

**Minutes of Town of Hampstead**

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON JULY 5, 2010, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.**

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**THOSE PRESENT WERE:** Mayor William Steinberg, Councillors Abraham Gonshor, Jack Edery, Leon Elfassy, Michael Goldwax, Bonnie Feigenbaum and Harvey Shaffer, forming a quorum with Mayor Steinberg presiding.

**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.

2010-461

**ADOPTION OF THE AGENDA**

On motion of Councillor Leon Elfassy, seconded by Councillor Harvey Shaffer, it was RESOLVED:

- THAT the agenda of the regular meeting is hereby adopted with the addition of the following item:

**5.4** Notice of motion – By-law authorizing a loan for the cost of rehabilitation of water mains.

Adopted

2010-462

**ADOPTION OF THE MINUTES**

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On motion of Councillor Harvey Shaffer, seconded by Councillor Bonnie Feigenbaum, it was RESOLVED:

- THAT the Minutes of the Regular Council Meeting of June 7, 2010 are hereby approved as submitted.

Adopted

2010-463

**ATTENDANCE AT CAUCUS MEETINGS**

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WHEREAS the members of the Council of the Town of Hampstead believe that members of the council must adhere to the highest ethical standards;

WHEREAS the Council has adopted a Code of Ethics;

On motion of Councillor Bonnie Feigenbaum, seconded by Councillor Harvey Shaffer, it was RESOLVED:

- THAT no member of council may attend caucus meetings until and unless the member signs and abides by the Town of Hampstead's Code of Ethics.

Mayor William Steinberg called for a vote.

**Voted in favour:**

Councillor Leon Elfassy  
Councillor Edery  
Councillor Feigenbaum  
Councillor Shaffer

**In favour: 4**

**Voted against:**

Councillor Goldwax  
Councillor Gonshor

**Against: 2**

Adopted on division

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### **RECESS**

*At 10:07 p.m., it was proposed by Mayor William Steinberg and unanimously resolved, to recess the meeting.*

*At 10:22 p.m. the Mayor proposed and it was unanimously resolved to resume the meeting, all members of Council present at the beginning of the meeting remaining to form a quorum.*

2010-464

### **ROAD SIGN AT THE INTERSECTION OF QUEEN MARY ROAD AND ELLERDALE ROAD**

WHEREAS in 2007 the Town had a road sign installed at the intersection of Queen Mary Road and Ellerdale Road to prohibit left turns on Ellerdale, between 4 P.M. and 7 P.M., from Monday to Friday, for vehicles westbound on Queen Mary Road;

WHEREAS a sign authorizing an exception for buses was also installed at this intersection;

WHEREAS it appears that these road signs were not approved by a resolution of council at the time;

WHEREAS by its resolution 2009-249 of November 16, 2009, council decided to remove the exception applicable to buses as of January 11, 2010;

WHEREAS the Société des transports de Montréal contested this decision before the Superior Court of the district of Montreal in file number 500-17-055324-100;

WHEREAS the removal of the exception for buses should be suspended until a final judgement is rendered by the Superior Court in this matter;

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

- THAT council prohibit left turns on Ellerdale, between 4 P.M. and 7 P.M., from Monday to Friday, for all vehicles westbound on Queen Mary Road, without exception, and confirm and ratify the installation of a road sign to this effect;
- THAT the sign authorizing an exception for buses be maintained until a final judgement has been rendered by the Court in file number 500-17-055324-100.

Adopted

2010-465

### **ADOPTION – BY-LAW N° 747-13 – AMENDMENT TO BY-LAW N° 747 TO DECREE THE TENNIS FEE SCHEDULE FOR SPRING/SUMMER 2010**

CONSIDERING THAT notice of motion was given the at the Regular Council meeting of June 7, 2010 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 Bonnie Feigenbaum, seconded by Councillor Jack Edery and RESOLVED:

- TO approve By-law 747-13 further modifying By-law N° 747, to Decree the Tennis Fee Schedule for Spring/Summer 2010.

