

Minutes of Town of Hampstead

MINUTES OF THE SPECIAL COUNCIL MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON DECEMBER 17TH, 2012, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

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

ABSENT: Abraham Gonshor

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.

2012-336

ADOPTION OF THE AGENDA

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

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

Adopted

At 8.46 p.m Councillor Michael Goldwax left temporarily the meeting.

2012-337

MODIFICATION OF THE RESOLUTION 2012-321 CONCERNING THE AWARDING OF THE PROPERTY INSURANCE CONTRACT (DAMAGES AND LIABILITY) FOR 2013

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

TO replace the following paragraph of the resolution 2012-321 approved by the Council at its Regular Council Meeting of December 3rd, 2012 which reads:

« THAT the Town pay the insurance premium of \$74,221.00 including taxes, for the 2013 term to the representatives of the previously stipulated insurers BFL Canada Risques et Assurances inc”;

with the following:

« THAT the Town pay the insurance premium of **\$50,367.06** including taxes, for the 2013 term to the representatives of the previously stipulated insurers BFL Canada Risques et Assurances inc”;

Adopted

At 8.47 p.m Councillor Michael Goldwax came back to assist the meeting.

2012-338

ADOPTION – BY-LAW N° 801 – TAX RATES FOR THE YEAR 2013

CONSIDERING THAT notice of motion of By-law N° 801 was given at the Regular council meeting of December 3rd, 2012 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 Bonnie Feigenbaum and UNANIMOUSLY RESOLVED:

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- TO approve By-law N° 801 entitled By-law decreeing and imposing the tax rates to cover the Town's Expenses for the Year 2013.

Adopted

2012-339

ADOPTION-SCHEDULE OF REGULAR SITTINGS OF COUNCIL FOR YEAR 2013

CONSIDERING Section 319 of the *Cities and Towns Act* and Section 1 of By-law N° 740-3;

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

- TO adopt the following schedule of the Regular Sittings of the Town Council for the year 2013 to be held at 8:00 p.m. at the Community Center, 30 Lyncroft Road in Hampstead:

January 14 th ;	July 2 nd ;
February 4 th ;	August 5 th ;
March 4 th ;	September 3 rd ;
April 8 th ;	September 30 th ;
May 6 th ;	November 11 th ;
June 10 th ;	December 2 nd ;

Adopted

2012-340

ADOPTION OF SECOND DRAFT BY-LAW NO. 727-13 – BY-LAW AMENDING ZONING BY-LAW NO. 727 IN ORDER TO DEFINE ZONING PARAMETERS IN ZONE CW-6 AND TO AMEND BY-LAW N° 775 CONCERNING SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAM (SPAIP)

WHEREAS the Members of Council have received a copy of Second Draft By-law N° 727-13 amending Zoning By-law No. 727 and declare to have read it;

WHEREAS By-law no. 727-13 will amend Zoning By-law no. 727 in order to define Zoning parameters in Zone CW-6 and to amend By-law n° 775 concerning site planning and architectural integration program (SPAIP);

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

- TO approve Second Draft By-law N° 727-13 amending Zoning By-law N° 727.

Adopted

2012-341

APPROVAL OF PAYMENT CONCERNING AN INSURANCE CLAIM

WHEREAS the Town of Hampstead is a Defendant in a court case bearing number 500-17-074887-129 before the Court of Quebec of the District of Montreal;

WHEREAS La Capitale Assurances Générales Inc., the plaintiff in this case, is claiming from the Town an amended amount of \$138,025 plus interest at the legal rate and additional indemnity pursuant to article 1619 C.c.Q.;

WHEREAS the parties have agreed to settle this case out of court, without admission;

THEREFORE, it was proposed by Councillor Harvey Shaffer, seconded by Councillor Jack Edery and UNANIMOUSLY RESOLVED:

- THAT the Town pay to *Robinson Sheppard Shapiro s.e.n.c.r.l. In Trust*, the maximum amount of \$90,000 in capital, interest costs and legal fees to settle the aforesaid case out of court;

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- THAT *Robinson Sheppard Shapiro s.e.n.c.r.l.* be authorized to sign all necessary documents and make the accessory modifications required by the parties to the aforesaid court case, if any.

