

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON AUGUST 3, 2009, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

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

ABSENT: Councillor Clifford Borden.

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

FIRST QUESTION PERIOD

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

2009-179

ADOPTION OF THE AGENDA

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

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

Adopted

2009-180

ADOPTION OF THE MINUTES

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

- THAT the Minutes of the Regular Council Meeting of July 7, 2009, be and are hereby approved as submitted.

Adopted

2009-181

END OF MANDATE TO Me JULIUS GREY

It was proposed by Councillor Sternthal and seconded by Councillor Gonshor:

- TO end the mandate that the Town of Hampstead has entrusted to Me Julius Grey.

Mayor Steinberg called for a vote.

Voted in favour of the Resolution:

Councillor Elfassy
Councillor Sternthal
Councillor Gonshor

Voted against the Resolution:

Councillor Goldwax
Councillor Feigenbaum

In favour: 3

Against: 2

Rejected due to lack of absolute majority of 4

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At 11:13 p.m. Councillor Gonshor left the meeting.

At 11:14 p.m. Councillor Gonshor returned to the meeting.

2009-182

DEPOSIT – STATEMENT OF PECUNIARY INTERESTS OF COUNCILLOR MICHAEL GOLDWAX

Town Council Member, Michael Goldwax, has deposited, at this Council Meeting, his written Statement of Pecuniary Interests according to section 357 of the *Act respecting elections and referendums in municipalities* (R.S.Q., c.E-2.2).

At 11:28 p.m. Councillor Sternthal left the meeting.

At 11:29 p.m. Councillor Sternthal returned to the meeting.

At 11:29 p.m. Councillor Feigenbaum left the meeting.

2009-183

MUNICIPAL CLIMATE PROGRAM – NOTICE TO THE AGGLOMERATION OF MONTREAL AND REQUEST FOR FINANCIAL ASSISTANCE

WHEREAS the Agglomeration of Montreal (hereafter called “the Agglomeration”) is a Municipal organization that includes the Town of Hampstead (hereafter called “the Town”) as expressly stated within the framework of the Municipalities Climate Program (hereafter called “the Program”);

WHEREAS in 2007, the Agglomeration published an inventory of its greenhouse gas emissions (hereafter “GHG”) for the years 2002 – 2004;

WHEREAS the said inventory meets the completeness requirements of the Program as stated in Appendix 3 of the nominal framework of said Program;

WHEREAS the inventory of GHG emissions for 2002-2004, carried out by the Agglomeration, covers the territory and activities of the Town;

WHEREAS the Agglomeration could be eligible for a phase 2 grant of the program for updating its inventory and GHG action plan, as well as for implementing a plan for adapting to climate change across its territory;

WHEREAS the Town of Hampstead was defused from the City Montreal by referendum and was reconstituted on January 1st 2006;

WHEREAS the territory of the Agglomeration includes the 19 boroughs of the City of Montreal and 14 reconstituted cities whose territories, structures, administrative procedures, socio-economic features and Urban Planning differ enormously;

WHEREAS the production of a satisfactory GHG inventory that would meet the requirements stated in Appendix 1 of the Program and the GHG reduction plan across the Agglomeration territory is a highly complex task, which the diversity of the administrative entities of the Agglomeration would just make more complex;

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WHEREAS the deadlines for carrying out an inventory and a GHG reduction plan, as well as plan for adapting to climate change across the Agglomeration territory would very likely be very long;

WHEREAS benefiting from a Program Grant independently from the Agglomeration will allow the Town to produce an inventory and a GHG reduction plan much quicker and thus tackle the problem of climate change without delay; and

WHEREAS the Agglomeration wishes to allow the reconstituted cities the freedom to carry out their own inventories and GHG reduction plans;

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

- TO notify the Agglomeration not to include the territory of the Town of Hampstead in the future GHG inventories and GHG reduction plans that it will be producing. Consequently no request for financial assistance will be made with the Agglomeration Program concerning the territory of the Town of Hampstead; and
- TO authorize the Director of the Public Works Department to file, for and in the name of the Town of Hampstead, a request for financial assistance in connection with the Municipalities Climate Program.