Adopted

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2010-466

**ADOPTION – BY-LAW N° 747-14 – AMENDMENT TO BY-LAW N° 747 TO DECREE THE FEE SCHEDULE FOR CULTURAL, SPORTS AND LEISURE ACTIVITIES FOR FALL 2010/WINTER 2011**

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CONSIDERING THAT notice of motion was given the at the Regular Council meeting of June 7, 2010 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 Leon Elfassy, seconded by Councillor Jack Edery and RESOLVED:

- TO approve By-law N° 747-14 further modifying By-law N° 747, to Decree the Fee Schedule for Cultural, Sports and Leisure Activities for Fall 2010/Winter 2011 will be submitted to Council for adoption.

Adopted

2010-467

**ADOPTION – BY-LAW No. 761-3 AMENDING BY-LAW No. 761 CONCERNING DOGS**

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CONSIDERING THAT notice of motion was given the at the Regular Council meeting of June 7, 2010;

It was proposed by Councillor Jack Edery, seconded by Councillor Leon Elfassy and RESOLVED:

- TO approve By-law N° 761-3 amending By-Law No. 761 concerning dogs.

Adopted

2010-468

**NOTICE OF MOTION – BY-LAW AUTHORIZING A LOAN FOR THE COST OF REHABILITATION OF WATER MAINS**

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NOTICE OF MOTION was given by Councillor Jack Edery that, at a subsequent meeting of Council, a By-law authorizing a loan for the cost of rehabilitation of water mains will be submitted to Council for adoption.

Adopted

2010-469

**DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON JUNE 14, 2010**

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Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on June 14, 2010.

**RECESS**

*At 10:44 p.m., it was proposed by Mayor William Steinberg and unanimously resolved, to recess the meeting.*

*At 10:45 p.m. the Mayor proposed and it was unanimously resolved to resume the meeting, all members of Council present at the beginning of the meeting remaining to form a quorum.*

2010-470

## Minutes of Town of Hampstead

### **REQUEST TO AUTHORIZE THE DEMOLITION AND THE CONSTRUCTION OF A DETACHED SINGLE FAMILY DWELLING AT 39 HEATH ROAD, LOT NO.: 2 089 573, ZONE RA-1 (SPAIP BY-LAW NUMBER 775)**

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

- THAT the site planning and architectural integration programs showing **plans and elevations for the demolition and construction of a detached single family dwelling at 39 Heath Road**, submitted to the Planning Advisory Committee meeting of June 14, 2010 is *refused*, considering that the modifications do not respect the dispositions of the Zoning By-law number 727 and of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC considering the following elements:

- ✓ To articulate the projected roof line in order to minimize the linearity of the building;
- ✓ Reduce the verticality of the fenestration;
- ✓ To re-examine the brick wall concept on the front façade, which is too massive and increases the linearity and the verticality of the building;

Adopted

### **Intervention of interested persons concerning request for minor exemption at 39 Heath Road:**

*No Intervention.*

2010-471

### **MINOR EXEMPTION REQUEST TO THE ZONING BY-LAW NUMBER 727-3B, ARTICLE 1, IN ORDER TO PERMIT THE HEIGHT OF A BUILDING TO REACH 9.75M (32 FEET) INSTEAD OF 8.84M (29 FEET), WITHOUT HOWEVER EXCEEDING THE PRESCRIBED 10.67M (35 FEET) FOR A DETACHED SINGLE-FAMILY DWELLING AT 39 HEATH ROAD, LOT NO.: 2 089 753, ZONE RA-1**

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WHEREAS the members of Council have reviewed the request for approval for a minor exemption to Zoning By-law N° 727-3B Article 1 for the property located at 39 Heath Road, lot 2 089 753, in order to permit the height of a building to reach 9.75m (32 feet) instead of 8.84m (29 feet);

WHEREAS the Planning Advisory Committee, at its meeting held on June 14, 2010, recommended **deferring** the aforementioned request for minor exemption;

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

- ✓ THAT the aforementioned request for minor exemption for the property located at 39 Heath Road, lot 2 089 753, is **refused**.

