

## **Minutes of Town of Hampstead**

### **MINUTES OF THE REGULAR COUNCIL MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON AUGUST 1<sup>ST</sup>, 2011, 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 and Michael Goldwax, forming a quorum with Mayor Steinberg presiding.

**ABSENT:** Councillors Bonnie Feigenbaum and Harvey Shaffer

**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.

#### **RECESS**

*At 8:22 p.m. the Mayor proposed and it was unanimously resolved to recess the Meeting.*

*At 8:28 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.*

2011-828

#### **ADOPTION OF THE AGENDA**

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

- THAT the agenda of the regular meeting is hereby adopted with the below amendment:
  - Item 7.2 to be moved after item 7.6.

Adopted

2011-829

#### **ADOPTION OF THE MINUTES**

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

- THAT the Minutes of the Regular Council Meeting of July 12<sup>th</sup>, 2011 are hereby approved as submitted.

Adopted

2011-830

#### **WAIVER OF PRIVILEGE**

WHEREAS the Town has obtained legal opinion dated June 30<sup>th</sup>, 2011 regarding property titles of lot number 2 088 440, cadastre du Québec;

WHEREAS the content of this opinion is confidential and is protected by attorney-client privilege;

WHEREAS is it in the best interest of the Town to provide a copy of this opinion for the purpose of public information;

On motion of Councillor Michael Goldwax, seconded by Councillor Jack Edery, it was UNANIMOUSLY RESOLVED:

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That council, for the above-mentioned purpose, waive the confidentiality of the legal opinion dated June 30<sup>th</sup>, 2011 regarding property titles of lot number 2 088 440, cadastre du Québec;

That the Town clerk be authorized to provide a copy of this legal opinion for public information;

Adopted

2011-831

**MODIFICATION TO RESOLUTION No. 2005-33: AUTHORIZATION TO CERTAIN PERSONS TO ISSUE STATEMENTS OF OFFENCE FOR THE TOWN OF HAMPSTEAD**

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WHEREAS the Town of Hampstead acts as a prosecutor in the sense of the *Code of Penal Procedure (R.S.Q., c. C-25.1)* for offences under its jurisdiction;

WHEREAS Section 147 of the *Code of Penal Procedure (R.S.Q., c-25-1)* prescribes that a person must be authorized in writing by the prosecutor to deliver a statement of offence; and

WHEREAS it is necessary for the Town of Hampstead to issue an additional authorization for the delivery of statements in order to complete the existing authorizations ensuring the enforcement of all by-laws applicable on its territory following its reconstitution and amend Schedule “A” of resolution no. 2005-33;

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

- To modify resolution no. 2005-33 adopted December 12, 2005 and to approve the amended Schedule “A-1” authorizing the persons mentioned to deliver statements of offence on behalf of the Town of Hampstead in relation to any acts, by-laws, resolutions or orders described in the said Schedule, which forms an integral part of the present resolution.

Adopted

**AMENDED SCHEDULE A-1      RESOLUTION 2011-831**

<b>AUTHORIZED PERSONS</b>	<b>CATEGORIES OF INFRACTIONS AUTHORIZED</b>
Peace officers and all Police cadets of the Police Department of the City of Montreal;	Categories 1,2,3,4,5,7
Prosecutor’s Attorney for the Municipal Court of Montreal, Prosecutor’s Attorney Team Leaders and Chief Prosecutor’s Attorney for the Penal and Criminal proceedings Division of the Direction of Penal and Criminal Affairs of the City of Montreal;	All categories
Firemen, Prevention Inspectors, Prevention Agents, Liaison Officer of the Fire Department of Montreal or any other person whose duties consist of, in part or in full, enforcing by-laws or orders concerning building or fire prevention;	Categories 1,2,3,5,6,7
Municipal Public Security Director, Lieutenant, Officers, or any other person exercising duties concerning public security on the territory of Hampstead;	Categories 1,2,3,5,7& 6 Resolution 2011-831
Section Chief of Urban Planning Department, Building Inspectors, Inspector helpers and any other person within this Division who are responsible for the enforcement of by-laws, resolutions or orders of the Town of Hampstead;	Categories 1,2,3,6,7
Director as well as Division Chief and Foremen of the Public Works and Technical Services Department.	Categories 1,2,3,5,7

