

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON MAY 4, 2009, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

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

ABSENT: Councillor David Sternthal.

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

FIRST QUESTION PERIOD

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

2009-085

ADOPTION OF THE AGENDA

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

- THAT the agenda of the regular meeting is hereby adopted with the addition of the following items under “Finance” and “Human Resources”:

7.5 Concordance Resolution – Loan by Means of Notes in the Amount of \$ 1 175, 000.

9.5 Abolition of the Position of Foreman – “Public Works, Sewer and Water Works / Project Engineer” in the Public Works Department.

9.6 Hiring of Mr. Yves Mailhot, Eng., as “Director of Public Works and Technical Services”.

9.7 Appointment of a Town Representative on the Pension Committee.

Adopted

2009-086

ADOPTION OF THE MINUTES

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

- THAT the Minutes of the Regular Council Meeting and the Special Council Meeting of April 6, 2009, be and are hereby approved as submitted.

Adopted

2009-087

APPROVAL OF THE RENEWAL OF EXPECTATIONS OF THE TOWN OF HAMPSTEAD FROM CLD CENTRE WEST FOR 2009-2010

WHEREAS the CLD (Centre local de développement) Centre West serves the areas of the Saint-Laurent Borough and the City of Côte Saint-Luc, the Town of Hampstead and the Town of Montreal West;

WHEREAS the Members of Council have reviewed the letter and documents sent on April 23, 2009 from the Borough Director of Saint-Laurent concerning the municipal expectations from the CLD Centre West;

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

- THAT the Council of the Town of Hampstead approves the renewal of the 2009-2010 Municipal Expectations from the CLD Centre West for 2008-2009.

Adopted

2009-088

ADOPTION – BY-LAW N° 774 – ADMINISTRATION OF WATER AND SEWER SERVICES

WHEREAS the Members of Council have received, within the delay, a copy of By-law N° 774 and declare to have read it;

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

- TO approve By-law N° 774 to be entitled: “By-law concerning the Administration of Water and Sewer Services”.

Adopted

2009-089

ADOPTION – BY-LAW N° 690-4 CONCERNING NUISANCE

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

Deferred

2009-090

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 54 MERTON ROAD

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 addition and renovation to a detached single family dwelling at 54 Merton Road** submitted to the Planning Advisory Committee meeting of April 14, 2009, is **refused**, the whole in conformity with the provisions of Chapter 12 of the Zoning By-law N° 727 and as recommended by the PAC.

Adopted

2009-091

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

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

- THAT the site planning and architectural integration programs showing **plans and elevations to demolish the existing home and erect a new detached single family dwelling in its place at 26 Cressy Road** submitted to the Planning Advisory Committee meeting of April 14, 2009, with the modifications detailed in the sketch of April 25th, 2009, is **approved**, according to the provisions of Chapter 12 of the Zoning By-law No 727 and as recommended by the PAC.

Adopted

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2009-092

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 2 HOLMDALE ROAD

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

- THAT the site planning and architectural integration programs showing **plans and elevations to modify the existing rear sunroom at 2 Holmdale Road** submitted to the Planning Advisory Committee meeting of April 14, 2009, is **approved (Option “A” of this request)**, according to the provisions of Chapter 12 of Zoning By-law N° 727 and as recommended by the PAC.

Adopted

2009-093

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 69 GLENMORE ROAD

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 addition and renovation to a detached single family dwelling at 69 Glenmore Road** submitted to the Planning Advisory Committee meeting of April 14, 2009, is **refused**, the whole in conformity with the provisions of Chapter 12 of the Zoning By-law N° 727 and as recommended by the PAC.

Adopted

Intervention of interested persons concerning request for minor exemption at 92 Hampstead Road:

Mr. Novak, 64 Granville, Mr. and Mrs. Saltpeter, 94 Hampstead and Mrs. Genziuk, 56 Holtham asked Council to refuse the request for Minor Exemption of the property located at 92 Hampstead Road.

2009-094

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 92 HAMPSTEAD ROAD

WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 92 Hampstead Road, lot 2089894, to allow the edge of the driveway, including its supporting wall to be 0.45 metres (1.48 feet) from the side lot line instead of the minimum required distance of 1 metre (3.28 feet), in accordance with the provisions of article 7.6.3.1.2 of Zoning By-law N° 727;

WHEREAS the Planning Advisory Committee, at its meeting held on February 9, 2009, recommended to refuse the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 92 Hampstead Road, lot 2089894, is **refused**.

Adopted

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2009-095

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF APRIL 2009

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

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

- THAT the disbursements for the period from April 1st, 2009 to April 29, 2009, in the amount of \$590,052.38, are hereby approved.