Adopted

2010-472

### **REQUEST TO AUTHORIZE A SECOND STOREY ADDITION TO A DETACHED SINGLE FAMILY DWELLING AT 187 HARLAND ROAD, LOT NO.: 2 089 169, ZONE RA-2 (SPAIP BY-LAW NUMBER 775)**

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On motion of Councillor Leon Elfassy, seconded by Councillor Michael Goldwax, it was 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 187 Harland Road**, submitted

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to the Planning Advisory Committee meeting of June 14, 2010 is **approved**, the whole in conformity with the provisions of By-law No. 775 Concerning the Site Planning & Architectural Integration Program (SPAIP) and as recommended by the PAC taking into account the following elements:

- To simplify the use of materials on the front façade while using only one material (to preserve the stone above the garage and to install brick elsewhere on the building);
- To modify the horizontal line of the roof in order to keep a roof with four (4) slopes;
- To remove the window in the upper part of the roof (attic).

Adopted

2010-473

**REQUEST TO AUTHORIZE A MODIFICATION TO THE FAÇADE OF A DETACHED SINGLE FAMILY DWELLING AT 17 FALLBROOK ROAD, LOT NO.: 2 089 838, ZONE RA-2 (SPAIP BY-LAW NUMBER 775)**

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On motion of Councillor Jack Edery, seconded by Councillor Bonnie Feigenbaum, it was 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 17 Fallbrook Road**, submitted to the Planning Advisory Committee meeting of June 14, 2010 is **approved**, the whole in conformity with the provisions of By-law No. 775 Concerning the Site Planning & Architectural Integration Program (SPAIP) and as recommended by the PAC taking into account the following elements:

- ✓ See so that the window and the door mouldings are aligned;

Adopted

2010-474

**REQUEST TO AUTHORIZE THE DEMOLITION AND CONSTRUCTION OF A DETACHED SINGLE FAMILY DWELLING AT 1 HAVERSTOCK ROAD, LOT NO.: 2 089 770, ZONE RA-1 (SPAIP BY-LAW NUMBER 775)**

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

- THAT the site planning and architectural integration programs showing **plans and elevations for the demolition and construction of a detached single family dwelling at 1, Haverstock Road**, submitted to the Planning Advisory Committee meeting of June 14, 2010 is **deferred**, considering the following element:

- ✓ To obtain a plan, prepared by a professional, showing the existing green areas to be conserved;

Adopted

2010-475

**REQUEST TO AUTHORIZE THE DEMOLITION AND CONSTRUCTION OF A DETACHED SINGLE FAMILY DWELLING AT 15 APPLEWOOD CRESCENT, LOT NO.: 2 089 861, ZONE RA-2 (SPAIP BY-LAW NUMBER 775)**

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

- THAT the site planning and architectural integration programs showing **plans and elevations for the demolition and construction of a**

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**detached single family dwelling at 15, Applewood Crescent**, submitted to the Planning Advisory Committee meeting of June 14, 2010 is *deferred*, considering the following element:

- ✓ The prescribed setbacks of the Zoning By-law must be respected;

Adopted

*At 10.55 p.m. Councillor Abe Gonshor left the meeting.*

**Intervention of interested persons concerning request for minor exemption at 15 Applewood Crescent:**

**Mrs. Rohna Goldenberg, Architect.**

2010-476

**MINOR EXEMPTION REQUEST TO THE ZONING BY-LAW NUMBER 727, ARTICLE 6.4.1, IN ORDER TO PERMIT THE REAR SETBACK OF 5.77M (19 FEET) INSTEAD OF 8.22M (26 FEET, 11 INCHES) FOR A DETACHED SINGLE-FAMILY DWELLING AT 15 APPLEWOOD CRESCENT, LOT NO.: 2 089 861, ZONE RA-2**

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WHEREAS the members of Council have reviewed the request for approval for a minor exemption to Zoning By-law N° 727 Article 6.4.1 for the property located at 15 Applewood Crescent, lot 2 089 861, in order to permit the rear setback of 5.77m (19 feet) instead of 8.22m (26 feet, 11 inches);

WHEREAS the Planning Advisory Committee, at its meeting held on June 14, 2010, recommended to **refuse** the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 39 Heath Road, on lot 2089753, Zone RA-1, is **deferred** in view of the following element:

- ✓ The prescribed setbacks of the Zoning By-law must be respected;

