

**Minutes of Town of Hampstead**

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON MARCH 2, 2009, 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, Abraham Gonshor, Clifford Borden, Leon Elfassy, Michael Goldwax 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**

The Mayor invites the persons in attendance to ask their questions.

2009-037

**ADOPTION OF THE AGENDA**

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

- THAT the agenda of the regular meeting is hereby adopted with the addition of the following item under "Other business":

12.2. Approval of a contract for services of Robert Martin as Director of Public Security.

Adopted

2009-038

**ADOPTION OF THE MINUTES**

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

- THAT the Minutes of the Regular Council Meeting of February 2, 2009, be and are hereby approved as submitted.

Adopted

2009-039

**SUPPORT TO THE FEDERATION OF CANADIAN MUNICIPALITIES IN ITS REQUEST TO TRANSPORT CANADA REGARDING TRUCK SIDE GUARD PROTECTION**

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WHEREAS providing safer traffic interaction between large vehicles, pedestrians, cyclists and smaller motorized vehicles is in continuous evolution;

WHEREAS each of the above complete for positions on our municipal streets as well as our national highway system;

WHEREAS tragic events have happened during the past years and it is essential that appropriate measures be taken to avoid other fatalities;

WHEREAS the implementation of a truck side guards regulation similar to that adopted by the United Kingdom and Europe (89/297/EEC Directive) improves road safety;

WHEREAS new legislative measures are necessary to improve the national design standards; and

WHEREAS the Federal Government (Transport Canada) sets vehicle standards for all new vehicles manufactured in or imported into Canada:

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

- THAT the Town of Hampstead supports the *Federation of Canadian Municipalities* in urging Transport Canada to develop and implement a national standard similar to that of the European model for truck side guard protection.

Adopted

2009-040

### **OPPOSITION TO THE PROJECT TO BUILD A CASINO ON THE SITE OF THE HIPPODROME**

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WHEREAS the Government of Quebec is committed to moving the site known under the name of Hippodrome de Montréal;

WHEREAS the urban plan of the City of Montreal and the borough of Côte-des-Neiges–Notre-Dame-de-Grace foresee the redevelopment of this site for the construction of 2000 to 10,000 residences;

WHEREAS the high value of this land, situated in proximity to the downtown area of Montreal and the Pierre-Elliott-Trudeau International airport could form a brake to urban spreading and meet the residential needs for various socio-economic groups for the years to come;

WHEREAS the establishment of a casino on the site of the Hippodrome will likely cause the social problems to emerge not only in the borough of Côte-des-Neiges–Notre-Dame-de-Grace, but also in the center west of the Island of Montreal;

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

- TO inform the Government of Quebec of our opposition to the project which would authorize “Attractions Hippiques” to build a casino housing more than 300 video lottery apparatuses on the site of the Hippodrome;
- THAT a copy of this resolution be sent to MNA Lawrence Bergman and to all the cities and boroughs on the island of Montreal.

Adopted

2009-041

### **DEPOSIT OF CERTIFICATE OF THE TOWN CLERK RE REGISTER OPENED FOR PERSONS QUALIFIED TO VOTE ON BY-LAW N<sup>o</sup> 769**

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The Town Clerk reported that, after the registration proceedings called for and held at the Town Hall, on February 16, 2009, from 9:00 a.m. to 7:00 p.m., concerning By-law N<sup>o</sup> 769 entitled: “By-law Authorizing a Loan of \$ 157,785 for the Acquisition of Recycling Wheeled Bins”:

- That the number of persons qualified to vote on this by-law was 4,876;
- That the number of signatures of persons qualified to vote required making the holding of a poll obligatory was 499;
- That the number of persons qualified to vote who have registered has been 3; and
- That By-law N<sup>o</sup> 769 has therefore been deemed approved by the persons qualified to vote.

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2009-042

**ADOPTION – BY-LAW N° 770 - LOAN TO REFINANCE THE TOWN OF HAMPSTEAD’S PORTION OF A WATER INFRASTRUCTURE DEBT ORIGINALLY FINANCED BY THE CITY OF MONTREAL**

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WHEREAS the Members of Council have received, within the delay, a copy of Loan By-law N° 770 and declare to have read it;

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

- TO approve By-law N° 770 to be entitled: “By-law authorizing a Loan of \$1,175,620 in order to refinance the Town of Hampstead’s portion of a Water Infrastructure Debt originally financed by the City of Montreal”.

Adopted

2009-043

**NOTICE OF MOTION – BY-LAW N° 771 – LOAN FOR REHABILITATION OF WATER AND SEWER MAINS**

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NOTICE OF MOTION was given by Councillor Feigenbaum that, at a subsequent meeting of Council, By-law N° 771 authorizing a loan for the Rehabilitation of Water and Sewer Mains will be submitted to Council for adoption.

