

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON JUNE 15TH, 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, 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 8:08 p.m.

FIRST QUESTION PERIOD

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

- Question was asked by a citizen and a petition was deposited to the Council.

At 8.57 p.m. Councillor Warren Budning left temporarily his seat.

2015-110

MODIFICATION OF THE AGENDA

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

- TO amend the agenda as proposed in order to add thereto the following items:

6.2 - Authorization for attendance 2015 APWA Conference.

8.6 - Request to authorize a minor exemption to the Zoning By-law 727 art. 6.2.1 to legalize the front setback, to art 6.3.4 to allow the rear extension at 1.22m (4 feet) from the right side property line (common lot line) instead of 0 m (0 feet) and to art. 6.8.1.4 to allow the deck at 1.22 m (4 feet) from the right side property line instead of 3 m (9.8 feet) (concerning a project for an addition in the rear yard (2 storey) and an attached garage in the left yard) for a semi-detached dwelling located at **20 Finchley Road**, lot no.: 2 088 741, Zone RA-1 (Zoning By-law no. 727) (SPAIP By-law no.775) (By-law concerning minor exemptions # 18 G-0005).

8.7 - Request to authorize an addition in the rear yard (2nd storey) as well as the addition of an attached garage in the left yard of a semi-detached dwelling at **20 Finchley Road**, lot no.: 2 088 741, Zone RA-1 (Zoning By-law no. 727) (SPAIP By-law no.775).

Adopted

At 8.58 p.m. Councillor Michael Goldwax left temporarily his seat during the presentation of the monthly reports of the various departments.

At 9.04 p.m. Councillor Michael Goldwax came back to his seat.

2015-110A

ADOPTION OF THE AGENDA

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

- THAT the amended agenda of the regular meeting is hereby adopted.

Adopted

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2015-111

ADOPTION OF THE MINUTES

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

- THAT the Minutes of the Regular Council Meeting of May 4th, 2015 be and are hereby approved as submitted.

Adopted

At 9.07 p.m. Councillor Warren Budning came back to his seat.

2015-112

AUTHORIZATION FOR ATTENDANCE 2015 NRPA CONGRESS

WHEREAS the 2015 Congress and exposition of the NRPA (National Recreation and Park Association) will be held in Las Vegas Nevada , from September 15 to September 17, 2015;

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

- THAT Council authorizes Ms. Karen Zajdman to attend the 2015 Congress and exposition of the NRPA that will in held in Las Vegas, Nevada, from September 15 to September 17, 2015.
- THAT expenses related to the congress for Ms. Karen Zajdman are estimated at \$2,500 USD, plus reasonable expenses.

Treasurer's Certificate No 15-17, dated June 11th 2015, has been issued, attesting to the availability of funds to cover the described expenses.

Adopted

2015-113

AUTHORIZATION FOR ATTENDANCE 2015 APWA CONFERENCE

WHEREAS the 2015 APWA (American Public Works Association) Congress and exposition will be held in Phoenix, Arizona, from August 30th to September 2nd, 2015;

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

- THAT Council authorizes Councillor Michael Goldwax to attend the 2015 APWA Congress and exposition that will be held in Phoenix, Arizona from August 30th to September 2nd, 2015;
- THAT expenses related to the congress for Councillor Goldwax are estimated at \$2,000 USD, plus reasonable expenses;

Treasurer's Certificate No 15-18, dated June 15th, 2015, has been issued, attesting to the availability of funds to cover the described expenses.

Adopted

2015-114

NOTICE OF MOTION OF BY-LAW NO. 815 REGULATING THE AUTHORIZATION, MANAGEMENT, INSTALLATION AND MAINTENANCE OF COLLECTION BOXES, CONTAINERS, SERVICE OR STORAGE LOCKERS IN THE TERRITORY OF THE TOWN OF HAMPSTEAD

NOTICE OF MOTION was given by Councillor Leon Elfassy that, at a subsequent meeting of Council, By-law N^o 815 entitled By-law to regulate the

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installation of devices, receptacles, storage and distribution containers on municipal land.

All Council members have received a draft copy of By-law N° 815 and a motion to dispense with the reading of the said By-law was made.

2015-115

ADOPTION OF BY-LAW N° 795-5 MODIFYING BY-LAW NO. 795-2 CONCERNING NUISANCE

CONSIDERING THAT notice of motion of By-law N° 795-5 was given at the regular council meeting of May 27th, 2015 and that Council members received a copy of the By-law within the required delay and they declare to have read it and waive the reading thereof;

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

- TO approve By-law N° 795-5 modifying By-law no.795-2 concerning nuisance.

