

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON APRIL 7, 2010, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

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.

2010-370

ADOPTION OF THE AGENDA

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

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

4.2 Request to the Minister of Municipal Affairs, Regions and Land Occupancy to adopt the same rules of ethics and the same regulatory mechanisms of ethics for municipal elected officials, as the ones that will be adopted by provincial elected officials.

12.2.1 Extension of Employment Contract of Ms. Pamela Daoust as 'Communication Officer', Temporary Management Position.

12.2.2 Approval of the Agreement relative to the Job Description and Job Evaluation and Creation of a Permanent position as 'Building Inspector'

Adopted

At 9.00 p.m. Councillor Michael Goldwax temporarily left the meeting.

2010-371

ADOPTION OF THE MINUTES

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

- THAT the Minutes of the Regular Council Meeting of March 1st, 2010 are hereby approved as submitted.

Adopted

2010-372

RESOLUTION TO AUTHORIZE FASKEN MARTINEAU TO REPRESENT THOSE CITIES WHICH HAVE DECIDED TO OBJECT TO THE AGGLO QUOTES-PART BY-LAW

Whereas at its special meeting of February 22, 2010 the Council of the Town of Hampstead adopted Resolution 2010-350 which stated its intention to submit to the *Commission municipale du Québec* its objection of the *Règlement concernant la quote-part pour l'alimentation en eau potable (exercice financier 2010)* (RCG 10-005) adopted by the urban agglomeration council of Montreal at its sitting of January 28, 2010;

Minutes of Town of Hampstead

Whereas in collaboration with other suburban municipalities that have also decided to object to the said *Règlement*, Council subsequently decided to mandate the firm of Fasken Martineau DuMoulin to prepare the required documentation to substantiate said objection submitted to the *Commission municipale*;

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

That the firm of Fasken Martineau DuMoulin be authorized to represent the interests of the Town of Hampstead before the *Commission municipale du Québec* and submit on its behalf all documents and related materials in support of its objection to the *Règlement concernant la quote-part pour l'alimentation en eau potable (exercice financier 2010)* (RCG 10-005).

Adopted

At 9.05 p.m. Councillor Leon Elfassy and Councillor Abe Gonshor temporarily left the meeting and they returned at 9.06 p.m.

At 9.07 p.m. Councillor Michael Goldwax returned to the meeting.

2010-373

REQUEST TO THE MINISTER OF MUNICIPAL AFFAIRS, REGIONS AND LAND OCCUPANCY TO ADOPT THE SAME RULES OF ETHICS AND THE SAME REGULATORY MECHANISMS OF ETHICS FOR MUNICIPAL ELECTED OFFICIALS, AS THE ONES THAT WILL BE ADOPTED BY PROVINCIAL ELECTED OFFICIALS

WHEREAS in the coming weeks, the Minister of Municipal Affairs, Regions and Land Occupancy, Mr. Laurent Lessard, intends to table draft legislation regarding ethics in the municipal sector;

WHEREAS the draft legislation should include several obligations for municipalities, of which the obligation to adopt a Code of Ethics containing a common and minimal base of inappropriate behaviours and a series of sanctions to be applied by an Ethics Commissioner answerable to the Municipal Commission;

WHEREAS such a Commissioner would have a power of enquiry and application of his/her decisions as well as a power of review in Superior Court;

WHEREAS municipalities must also have their own officials to respond to violations of the Code of Ethics;

WHEREAS the UMQ favours the development and the promotion of a strong ethics culture including compulsory training for all;

WHEREAS the Union has numerous reservations regarding the intentions of government in placing ethics under judicial control by putting in place a quasi-judicial monitoring structure since there are already tribunals to guarantee that any breach of ethics is sanctioned;

WHEREAS it has not been demonstrated that the citizen's confidence will be reinforced by placing ethics under judicial control;

WHEREAS Bill 48 *Code of Ethics and Conduct of the Members of the Legislative Assembly*, which provides for rules of ethics for the members of the Legislative Assembly and Ministers has not yet been adopted;

WHEREAS according to this Bill, only a member of the Legislative Assembly may lodge a complaint against another member, while in the municipal sector, any citizen would have this power; and a decision taken by 2/3 of the members the Legislative Assembly is the one that would apply a sanction recommended by the Ethics Commissioner while in the municipal sector, the commissioner would hold that power of sanction;

WHEREAS in matters of ethics there should not be a double standard and in this regard, the same rules should apply to both provincial and municipal elected officials;

Minutes of Town of Hampstead

WHEREAS it is important for the municipal sector to indicate its position quickly regarding ethics-related issues;