2009-044

**NOTICE OF MOTION – BY-LAW N° 772 – LOAN FOR REHABILITATION OF STREET LIGHT NETWORK**

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NOTICE OF MOTION was given by Councillor Goldwax that, at a subsequent meeting of Council, By-law N° 772 authorizing a loan for the Rehabilitation of Street Light Network will be submitted to Council for adoption.

2009-045

**NOTICE OF MOTION – BY-LAW N° 773 – LOAN FOR REHABILITATION OF PETROLEUM EQUIPMENT**

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NOTICE OF MOTION was given by Councillor Gonshor that, at a subsequent meeting of Council, By-law N° 773 authorizing a loan for the Rehabilitation of Petroleum Equipment will be submitted to Council for adoption.

2009-046

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

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

- THAT the site planning and architectural integration programs showing **plans and elevations for an addition to a detached single family dwelling at 18 Glenmore Road** submitted to the Planning Advisory Committee meeting of February 9, 2009, is **approved** on condition not to increase the width of the existing garage; the whole in conformity of the provisions of Chapter 12 of the Zoning By-law N° 727 and as recommended by the PAC.

Adopted

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2009-047

### **REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 92 HAMPSTEAD ROAD**

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

Deferred

#### *Intervention of interested persons concerning request for minor exemption at 18 Glenmore Road:*

*No Intervention.*

2009-048

### **REQUESTS FOR MINOR EXEMPTION - PROPERTY LOCATED AT 18 GLENMORE ROAD**

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WHEREAS the members of Council have reviewed the requests for minor exemption of the property located at 18 Glenmore Road, lot 2089887, to permit the existing right side setback to be 2.02 metres (6.63 feet) instead of the required minimum allowable of 2.13 metres (7.0 feet) and to permit the existing front setback to be 4.88 metres (16.0 feet) instead of the required minimum allowable of 6.1 metres (20.0 feet), in accordance with the provisions of articles 6.1 and 6.2 of Zoning By-law N° 727;

WHEREAS the Planning Advisory Committee, at its meeting held on January 19, 2009, recommended to approve the aforementioned requests for minor exemption;

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

- THAT the aforementioned requests for minor exemption for the property located at 18 Glenmore Road, lot 2089887, are **approved**.

Adopted

2009-049

### **TABLING OF DECISION RENDERED ON FEBRUARY 19, 2009 BY THE DEMOLITION COMMITTEE CONCERNING 185 HARLAND ROAD**

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In accordance with Article 7.6 of By-law N° 759 Concerning the Demolition of Buildings, the Town Council tables the decision rendered by the Demolition Committee at their meeting of February 19, 2009 which approved the partial demolition of the detached single family residence located at 185 Harland Road.

2009-050

### **APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF FEBRUARY 2009**

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WHEREAS Council reviewed the list of payments for the month of February 2009;

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

- THAT the disbursements for the period from January 28 to February 25, 2009, in the amount of \$5,048,345.21, are hereby approved.

Adopted

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2009-051

**PAYMENT FOR THE USE OF 'COMPLEXE ENVIRONNEMENTAL SAINT-MICHEL' (C.E.S.M.)**

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WHEREAS the Town of Hampstead uses Complexe Environnemental Saint-Michel (C.E.S.M.) for the dumping of construction materials, branches, leaves and dirt;

WHEREAS the charges to the Town of Hampstead for the use of C.E.S.M. dumping facilities for the period from March 1, 2008 to December 31, 2008 amount to \$49,496.14 and for the period from January 1, 2009 to January 29, 2009 amount to \$555.96, for a total of \$50,052.10;

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

- THAT the Town of Hampstead pay to Complexe Environnemental Saint-Michel (C.E.S.M.) the total amount of \$50,052.10 covering charges for the period from March 1, 2008 to January 29, 2009 for use of the C.E.S.M. dumping facilities;
- THAT Treasurer's Certificate N° 09-015 dated February 25, 2009 has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2009-052

**GRANTING OF CONTRACT – PURCHASE OF A MOTORIZED TENNIS ROLLER**

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WHEREAS four quotes were received for the purchase of a motorized tennis roller;

WHEREAS, after analysing the quotes received, the lowest bidder is Huss Sports Ltd.;

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

- THAT, as recommended by the Division Chief of Purchasing, the following quotation for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

**HUSS SPORTS LTD**

Purchase of a motorized tennis roller Model AR-5HDT		\$ 10 650.00
	G.S.T. 5%	532.50
	Q.S.T. 7.5%	<u>838.69</u>
	TOTAL	\$ 12 021.19

- THAT Treasurer's Certificate N° 09-007, dated February 17<sup>th</sup>, 2009, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2009-053