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### INFRACTION CATEGORIES

Category 1	By-laws, resolutions or orders of the Town of Hampstead carried before January 1 <sup>st</sup> , 2002 and which are in force on its territory by virtue of Section 6 of the Charter of the Town of Montreal (2000, c.56, Schedule 1).
Category 2	By-laws, resolutions or orders of the City of Montreal applicable on the territory of Hampstead and which will remain applicable after the reconstitution of the city by virtue of Section 5 of the 969-2005 decree for the reconstitution of the Town of Hampstead.
Category 3	Municipal by-laws adopted by the Town of Hampstead after its reconstitution.
Category 4	Highway Safety Code (R.S.Q. c-24.2) or by-laws adopted under its authority.
Category 5	Highway Safety Code (R.S.Q. c-24.2) concerning parking or stopping of a road vehicle or by-laws adopted under its authority concerning similar subjects.
Category 6	Acts concerning buildings or by-laws carried under its authority, whenever the Town of Hampstead is the prosecutor.
Category 7	Acts applicable on the territory of Hampstead or by-laws carried under its authority whenever the Town of Hampstead is the prosecutor.

2011-832

**ADOPTION OF BY-LAW N° 705-7 – MODIFYING BY-LAW NO.705-6 CONCERNING THE COLLECTION, REMOVAL AND DISPOSAL OF REFUSE**

CONSIDERING THAT notice of motion of By-law N° 705-7 was given at the Regular Council meeting of July 12<sup>th</sup>, 2011 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 Abe Gonshor, it was UNANIMOUSLY RESOLVED:

- TO approve By-law n° 705-7 entitled: “By-law modifying By-law 705-6 concerning the collection, removal and disposal of refuse”

Adopted

2011-833

**ADOPTION OF BY-LAW N° 690-7 – MODIFYING BY-LAW N° 690 CONCERNING NUISANCE**

CONSIDERING THAT notice of motion of By-law N° 690-7 was given at the Regular Council meeting of July 12<sup>th</sup>, 2011 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 Jack Edery, seconded by Councillor Michael Goldwax and UNANIMOUSLY RESOLVED:

- TO approve By-law n° 690-7 entitled: “By-law modifying By-law 690 concerning nuisance”

Adopted

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2011-834

**NOTICE OF MOTION – BY-LAW N° 747-18 – AMENDMENT TO BY-LAW N° 747-17 TO DECREE THE FEE SCHEDULE FOR CULTURAL, SPORTS AND LEISURE ACTIVITIES FOR FALL 2011/WINTER 2012**

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NOTICE OF MOTION was given by Councillor Abe Gonshor that, at a subsequent meeting of Council, By-law N° 747-18 modifying By-law N° 747-17, to decree the fee schedule for cultural, sports and leisure activities for fall 2011/winter 2012 will be submitted to Council for adoption.

All Council members have received a draft copy of By-law N° 747-18 and a motion to dispense with the reading of the said By-law was made.

2011-835

**NOTICE OF MOTION – BY-LAW N° 740-6 – BY-LAW AMENDING BY-LAW N° 740 REGARDING THE INTERNAL GOVERNMENT OF THE COUNCIL MEETINGS OF THE TOWN OF HAMPSTEAD**

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NOTICE OF MOTION was given by Councillor Jack Edery that, at a subsequent meeting of Council, By-law N° 740-6 amending By-law N° 740 regarding the internal government of the Council meetings of the Town of Hampstead will be submitted to Council for adoption.

All Council members have received a draft copy of By-law N° 740-6 and a motion to dispense with the reading of the said By-law was made.

2011-836

**DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON JULY 18<sup>TH</sup> 2011**

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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 July 18<sup>th</sup>, 2011.

The Council takes note of the deposit of the said minutes by the Town Clerk.

