approved (art. 6.16 i).
- The minor exemption to allow that equipment within 6 m (19.7 feet) of the front building line should be conditionally approved (art. 6.16 d).

On motion of Councillor Leon Elfassy, seconded by Councillor Harvey Shaffer, it was UNANIMOUSLY RESOLVED:

- THAT the aforementioned requests for the minor exemptions for the property located at 1 Haverstock Road, on lot no.: 2 089 770 Zone RA-1 is *approved* with the following conditions:
 - The material and height of wall must comply with all municipal By-laws;
 - The machine enclosure should be treated with the same care as the design as front stairs or entrance. The open ends of the “screen wall” must be screened with a design that integrates with the architecture without compromising the heat pumps performance. Such a design

Minutes of Town of Hampstead

- might incorporate pre-painted louvers or other screen element with a header detail with material(s) that resonate with the built architecture.
- The equipment and well must be masked by proper landscaping around the area where it is installed. The landscaping should be done subject to approval by the Urban planning department, in conformity with the Town By-laws and any bush, plant, hedge or any landscaping element must be maintained in good condition at all times.
 - The owner must ensure that the 3 units installed are maintained in good condition and that they conform to the requirements of the nuisance By-law 795-2 on noise level. The permission to proceed with three (3) heat pumps does not absolve the owner from respecting the provisions of the By-law.

Adopted

Intervention of interested persons concerning the request for Minor Exemption for project located at 5579 Queen Mary Road.

No intervention

At 9.48 p.m. Councillor Warren Budning came back to his seat.

2015-193

REQUEST TO AUTHORIZE MINOR EXEMPTIONS TO ZONING BY-LAW NO 727 ARTICLE 7.6.3.1.1 TO ALLOW THE DRIVEWAY TO BE LARGER THAN 1 M (3.28 FEET), THAN THE WIDTH OF THE GARAGE DOOR AND ARTICLE 7.6.3.1.2 TO ALLOW THE DRIVEWAY AT THE PROPERTY LINE AS PER EXISTING CONDITIONS INSTEAD OF 1 M (3.28 FEET) FROM THE PROPERTY LINE OF A DETACHED SINGLE FAMILY DWELLING AT 5579 QUEEN MARY ROAD LOT NO. : 2 088 799, ZONE RA-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 requests for approval of minor exemptions to Zoning By-law number 727 art. 7.6.3.1.1 to allow the driveway to be larger than 1 m (3.28 feet), than the width of the garage door and article 7.6.3.1.2 to allow the driveway at the property line as per existing conditions instead of 1 m (3.28 feet) from the property line of a detached single family dwelling;

WHEREAS the Planning Advisory Committee, at its meeting held on July 13th, 2015, recommended the aforementioned requests for minor exemptions as follows:

- The minor exemption to allow the driveway to be larger than 1 m (3.28 feet), than the width of the garage door should be **approved** (art. 7.6.3.1.1).
- The minor exemption to allow the driveway at the property line as per existing conditions instead of 1 m (3.28 feet) from the property line should be **approved** (art. 7.6.3.1.2).

On motion of Councillor Leon Elfassy, seconded by Councillor Harvey Shaffer, it was UNANIMOUSLY RESOLVED:

- THAT the aforementioned requests for the minor exemptions for the property located at 5579 Queen Mary Road, on lot no.: 2 088 799 Zone RA-1 is ***approved***.

Adopted

2015-194

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF AUGUST 2015

Minutes of Town of Hampstead

WHEREAS Council reviewed the list of payments for the month of August 2015;

On motion of Councillor Karen Zajdman, seconded by Councillor Harvey Shaffer, it was UNANIMOUSLY RESOLVED:

- THAT the disbursements for the period from July 21st, 2015 to August 21st, 2015, in the total amount of \$ 1,447,136.37 are hereby approved (\$476,569.15 for cheques and \$970,567.22 for on line payments).

Adopted

2015-195

PUBLIC AUCTION FOR NON-PAYMENT OF MUNICIPAL TAXES

It was proposed by Jack Edery, and seconded by Warren Budning and UNANIMOUSLY RESOLVED:

THAT, in compliance with article 512 of the Cities and Towns Act, the Council for the Town of Hampstead orders the sale by public auction of the immovables specified in the following table, for unpaid 2013-2014-2015 municipal taxes or property transfer duties including all legal and notary costs as well as disbursements incurred with an interest rate applicable of 12%. This sale will occur at a later date as prescribed by law, and will be held at the Town of Hampstead’s Town Hall at 5569 Queen Mary road. An announcement in the form of a final notice will be sent to all concerned parties.