Adopted

2015-116

APPROVAL OF PAYMENT CONCERNING AN INSURANCE CLAIM

WHEREAS the Town of Hampstead is a Defendant in a court case bearing number 500-17-084658-148 before the Superior Court (Civil chamber) of the District of Montreal;

WHEREAS *AIG Insurance Company of Canada*, the plaintiff in this case, is claiming from the Town an amount of \$405,796.22 plus interest at the legal rate and additional indemnity pursuant to article 1619 C.c.Q.;

WHEREAS the parties have agreed to settle this case out of court, without admission;

THEREFORE, it was proposed by Councillor Harvey Shaffer, seconded by Councillor Michael Goldwax and UNANIMOUSLY RESOLVED:

- THAT the Town pay to *AIG Insurance Company of Canada*, the amount of \$100,000 (our maximum deductible) in capital, interest costs and legal fees to settle the aforesaid case out of court, for the amount of \$335,000.00;
- THAT *Groupe Mission Expert* and *BFL Canada Risk and Insurance services Inc.* be authorized to sign all necessary documents required by the parties to the aforesaid court case, if any.

The Treasurer's certificate N°15-19, dated June 15th, 2015, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2015-117

PARTICIPATION IN THE CANADA POST LEGAL CHALLENGE

WHEREAS Canada Post has announced its decision to cease door-to-door mail delivery in favor of community mailboxes;

WHEREAS this decision is currently being challenged before the Federal Court in file T-2263-14;

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WHEREAS the cities of Montreal, Laval and Longueuil have already announced their intention to intervene in this file to present the municipal point-of-view on this issue;

WHEREAS all municipalities on the island of Montreal have been invited to participate in this action;

CONSIDERING that community mailboxes will be installed on municipal public property;

CONSIDERING that the installation of community mailboxes raises legitimate concerns for our citizens regarding accessibility and security, especially for elders and persons with limited mobility;

CONSIDERING that it is in the interest of our citizens to oppose the decision of Canada Post;

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

THAT the Town petition the Federal Court to be granted status as intervener in the case of *Canadian Union of Postal Workers vs. Canada Post Corporation* (T-2263-14);

THAT the Lawfirm Bélanger Sauv , LLP, be mandated for this purpose.

THAT the Town will spend no more than \$5,000 as our share of the legal costs.

Adopted

2015-118

DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON MAY 11TH 2015

Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on May 11th, 2015.

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

Adopted

2015-119

REQUEST TO AUTHORIZE AN ADDITION IN THE REAR YARD (ALONG THE COMMON LOT LINE) AND A FAÇADE MODIFICATION TO A SEMI-DETACHED SINGLE FAMILY DWELLING LOCATED AT 5 HOLMDALE ROAD, LOT NO.: 2 088 701, ZONE RA-1 (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, (along the common lot line) and a façade modification to a semi-detached single family dwelling located at 5 Holmdale Road, submitted to the Planning Advisory Committee meeting of May 11th, 2015 (Option B) is **approved**. The modifications meet the prescribed standards of the Zoning By-law number 727 and partially meet the prescribed standards of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the members of Council:

- To approve the design submitted at the PAC of April 20th, 2015 (with the Tudor Style)

Adopted

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2015-120

REQUEST TO AUTHORIZE A MINOR EXEMPTION TO ZONING BY-LAW NUMBER 727 ART. 6.3.2. TO PERMIT THE LEFT SIDE SETBACK AT 4.47 M (14.67 FEET) FROM THE LOT LINE INSTEAD OF 6.1 M (20 FEET) AS PER THE EXISTING (CONCERNING A PROJECT FOR AN ADDITION IN THE REAR YARD AND A FAÇADE MODIFICATION) FOR A SEMI-DETACHED SINGLE FAMILY DWELLING LOCATED AT **5 HOLMDALE ROAD, LOT NO.: 2 088 701, 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 request for approval of minor exemption to Zoning By-law number 727 art. 6.3.2., to permit the left side setback at 4.47m (14.67 feet) from the lot line instead of 6.1m (20 feet) as per the existing (concerning a project for an addition in the rear yard and a façade modification of a semi-detached single family dwelling);

WHEREAS the Planning Advisory Committee, at its meeting held on April 20th, 2015, recommended *to approve* the aforementioned request for minor exemption;

On motion of Councillor Leon Elfassy, seconded by Councillor Michael Goldwax, it was UNANIMOUSLY RESOLVED:

- THAT the aforementioned request for minor exemption for the property located at 5 Holmdale Road, lot no. : 2 088 701, Zone RA-1 is *approved*.

Adopted

Intervention of interested persons concerning the request for Minor Exemption for project located at 5 Holmdale Road.

No intervention.

At 9.30 p.m. Councillor Michael Goldwax left temporarily his seat.