On motion of Councillor Michael Goldwax, seconded by Councillor Harvey Shaffer, it was UNANIMOUSLY RESOLVED:

THAT the municipality of Hampstead requests that the Minister of Municipal Affairs, Regions and Land Occupancy, adopt the same rules of ethics and the same regulatory mechanisms of ethics for municipal elected officials, as the ones that will be adopted by provincial elected officials;

THAT the code of ethics for municipal elected officials and that for provincial elected officials be adopted at the same time;

THAT this resolution be forwarded to the Quebec Premier, Jean Charest, Minister of Municipal Affairs, Regions and Land Occupancy, Laurent Lessard, Member of the National Assembly-D'Arcy McGee, Lawrence Bergman and the Union of Quebec Municipalities.

Adopted

2010-374

NOTICE OF MOTION – BY-LAW 543-2 TO REPEAL BY-LAW 543 ENTITLED “BY-LAW REGULATING ALARM SYSTEMS”

NOTICE OF MOTION was given by Councillor Jack Edery that, at a subsequent meeting of Council, By-law N° 543-2 to repeal By-law N° 543, entitled “By-law regulating alarm systems” will be submitted to Council for adoption.

All Council members have received a draft copy of By-law N° 543-2 and a motion to dispense with the reading of the said By-law was made.

2010-375

ADOPTION – BY-LAW N° 747-12 – AMENDMENT TO BY-LAW N° 747 TO DECREE THE 2010/2011 FALL AND WINTER FEE SCHEDULE FOR THE HOCKEY AND CAN POWER PROGRAM

WHEREAS notice of motion of By-law N° 747-12 was given at the Regular Council meeting of March 1st, 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 Michael Goldwax, seconded by Councillor Bonnie Feigenbaum and UNANIMOUSLY RESOLVED:

- TO adopt By-law N° 747-12 entitled: “By-law modifying By-law N° 747 to Decree the 2010/2011 Fall and Winter Fee Schedule for the Hockey and Can Power Program”.

Adopted

2010-376

APPROVAL OF THE PAYMENT CONCERNING AN INSURANCE CLAIM REGARDING 77 GLENMORE ROAD, HAMPSTEAD

On motion of Councillor Harvey Shaffer, seconded by Councillor Abe Gonshor and unanimously resolved to **defer** this item to a subsequent meeting.

Adopted

Minutes of Town of Hampstead

2010-377

SIGNING OF LEASING CONTRACT FOR THE CAFÉ AT THE COMMUNITY CENTER – HAMPSTEAD PARK

WHEREAS a leasing contract will be signed between the Town of Hampstead and Distributrices Deli-Snack Inc. for the premises at the Community Center which will be use as a café;

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

THAT the Director General is authorized to sign a leasing contract between The Town of Hampstead and Distributrices Deli-Snack Inc.

Adopted

At 9.12 p.m. Councillor Bonnie Feigenbaum left the meeting and returned back.

2010-378

DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON MARCH 8, 2010

Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on March 8, 2010.

2010-379

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMS (SPAIP) – 6 GRANVILLE ROAD

On motion of Councillor Leon Elfassy, seconded by Councillor Jack Edery, 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 6 Granville Road**, submitted to the Planning Advisory Committee meeting of March 8, 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

2010-380

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMS (SPAIP) – 79 FINCHLEY ROAD

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

THAT the site planning and architectural integration programs showing **plans and elevations for a modification and renovation to a detached single family dwelling at 79 Finchley Road** submitted to the Planning Advisory Committee meeting of March 8, 2010, is **deferred**, as the modifications do not respect the dispositions of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC under the following elements:

- that the applicant submit perspectives plans in regards to all elevations of the building;
- not to remove the mansard roof located on the front elevation and not to remove the front canopy located above the main door in order to preserve the architectural style of the building;

Minutes of Town of Hampstead

- the number of dormer windows must be reviewed and two (2) options are possible for the applicant: retain the two (2) small dormer windows and remove the one proposed in the center **or** only retain the single dormer window proposed in the center of the roof;

Adopted

2010-381

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 79 FINCHLEY ROAD

WHEREAS the members of Council have reviewed the request for approval for a minor exemption to Zoning By-law N^o 727 Article 7.6.3.1.1 for the property located at 79 Finchley Road, lot 2088752, to authorize the widening of the parking space.

WHEREAS the Planning Advisory Committee, at its meeting held on March 8, 2010, recommended **deferring** the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 79 Finchley Road, lot 2088752, is **deferred** considering the following element:
 - since the parking space is currently divided by mutual agreement between the two owners, in order to avoid creating a negative impact for the adjoining neighbouring property as for the residual parking space proposed, the members of the CCU suggest to the applicant to obtain a written agreement in favour of the proposed project from the neighbouring owner. Until these procedures are undertaken, the request could then be reconsidered by the CCU.