Adopted

2009-096

DEPOSIT OF THE FIRST COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR 2009

In accordance with Section 105.4 of the *Cities and Towns Act*, the Town Treasurer hereby deposited the statement of revenues and expenditures as at March 31, for the fiscal year 2009, compared with the same period for the fiscal year 2008.

2009-097

AUTHORIZATION TO PAY THE INVOICE COVERING HAMPSTEAD'S SHARE OF MONTREAL WEST / HAMPSTEAD 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 the Director of Community Services has recommended that the invoice received from the Montreal West Civic Recreation Association represents Hampstead's share of expenses and ice time;

WHEREAS the number of Hampstead residents who participated in the hockey program was higher than anticipated, resulting in an expense of \$88,771.40 versus the budgeted expense of \$ 72,000.00;

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

- THAT the following invoice be approved for immediate payment:

Montreal West Civic Recreation Association

Hampstead Portion of Ice Time \$ 88,771.40
& other expenses
(September 1, 2008 to April 21, 2009)

- THAT Treasurer's certificate N^o 09-022, dated April 30, 2009, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Mayor Steinberg called for a vote.

Voted in favour:

Councillor Gonshor
Councillor Feigenbaum
Councillor Borden
Councillor Goldwax
Mayor Steinberg

Voted against:

Councillor Elfassy

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In favour: 5

Against: 1

Adopted on Division

2009-098

ADJUDICATION OF NOTES IN THE AMOUNT OF \$ 1 175,000

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

- WHEREAS, in accordance with Articles 555.2 and 554 of *Cities and Towns Act* (R.S.Q., c. C-19), on March 25th, 2009, the Ministry of Finance authorized the Town of Hampstead to negotiate a loan by means of notes, in the amount of \$1 175,000, without proceeding by way of public tender;
- WHEREAS, according to this authorization and further to the invitation to a public tender realized in collaboration with the Ministry of Finance, the Town received six submissions to finance the loan by-law number 770;
- WHEREAS, further to the analysis of submissions received by the Ministry of Finance, the National Bank of Canada's submission is the most favorable;
- WHEREAS there is cause to accept the National Bank's offer to realize a loan by means of notes in the amount of \$ 1 175,000, for a 5 year term and with the interest at a swap CDSW5 rate per Bloomberg's information system, with a premium of 190 base points, the rate to be determined at the disbursement date scheduled for May 8th, 2009;
- WHEREAS, in accordance with Article 563.1 of *Cities and Towns Act*, the conditions of this loan have to be approved by the Ministry of Finance;
- THAT the Town of Hampstead accept the offer made by the National Bank of Canada, received by way of invitation to a public tender, for a loan of \$1 175,000 by means of notes, by virtue of By-law N° 770, at par, carrying interest at a swap CDSW5 rate per Bloomberg's information system, plus a premium of 190 base points and maturing over a period of five years as follows:

\$ 57,600	May 8, 2010
\$ 60,000	May 8, 2011
\$ 62,600	May 8, 2012
\$ 65,300	May 8, 2013
\$929,500	May 8, 2014; and
- THAT the notes, capital and interest will be payable, by cheque or by direct bank debit, to the order of the National Bank of Canada;
- THAT a request will be made to the Ministry of Finance in order to approve the conditions of the present loan.

Adopted

2009-099

CONCORDANCE RESOLUTION – LOAN BY MEANS OF NOTES IN THE AMOUNT OF \$1 175,000

WHEREAS the Town of Hampstead, by virtue of By-law N° 770, intends to borrow, by means of notes, an amount of \$1 175,000;

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WHEREAS in accordance with paragraph 1 of the article 2 of an *Act Respecting Municipal Debts and Loans* (R.S.Q., c. D-7), the Town wishes, for the purposes of this loan, to issue a note for a shorter term than originally fixed in the Loan By-law number 770;

WHEREAS for this purpose, it is necessary to modify the loan by-law by virtue of which the note is issued;

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

- THAT the preamble becomes an integral part of the entire resolution;
- THAT a loan by means of notes in the amount of \$ 1 175 000 prescribed in the loan by-law number 770 be realized;
- THAT the note will be signed by the Mayor and the Treasurer;
- THAT the note will be dated May 8, 2009;
- THAT the interest on the note will be payable semi-annually; and
- THAT the capital of the notes will be reimbursed as follows:

2010.	\$ 57,600
2011.	\$ 60,000
2012.	\$ 62,600
2013.	\$ 65,300
2014.	\$ 68,000
2014.	\$ 861,500 (to be renewed)

- THAT in order to realize this loan, the municipality must issue for a term shorter than the term provided for in the loan by-law, that is for a term of:

five years (beginning May 8, 2009); instead of the term prescribed for the annual capital amortizations for the year 2015 and subsequent years for By-law number 770, each subsequent loan must be for the balance or part of the balance of the loan.