2015-121

REQUEST TO AUTHORIZE THE CONSTRUCTION OF A RESIDENTIAL PROJECT OF FOUR UNITS (2 SEMI-DETACHED DUPLEX) AT **5567, QUEEN MARY ROAD LOT NO.: 2 088 742 (TO BE SUBDIVIDED IN 2 DIFFERENT LOTS), ZONE RA-3 (ZONING BY-LAW NUMBER 727), (SPAIP BY-LAW NUMBER 775), (DEMOLITION BY-LAW NUMBER 759)**

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 the construction of a residential project of four units (2 semi-detached duplex) located at 5567 Queen Mary Road, submitted to the Planning Advisory Committee meeting of May 11th, 2015 is *conditionally approved*. The modifications meet partially 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 proposed balconies are recessed (they should not be projecting over the rear building line/rear wall);
- The walls of the mezzanines are also recessed (about 3 feet) from the exterior wall and light materials may be used;
- The roof above the mezzanines and the ceiling are lowered near the exterior wall to reduce the height effect of that wall and break the volume visually;
- The architect reworks the mezzanine roof to enhance the design.

Adopted

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2015-122

REQUEST TO AUTHORIZE A MINOR EXEMPTION TO ZONING BY-LAW 727, ART. 6.3.2, TO PERMIT THE RIGHT SIDE SETBACK AT 1.83 M (6.0 FEET) FROM THE LOT LINE INSTEAD OF 2.40 M (7.87 FEET) TO LEGALIZE THE EXISTING SETBACK, OF A DETACHED SINGLE FAMILY DWELLING AT **286-288 HARROW CRESCENT, LOT NO.: 2 090 115, ZONE RB-4 (ZONING BY-LAW NO. 727), (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 number 727 art. 6.3.2., to permit the right side setback at 1.83m (6.0 feet) from the lot line instead of 2.40m (7.87 feet) to legalize the existing setback of a detached single family dwelling;

WHEREAS the Planning Advisory Committee, at its meeting held on May 11th, 2015, 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 286-288 Harrow Crescent, lot no. : 2 090 115, Zone RB-4 is *approved*.

Adopted

Intervention of interested persons concerning the request for Minor Exemption for project located at 286-288 Harrow Crescent.

No intervention.

2015-123

REQUEST TO AUTHORIZE A MINOR EXEMPTION TO THE ZONING BY-LAW 727 ART. 6.2.1 TO LEGALIZE THE FRONT SETBACK, TO ART 6.3.4 TO ALLOW THE REAR EXTENSION AT 1.22M (4 FEET) FROM THE RIGHT SIDE PROPERTY LINE (COMMON LOT LINE) INSTEAD OF 0 M (0 FEET) AND TO ART. 6.8.1.4 TO ALLOW THE DECK AT 1.22 M (4 FEET) FROM THE RIGHT SIDE PROPERTY LINE INSTEAD OF 3 M (9.8 FEET) (CONCERNING A PROJECT FOR AN ADDITION IN THE REAR YARD (2 STOREY) AND AN ATTACHED GARAGE IN THE LEFT YARD) FOR A SEMI-DETACHED DWELLING LOCATED AT **20 FINCHLEY ROAD, LOT NO.: 2 088 741, 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 request for approval of minor exemption to Zoning By-law number 727 art. 6.2.1 to legalize the front setback, to art 6.3.4 to allow the rear extension at 1.22m (4 feet) from the right side property line (common lot line) instead of 0 m (0 feet) and to art. 6.8.1.4 to allow the deck at 1.22 m (4 feet) from the right side property line instead of 3 m (9.8 feet) (concerning a project for an addition in the rear yard (2 storey) and an attached garage in the left yard) for a semi-detached dwelling;

WHEREAS the Planning Advisory Committee, at its meeting held on April 20th, 2015, recommended *to approve* the aforementioned request for minor exemption;

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

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- THAT the aforementioned request for minor exemption for the property located at 20 Finchley Road, lot no. : 2 088 741, Zone RA-1 is *approved*.

Adopted

Intervention of interested persons concerning the request for Minor Exemption for project located at 20 Finchley Road.

Intervention of Mr. René Pouliot.

2015-124

REQUEST TO AUTHORIZE AN ADDITION IN THE REAR YARD (2ND STOREY) AS WELL AS THE ADDITION OF AN ATTACHED GARAGE IN THE LEFT YARD OF A SEMI-DETACHED DWELLING AT 20 FINCHLEY ROAD, LOT NO.: 2 088 741, ZONE RA-1 (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 (2nd storey) as well as the addition of an attached garage in the left yard of a semi-detached dwelling located at 20 Finchley Road, submitted to the Planning Advisory Committee meeting of April 20th, 2015 is *conditionally approved*. The modifications meet the prescribed standards of the Zoning By-law number 727 and partially meet the prescribed standards of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC subject to the following condition:

- Windows must be added on the left elevation.

