

**Minutes of Town of Hampstead**

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON DECEMBER 3, 2008, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.**

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**THOSE PRESENT WERE:** Mayor William Steinberg, Councillors Bonnie Feigenbaum, Clifford Borden, Leon Elfassy, Michael Goldwax, Abraham Gonshor and David Sternthal, forming a quorum with Mayor Steinberg presiding

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

**FIRST QUESTION PERIOD**

Mr. Surkes

- Complaint concerning the noise caused by the snow clearing.

Mrs. Robinson

- Comments about the last council minutes.
- Questions about the file of 185 Harland for applications for permits.

Mr. Robinson

- Asked explanations concerning the maximal size which a residence can occupy on a lot, that is the floor space index (FSI), and if it can be different from a zone to another.

Mrs. Genziuk

- Asked explanations concerning the Mayor's report on the financial position of the Town presented last November 3.

Mr. Miller

- Informed the Council that the financial report of 2007 does not appear on the web site of the Town.

Mr. Edery

- Expressed his disagreement with regard to the new structures set up in the Public Works yard.
- Asked if the Council budgeted expenditure for 2009 to build new structures in the Public Works yard.

Mr. Kugler

- Asked if the Council was aware of the size of the new structures set up in the Public Works yard and of their visual impact.

2008-263

**ADOPTION OF THE AGENDA**

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On motion of Councillor Feigenbaum, seconded by Councillor Borden, it was UNANIMOUSLY RESOLVED:

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

Adopted

2008-264

**ADOPTION OF THE MINUTES**

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

- THAT the Minutes of the Regular Council Meeting of November 3, 2008, of the Public Consultation Meeting of November 3, 2008 and of the Special Council Meeting of November 17, 2008 be and are hereby approved as submitted.

Adopted

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2008-265

**APPOINTMENT OF ACTING MAYORS FOR THE YEAR 2009**

On motion of Councillor Borden, seconded by Councillor Elfassy, it was UNANIMOUSLY RESOLVED:

- THAT the following Councillors be and are hereby appointed Acting Mayor effective on the dates indicated, to have and exercise all powers of the Mayor when the latter is absent or otherwise unable to perform his duties, the whole in accordance with Section 56 of the *Cities and Towns Act*:  
Councillor Bonnie Feigenbaum  
January 1, 2009 to March 31, 2009  
Councillor Clifford Borden  
April 1, 2009 to June 30, 2009  
Councillor Leon Elfassy  
July 1, 2009 to September 30, 2009  
Councillor Michael Goldwax  
October 1, 2009 to November 1, 2009

Adopted

2008-266

**ADOPTION – SCHEDULE OF REGULAR SITTINGS OF COUNCIL FOR YEAR 2009**

CONSIDERING Section 319 of the *Cities and Towns Act* and Section 1 of By-law N° 740-3;

On motion of Councillor Elfassy, seconded by Councillor Borden, it was UNANIMOUSLY RESOLVED:

- TO adopt the following schedule of the Regular Sitzings of the Town Council for the year 2009 to be held at 8:00 p.m. at the Community Center, 30 Lyncroft Road in Hampstead:  

January 12 <sup>th</sup> ;	July 6 <sup>th</sup> ;
February 2 <sup>nd</sup> ;	August 3 <sup>rd</sup> ;
March 2 <sup>nd</sup> ;	September 8 <sup>th</sup> ;
April 6 <sup>th</sup> ;	October 5 <sup>th</sup> ;
May 4 <sup>th</sup> ;	November 16 <sup>th</sup> ;
June 1 <sup>st</sup> ;	December 7 <sup>th</sup> .

Adopted

2008-267

**DEPOSIT – STATEMENTS OF PECUNIARY INTERESTS OF MEMBERS OF COUNCIL**

Written Statements of Pecuniary Interests of Mayor Steinberg and Councillors Feigenbaum, Borden, Elfassy, Gonshor and Sternthal have been deposited, at this Council Meeting, in accordance with Section 358 of the *Act respecting elections and referendums in municipalities* (R.S.Q., c.E-2.2).