**Intervention of interested persons concerning the request for Minor Exemption for property located at 41 Merton Crescent.**

***No intervention***

2011-837

**MINOR EXEMPTION REQUEST TO THE ZONING BY-LAW NUMBER 727, ARTICLE 6.2.1, IN ORDER TO PERMIT THE FRONT SETBACK AT 4.47M (14.7 FEET), 5.16 M (16.9 FEET) AND 5.68 M (18.6 FEET), TO PERMIT RESPECTIVELY A BAY WINDOW ON THE LEFT SIDE OF THE FRONT FAÇADE OF THE BUILDING, A BAY WINDOW ON THE RIGHT SIDE OF THE FRONT FAÇADE OF THE BUILDING AND THE CONSTRUCTION OF THE MAIN ENTRANCE TO A DETACHED SINGLE FAMILY DWELLING AT 41 MERTON CRESCENT, LOT NO.: 2 089 379 ZONE RA-1**

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WHEREAS the members of Council have reviewed the request for minor request to Article 6.2.1 of Zoning By-law number 727-7 to permit the front setback at 4.47m (14.7feet), 5.16m (16.9 feet) and 5.68m (18.6 feet) to permit respectively a bay window on the left side and right side of the front façade of the building, and construction of a main entrance for a detached single-family;

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WHEREAS the Planning Advisory Committee, at its meeting held on July 18, 2011, recommended **to approve** the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 41 Merton Crescent, on lot no.: 2 089 379 Zone RA-1 is approved.

Adopted

### Intervention of interested persons concerning the request for Minor Exemption for property located at 41 Merton Crescent.

#### *No intervention*

2011-838

**MINOR EXEMPTION REQUEST TO THE ZONING BY-LAW NUMBER 727, ARTICLE 6.2.1, IN ORDER TO PERMIT THE FRONT (UNDERGROUND) SETBACK AT 3.2 M (10.5 FEET), TO PERMIT AN ADDITION TO THE MAIN BUILDING TO A DETACHED SINGLE FAMILY DWELLING AT 41 MERTON CRESCENT, LOT NO.: 2 089 379 ZONE RA-1**

WHEREAS the members of Council have reviewed the request for approval for a minor exemption to Zoning By-law N<sup>o</sup> 727 article 6.2.1 in order to permit the front (underground) setback at 3.2 m (10.5 feet), to permit an addition to the main building of a detached single family;

WHEREAS the Planning Advisory Committee, at its meeting held on July 18<sup>th</sup>, 2011, recommended **to refuse** the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 41 Merton Crescent, on lot no.: 2 089 379 Zone RA-1, is **refused**.

Adopted

### Intervention of interested persons concerning the request for Minor Exemption for property located at 41 Merton Crescent.

#### *No intervention*

2011-839

**MINOR EXEMPTION REQUEST TO THE ZONING BY-LAW NUMBER 727, ARTICLE 6.4.1, IN ORDER TO PERMIT THE REAR (UNDERGROUND) SETBACK AT 1.67 M (5.5 FEET) INSTEAD OF 5.9M (19.46 FEET), TO PERMIT AN ADDITION TO THE MAIN BUILDING TO A DETACHED SINGLE FAMILY DWELLING AT 41 MERTON CRESCENT, LOT NO.: 2 089 379 ZONE RA-1**

WHEREAS the members of Council have reviewed the request for approval for a minor exemption to Zoning By-law N<sup>o</sup> 727 article 6.4.1, in order to permit the rear (underground) setback at 1.67 m (5.5 feet) instead of 5.9m (19.46 feet), to permit an addition to the main building of a detached single family;

WHEREAS the Planning Advisory Committee, at its meeting held on July 18<sup>th</sup>, 2011, recommended **to approve** the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 41 Merton Crescent, Lot No.: 2 089 379 Zone RA-1, is **approved**.

Adopted

### Intervention of interested persons concerning the request for Minor Exemption for property located at 41 Merton Crescent.

#### *No intervention*

2011-840

#### **MINOR EXEMPTION REQUEST TO THE ZONING BY-LAW NUMBER 727, ARTICLE 6.8.1.4, IN ORDER TO PERMIT THE DISTANCE TO A SIDE LOT LINE OF 1.68 M (5.5 FEET) INSTEAD OF 3.0 M (9.8 FEET) TO PERMIT A DECK IN THE BACK YARD TO A DETACHED SINGLE FAMILY DWELLING AT 41 MERTON CRESCENT, LOT NO.: 2 089 379 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 article 6.8.1.4, in order to permit the distance to a side lot line of 1.68 m (5.5 feet) instead of 3.0 m (9.8 feet) and to permit a deck in the back yard to a detached single family;

WHEREAS the Planning Advisory Committee, at its meeting held on July 18<sup>th</sup>, 2011, recommended **to refuse** the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 41 Merton Crescent, Lot No.: 2 089 379 Zone RA-1, is **refused**.