The Treasurer's certificate N^o 12-25, dated July 6th, 2012, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2012-342

DEPOSIT OF THE MINUTES OF THE PAC MEETINGS HELD ON NOVEMBER 21ST 2012 AND DECEMBER 10TH 2012

Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on November 21st, 2012 and December 10th, 2012.

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

2012-343

REQUEST TO AUTHORIZE THE ENLARGEMENT OF THE REAR YARD AND A FAÇADE MODIFICATION TO A DETACHED SINGLE FAMILY DWELLING AT 5852 FERNCROFT ROAD, LOT NO. : 2 089 223, ZONE RA-2 (ZONING BYLAW NO. 727 & SPAIP BY-LAW NO. 775)

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

- THAT the site planning and architectural integration program showing modifications to the plans and elevations to authorize the enlargement of the rear yard and a façade modification to a detached single family dwelling at 5852 Ferncroft Road, submitted to the Planning Advisory Committee meeting of December 10th, 2012 is ***approved*** as recommended by the PAC. The modifications meet the prescribed standards of the Zoning By-law number 727 and meet the prescribed standards of the Site Planning and Architectural Integration Program By-law number 775.

Adopted

At 8.54 p.m Councillor Bonnie Feigenbaum left temporarily the meeting.

2012-344

REQUEST TO AUTHORIZE THE CONSTRUCTION OF A NEW DETACHED SINGLE FAMILY DWELLING AT 233 NETHERWOOD ROAD, LOT NO. : 2 089 944, ZONE RA-2, (ZONING BY-LAW NO. 727 & SPAIP BY-LAW NO. 775)

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

- THAT the site planning and architectural integration program showing modifications to the plans and elevations to authorize the construction of a new detached single family dwelling at 233 Netherwood Road, submitted to the Planning Advisory Committee meeting of December 10th, 2012 is ***conditionally approved***. The modifications meet the prescribed standards of the Zoning By-law number 727 and partially meet the prescribed standards of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC considering the following conditions:

- The height of the canopy should be reduced and should extend on the right hand side façade.
- All cladding must be at least 3.74 inches in thickness.

Adopted

At 8.55 p.m Councillor Bonnie Feigenbaum came back to assist the meeting.

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Intervention of interested persons concerning the request for Minor Exemption for project located at 60 Granville.

- *Mrs. Rachel Levy Brown*
- *Me Michael Cassista*
- *Mr. Jean Gagné*
- *Mr. Martin Novak*
- *Mrs. Doreen Brown*

2012-345

REQUEST FOR APPROVAL FOR A MINOR EXEMPTION TO ZONING BY-LAW NUMBER 727-3 PART A ARTICLE 7.3.1 TO PERMIT THE THICKNESS OF THE EXTERIOR MATERIALS TO BE 50.8 MM (2 INCHES) FOR THE GRANITE & 76.2 MM (3 INCHES) FOR THE STONE INSTEAD OF 95 MM (3.74 INCHES) TO A TO A DETACHED SINGLE FAMILY DWELLING AT 60 GRANVILLE ROAD, LOT NO.: 2 088 972 ZONE RA-1 (BY-LAW CONCERNING MINOR EXEMPTIONS # 18 G-0005 & ZONING BYLAW NUMBER 727)

WHEREAS the members of Council have reviewed the request for approval of a minor exemption to Zoning By-law 727-3, part A, article 7.3.1 to permit the thickness of the exterior materials to be 50.8mm (2 inches) for the granite & 76.2 mm (3 inches) for the stone instead of 95 mm (3.74 inches), to a detached single family dwelling;

WHEREAS the Planning Advisory Committee, at its meeting held on November 21st, 2012, recommended *to approve* the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 60 Granville Road, on lot no.: 2 088 972 Zone RA-1 is *approved*.