2008-268

**NOTICE OF MOTION – BY-LAW N° 747-8 – AMENDMENT TO BY-LAW N° 747 TO DECREE THE FEE SCHEDULE FOR CULTURAL, SPORTS AND LEISURE ACTIVITIES FOR SPRING/SUMMER 2009**

NOTICE OF MOTION was given by Councillor Feigenbaum that, at a subsequent meeting of Council, By-law N° 747-8 Further Modifying By-law N° 747 to Decree the Fee Schedule for Cultural, Sports and Leisure Activities for Spring/Summer 2009 will be submitted to Council for adoption.

All Council members have received a draft copy of By-law N° 747-8 and a motion to dispense with the reading of the said By-law was made.

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2008-269

**NOTICE OF MOTION – BY-LAW N° 694-5 – AMENDMENT TO BY-LAW N° 694 CONCERNING TRAFFIC (TRAFFIC SIGNS)**

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NOTICE OF MOTION was given by Councillor Borden that, at a subsequent meeting of Council, By-law N° 694-5 further modifying By-law N° 694 concerning traffic (traffic signs) will be submitted to Council for adoption.

2008-270

**URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 26 ELLERDALE ROAD**

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On motion of Councillor Elfassy, seconded by Councillor Borden, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations for a 2 storey addition to a detached single family dwelling at 26 Ellerdale Road** submitted to the Planning Advisory Committee meeting of November 10, 2008, is **approved** according to the provisions of Chapter 12 of the Zoning By-law N° 727 and as recommended by the PAC.

Adopted

2008-271

**URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 185 HARLAND ROAD**

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On motion of Councillor Elfassy, seconded by Councillor Borden, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations to demolish the existing roof and add a new 2<sup>nd</sup> storey to a detached single family dwelling at 185 Harland Road** submitted to the Planning Advisory Committee meeting of November 10, 2008, is **refused**, according to the provisions of Chapter 12 of the Zoning By-law No 727 and as recommended by the PAC.

Adopted

*Councillor Sternthal temporarily left the meeting.*

2008-272

**URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 18 HOLLY ROAD**

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On motion of Councillor Elfassy, seconded by Councillor Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations to modify the back and side façades of the detached single family dwelling at 18 Holly Road** submitted to the Planning Advisory Committee meeting of November 10, 2008, is **approved**, according to the provisions of Chapter 12 of Zoning By-law N° 727 and as recommended by the PAC.

Adopted

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2008-273

**URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 79 FINCHLEY ROAD**

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On motion of Councillor Elfassy, seconded by Councillor Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations to relocate the basement garage entrance from the back of the building to the front façade of the detached single family dwelling at 79 Finchley Road** submitted to the Planning Advisory Committee meeting of November 10, 2008, is **approved**, according to the provisions of Chapter 12 of Zoning By-law N<sup>o</sup> 727 and as recommended by the PAC.

Adopted

2008-274

**URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 49 THURLOW ROAD**

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On motion of Councillor Elfassy, seconded by Councillor Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations for a 2 storey side addition to a detached single family dwelling at 49 Thurlow Road** submitted to the Planning Advisory Committee meeting of November 10, 2008, is **approved** according to the provisions of Chapter 12 of the Zoning By-law N<sup>o</sup> 727 and as recommended by the PAC.

Adopted

2008-275

**URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 13 HOLLY ROAD**

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On motion of Councillor Elfassy, seconded by Councillor Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations for an attic addition to a detached single family dwelling at 13 Holly Road** submitted to the Planning Advisory Committee meeting of November 10, 2008, is **not approved** according to the provisions of Chapter 12 of the Zoning By-law N<sup>o</sup> 727 and as recommended by the PAC.