Adopted

2011-841

#### **REQUEST TO AUTHORIZE A SECOND STOREY, FRONT, SIDE AND REAR ADDITION TO A DETACHED SINGLE FAMILY DWELLING AT 41 MERTON CRESCENT, LOT NO.: 2 089 379 ZONE RA-1 (SPAIP BY-LAW NUMBER 775)**

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

- THAT the site planning and architectural integration program showing **plans and elevations** of a second storey, front, side and rear addition to a detached single family dwelling at 41 Merton Crescent, submitted to the Planning Advisory Committee meeting of July 18<sup>th</sup>, 2011 is **conditionally approved**, the modifications do not meet the prescribed standards of the Zoning By-law number 727 and partially meets the prescribed standards regarding the Site Planning and Architectural Integration Program By-law number 775 and considering the following conditions:

- The deck must be at 3 meters away from property line;
- The construction of a room in front below grade is not permitted
- The construction of a room at the rear is permitted, but must be 100% below grade

Adopted

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2011-842

**REQUEST TO AUTHORIZE A SECOND STOREY ADDITION TO A DETACHED SINGLE FAMILY DWELLING AT 27 BELSIZE ROAD, LOT NO.: 2 089 892 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 UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration program showing **plans and elevations** of a second storey addition to a detached single family dwelling at 27 Belsize Road, submitted to the Planning Advisory Committee meeting of July 18<sup>th</sup>, 2011 is *conditionally approved*, the whole in conformity with the provisions of the Zoning By-law number 727 as plans partially meet the prescribed standards regarding the Site Architectural Integration Program By-law number 775 and provided that the following conditions are satisfied :
  - More variation to the soffit edges must be added;
  - Windows, doors and dormers must be harmonized;
  - More decorations must be added to the brick walls to upgrade the style

Adopted

2011-843

**REQUEST TO AUTHORIZE A SIDE YARD ADDITION TO A SEMI-DETACHED SINGLE FAMILY DWELLING AT 445 DUFFERIN ROAD, LOT NO.: 2 088 544 ZONE RB-1 (SPAIP BY-LAW NUMBER 775)**

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It was proposed by Councillor Jack Edery, seconded by Councillor Leon Elfassy and unanimously resolved to defer this item to a subsequent meeting.

Adopted

2011-844

**REQUEST TO AUTHORIZE FAÇADE MODIFICATIONS TO A DETACHED SINGLE FAMILY DWELLING AT 41 FINCHLEY ROAD, LOT NO.: 2 088 694 & 2 385 055, ZONE RA-1 (SPAIP BY-LAW NUMBER 775)**

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

- THAT the site planning and architectural integration program showing **plans and elevations** for façade modifications to a detached single family dwelling at 41 Finchley Road, submitted to the Planning Advisory Committee meeting of July 18<sup>th</sup>, 2011 *is refused*, the whole in conformity with the provisions of the Zoning By-law number 727 but does not meet the prescribed standards regarding the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC.

Adopted

2011-845

**REQUEST TO AUTHORIZE FAÇADE MODIFICATIONS TO A DETACHED SINGLE FAMILY DWELLING AT 105 THURLOW ROAD, LOT NO.: 2 088 994, ZONE RA-1 (SPAIP BY-LAW NUMBER 775)**

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

- THAT the site planning and architectural integration program showing

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**plans and elevations** for façade modifications to a detached single family dwelling at 105 Thurlow Road, submitted to the Planning Advisory Committee meeting of July 18<sup>th</sup>, 2011 is **approved**, the whole in conformity with the provisions of the Zoning By-law number 727 and the prescribed standards regarding the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC.

Adopted

2011-846

### **APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF JULY 2011**

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WHEREAS Council reviewed the list of payments for the month of July 2011;

On motion of Councillor Jack Edery, seconded by Councillor Michael Goldwax, it was UNANIMOUSLY RESOLVED:

- THAT the disbursements for the period from July 1<sup>st</sup>, 2011 to July 28<sup>th</sup>, 2011, in the total amount of \$ 1,121,542.88 are hereby approved (\$674,883.61 for cheques and \$446,659.27 for on line payments).