**GRANTING OF CONTRACT – SUPPLY OF ASPHALT FOR YEAR 2009**

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WHEREAS there has been a call for tenders by way of written invitation for the supply of asphalt for year 2009;

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WHEREAS, after analysing the tenders opened on February 18, 2009, the lowest bidder conforming to the requirements of the tender invitation is Les Pavages Chenail inc.;

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

- THAT, as recommended by the Division Chief of Purchasing, the contract for supply of asphalt for year 2009 be and is hereby approved, the whole as more amply delineated hereunder:

### **LES PAVAGES CHENAIL INC.**

Asphalt MB-7 (approx. 300 metric tons)	\$ 97.50 / mt
Asphalt MB-6 (approx. 100 metric tons)	\$ 87.50 / mt
Asphalt MB-5 (approx. 50 metric tons)	\$ 84.80 / mt
Asphalt MB-4 (approx. 50 metric tons)	\$ 83.80 / mt
Asphalt MB-3 (approx. 25 metric tons)	\$ 83.80 / mt

G.S.T. 5%	Extra
Q.S.T. 7.5%	Extra

- THAT Treasurer's Certificate N°09-008, dated February 18, 2009, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2009-054

### **GRANTING OF CONTRACT – CLEANING OF CATCHBASINS FOR YEARS 2009 - 2010**

WHEREAS there has been a call for tenders, by way of written invitation, for the cleaning of catchbasins for years 2009 and 2010;

WHEREAS, after analysing the tenders opened on February 18, 2009, the lowest bidder conforming to the requirements of the tender invitation is Veolia ES Canada Services Industriels Inc.;

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

- THAT, as recommended by the Division Chief of Purchasing, the following quotation for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

### **VEOLIA ES CANADA SERVICES INDUSTRIELS INC.**

Cleaning of catchbasins year 2009:	\$ 9,988.74
Cleaning of catchbasins year 2010:	\$ 9,988.74

G.S.T. 5%	\$ 998.87
Q.S.T. 7.5%	\$ 1,573.23

**GRAND TOTAL** **\$ 22,549.58**

- THAT Treasurer's certificate N°09-009, dated February 19, 2009, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2009-055

### **GRANTING OF CONTRACT – PURCHASE OF A LAWN MOWER**

WHEREAS the lowest price received for the supply of a lawn mower is from Marina Materiaux et Equipements;

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WHEREAS, the demonstrator model proposed by Marina Materiaux et Equipements meets all of our requirements;

WHEREAS, conditions and warranty for the demonstrator model are the same as a new model;

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

- THAT, as recommended by the Division Chief of Purchasing, the following quotations for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

**MARINA MATERIAUX ET EQUIPEMENTS**

One lawn mower Model 260H XDZ 27HP Demonstrator model (2 hours of usage)	\$ 12 704.68
G.S.T. 5%	\$ 635.23
Q.S.T. 7.5%	<u>\$ 1 000.49</u>
Grand total taxes included	\$ 14 340.40

- THAT Treasurer's Certificate N° 09-010, dated February 20, 2009, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2009-056

**GRANTING OF CONTRACT – OUTDOOR POOLS MAINTENANCE FOR YEAR 2009**

WHEREAS there has been a call for tenders, by way of written invitation, for the outdoor pools maintenance for the 2009 season;

WHEREAS, after analysing the tenders opened on February 20<sup>th</sup> 2009, the lowest bidder conforming to the requirements of the tender invitation is Leautec Crystal Soleil;

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

- THAT, as recommended by the Division Chief of Purchasing, the following quotations for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

**LEAUTEC CRYSTAL SOLEIL**

Outdoor Pools Maintenance season 2009 (opening and closing included) (as per specifications)	\$ 9 555.00
G.S.T. 9%	\$ 477.75
Q.S.T. 7.5%	<u>\$ 752.46</u>
Grand total taxes included	\$ 10 785.21

- THAT Treasurer's Certificate N° 09-011, dated February 20, 2009, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

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2009-057

**GRANTING OF CONTRACT – SUPPLY OF MAINTENANCE PRODUCTS FOR OUTDOOR POOLS**

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WHEREAS there has been a call for tenders, by way of written invitation, for the supply of maintenance products for outdoor pools;

WHEREAS, after analysing the tenders opened on February 20<sup>th</sup> 2009, the lowest bidders conforming to the requirements of the tender invitation are Aqua Solution and Leautec Crystal Soleil;

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

- THAT, as recommended by the Division Chief of Purchasing, the following quotation for the following contracts be and is hereby approved, the whole as more amply delineated hereunder:

**AQUA SOLUTION**

**Outdoor Pools Products** approx : \$ 2 000.00  
(as per specifications)

**LEAUTECH CRYSTAL SOLEIL**

**Outdoor Pools Products** approx : \$ 3 250.00  
(as per specifications)

Both G.S.T. and Q.S.T. are included in above projection.