Adopted

2009-184

AUTHORIZATION FOR THE DIRECTOR GENERAL TO SIGN AN AGREEMENT WITH THE MONTREAL METROPOLITAN COMMUNITY FOR A SHARE OF THE ADMINISTRATIVE COSTS FOR THE METROPOLITAN ORTHOPHOTO 2009-2010 SYSTEM

WHEREAS the Montreal Metropolitan Community (MMC) has acquired the necessary equipment and software to prepare the spatial and matrix metropolitan orthophotographic maps of the MMC territory;

WHEREAS the Town of Hampstead benefits from this service by having access to the serial and spatial maps; and

WHEREAS the Town of Hampstead's share of the cost of the Metropolitan Orthophoto 2009-2010 system is \$250;

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

- THAT the Director General, Richard Sun, is herewith authorized to sign the 2009-2010 agreement with the MMC; and
- THAT Treasurer's certificate N°09-032, dated July 30, 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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2009-185

**CHANGING OF THE DATE OF THE REGULAR COUNCIL MEETING
OF OCTOBER 2009**

WHEREAS General Elections are to be held on November 1, 2009;

WHEREAS section 314.2 of the *Act respecting elections and referendums in municipalities* forbids Council to assemble during the period starting at 4:30 p.m. on the 30th day preceding a general election, except in case of extreme circumstances;

WHEREAS Council wishes to change the date of the Regular Council Meeting, which was scheduled to be held on Monday October 5, 2009, to Thursday October 1, 2009; and

WHEREAS in order to respect formalities provided in sections 319 and 320 of *Cities and Towns Act* and sections 1 and 2 of By-Law No 740-3 of the Town of Hampstead;

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

- THAT the Regular Council Meeting, originally scheduled for Monday, October 5, 2009, will be held on Thursday October 1, 2009 at 8:00 p.m. at the Community Centre;
- THAT the annual schedule of Regular Council Meetings of 2009 for the Town of Hampstead be modified accordingly; and
- THAT a Public notice will be given by the Town Clerk to that effect.

Adopted

2009-186

**AUTHORIZATION FOR THE DIRECTOR GENERAL TO SIGN AN
AGREEMENT WITH THE TOWN OF MOUNT-ROYAL FOR CALL
DISPATCHING SERVICES**

WHEREAS the Town of Mount-Royal offers call dispatching services to other municipalities; and

WHEREAS an agreement to establish the terms and conditions for the use of the services must be entered into between the Town of Mount-Royal and the Town of Hampstead;

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

- THAT the Director General or, in his absence, the Town Clerk is hereby authorized to sign the Agreement for Call Dispatching Services on behalf of the Town of Hampstead with the Town of Mount-Royal and to acquit the necessary administrative fees associated with this collaborative venture; and
- THAT Treasurer's certificate N° 09-033, dated July 30, 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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2009-187

NOTICE OF MOTION – BY-LAW N° 747-10 – AMENDMENT TO BY-LAW N° 747 TO DECREE THE FEE SCHEDULE FOR CULTURAL, SPORTS AND LEISURE ACTIVITIES FOR FALL/WINTER 2009-2010

NOTICE OF MOTION was given by Councillor Elfassy that, at a subsequent meeting of Council, By-law N° 747-10 further modifying By-law N° 747, as amended by By-laws No 747-8 and 747-9, to Decree the Fee Schedule for Cultural, Sports and Leisure Activities for Fall/Winter 2009-2010 will be submitted to Council for adoption.

All Council members have received a draft copy of By-law N° 747-10 and a motion to dispense with the reading of the said By-law was made.

At 11:33 p.m. Councillor Feigenbaum returned to the meeting.

2009-188

NOTICE OF MOTION – BY-LAW MODIFYING BY-LAW N° 690 CONCERNING NUISANCE

NOTICE OF MOTION was given by Councillor Elfassy that, at a subsequent meeting of Council, By-law modifying By-law N° 690 Concerning Nuisance will be submitted to Council for adoption.

All Council members have received a draft copy of the modification to Nuisance By-law N° 690 and a motion to dispense with the reading of said by-law modification was made.

2009-189

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIA) – 2 BRIARDALE ROAD

On motion of Councillor Feigenbaum, seconded by Councillor Elfassy, 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 2 Briardale Road**, submitted to the Planning Advisory Committee meeting of July 9, 2009, is **refused**, according to the provisions of the Site Planning and Architectural Integration Program, By-law No 775 and as recommended by the PAC.

Adopted

2009-190

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIA) – 15 LYNCROFT 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 partially demolish the existing home to allow a 2nd floor addition to a detached single family dwelling at 15 Lyncroft Road**, submitted to the Planning Advisory Committee meeting of July 9, 2009, is **approved**, according to the provisions of the Site Planning and Architectural Integration Program, By-law No 775 and as recommended by the PAC.