Adopted

2009-100

GRANTING OF CONTRACT – REHABILITATION OF AQUEDUCT & SEWER PIPES BY RELINING - 2009

WHEREAS there has been a call for tenders, by way of public tender, for the rehabilitation of aqueduct and sewer pipes by relining - 2009;

WHEREAS, after analysing the tenders opened on April 20th, 2009, the lowest bidder conforming to the requirements of the public tender is Aqua Rehab;

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

- THAT, as recommended by Mr. Riad Taouk, Engineer from the firm Roche Ingenieur Conseils Ltd, the following quotation for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

AQUA REHAB

Rehabilitation of aqueduct and sewer pipes by relining: \$ 701 566.57

Contingencies (10%): \$ 70 156.66

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G.S.T. 5%	\$ 38 586.17
Q.S.T. 7.5%	<u>\$ 60 733.24</u>
Grand total taxes included	\$ 871 082.64

- THAT Treasurer’s Certificate N° 09-020, dated April 21, 2009, has been issued by the Town’s Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

Councillor Gonshor temporarily left the meeting.

2009-101

ADOPTION OF THE EVALUATION GRID CONCERNING PROFESSIONAL SERVICES CONTRACTS

WHEREAS, by virtue of Section 573.1.0.1.1 of the *Cities and Towns Act*, the Council must use, for professional services contracts, a system of bid weighting and evaluating;

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

- TO ratify the decision of the director general to use the following weighting and evaluation grid for the evaluation of the tenders concerning the supervision contract for the rehabilitation of aqueduct and sewer pipes project; and
- TO use the following weighting and evaluation grid for future calls for tenders regarding professional services:

Evaluation criteria	Weighting Total on /
1- Area of company’s expertise	
1.1- Company’s experience relative to the municipal environment and where it was obtained	/20
1.2- Comparable projects	/10
Total # 1	/30
2- Work team’s competence	
2.1- Experience of the project manager	/15
2.2- Experience of the work team members	/10
2.3- Planning and distribution of staff	/5
Total # 2	/30
3- Comprehension, methodology and alternatives	
3.1- Comprehension of the scope and expectations for the project	/10
3.2- Project organisation and timetable	/10
Total # 3	/20
4- Other considerations	
4.1- Work quality assurance program	/10
4.2- Company’s capacity to ensure proper qualified staff replacement	/5
4.3- Clarity of the service offer	/5
Total # 4	/20
Weighting Total	/100

Adopted

2009-102

ESTABLISHMENT OF A SELECTION COMMITTEE TO EVALUATE TENDERS CONCERNING PROFESSIONAL SERVICES CONTRACT

WHEREAS, by virtue of Section 573.1.0.1.1 of the *Cities and Towns Act*, the Council must, for professional services contracts, establish a selection committee to evaluate tenders submitted;

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

- TO ratify the decision of the director general to appoint Misters Daniel Campeau, Michel Richard and Luc Beaugard, to form the selection committee for the evaluation of the tenders concerning the supervision contract for the rehabilitation of aqueduct and sewer pipes project; and
- To appoint Misters Yvon Fournier, Daniel Campeau and Michel Richard to form the selection committee for future calls for tenders regarding professional services; and
- To appoint Misters Luc Beaugard and Charles Ohayon as substitute persons for the selection committee.

Adopted

Councillor Gonshor returned to the meeting.

2009-103

GRANTING OF CONTRACT – SUPPLY OF PROFESSIONAL SERVICES FOR WORK SUPERVISION OF AQUEDUCT AND SEWER PIPES REHABILITATION / PROJECT 2009

WHEREAS there has been a call for tenders, by way of written invitation, for the supply of professional services for supervision of aqueduct and sewer pipes rehabilitation / project 2009;

WHEREAS, after analysing the offer of services received and the application of the formula to determine the pointing of each bidder, the highest bidder's note conforming to the requirements of the tender invitation is the one obtained by Roche Ltee Groupe-Conseil;

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

- THAT, the contract for professional services for the supervision of the 2009 aqueduct and sewer pipes rehabilitation contract be granted to Roche Ltee Groupe-Conseil for an amount of \$ 50 000, plus applicable taxes, the whole in conformity with the offer of services dated April 23rd 2009; and
- THAT Treasurer's Certificate N^o 09-021, dated April 29th, 2009, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2009-104

APPROVAL OF LIST OF AUXILIARY EMPLOYEES FOR COMMUNITY SERVICES DEPARTMENT

CONSIDERING THAT Council members reviewed the report of the Director of the Community Services dated April 2009, with regard to hiring auxiliary employees;

It was proposed by Councillor Feigenbaum, seconded by Councillor Elfassy, 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 April 2009, prepared by the Director of Community Services.