And subject to the following conditions as required by members of Council:

- Rain gutters must be added around roof;
- The dryer vent must be diverted towards the rear of the house.

Adopted

2015-125

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF MAY 2015

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

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

- THAT the disbursements for the period from April 21st, 2015 to May 20th, 2015, in the total amount of \$ 1,419,447.55 are hereby approved (\$843,757.04 for cheques and \$575,690.51 for on line payments).

Adopted

At 9.40 p.m. Councillor Michael Goldwax came back to his seat.

2015-126

AUTHORIZATION TO PARTICIPATE IN GROUP PURCHASING WITH THE DIRECTION GÉNÉRALE DES ACQUISITIONS DU QUÉBEC (DGACQ) PART OF CENTRE DE SERVICES PARTAGÉS DU QUÉBEC (CSPQ) AND WITH OTHER PARTICIPATING GOVERNMENTAL ORGANIZATIONS

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WHEREAS the “Direction générale des acquisitions du Québec” has many group purchasing agreements;

WHEREAS the master agreements allow the participating governmental organizations to benefit from savings generated by the collective purchases;

WHEREAS the Town of Hampstead already takes part of a few group purchasing with the “Direction générale des acquisitions du Québec”, which brings upon substantial savings;

WHEREAS it is in the best interest of the Town of Hampstead to take part in other collective purchases in order to benefit from favorable prices considering the acquisition of goods in large quantities;

It is proposed by Councillor Michael Goldwax seconded by Harvey Shaffer and **UNANIMOUSLY RESOLVED**;

THAT the Town of Hampstead be authorized to participate in group purchasing with the “Direction générale des acquisitions du Québec” and other participating governmental organizations;

THAT the Director – Material Resources and Information Technologies be appointed as the sole reference for the Town of Hampstead for the said group purchasing, and that it consequently be authorized:

- To provide any information related to the needs and the quantities required by the Town of Hampstead to the “Direction générale des acquisitions du Québec” for the products concerned by a collective tendering and any other relevant information in order to comply with the master agreements.

Adopted

2015-127

GRANTING OF CONTRACT – PURCHASE OF ONE CREW CAB DUMP TRUCK

WHEREAS there has been a call for tenders, by way of written invitations, for the purchase of one crew cab dump truck;

WHEREAS, after analysing the tenders opened on May 20th, 2015, the lowest bidder conforming to the requirements of the tender is Fortier Auto Montréal Limitée;

On motion of Councillor Michael Goldwax seconded by Harvey Shaffer and **UNANIMOUSLY RESOLVED**;

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

FORTIER AUTO MONTRÉAL LIMITÉE

Crew cab dump truck, year 2016 : (as per tender specifications)	\$ 65 969.00
Tire tax	\$ 18.00
G.S.T. 5%	\$ 3 299.35
Q.S.T. 9.975%	<u>\$ 6 582.20</u>
Grand total taxes included	\$ 75 868.55

Treasurer’s Certificate N° 15-16, dated May 20, 2015, has been issued by the Town’s Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

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2015-128

GRANTING OF CONTRACT – REMOVAL OF STUMPS AND RE SODDING

WHEREAS there has been a call for tenders, by way of written invitation, for the removal of stumps and re sodding;

WHEREAS, after analyzing the tenders opened on May 20th 2015, the lowest bidder conforming to the requirements of the tender invitation is Arbo-Design Inc;

On motion of Councillor Michael Goldwax, seconded by Councillor Karen Zajdman, it was UNANIMOUSLY RESOLVED:

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

ARBO-DESIGN INC

Removal of stumps and re sodding: (as per specifications in tender documents)	\$ 35 387.45
G.S.T. (5%):	\$ 1 769.37
Q.S.T. (9.975%):	\$ 3 529.90
Grand total taxes included:	\$ 40 686.72

- THAT, Treasurer's certificate N^o 15-15, dated May 20, 2015, attesting to the availability of funds to cover the described expenses.

Adopted

2015-129

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 May 27th, 2015, on the hiring of white collar student employees,

It was proposed by Councillor Karen Zajdman seconded by Councillor Leon Elfassy, and UNANIMOUSLY RESOLVED:

- 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

2015-130

APPROVAL OF THE LIST OF BLUE 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 June 3rd, 2015, on the hiring of blue collar student employees,

It was proposed by Councillor Michael Goldwax, seconded by Councillor Warren Budning, and UNANIMOUSLY RESOLVED:

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- THAT the Town Council approves the hiring of blue 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 301 and the Town of Hampstead.

Adopted

SECOND QUESTION PERIOD

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

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

2015-131

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 9.58 p.m.

Adopted

(s) William Steinberg
Dr. William Steinberg, Mayor

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