Adopted

2009-191

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 5643 QUEEN MARY 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 to modify the secondary front elevation of a detached single family dwelling by adding a new patio door at 5643 Queen Mary Road**, submitted to the Planning Advisory Committee meeting of July 9, 2009, is **approved**, according to the provisions of the Site Planning and Architectural Integration Program, By-law No 775 and as recommended by the PAC.

Adopted

Intervention of interested persons concerning request for minor exemption at 71 Merton Road:

No Intervention

2009-192

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 71 MERTON ROAD

WHEREAS the members of Council have reviewed the request for approval of a minor exemption to Zoning By-law N° 727 article 6.14.e of the property located at 71 Merton Road, lot 2089569, to permit a new accessory building to have a wall 4.9 metres (16.34 feet) in length instead of the maximum allowable length of 3.5 metres (11.4 feet), all measured from the outside perimeters;

WHEREAS the Planning Advisory Committee, at its meeting held on July 9, 2009, recommended not approving the aforementioned request for minor exemption; and

NOTWITHSTANDING the recommendation of the Planning Advisory Committee;

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

- THAT the aforementioned request for minor exemption for the property located at 71 Merton Road, lot 2089569, is **approved**.

Mayor Steinberg called for a vote.

Voted in favour:

Councillor Goldwax
Councillor Feigenbaum
Councillor Gonshor
Councillor Sternthal

Voted against:

Councillor Elfassy

In favour: 4

Against: 1

Adopted on Division

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2009-193

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 71 MERTON ROAD

WHEREAS the members of Council have reviewed the request for approval for a minor exemption to Zoning By-law N° 727, article 6.14.e of the property located at 71 Merton Road, lot 2089569, to permit a new accessory building to occupy an area of 12.94 square metres (139.25 square feet) instead of the maximum allowable area of 10 square metres (107.6 square feet);

WHEREAS the Planning Advisory Committee, at its meeting held on July 9, 2009, recommended not approving the aforementioned request for minor exemption; and

NOTWITHSTANDING the recommendation of the Planning Advisory Committee; and

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

- THAT the aforementioned request for minor exemption for the property located at 71 Merton Road, lot 2089569, is **approved**.

Mayor Steinberg called for a vote.

Voted in favour:

Councillor Goldwax
Councillor Feigenbaum
Councillor Gonshor
Councillor Sternthal

Voted against:

Councillor Elfassy

In favour: 4

Against: 1

Adopted on Division

2009-194

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 71 MERTON ROAD

WHEREAS the members of Council have reviewed the request for approval for a minor exemption to a Zoning By-law N° 727, article 6.14.c of the property located at 71 Merton Road, lot 2089569, to permit a new accessory building to have the overall height of 3.5 metres (11.5 feet) instead of the maximum allowable height of 3 metres (9.8 feet), to the highest point of construction, calculated from grade;

WHEREAS the Planning Advisory Committee, at its meeting held on July 9, 2009, recommended not approving the aforementioned request for minor exemption; and

NOTWITHSTANDING the recommendation of the Planning Advisory Committee;

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

- THAT the aforementioned request for minor exemption for the property located at 71 Merton Road, lot 2089569, is **approved**.

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Mayor Steinberg called for a vote.

Voted in favour:

Councillor Goldwax
Councillor Feigenbaum
Councillor Gonshor
Councillor Sternthal

Voted against:

Councillor Elfassy

In favour: 4

Against: 1

Adopted on Division

Intervention of interested persons concerning request for minor exemption at 59 Granville Road:

No Intervention

2009-195

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 59 GRANVILLE ROAD

WHEREAS the members of Council have reviewed the request for approval for a minor exemption to Zoning By-law N° 727, article 6.2.1 of the property located at 59 Granville Road, lot 2089107, to permit the existing front side setback to be 5.92 metres (19.4 feet) instead of the minimum allowable setback of 6.1 metres (20 feet); and

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

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

- THAT the aforementioned request for minor exemption for the property located at 59 Granville Road, lot 2089107, is **approved**.

Adopted

At 11:39 p.m. Councillor Sternthal left the meeting.

2009-196

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF JULY 2009

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

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

- THAT the disbursements for the period from June 30, 2009 to July 28, 2009, in the amount of \$656,369.78, are hereby approved.