Adopted

2008-276

**URBAN PLANNING AND BUILDING INSPECTIONS – SPECIFIC CONSTRUCTION, ALTERATION AND OCCUPANCY PROPOSAL FOR AN IMMOVEABLE – 222/224 HARROW ROAD**

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It was proposed by Councillor Feigenbaum, seconded by Councillor Borden and unanimously resolved to defer this item to a subsequent council meeting.

Deferred

*Councillor Sternthal returned to the meeting.*

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2008-277

### APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF NOVEMBER 2008

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WHEREAS Council reviewed the list of payments for the month of November 2008;

Council discussed the matter and, on motion of Councillor Feigenbaum, seconded by Councillor Gonshor, it was UNANIMOUSLY RESOLVED:

- THAT the disbursements from November 1<sup>st</sup> to November 30, 2008, in the amount of \$1,146,338.41, are hereby approved.

Adopted

2008-278

### GRANTING OF CONTRACT – COLLECTION AND TRANSPORT OF SECONDARY RECYCLABLE MATERIALS

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WHEREAS the reconstituted cities mandated the City of Dollard-des-Ormeaux, by resolution, to proceed with a common call for tenders for the collection and transport of secondary recyclable materials contract on their territory;

WHEREAS a call for public tenders was published in La Presse and by means of the electronic tendering system SÉAO on October 10, 2008 for the collection and transport of secondary recyclable materials from April 1, 2009 to March 31, 2012 with two (2) renewal options, on the territories of the following cities: Baie-d’Urfé, Beaconsfield, Côte-Saint-Luc, Dollard-des-Ormeaux, Dorval, Hampstead, Kirkland, Montréal-Est, Montréal-Ouest, Mont-Royal, Pointe-Claire, Sainte-Anne-de-Bellevue, Senneville et Westmount ;

WHEREAS the following tenders were received and opened publicly on October 31, 2008 at 11 a.m.:

	<b>RCI Environnement inc.</b>	<b>Rebuts Solides Canadiens inc.</b>
	Coût total de la soumission (taxes incluses)	Coût total de la soumission (taxes incluses)
Option « A » Collecte et transport une fois par semaine sur l'ensemble des territoires	2 529 778,24 \$	2 805 773,25 \$
Option « B » Collecte combinée Collecte et transport une fois aux deux semaines pour l'unifamiliale et une collecte par semaine pour le multilogements et les ICI	2 529 778,24 \$	2 625 017,32 \$
Option « C » La fourniture, la distribution, le financement et l'entretien des bacs roulants de 120, 240 et 360 litres et de conteneurs de 1 v <sup>3</sup> , 2 v <sup>3</sup> et 6 v <sup>3</sup>	5 746 711,32 \$	4 695 773,67 \$
Option « D » La fourniture, la distribution et l'entretien des bacs roulants de 120, 240 et 360 litres et de conteneurs de 1 v <sup>3</sup> , 2 v <sup>3</sup> et 6 v <sup>3</sup>	5 079 000,26 \$	3 976 407,68 \$
Option « E » La fourniture des bacs roulants de 120, 240 et 360 litres et de conteneurs de 1 v <sup>3</sup> , 2 v <sup>3</sup> et 6 v <sup>3</sup>	4 885 354,16 \$	3 617 190,90 \$

WHEREAS the tenders were verified by the coordinating committee being: Stéphane Beaudoin, City of Dorval, Ginette Leclair, City of Sainte-Anne-de-Bellevue, Anna Polito and Stéphanie Roy of the City of Dollard-des-Ormeaux;

WHEREAS the committee members recommend the awarding of the contract according to Option “A” only being for the collection and transport of secondary recyclable materials once a week on all territories;

WHEREAS the lowest bidder for Option “A” “complies to the tender documents specifications;

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WHEREAS the treasurer's certificate N° 08-043, dated November 17, 2008, has been issued by the Town's Treasurer attesting to the availability of funds to cover the described expenses;

