

Minutes of Town of Hampstead

MINUTES OF THE REGULAR COUNCIL MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON SEPTEMBER 6TH, 2011, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

THOSE PRESENT WERE: Mayor William Steinberg, Councillors Bonnie Feigenbaum, Abraham Gonshor, Jack Edery, Leon Elfassy, Michael Goldwax, 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.

2011-851

ADOPTION OF THE AGENDA

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

- THAT the agenda of the regular meeting is hereby adopted after the deletion of item 7.5.

Adopted

2011-852

ADOPTION OF THE MINUTES

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

- THAT the Minutes of the Regular Council Meeting of August 1st, 2011 are hereby approved as submitted.

Adopted

2011-853

REGISTRATION OF DELEGATES TO ATTEND THE 2012 ANNUAL CONFERENCE OF THE FEDERATION OF CANADIAN MUNICIPALITIES (FCM) IN SASKATOON

WHEREAS the 2012 Annual Conference of the Federation of Canadian Municipalities (FCM) will be held in Saskatoon from May 31st to 4th, 2012;

On motion of Councillor Jack Edery, seconded by Councillor Harvey Shaffer, it was UNANIMOUSLY RESOLVED:

- THAT Council authorizes the following delegates to attend the 2012 Annual Conference of the FCM to be held in Saskatoon from May 31st to June 4th, 2012;
 - Mayor William Steinberg
 - Councillor Bonnie Feigenbaum
 - Councillor Jack Edery
 - Councillor Leon Elfassy
 - Councillor Harvey Shaffer
 - Director General, Mr. Richard Sun

Adopted

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2011-854

ADOPTION OF 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

CONSIDERING THAT notice of motion of By-law n° 747-18 was given at the Regular Council meeting of August 1st, 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 Bonnie Feigenbaum, seconded by Councillor Michael Goldwax and UNANIMOUSLY RESOLVED:

- TO approve By-law n° 747-18 entitled: “By-law modifying By-law N° 747-17, to decree the fee schedule for cultural, sports and leisure activities for fall 2011/winter 2012”.

Adopted

2011-855

ADOPTION OF 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

CONSIDERING THAT notice of motion of By-law N° 740-6 was given at the Regular Council meeting of August 1st, 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 Harvey Shaffer, seconded by Councillor Jack Edery and RESOLVED:

- TO approve By-law n° 740-6 entitled: “By-law amending By-law N° 740 regarding the internal government of the Council meetings of the Town of Hampstead”

Mayor Steinberg called for a vote.

Voted in favour:

Councillor Jack Edery
Councillor Leon Elfassy
Councillor Bonnie Feigenbaum
Councillor Harvey Shaffer

Voted against:

Councillor Michael Goldwax
Councillor Abe Gonshor

In favour: 4

Against: 2

Adopted on division

2011-856

ADOPTION OF BY-LAW N° 744-2 ESTABLISHING THE REMUNERATION OF THE TOWN COUNCIL MEMBERS

CONSIDERING THAT notice of motion of By-law n° 744-2 was given at the Regular Council meeting of July 12th, 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 Harvey Shaffer, seconded by Councillor Jack Edery and UNANIMOUSLY RESOLVED:

- TO approve By-law n° 744-2 entitled: “By-law establishing the remuneration of the Town Council members”.

Adopted

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2011-857

NOTICE OF MOTION – BY-LAW N° 690-8 – BY-LAW AMENDING BY-LAW N° 690-5 CONCERNING NUISANCE

NOTICE OF MOTION was given by Councillor Jack Edery that, at a subsequent meeting of Council, By-law n° 690-8 amending By-law n° 690-5 regarding nuisance will be submitted to Council for adoption.

All Council members have received a draft copy of By-law N° 690-8 and a motion to dispense with the reading of the said By-law was made.

2011-858

NOTICE OF MOTION –BY-LAW NUMBER 791 AMENDING ZONING BY-LAW NUMBER 727 OF THE TOWN OF HAMPSTEAD, SUBDIVISION BY-LAW NUMBER 728 REGULATING CADASTRAL OPERATIONS IN THE TOWN OF HAMPSTEAD, BY-LAW NUMBER 730 CONCERNING PERMITS AND CERTIFICATES AND BY-LAW NUMBER 759 CONCERNING THE DEMOLITION OF BUILDINGS

NOTICE OF MOTION was given by Mayor William Steinberg that, at a subsequent meeting of Council, By-law no.791 amending zoning By-law no.727 of the Town of Hampstead, subdivision By-law no.728 regulating cadastral operations in the Town of Hampstead, By-law no.730 concerning permits and certificates and By-law no.759 concerning the demolition of buildings will be submitted to Council for adoption.

2011-859

DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON AUGUST 8TH 2011

Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on August 8th, 2011.

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

2011-860

REQUEST TO AUTHORIZE FACADE 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)

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 facade modifications to a detached single family dwelling at 41 Finchley Road, submitted to the Planning Advisory Committee meeting of August 8th, 2011 is *approved*, the whole meets the prescribed standards of the Zoning By-law number 727 and partially meets the prescribed standards of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC.