Adopted

2012-346

MANDATES TO THE CITY OF MONTREAL TO CARRY OUT GROUPS CALL FOR TENDERS FOR THE PURCHASE OF MULTIFUNCTION PHOTOCOPIERS – 2013 TO 2018

WHEREAS the City of Montreal, has offered to orchestrate groups call for tenders, on behalf of participating municipalities, for the purchase of multifunction photocopiers for a period of 5 years;

WHEREAS during this period, the Town of Hampstead will have to replace these equipment;

WHEREAS the credits required to cover the expense will be maintained for the relevant period;

WHEREAS the Director of Material Resources and Information Technologies will act as representative of the Town of Hampstead in this regard;

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

- THAT the Council authorizes the Town of Hampstead's participation in groups call for tenders for the purchase of multifunction photocopiers for a period of 5 years;
- THAT the Town of Hampstead delegates the City of Montreal to prepare the specifications and other tender documents; to proceed with the calls for tenders; to receive and to analyze the submissions; and to report the results

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to the participating municipalities;

- THAT the Town of Hampstead delegates the City of Montreal, to adjudicate the proposed contracts.

Adopted

2012-347

APPROVAL OF HIRING OF MS. FATEN BOUAJILA AS “OFFICE AGENT - COMMUNITY SERVICES”

CONSIDERING THAT the Town of Hampstead requires the hiring of an Office Agent as temporary replacement during a maternity leave;

CONSIDERING THAT the Director General, the Acting Community Services and Recreation Supervising Manager and the Human Resources Counsellor are recommending the hiring of **MS. FATEN BOUAJILA** to fill such position;

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

- TO APPROVE the temporary hiring of **MS. FATEN BOUAJILA** as “OFFICE AGENT - COMMUNITY SERVICES” no later than January 7, 2013 for a period not to exceed November 29, 2013, subject to the usual conditions and in accordance with the provisions of the collective agreement between CUPE Local 429 and the Town of Hampstead, and subject to a medical examination attesting to the capability to accomplish the duties of the function.

The Treasurer’s certificate no 12-36, dated October 18, 2012 has been issued by the Treasurer, attesting the availability of funds to cover the described expenses.

Adopted

2012-348

ABOLITION OF THE JOB AND POSITION OF “JANITOR”

It was proposed by Councillor Bonnie Feigenbaum, seconded by Councillor Jack Edery and UNANIMOUSLY RESOLVED:

THAT the job and position of “**Janitor**” be, and is hereby, abolished in accordance with the provisions of the applicable collective agreement; AND

- THAT the said abolition shall become effective as of January 1st, 2013, subject to the provisions of the applicable collective agreement.

Adopted

2012-349

APPROVAL OF HIRING CONTRACT OF TREVOR LANE AS “FOREMAN – HORTICULTURE”

WHEREAS the Town of Hampstead requires the hiring of a foreman;

WHEREAS the Director General and the Human Resources Director recommend the hiring of Mr. **TREVOR LANE** to fill such position;

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

- TO APPROVE the contractual hiring of Mr. **TREVOR LANE** as “**FOREMAN – HORTICULTURE**” no later than January 7, 2013 in accordance with the conditions described in the contract signed on December 14th, 2012 between Mr. Lane and the Town, as represented

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by the Director General and contained in the confidential "Personnel" file in the Human Resources Director's Office.

The Treasurer's certificate no 12-41, dated December 18th, 2012, has been issued by the Treasurer, attesting the availability of funds to cover the described expenses.

Adopted

2012-350

RESOLUTION TO MANDATE THE UNION OF QUEBEC MUNICIPALITIES (UMQ) TO ACT ON BEHALF OF THE TOWN OF HAMPSTEAD IN THE GROUP INSURANCE DOSSIER

WHEREAS the Town of Hampstead has confirmed its membership with the Union of Quebec municipalities group in order to obtain the professional services of a consultant in collective insurance for municipal employees;

WHEREAS on November 30, 2012, the Union of Quebec municipalities has granted the contract for professional services as a consultant in the matter of group insurance for a group of municipal organizations to Mallette Actuares Inc.;

WHEREAS the Town of Hampstead is part of this group;

WHEREAS to better protect the interests of municipalities and organizations members of the group, the Union of Quebec Municipalities wishes to act as agent of the insurer;

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

- TO MANDATE the Union of Quebec Municipalities to act as an agent on behalf of the Town of Hampstead and to have access to the Town's dossiers on group insurance with the insurer. The whole in accordance with the insurance file in accordance with the rules of privacy and for the protection of personal policies.