Adopted

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2009-197

GRANTING OF CONTRACT – SNOW CLEARING OF SKATING RINKS AT HAMPSTEAD AND ELLERDALE PARKS – WINTER 2009/2010

WHEREAS there has been a call for tenders, by way of written invitation, for the snow removal contract for the skating rinks at Hampstead and Ellerdale Parks; and

WHEREAS, after analysing the tenders opened on July 21, 2009, the lowest bidder conforming to the requirements of the tender invitation is Excavation Mario Ltée;

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

- THAT, as recommended by the Division Chief of Purchasing, the contract for snow clearing of skating rinks at Hampstead and Ellerdale Parks for Winter 2009/2010 be and is hereby granted to the following contractor, the whole as more amply delineated hereunder:

EXCAVATION MARIO LTÉE

| | |
|-------------------------------|---------------------|
| Hampstead Park | |
| Snow clearing skating rink #1 | \$ 10,750.00 |
| Snow clearing skating rink #2 | \$ 10,750.00 |
| Ellerdale Park | |
| Snow clearing skating rink #1 | \$ 10,750.00 |
| Sub Total | \$ 32,250.00 |
| G.S.T.: 5% | 1,612.50 |
| Q.S.T.: 7.5% | 2,539.70 |
| TOTAL: | \$ 36,402.20 |

- THAT Treasurer's certificate N° 09-030, dated July 21, 2009, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2009-198

AUTHORIZATION TO PARTICIPATE IN MONTREAL'S GROUP CALL FOR TENDERS FOR THE PURCHASE OF ROAD SALT FOR THE SEASON 2009/2010

WHEREAS the Town of Hampstead had the possibility to participate in Montreal's group call for tenders for the purchase of road salt for the season 2009/2010;

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

- TO ratify the decision of the Director General to participate in Montreal's group call for tenders for the purchase of road salt for the season 2009/2010.

Adopted

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At 11:41 p.m. Councillor Sternthal returned to the meeting.

2009-199

GRANTING OF CONTRACT – SUPPLY OF ROAD SALT – WINTER 2009/2010

WHEREAS the Town of Hampstead was part of Montreal's group call for tender number 09-11041 for the purchase of road salt for the winter 2009/2010; and

WHEREAS, after analysing the grid of tenders opened on June 29, 2009, the lowest bidder is Sifto Canada Corporation;

On motion of Councillor Gonshor, seconded by Councillor Goldwax, 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:

SIFTO CANADA CORPORATION

| | |
|---|-------------|
| Supply of road salt - winter 2009/2010 | \$ 66.43/mt |
| Transportation fee | \$ 3.45/mt |
| N.B. approx. usage of 1 500 metric tons | |

Taxes are not included in the above price

Delivery: IF and WHEN required only

- THAT Treasurer's Certificate N° 09-031 dated July 23, 2009, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2009-200

EXTENSION OF CONTRACT FOR GARBAGE COLLECTION YEAR 2010

WHEREAS in December 2006 there was a public call for tenders, for a two year contract including a clause for two optional one-year renewals, 2009 and 2010, for the garbage collection;

WHEREAS, Resolution number 2006-389, adopted by the Council on December 20, 2006, authorized granting the contract for the years 2007 and 2008 to the lowest bidder conforming to the requirements of the public tender, Camille Fontaine et Fils Inc;

WHEREAS, Resolution number 2008-225, adopted by the Council on October 9, 2008, authorized exercising the renewal option for the year 2009; and

WHEREAS the Division Chief of Purchasing recommends exercising the renewal option for the year 2010;

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

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- THAT, the contract with Camille Fontaine et Fils Inc. for garbage collection be renewed for the year 2010, at the cost outlined below:

CAMILLE FONTAINE & FILS INC.

| | |
|--|---------------------|
| Garbage collection From January 1, 2010 to December 31, 2010 (as per specifications) | \$ 256,710.51 |
| G.S.T. 5% | \$ 12,835.53 |
| Q.S.T. 7.5% | <u>\$ 20,215.95</u> |
| Grand total, taxes included: | \$ 289,761.99 |

- THAT Treasurer's certificate N° 09-029, dated July 10, 2009, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2009-201

**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 July 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 July 2009, prepared by the Director of Community Services.

Adopted

SECOND QUESTION PERIOD

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

2009-202

ADJOURNMENT

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

Adopted

Dr. William Steinberg, Mayor

Me Nathalie Lauzière, Town Clerk