Adopted

2011-847

### **REQUEST FOR FINANCIAL ASSISTANCE UNDER THE GAS TAX TRANSFER PROGRAM AND CONTRIBUTION FROM QUEBEC**

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WHEREAS the Town of Hampstead has read the *Guide for terms of payment of government contributions under the program of the gas tax and the contribution of Quebec (TECQ) for the years 2010 to 2013*;

WHEREAS the Town must respect the applicable terms and conditions of this Guide that apply to it in order to receive the government contributions confirmed to it in a letter from the Minister of Municipal Affairs, Regions and Land Occupancy;

It was proposed by Councillor Jack Edery, seconded by Councillor Abe Gonshor, and UNANIMOUSLY RESOLVED:

- THAT the Town of Hampstead hereby undertakes to comply with the applicable terms and conditions of this Guide that apply to it;
- THAT the Town hereby undertakes to be solely liable for and save harmless Canada and Quebec as well as their ministers, senior officers, employees and agents from all liability for claims, requirements, losses, damages and costs of any kind stemming from an injury to or death of an individual or damages to or loss of assets attributable to a deliberate act or negligence resulting directly or indirectly from investments made through financial assistance obtained through the program TECQ 2010-2013;
- THAT the Town hereby approves the content and authorizes the submission of the work schedule of June 30<sup>th</sup> 2011, and all other documents required by the Ministry to the Management of Infrastructures Department of the Ministry of Municipal Affairs, Regions and Land Occupancy, in order to receive the governmental contribution confirmed to the Town in a letter from the Minister of Municipal Affairs, Regions and Land Occupancy; and
- The Town of Hampstead is committed to achieving the minimum capital municipal infrastructure set at \$ 28 per capita per year, a total of \$ 112 per capita for all four years of the program;



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- THAT the Town hereby undertakes to inform the Management of Infrastructures Department of the Ministry of Municipal Affairs, Regions and Land Occupancy of any changes to be made to the work schedule approved herein.

Adopted

2011-848

**GRANTING OF CONTRACT – SNOW CLEARING OF SKATING RINKS IN HAMPSTEAD AND ELLERDALE PARKS – WINTER 2011/2012**

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WHEREAS there has been a call for tenders, by way of written invitation, for a one season contract including a clause for two optional renewals of one season each for the snow removal of skating rinks in Hampstead and Ellerdale Parks;

WHEREAS Resolution number 2010-577, adopted by the Council on October 19, 2010, authorized granting the contract to the lowest bidder conforming to the requirements, Les Entreprises Clifton DRAM Inc, for the winter season 2010-2011;

WHEREAS the Division Chief of Purchasing recommends exercising the first renewal option;

WHEREAS, after analysing the tenders opened on August 3, 2010, the lowest bidder conforming to the requirements of the tender invitation is Les Entreprises Clifton DRAM Inc;

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

- THAT, as recommended by the Division Chief of Purchasing, the contract for snow clearing of skating rinks 2011/2012 in Hampstead and Ellerdale Parks be and is hereby granted to the following contractor, the whole as more amply delineated hereunder:

**LES ENTREPRISES CLIFTON DRAM INC.**

Snow clearing skating rink #1 Hampstead Park	\$ 8,700.00
Snow clearing skating rink #2 Hampstead Park	\$ 8,700.00
Snow clearing skating rink Ellerdale Park	\$ 8,700.00
G.S.T. and Q.S.T. are applicable on above prices.	

The Treasurer’s certificate N° 11-030, dated July 26, 2011, has been issued by the Town’s Treasurer, attesting to the availability of funds to cover the described expenses.

Mayor William Steinberg called for a vote.

**Voted in favour:**

Councillor Abe Gonshor  
Councillor Jack Edery  
Councillor Michael Goldwax

**Voted against:**

Councillor Leon Elfassy

**In favour: 3**

**Against: 1**

Adopted on Division

2011-849

**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 2011, with regard to hiring auxiliary employees;

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It was proposed by Councillor Jack Edery, seconded by Councillor Abe Gonshor, 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 August 2011, prepared by the Director of Community Services.

Adopted

### **SECOND QUESTION PERIOD**

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

2011-850

### **ADJOURNMENT**

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

Adopted

(s) William Steinberg  
Dr. William Steinberg, Mayor

(s) Nathalie Lauzière  
M<sup>c</sup> Nathalie Lauzière, Town Clerk