Adopted

2012-351

RESOLUTION TO ACCEPT THE RECOMMENDATION OF THE UNION OF QUEBEC MUNICIPALITIES (UMQ) THE FOR GRANTING OF THE GROUP INSURANCE CONSULTANT CONTRACT TO MALLETT ACTUAIRES INC.

WHEREAS it is advisable for the Town of Hampstead to be part of a municipal group for the group insurance portfolio management;

WHEREAS on November 30, 2012, the Union of Quebec municipalities has granted the contract for professional services to Mallette Actuares Inc. as a consultant in the matter of group insurance for a group of municipal organizations;

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

- TO ACCEPT the recommendation of the Union of Quebec Municipalities for awarding the contract for the group insurance consultant and to pay the fees to Mallette Actuaries Inc., according to the terms of the contract.

Adopted

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2012-352

RESOLUTION ON SECTION 29.1 OF THE CHARTER OF THE FRENCH LANGUAGE - "BILINGUAL" STATUS

Whereas the Charter of the French Language ("Charter") was adopted by the Quebec National Assembly in 1977, and over 80 municipalities throughout the Province of Quebec were recognized as having "bilingual status" pursuant to the provisions of Section 29.1 of the Charter; and

Whereas the original provisions of the Charter allowed those municipalities that had a majority of residents who spoke a language other than French to be officially recognized under Section 29.1; and

Whereas the Town of Hampstead has been recognized as having bilingual status under Section 29.1 of the Charter since 1977 and wishes to retain such "bilingual status"; and

Whereas currently the Charter does not allow the recognition of "bilingual status" under Section 29.1 to be removed from a municipality or borough except at the request of such municipality or borough; and

Whereas the Quebec National Assembly adopted Bill 170 imposing forced municipal mergers on municipalities in 2000 and simultaneously adopted companion legislation Bill 171 which drastically changed the criteria to obtain recognition under Section 29.1 of the Charter, from a majority of residents of a municipality or borough who spoke a language other than French to a majority of residents whose mother tongue was English; and

Whereas the revised criteria under Bill 171 was imposed without consultation with municipalities recognized under Section 29.1 and adopted the narrowest and most inaccurate definition of the English-speaking communities within said municipalities or boroughs; and

Whereas the current Quebec Government has now proposed Bill 14 which would allow for the removal of Section 29.1 recognition from municipalities or boroughs by decree and against the will of the municipality or borough concerned, its duly elected council and its residents; and

Whereas the Town of Hampstead is firmly opposed to the proposed amendments to Section 29 of the Charter as set out in Bill 14;

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

THAT the Town of Hampstead hereby declares that it wishes to retain its "bilingual status" recognition under Section 29.1 of the Charter now and in the future and wishes to do so irrespective of any fluctuations in its population shown in census numbers now or in the future.

THAT the residents and Council of the Town of Hampstead view the recognition of our municipality under Section 29.1 as fundamental to the character of the municipality and as a testament of the historical presence of both the English- and French-speaking communities in the municipality.

THAT the Town of Hampstead vigorously opposes the proposed modifications to Section 29 of the Charter set out in Bill 14 and demands that the Quebec National Assembly continue to recognize the acquired rights of all municipalities and boroughs that currently possess such status and refrain from adopting any legislation that allows Section 29.1 recognition of bilingual status to be removed from a municipality or borough except at the initiative of and express request of said municipality or borough.

THAT the Town of Hampstead calls upon all of the members of the Quebec National Assembly to remove the provisions of Bill 14 that propose to amend Section 29 of the Charter or to vote against and defeat such provisions since we view such provisions as an attack on the fundamental rights and intrinsic character of all municipalities and boroughs that currently possess Section 29.1 recognition.

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THAT the Town of Hampstead directs its clerk to send copies of this resolution to all of members of the Quebec National Assembly, to all other municipalities in Quebec officially recognized under Section 29.1 of the Charter and to the local federal member of Parliament and the Commissioner of Official Languages of Canada and the UMQ and FCM.

Adopted

SECOND QUESTION PERIOD

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

2012-353

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

(s) William Steinberg
Dr. William Steinberg, Mayor

(s) Nathalie Lauzière
M^c Nathalie Lauzière, Town Clerk