On motion of Councillor Goldwax, seconded by Councillor Borden, it was UNANIMOUSLY RESOLVED:

- THAT the lowest offer for Option "A" made by *RCI Environnement inc.* for an amount not in excess of \$ 82,269.00 annually (including taxes) be accepted for the collection and transport of secondary recyclable materials on the territory of the Town of Hampstead from April 1, 2009 to March 31, 2012 with two (2) renewal options, on the condition that Section 2.6 of the special specifications be fulfilled, which section reads as follows:
  - «2.6 Sous réserve de ce qui est stipulé à l'article 16 du Cahier des charges générales, un soumissionnaire et les villes participantes seront liés par une soumission du soumissionnaire uniquement si et lorsque les conditions suivantes sont respectées :
    - i. si le nombre d'unités situées sur le territoire des villes participantes désirant signer le contrat avec l'Entrepreneur équivaut à un minimum de 75 % du nombre d'unités indiqué au Formulaire de soumission; et
    - ii. lorsque des résolutions acceptant la même option (entre l'option 'A' et l'option 'B') de la soumission du soumissionnaire pour la collecte et le transport seulement auront été adoptées par un nombre de villes participantes suffisant pour respecter le critère mentionné à i. »
- THAT the Mayor and the Town Clerk be authorized to sign an agreement with *RCI Environnement inc.* on behalf of the Town, in accordance with the provisions of the tender documents forming part of the call for tenders.

Adopted

2008-279

### **GRANTING OF CONTRACT – SUPPLY OF PROFESSIONAL SERVICES FOR REPAIRS OF SEWER AND AQUEDUCT / YEAR 2009**

WHEREAS the Town of Hampstead is eligible to a grant from the MMAR for repairs of sewer and aqueduct;

WHEREAS professional services of engineering are required for:

- preparation of plans and specifications for tender and construction
- obtaining of required certificates
- technical support during tender period
- analyses of received quotes and recommendation;

On motion of Councillor Feigenbaum, seconded by Councillor Borden, it was UNANIMOUSLY RESOLVED:

- THAT the contract for the supply of consulting engineer services, within the program of restoration of sewer and aqueduct, be granted to Roche Ingenieurs-Conseils for an amount of \$22,110, plus applicable taxes, the whole in conformity with their offer of services dated November 18<sup>th</sup> 2008; and
- THAT Treasurer's Certificate N° 08-044, dated November 25<sup>th</sup>, 2008, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

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2008-280

### **APPROVAL OF LIST OF AUXILIARY EMPLOYEES FOR COMMUNITY SERVICES DEPARTMENT**

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CONSIDERING THAT Council members reviewed the report of the Director of the Community Services dated December 2008, with regard to hiring auxiliary employees;

It was proposed by Councillor Elfassy, seconded by Councillor Feigenbaum, and UNANIMOUSLY RESOLVED:

- THAT the Town Council approves the hiring of auxiliary employees with the hourly rates for the Community Services Department, such as enumerated in the list of December 2008, prepared by the Director of Community Services.

Adopted

2008-281

### **SUSPENSION OF EMPLOYEE N° 1083**

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WHEREAS the director general has reported the four weeks suspension without pay of employee N° 1083;

It was proposed by Councillor Feigenbaum, seconded by Councillor Goldwax and UNANIMOUSLY RESOLVED:

- THAT, having inquired, Council ratifies the four (4) weeks disciplinary suspension without pay of employee N° 1083, imposed by the director general, in accordance with article 113 of the *Cities and Towns Act*.

Adopted

### **SECOND QUESTION PERIOD**

Mr. Irsh - Alban

- Complaint about the height of the snow banks; it caused problem of visibility.

2008-282

### **ADJOURNMENT**

All the subjects of the Agenda having been discussed, it was proposed by Councillor Goldwax and unanimously resolved to declare the meeting closed.

Adopted

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Dr. William Steinberg, Mayor

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Me Chantal Bergeron, Town Clerk