Adopted

2011-861

REQUEST TO AUTHORIZE FACADE MODIFICATIONS, AN ADDITION IN THE REAR YARD AND SECOND STOREY ADDITION TO A DETACHED SINGLE FAMILY DWELLING AT 39 MERTON CRESCENT, LOT NO.: 2 088 961, 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 facade modifications, an addition in the rear yard and second storey addition to a detached single family dwelling at 39 Merton Crescent, submitted to the Planning Advisory Committee meeting of August 8th, 2011 is **conditionally approved**, the whole meets the prescribed standards of the Zoning By-law number 727 and partially meets the prescribed standards of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC provided that:
 - Front façade elevation; remove the “X” pattern architectural detail on the top dormer,
 - Rear façade elevation; remove the “X” architectural detail on the top dormer,
 - The FSI (Floor Space Index) does not exceed .52,
 - Both trees located on the front yard must be protected during the construction period,

Adopted

Intervention of interested persons concerning the request for Minor Exemption for property located at 39 Merton Crescent.

No intervention

2011-862

MINOR EXEMPTION REQUEST TO THE ZONING BY-LAW NUMBER 727, ARTICLE 6.4.1, IN ORDER TO PERMIT THE REAR YARD SETBACK AT 2.34 M (7.67 FEET) INSTEAD OF THE PRESCRIBED 6.41 M (21.0 FEET) TO A DETACHED SINGLE FAMILY DWELLING AT 39 MERTON CRESCENT, LOT NO.: 2 088 691 ZONE RA-1 (MINOR DEROGATION BY-LAW NUMBER G-18-0005)

WHEREAS the members of Council have reviewed the request for approval for a minor exemption to Zoning By-law 727, Article 6.4.1 in order to permit the rear yard setback at 2.34m (7.67feet) instead of the prescribed 6.41m (21.0 feet) to a detached single family dwelling;

WHEREAS the Planning Advisory Committee, at its meeting held on August 8th, 2011, recommended **to conditionally approve** the aforementioned request for minor exemption provided that;

- The FSI (Floor Space Index) does not exceed .52.

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 39 Merton Crescent, on lot no.: 2 088 691 Zone RA-1 is **conditionally approved**.

Adopted

Intervention of interested persons concerning the request for Minor Exemption for property located at 53 Finchley Road.

No intervention

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2011-863

MINOR EXEMPTION REQUEST TO THE ZONING BY-LAW NUMBER 727, ARTICLE 6.2.1, IN ORDER TO PERMIT THE EXISTING FRONT YARD SETBACK AT 4.39 M (14.4 FEET) INSTEAD OF THE PRESCRIBED 6.1 M (20.0 FEET), ARTICLE 6.3.2, IN ORDER TO PERMIT THE EXISTING LEFT SIDE SETBACK AT 1.8 M (5.9 FEET) INSTEAD OF THE PRESCRIBED 2.29 M (7.5 FEET) AND IN ORDER TO PERMIT THE EXISTING RIGHT SIDE SETBACK AT 0.82 M (2.7 FEET) INSTEAD OF THE PRESCRIBED 2.29 M (7.5 FEET) TO A DETACHED SINGLE FAMILY DWELLING AT 53 FINCHLEY ROAD, LOT NO.: 2 088 699, ZONE RA-1 (MINOR DEROGATION BY-LAW NUMBER G-18-0005)

WHEREAS the members of Council have reviewed the request for approval for a minor exemption to Zoning By-law 727, Article 6.2.1 in order to permit the existing front yard setback at 4.39 m (14.4 feet) instead of the prescribed 6.1 m (20.0 feet), article 6.3.2, in order to permit the existing left side setback at 1.8 m (5.9 feet) instead of the prescribed 2.29 m (7.5 feet) and in order to permit the existing right side setback at 0.82 m (2.7 feet) instead of the prescribed 2.29 m (7.5 feet) to a detached single family;

WHEREAS the Planning Advisory Committee, at its meeting held on August 8th, 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 53 Finchley Road, on lot no.: 2 088 699 Zone RA-1 is **approved**.

Adopted

2011-864

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)

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** for a side yard addition to a semi-detached single family dwelling at 445 Dufferin Road, submitted to the Planning Advisory Committee meeting of July 18th, 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

2011-865

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF AUGUST 2011

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

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

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- THAT the disbursements for the period from July 28th, 2011 to August 30, 2011, in the total amount of \$2,144,095.29 are hereby approved (\$1,229,845.02 for cheques and \$914,250.27 for on line payments).