Adopted

2010-477

**REQUEST TO AUTHORIZE THE DEMOLITION AND CONSTRUCTION OF A DETACHED SINGLE FAMILY DWELLING AT 17 LYNCROFT ROAD, LOT NO.: 2 088 967, ZONE RA-1 (SPAIP BY-LAW NUMBER 775)**

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

- THAT the site planning and architectural integration programs showing **plans and elevations for the demolition and construction of a detached single family dwelling at 17, Lyncroft Road**, submitted to the Planning Advisory Committee meeting of June 14, 2010 is **approved**, according to the provisions of the Site Planning and Architectural Integration Program By-law No 775 and as recommended by the PAC **under the following condition:**

- ✓ The slope of the driveway to the underground garage must respect the prescribed standards in the Zoning By-law;

Adopted

2010-478

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**REQUEST TO AUTHORIZE THE DEMOLITION AND CONSTRUCTION OF A DETACHED SINGLE FAMILY DWELLING AT 107 STRATFORD ROAD, LOT NO.: 2 088 978, ZONE RA-1 (SPAIP BY-LAW NUMBER 775)**

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

- THAT the site planning and architectural integration programs showing **plans and elevations for the demolition and construction of a detached single family dwelling at 107, Stratford Road**, submitted to the Planning Advisory Committee meeting of June 14, 2010 is *refused*, considering that the modifications do not respect the dispositions of the Zoning By-law number 727 and of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC considering the following element:

- ✓ The projected construction does not meet the minimal requirements of conservation and safeguarding of the architectural heritage value of this sector;

Mayor William Steinberg called for a vote.

**Voted in favour:**

Councillor Edery  
Councillor Elfassy  
Councillor Feigenbaum

**Voted against:**

Councillor Goldwax  
Councillor Shaffer

**In favour: 3**

**Against: 2**

Councillor Gonshor has previously left the meeting.

Adopted on division

2010-479

**REQUEST TO AUTHORIZE A MODIFICATION TO THE FAÇADE OF A DETACHED SINGLE FAMILY DWELLING AT 177 FINCHLEY ROAD, LOT NO.: 2 089 026, ZONE RA-2 (SPAIP BY-LAW NUMBER 775)**

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On motion of Councillor Leon Elfassy, seconded by Councillor Michael Goldwax, it was 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 177 Finchley Road**, submitted to the Planning Advisory Committee meeting of June 14, 2010 is *approved*, the whole in conformity with the provisions of By-law No. 775 Concerning the Site Planning & Architectural Integration Program (SPAIP) and as recommended by the PAC taking into account the following element:

- ✓ To maintain the masonry retaining wall and to add to it a guardrail for safety purposes;

Adopted

2010-480

**REQUEST TO AUTHORIZE AN ADDITION TO THE FRONT ELEVATION (BY ADDING A MUDROOM) TO A DETACHED SINGLE FAMILY DWELLING AT 6 GRANVILLE ROAD, LOT NO.: 2 089 086, ZONE RA-1 (SPAIP BY-LAW NUMBER 775)**

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

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- THAT the site planning and architectural integration programs showing **plans and elevations for an addition and renovation to a detached single family dwelling at 6 Granville Road**, submitted to the Planning Advisory Committee meeting of June 14, 2010 is *approved*, the whole in conformity with the provisions of By-law No. 775 Concerning the Site Planning & Architectural Integration Program (SPAIP) and as recommended by the PAC

Adopted

2010-481

### **REQUEST TO AUTHORIZE A RENOVATION AND AN EXTENSION TO THE REAR ELEVATION OF A DETACHED SINGLE FAMILY DWELLING AT 14 APPLEWOOD ROAD, LOT NO.: 2 089 872, ZONE RA-2 (SPAIP BY-LAW NUMBER 775)**

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On motion of Councillor Leon Elfassy, seconded by Councillor Michael Goldwax, it was 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 14 Applewood Road**, submitted to the Planning Advisory Committee meeting of June 14, 2010 is *approved*, the whole in conformity with the provisions of By-law No. 775 Concerning the Site Planning & Architectural Integration Program (SPAIP) and as recommended by the PAC.