Matricule	Lot	Location	Amount in capital (net of interest)
9238-83-5130-3-000-0000	2089235	73 Cleve	\$18 006,45
9337-07-9347-8-000-0000	2089830	20 Fallbrook	\$39 340,38
9337-09-6402-0-000-0000	2089722	24 Holly	\$29 100,30
9337-53-6981-1-000-0000	2089742	38 Cressy	\$30 465,38
9337-77-5442-4-000-0000	2088879	74 Stratford	\$17 120,35
9437-66-1917-0-001-0005	3110025	304-8 Dufferin + garage	\$7 432,99
9437-66-1917-0-001-0028	3110030		
	3110053		

THAT, in compliance with article 536 of the Cities and Towns Act, the Council for the Town of Hampstead mandates Mr. Armin Klaus, Treasurer, to bid and purchase in the name of the Town, any immovable up for sale during the Town of Hampstead’s public auction for non-payment of taxes held in accordance to the present resolution. The person mandated by the Town is authorized to sign all documents related to the sale.

Adopted

2015-196

GRANTING OF CONTRACT – SUPPLY AND PLANTATION OF TREES

WHEREAS there has been a call for tenders, by way of written invitation, for the supply and plantation of trees;

WHEREAS, after analyzing the tenders opened on Friday, August 28 2015, the lowest bidder conforming to the requirements of the tender invitation is Les Entreprises Clifton DRAM Inc;

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

THAT, the following quotation for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

Les Entreprises Clifton DRAM Inc

Supply and plantation of 46 trees: (as per specifications in tender documents)	\$ 43 860.00
---	--------------

Minutes of Town of Hampstead

G.S.T. (5%):	\$ 2 193.00
Q.S.T. (9.975%):	<u>\$ 4 375.04</u>
Grand total taxes included:	\$ 50 428.04

The Treasurer's certificate n° 15-28, dated August 31, 2015, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2015-197

GRANTING OF CONTRACT – REHABILITATION OF AQUEDUCT AND SEWER PIPES

WHEREAS there has been a call for tenders, by way of public tender, for the rehabilitation of aqueduct and sewer pipes;

WHEREAS, after analysing the tenders opened on September 2nd, 2015, the lowest bidder conforming to the requirements of the public tender is Sanexen Services Environnementaux Inc.;

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

- THAT, the following quotation for the following contract be and is hereby approved the whole as more amply delineated hereunder; conditional upon the MAMOT (ministère des affaires municipales et occupation du territoire) approval of the TECQ (taxes sur l'essence et contribution du Québec) 2014-2018 grant:

SANEXEN SERVICES ENVIRONNEMENTAUX INC

Rehabilitation of aqueduct and sewer pipes	\$ 640 555.00
Contingencies (10%):	\$ 64 055.50
G.S.T. 5%	\$ 35 230.53
Q.S.T. 9.975%	<u>\$ 70 284.90</u>
Total taxes included	\$ 810 125.93

Adopted

2015-198

AUTHORIZATION TO PAY IN INSTALLMENTS THE EXPENSES COVERING HAMPSTEAD'S SHARE OF MONTREAL WEST / HAMPSTEAD 2015-2016 SEASON OF MINOR HOCKEY EXPENSES AND ICE TIME

WHEREAS the Town of Hampstead participates in the hockey program housed in Montreal West under the supervision of the Montreal West Civic Recreation Association;

WHEREAS, based on the anticipated number of Hampstead residents who will participate in the hockey program, the expected expense for the fall 2015 / winter 2016 is approximately \$125,000;

WHEREAS, based on the recommendation of the Director of Community Services, an advance partial payment at the beginning of the season is deemed justified given Hampstead's rate of participation in a non-profit organization's services;

On motion of Councillor Karen Zajdman, seconded by Councillor Jack Edery, it was UNANIMOUSLY RESOLVED:

THAT Council approves the payment of this expense in three installments as follows:

Minutes of Town of Hampstead

- 1st Installment: No later than October 31, 2015 - A portion of the registration user fees - \$25,000;
- 2nd Installment: No later than December 31, 2015 – A second portion of the registration user fees \$25,000;
- 3rd Installment: At the end of the season - The balance of the program costs but not exceeding \$75,000.

Adopted

SECOND QUESTION PERIOD

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

- No Question was asked.

2015-199

ADJOURNMENT

All the subjects of the Agenda having been discussed, it was proposed by Councillor Harvey Shaffer, seconded by Councillor Warren Budning and unanimously resolved to declare that the meeting be closed at 10.02 p.m.

Adopted

(s) William Steinberg
Dr. William Steinberg, Mayor

(s) Pierre Tapp
M^c Pierre Tapp, Town Clerk