Adopted

2011-866

PUBLIC AUCTION FOR NON-PAYMENT OF MUNICIPAL TAXES

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

THAT, in compliance with article 512 of the Cities and Towns Act, the Council for the Town of Hampstead orders the sale by public auction of the immovables specified in the following table, for unpaid 2010-2011 municipal taxes or property transfer duties including all legal and notary costs as well as disbursements incurred with an interest rate applicable of 12%. This sale will occur at a later date as prescribed by law, and will be held at the Town of Hampstead’s Town Hall at 5569 Queen Mary road. An announcement in the form of a final notice will be sent to all concerned parties.

Matricule	Lot	Location	Amount (plus interest)
9337-53-6981-1-000-0000	2089742	38 Cressy	\$13 996.69
9337-84-0937-4-000-0000	2089549	6 Heath	\$14 180.30
9437-05-3654-5-000-0000	2088830	5607 Queen Mary	\$14 547.27

THAT, in compliance with article 536 of the Cities and Towns Act, the Council for the Town of Hampstead mandates Mr. Charles Ohayon, Treasurer, to bid and purchase in the name of the Town, any immovable up for sale during the Town of Hampstead’s public auction for non-payment of taxes held in accordance to the present resolution. The person mandated by the Town is authorized to sign all documents related to the sale.

Adopted

2011-867

DEPOSIT OF THE FINANCIAL REPORT AND THE EXTERNAL AUDITOR’S REPORT FOR THE 2010 FISCAL YEAR

In accordance with Section 105.1 of the *Cities and Towns Act*, the Town Treasurer hereby deposited at the Meeting the following:

- 1) the financial report of the Town for the fiscal year 2010; and
- 2) the report of the Town’s external auditor, Goudreau Poirier S.E.N.C.R.L., for the fiscal year 2010.

The Council takes note of the deposit of the said report by the Treasurer.

2011-868

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 August 29th, 2011, the lowest bidder conforming to the requirements of the public tender is Sanexen Services Environnementaux Inc.;

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

- THAT, as recommended by Mr Riad Taouk, Engineer from the firm Roche Ingenieur Conseils Ltd, the following quotation for the following

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contract be and is hereby approved, the whole as more amply delineated hereunder:

SANEXEN SERVICES ENVIRONNEMENTAUX INC

Rehabilitation of aqueduct pipes by relining: (as per specifications in tender document HA-18-11)	\$ 193 125.00
Contingencies (10%):	\$ 19 312.50
G.S.T. 5%	\$ 10 621.88
Q.S.T. 8.5%	<u>\$ 18 960.05</u>
Grand total taxes included	\$ 242 019.43

The Treasurer's Certificate N° 11-031, dated August 29, 2011, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2011-869

GRANTING OF CONTRACT – PURCHASE OF ONE DODGE GRAND CARAVAN, YEAR 2012

WHEREAS there has been a call for tenders, by way of written invitations, for the purchase of one Dodge Grand Caravan year 2012;

WHEREAS, after analysing the tenders opened on August 30th, 2011, the lowest bidder conforming to the requirements of the tender is Boulevard Dodge Chrysler (2000) Inc.;

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

- THAT, the following quotation for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

BOULEVARD DODGE CHRYSLER (2000) INC

Purchase of one Dodge Grand Caravan year 2012 (as per specifications in tender document HA-11-11)	\$ 23 150.00
Tire tax	\$ 15.00
G.S.T. 5%	\$ 1 158.25
Q.S.T. 8.5%	<u>\$ 2 067.47</u>
Grand total taxes included	\$ 26 390.72

- Treasurer's Certificate N° 11-032, dated August 30, 2011, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2011-870

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 August 2011, with regard to hiring auxiliary employees;

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

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- 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 September 2011, prepared by the Director of Community Services.

Adopted

2011-871

SUSPENSION OF EMPLOYEE # 1027

WHEREAS the director general has reported a three (3) day suspension without pay of employee # 1027;

It was proposed by Councillor Michael Goldwax, seconded by Councillor Harvey Shaffer and UNANIMOUSLY RESOLVED:

- **THAT**, having inquired, Council ratifies the three (3) day disciplinary suspension without pay of employee # 1027, imposed by the director general on August 31, 2011, in accordance with article 113 of the Cities and Towns Act.

Adopted

2011-872

ADOPTION OF THE AGENDA

On motion of Mayor William Steinberg, seconded by Councillor Michael Goldwax, it was UNANIMOUSLY RESOLVED:

- THAT the agenda of the regular meeting is hereby adopted by adding the following to the previous resolution (2011-851):
 - Item 6.5 on the agenda should read as follows - By-law no.791 amending zoning By-law no.727 of the Town of Hampstead, subdivision By-law no.728 regulating cadastral operations in the Town of Hampstead, By-law no.730 concerning permits and certificates and By-law no.759 concerning the demolition of buildings

Adopted

RECESS

At 9:37 p.m. the Mayor proposed and it was unanimously resolved to recess the Meeting.

At 9:39 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.

SECOND QUESTION PERIOD

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

2011-873

ADJOURNMENT

All the subjects of the Agenda having been discussed, it was proposed by Councillor Michael Goldwax, 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^c Nathalie Lauzière, Town Clerk