- THAT Treasurer’s Certificate 09-012, dated February 20, 2009, has been issued by the Town’s Treasurer, attesting to the availability of funds to cover the above-described expenses.

Adopted

2009-058

**GRANTING OF CONTRACT – CONSTRUCTION OF SIDEWALKS, DRIVEWAY ENTRANCES AND CURBS**

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WHEREAS there has been a public call for tenders for the contract of construction of sidewalks, driveway entrances and curbs – year 2009;

WHEREAS, after analysing the tenders opened on February 23<sup>rd</sup>, 2009, the lowest bidder conforming to the requirements of the tender invitation is TGA Montreal inc.;

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

- THAT, as recommended by the Division Chief of Purchasing, the following quotations for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

**TGA MONTREAL INC.**

Construction and repairs of sidewalks, \$ 67 500.00  
entrances and curbs  
(as per specifications)

G.S.T. 5% \$ 3 375.00  
Q.S.T. 7.5% \$ 5 315.63  
Grand total taxes included \$ 76 190.63



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- THAT Treasurer's Certificate N° 09-013, dated February 23, 2009, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2009-059

### **APPROVAL FOR HIRING OF AUXILIARY EMPLOYEES FOR THE PUBLIC WORKS DEPARTMENT**

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

- THAT the Town Council approves the hiring of the following auxiliary employees for the Public Works Department, for a period of less than 700 hours:

Mr. Roger Marleau  
Mr. Marc Rompré  
Mr. Charles Renaud

- THAT the above mentioned auxiliary employees be hired as Operators-Drivers and they may be assigned to various functions as may be required by the Town. The above-mentioned hirings for the Public Works Department are made in accordance with the provisions of the collective agreement between C.U.P.E. Local 301 and the Town of Hampstead.

Adopted

2009-060

### **HIRING OF MR. MARTIN BERARD AS "MECHANIC" WITH THE PUBLIC WORKS DEPARTMENT**

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

- TO hire Mr. Martin Berard as "**Mechanic**" on, or before, March 23, 2009, subject to the usual conditions and in accordance with the provisions of the collective agreement between CUPE Local 301 and the Town of Hampstead.; and
- THAT Treasurer's certificate no 09-014, dated February 25, 2009 has been issued by the Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

*Councillor Elfassy temporarily left the meeting.*

2009-061

### **DECISION CONCERNING THE APPEAL ON A NOTICE ISSUED FOR A "DANGEROUS DOG"**

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WHEREAS following an incident which occurred on December 12, 2008, a "dangerous dog" notice dated January 7, 2009 was issued by the Town's Director of Public Security to Ms. Celine Elfassy, the owner of the dog in question;

WHEREAS, according to By-law N° 761, the owner of the dog appealed to Council, requesting a reversal of the decision, which appeal was heard by Council on January 26, 2009;

WHEREAS, after studying the details of the incident of December 12, 2008 and after hearing the witnesses who presented themselves at the appeal process of January 26, 2009;

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

- THAT the Town Council nullifies the “dangerous dog” notice issued on January 7, 2009 regarding Ms. Celine Elfassy’s dog.

Mayor Steinberg called for a vote.

**Voted in favour:**

Councillor Gonshor  
Councillor Borden  
Councillor Goldwax  
Councillor Feigenbaum

**In favour: 4**

**Voted against:**

Councillor Sternthal

**Against: 1**

Adopted on Division

*Councillor Elfassy returned to the meeting.*

2009-062

**APPROVAL OF A CONTRACT FOR SERVICES FOR THE PERSONAL SERVICES OF MR. ROBERT MARTIN AS “DIRECTOR – PUBLIC SECURITY”**

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CONSIDERING THAT Mr. Robert Martin will be retiring as a Town employee as of April 30, 2009;

CONSIDERING THAT the Town of Hampstead requires the services of a person to hold the position of Director for its Department of Public Security;

CONSIDERING THAT the Director General and the Director of Human Resources are recommending the signature of a contract for services to fill the need;

It was proposed by Councillor Gonshor, seconded by Councillor Borden and UNANIMOUSLY RESOLVED:

- TO approve the contract for services for the provision of the personal services of Mr. Robert Martin under the conditions set forth in the contract entered into between the parties for the period beginning on May 1<sup>st</sup>, 2009 and ending on April 30<sup>th</sup>, 2010.
- THAT Treasurer’s certificate no 09-016, dated March 2, 2009 has been issued by the Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

**SECOND QUESTION PERIOD**

The Mayor invites the persons in attendance to ask their questions.

2009-063

**ADJOURNMENT**

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

Adopted