Adopted

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2009-105

**EXTENSION OF HIRING CONTRACT OF PIERRE FILION AS
“FOREMAN – PUBLIC WORKS, SEWERS AND WATERWORKS”**

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

- TO ratify the continued temporary hiring of Mr. Pierre Filion, as “Foreman - Public Works, Sewers and Waterworks” under the conditions described in the contract signed on May 4th, 2009 between Mr. Filion and the Town, as represented by the Director of Human Resources, for the period ending on December 31, 2009.

Adopted

2009-106

**EXTENSION OF HIRING CONTRACT OF DANIEL CAMPEAU AS
“FOREMAN – PUBLIC WORKS, SEWERS AND WATERWORKS”**

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

- TO ratify the continued temporary hiring of Mr. Daniel Campeau, as “Foreman - Public Works, Sewers and Waterworks” under the conditions described in the contract signed on May 1st, 2009 between Mr. Campeau and the Town, as represented by the Director of Human Resources, for the period ending on December 31, 2009.

Adopted

2009-107

**DISMISSAL AND TERMINATION OF EMPLOYMENT OF
AUXILIARY EMPLOYEE No 1083 IN THE COMMUNITY SERVICES
AND RECREATION DEPARTMENT**

WHEREAS employee # 1083 has received several letters of reprimand;

WHEREAS employee # 1083 has been suspended without pay on numerous occasions, the last one being for four (4) weeks last November;

WHEREAS the Director General has reported a suspension without pay of employee # 1083 for investigation purposes since May 1st, 2009;

WHEREAS, further to the investigation, the Director General and the Director of Human Resources are recommending the firing and dismissal of employee # 1083;

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

- THAT the Town Council dismisses and terminates the employment of auxiliary employee number 1083, as of today.

Adopted

2009-108

**ABOLITION OF THE POSITION OF “FOREMAN – PUBLIC WORKS,
SEWERS AND WATER WORKS / PROJECT ENGINEER” IN THE
PUBLIC WORKS DEPARTMENT**

WHEREAS the Town of Hampstead wishes to reduce its manpower and abolish the position of “Foreman – public works, sewers and water works / Project engineer” as a permanent full-time position;

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

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- THAT the Town Council hereby abolishes the position of “**Foreman – public works, sewers and water works / Project engineer**” as a permanent full-time position in the Public Works Department;
- THAT the Town Council ratifies the departure agreement of the incumbent “**Foreman – public works, sewers and water works / Project engineer**” contained in the confidential “Personnel” file in the Director General’s Office, reached between the Director of Human Resources and the “**Foreman – public works, sewers and water works / Project engineer**”, Mr. Yvon Fournier. This takes effect retroactively to May 1st, 2009; and
- THAT Treasurer’s Certificate N° 09-023, dated May 4, 2009, has been issued by the Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2009-109

HIRING OF MR. YVES MAILHOT, ENG., AS “DIRECTOR OF PUBLIC WORKS AND TECHNICAL SERVICES”

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

- TO hire Mr. Yves MAILHOT eng. as “**Director of Public Works and Technical Services**” not later than June 1st, 2009, subject to the usual conditions and in accordance with conditions contained in the confidential “Personnel” file in the Director General’s Office;
- THAT Treasurer’s certificate N° 09-024, dated May 4, 2009, has been issued by the Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2009-110

APPOINTMENT OF A TOWN REPRESENTATIVE ON THE PENSION COMMITTEE

CONSIDERING THAT Me Chantal Bergeron has resigned her employment with the Town of Hampstead;

CONSIDERING THAT Me Chantal Bergeron was a member of the Pension Committee of the Pension Plan of the Employees of the Town of Hampstead;

CONSIDERING THAT the Town of Hampstead may appoint six (6) representatives on the Pension Committee;

CONSIDERING THAT it is deemed advisable to appoint a new representative on the said Pension Committee;

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

- TO APPOINT Ms Zelia Craveiro as representative of the Town of Hampstead on the Pension Committee, in replacement of Me Chantal Bergeron.

Adopted

SECOND QUESTION PERIOD

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

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2009-111

ADJOURNMENT

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

Adopted

Dr. William Steinberg, Mayor

Charles Ohayon, Assistant Town Clerk