Adopted

2010-382

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMS (SPAIP) – 5665 QUEEN MARY ROAD

On motion of Councillor Leon Elfassy, seconded by Councillor Michael Goldwax, 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 5665 Queen Mary Road**, submitted to the Planning Advisory Committee meeting of March 8, 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

2010-383

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMS (SPAIP) – 60 GRANVILLE ROAD

On motion of Councillor Leon Elfassy, seconded by Councillor Harvey Shaffer, it was UNANIMOUSLY 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 60 Granville Road**, submitted to the Planning Advisory Committee meeting of March 8, 2010 is

Minutes of Town of Hampstead

deferred, considering that the modifications partially 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 reduce the glass walls (windows) on the building in order to integrate itself more with the existing built fabric of the surrounding neighbourhood;
- to reduce the area of the skylight located on the roof;
- to integrate the style of the proposed building with that of the immediate vicinity;
- to submit a detailed landscaping plan;

Adopted

2010-384

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 60 GRANVILLE ROAD

WHEREAS the members of Council have reviewed the request for approval for a minor exemption to Zoning By-law N° 727 Article 6.3 and Article 6.4 for the property located at 60 Granville Road, lot 2088972, to authorize the projected above ground structure of a new detached single family dwelling to encroach on the side and rear setbacks.

WHEREAS the Planning Advisory Committee, at its meeting held on March 8, 2010, recommended **deferring** the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 60 Granville Road, lot 2088972, is **deferred**.

Adopted

2010-385

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 60 GRANVILLE ROAD

WHEREAS the members of Council have reviewed the request for approval for a minor exemption to Zoning By-law N° 727 Article 6.3 and Article 6.4 for the property located at 60 Granville Road, lot 2088972, to authorize the projected underground garage structure of a new detached single family dwelling to encroach on the side and rear setbacks.

WHEREAS the Planning Advisory Committee, at its meeting held on March 8, 2010, recommended **deferring** the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 60 Granville Road, lot 2088972, is **deferred**.

Adopted

2010-386

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF MARCH 2010

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

Minutes of Town of Hampstead

On motion of Councillor Jack Edery, seconded by Councillor Leon Elfassy, it was UNANIMOUSLY RESOLVED:

- THAT the disbursements for the period from February 25, 2010 to March 30, 2010, in the amount of \$ 5,524,028.09 are hereby approved.
Adopted

2010-387

GRANTING OF A SPECIAL MANDATE TO THE TOWN AUDITORS GOUDREAU POIRIER S.E.N.C.R.L. FOR THE VERIFICATION OF THE 2006-2009 EXCISE TAX PROGRAM

WHEREAS the Town is required by the MAMROT to complete their prescribed forms in order to be eligible for the full subvention per the 2006-2009 TECQ Excise tax program;

WHEREAS it is incumbent on the Town to have the above-mentioned prescribed forms reviewed by auditors in order to substantiate their claim to the 2006-2009 TECQ Excise tax program;

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

THAT, as recommended by the Treasurer, the Town auditors Goudreau Poirier S.E.N.C.R. L. are hereby granted the special mandate to audit the prescribed forms to be filled out by the Town in order to be eligible for the full subvention per the 2006-2009 TECQ Excise tax program.

Adopted

2010-388

MANDATE THE UMQ TO UNDERTAKE THE NECESSARY MEASURES WITH THE *COMMISSION DE L'ÉQUITÉ SALARIALE* TO CONFIRM ITS OFFICIAL POSITION IN RELATION TO THE PROCESS OF PAY EQUITY TO WHICH THE RECONSTITUTED CITIES OF THE AGGLOMERATION OF MONTREAL WILL BE SUBJECT AND TO MAKE THE NECESSARY REPRESENTATION TO APPROPRIATE BODIES, AS REQUIRED.