Adopted

*At 11:12 p.m. Councillor Leon Elfassy left temporarily the meeting and came back at 11:13 p.m.*

2010-482

### **APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF JUNE 2010**

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WHEREAS Council reviewed the list of payments for the month of June 2010;

On motion of Councillor Jack Edery, seconded by Councillor Bonnie Feigenbaum, it was RESOLVED:

- THAT the disbursements for the period from June 1<sup>st</sup>, 2010 to June 30, 2010, in the total amount of \$5,594,827.29 are hereby approved (\$609,305.36 for checks and \$4,985,521.93 for on line payments).

Adopted

2010-483

### **TERMS OF REPAYMENT FOR THE REIMBURSEMENT OF 2009 WATER INFRASTRUCTURE PROJECTS MADE BY THE MONTREAL AGGLOMERATION WHICH ARE ADMISSIBLE FOR A GRANT UNDER THE EXCISE TAX PROGRAM (TECQ)**

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

- THAT the Town of Hampstead will reimburse the Montreal Agglomeration an amount of \$325,034.69 for its share of costs incurred in 2009 for water infrastructure projects admissible for a grant under the excise tax program (TECQ) though an increase in the annual Agglomeration share (payable in two instalments) of the Montreal Agglomeration operational expenses as of the 2011 fiscal period.

Adopted

2010-484



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**GRANTING OF CONTRACT – SUPPLY OF PROFESSIONAL SERVICES FOR FEASIBILITY STUDY AND REQUALIFICATION OF FOUR MUNICIPAL SITES**

---

WHEREAS there has been a call for tenders, by way of written invitation, for the supply of professional services for feasibility study and requalification of four municipal sites;

WHEREAS, after analysing the offer of services received and the application of the formula to determine the pointing of each bidder, the sole bidder's note conforming to the requirements of the tender invitation is the one provided by Consultations Libcorp inc;

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

- THAT, the supply of professional services for feasibility study and requalification of four municipal sites be granted to Consultations Libcorp inc, for an amount of \$ 54,500, plus applicable taxes, the whole in conformity with the offer of services dated June 21 2010; and
- THAT Treasurer's Certificate N° 10-19, dated July 2<sup>nd</sup>, 2010, has been issued by the Town's Assistant Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2010-485

**GRANTING OF CONTRACT – REHABILITATION OF AQUEDUCT PIPES BY RELINING**

---

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

WHEREAS, after analysing the tenders opened on July 2<sup>nd</sup>, 2010, the lowest bidder conforming to the requirements of the public tender is Aqua Rehab;

On motion of Councillor Michael Goldwax, seconded by Councillor Bonnie Feigenbaum, it was 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:	\$ 1 172 950.00
Contingencies (10%):	\$ 117 295.00
G.S.T. 5%	\$ 64 512.25
Q.S.T. 7.5%	<u>\$ 101 606.79</u>
Grand total taxes included	\$ 1 456 364.04

- THAT Treasurer's Certificate N° 10-20, dated July 2, 2010, has been issued by the Assistant Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2010-486

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**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 July 2010, with regard to hiring auxiliary employees;

It was proposed by Councillor Bonnie Feigenbaum, seconded by Councillor Michael Goldwax, and 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 2010, prepared by the Director of Community Services.

Adopted

2010-487

**AUTHORIZATION FOR ATTENDANCE 2010 NRPA CONGRESS**

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WHEREAS the 2010 Congress and exposition of the NRPA (National Recreation and Park Association) will be held in Minneapolis, Minnesota, from October 25 to October 29, 2010;

On motion of Councillor Bonnie Feigenbaum, seconded by Councillor Harvey Shaffer, it was RESOLVED:

- THAT Council authorizes Mr. Ian Bresler, Section manager sports and facilities, to attend the 2010 Congress and exposition of the NRPA that will be held in Minneapolis, Minnesota, from October 25 to October 29, 2010.
- THAT expenses related to the congress for Mr. Bresler are estimated at \$1,500 USD, plus reasonable expenses; and
- THAT Treasurer's Certificate 010-18, dated June 30, 2010, has been issued, attesting to the availability of funds to cover the described expenses.

Adopted

**SECOND QUESTION PERIOD**

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

2010-488

**ADJOURNMENT**

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

Adopted

(s) William Steinberg

(s) Nathalie Lauzière

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Dr. William Steinberg, Mayor

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Me Nathalie Lauzière, Town Clerk