WHEREAS, the *Loi sur l'organisation territoriale municipale* (L.R.Q.,c.O-9) reconstituted the Town of Hampstead on January 1, 2006;

WHEREAS, the *Commission de l'équité salariale* published a memorandum dated July 15, 2005 concerning pay equity in the reconstituted municipalities;

WHEREAS, in the said memorandum, the *Commission de l'équité salariale* specifies that when the central municipality is late in implementing the pay equity process (after January 1, 2006)

- The central municipality shall implement the process with the data from November 21, 2005, i.e. with all employment categories of the central municipality and of the reconstituted municipality;
- The central municipality shall pay the salary adjustments for the period of November 21, 2001 to November 21, 2005;
- The central municipality shall pay the interest due on salary adjustments for the period of November 21, 2001 to December 31, 2005;
- After November 21, 2005, the central municipality shall maintain pay equity. If the *demerger* results in changes that do not allow maintenance of pay equity, the employer must make the necessary changes to its program or programs;
- The central municipality shall pay the adjusted salary to salaried persons in its employ as of November 21, 2005;

Minutes of Town of Hampstead

- The reconstituted municipality shall pay salaries adjusted in accordance with the program implemented by the central municipality and interest on salary adjustments, to salaried persons in its employ as of January 1, 2006;
- The reconstituted municipality shall maintain the program or programs established by the central municipality. If the *demerger* results in changes that do not allow maintenance of pay equity, the employer must make the necessary changes to its program or programs.

WHEREAS, on May 29, 2009, the government of Québec adopted Bill 25 modifying the *Loi sur l'équité salariale* (L.R.Q., c. E-12.001);

WHEREAS, on March 12, 2009, the central City had not fully completed the process;

WHEREAS, on December 15, 2009, the central City informed the directors general of the reconstituted cities of their obligation to implement the pay equity programs not yet undertaken as of this date;

WHEREAS, the differing interpretations of the various parties create confusion as to the obligations of the reconstituted cities of the Agglomeration of Montreal, with regard to pay equity.

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

- MANDATE the UMQ to undertake the necessary measures with the *Commission de l'équité salariale* to confirm its official position in relation to the process of pay equity to which the reconstituted cities of the Agglomeration of Montreal will be subject ;
- MANDATE the UMQ to make the necessary representation to appropriate bodies, as required.

Adopted

2010-389

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 2010, with regard to hiring auxiliary employees;

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

Adopted

2010-390

SUSPENSION OF EMPLOYEE # 1032

WHEREAS the Director General has reported the three days suspension without pay of employee # 1032;

It was proposed by Councillor Michael Goldwax, seconded by Councillor Jack Edery and UNANIMOUSLY RESOLVED:

Minutes of Town of Hampstead

- **THAT**, having inquired, Council ratifies the one (1) day disciplinary suspension without pay of employee # 1032, imposed by the director general, in accordance with article 113 of the Cities and Towns Act.

Adopted

2010-391

SUSPENSION OF EMPLOYEE # 1029

WHEREAS the Director General has reported the three day suspension without pay of employee # 1029;

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

- **THAT**, having inquired, Council ratifies the one (1) day disciplinary suspension without pay of employee # 1029, imposed by the director general, in accordance with article 113 of the Cities and Towns Act.

Adopted

2010-392

EXTENSION OF EMPLOYMENT CONTRACT OF MS. PAMELA DAOUST AS “COMMUNICATIONS OFFICER”, TEMPORARY MANAGEMENT POSITION

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

- TO extend the employment contract of Ms PAMELA DAOUST as **“Communications Officer”** for a period not to exceed twelve (12) months and in accordance with the conditions contained in the confidential “Personnel” file in the Director of Human Resources Office;
- TO authorize the Director of Human Resources, or his delegate, to sign the necessary documents to execute such contract; and
- THAT Treasurer’s certificate no 10-010, dated April 7, 2010, has been issued by the Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2010-393

APPROVAL OF THE AGREEMENT RELATIVE TO THE JOB DESCRIPTION AND JOB EVALUATION AND CREATION OF A PERMANENT POSITION OF “BUILDING INSPECTOR”

WHEREAS the Town created a job function of “Building Inspector” last year;

WHEREAS the job description and the job evaluation of the “Building Inspector” was agreed to between the representatives of the Town and of the Union;

WHEREAS the hiring of a temporary “Building Inspector” has demonstrated the utility and the need to have an incumbent on a permanent basis;

WHEREAS Council deems it desirable to create such a permanent position;

It was proposed by Councillor Leon Elfassy, seconded by Councillor Harvey Shaffer and UNANIMOUSLY RESOLVED:

Minutes of Town of Hampstead

- TO APPROVE the agreement relative to the job description and the job evaluation (salary grade 9);
- TO AUTHORIZE the Director of Human Resources to sign the necessary documents to execute such agreement;
- TO CREATE one (1) permanent position of “**Building Inspector**” with the Urban Planning Department in accordance with the provisions of the applicable collective agreement; AND
- TO FILL the said position in the manner provided for in the collective agreement.

Adopted

SECOND QUESTION PERIOD

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

2010-394

ADJOURNMENT

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

Adopted

Dr. William Steinberg, Mayor

Me Nathalie Lauzière, Town Clerk