

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON FEBRUARY 4TH, 2013, 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: Councillor 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.

2013-014

ADOPTION OF THE AGENDA

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

- THAT the agenda of the regular meeting is hereby adopted with the addition of the following item:
 - 11.3 – Resolution to approve the Applewood park water play project.

Adopted

2013-015

ADOPTION OF THE MINUTES

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

- THAT the Minutes of the Regular Council Meeting of January 14th, 2013 are hereby approved as submitted.

Adopted

2013-016

TOWN OF HAMPSTEAD'S PARTICIPATION IN 'EARTH HOUR'

WHEREAS the Town of Hampstead wishes to take a stand concerning one of the largest unaddressed threats to our planet, that of global warming;

WHEREAS the reduction of carbon emissions, which contribute to the greenhouse effect, is a responsibility in which all municipalities must become involved and which necessitates the effort of each person, enterprise and community;

WHEREAS, at 8:30 p.m. on Saturday, March 23, 2013 ('Earth Hour'), many large metropolitan cities around the world will participate by turning off their lights for a period of one hour in an effort to combat global warming;

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

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- THAT the Town of Hampstead will extinguish all non-essential lights for a period of one hour at 8:30 p.m. on Saturday, March 23, 2013;
- THAT all Hampstead residents are encouraged to participate in this initiative on March 23rd; and
- THAT all municipalities of the Montreal Agglomeration are encouraged to join the Town of Hampstead and participate in 'Earth Hour' on March 23rd, 2013.

Adopted

2013-017

NOTICE OF MOTION – BY-LAW N° 795-2 MODIFYING BY-LAW NO. 795 CONCERNING NUISANCE

NOTICE OF MOTION was given by Councillor Michael Goldwax that, at a subsequent meeting of Council, By-law N° 795-2 modifying By-law N° 795 concerning nuisance will be submitted to Council for adoption.

2013-018

ADOPTION OF 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)

CONSIDERING THAT notice of motion of By-law N° 727-13 was given at the Special Council meeting of November 19th, 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;

CONSIDERING THAT following the adoption of the second draft By-law no. 727-13 on December 17th, 2012 and the public notice published on January 9th, 2013, no application was received by the Town clerk from interested persons to require that By-law no. 727-13 be submitted for the approval of certain qualified voters in accordance with the *Act Respecting Elections and Referendums in Municipalities*;

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

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

Adopted

2013-019

ADOPTION OF BY-LAW N° 727-14 AMENDING ZONING BY-LAW N° 727 (EXTERIOR MATERIALS & LANDSCAPING)

CONSIDERING THAT notice of motion was given and the draft By-law N° 727-14 was adopted at the regular council meeting of January 14, 2013;

CONSIDERING 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 Harvey Shaffer and UNANIMOUSLY RESOLVED:

- TO approve By-law N° 727-14 amending Zoning By-law N° 727.

Adopted

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2013-020

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 Leon Elfassy and UNANIMOUSLY RESOLVED:

- THAT the Town pay to *Robinson Sheppard Shapiro s.e.n.c.r.l. In Trust*, the maximum amount of \$100,000 (our maximum deductible) in capital, interest costs and legal fees to settle the aforesaid case out of court for a maximum amount of \$105,000.00;
- 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° 13-04, dated January 29th 2013, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2013-021

DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON JANUARY 21ST 2013

Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on January 21st, 2013.

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

2013-022

REQUEST TO AUTHORIZE ADDITION IN THE REAR YARD AND A FAÇADE MODIFICATION TO A DETACHED SINGLE FAMILY DWELLING AT 184 NETHERWOOD ROAD, LOT NO. : 2 089 488, ZONE RA-2, (ZONING BYLAW NUMBER 727), (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 modification to plans and elevations to authorize an addition in the rear yard and a façade modification to a detached single family dwelling at 184 Netherwood Road, submitted to the Planning Advisory Committee meeting of January 21st, 2013 is *approved* as recommended by the PAC. The modification meets the prescribed standards of the Zoning By-law number 727 and meets the prescribed standards of the Site Planning and Architectural Integration Program By-law number 775.

Adopted

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2013-023

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF JANUARY 2013

WHEREAS Council reviewed the list of payments for the month of January 2013;

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

- THAT the disbursements for the period from January 1st, 2013 to January 31st, 2013, in the total amount of \$ 1 254 874.62 are hereby approved (\$778,365.06 for cheques and \$ 476, 509.56 for on line payments).

Adopted

2013-024

PAYMENT OF FIRST INSTALMENT OF HAMPSTEAD'S SHARE TO THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL FOR 2013

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

- THAT the Town of Hampstead pays the first instalment, in the amount of \$96,926.56 for their share for March 15th, 2013, to the 'Communauté métropolitaine de Montréal'.

The Treasurer's certificate N° 13-03 dated January 14th, 2013 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 Leon Elfassy
Councillor Jack Edery
Councillor Harvey Shaffer

Voted against:

Councillor Bonnie Feigenbaum
Councillor Michael Goldwax

In favour: 3

Against: 2

Adopted on division

2013-025

PAYMENT OF THE FIRST INSTALMENT OF HAMPSTEAD'S SHARE OF MONTREAL AGGLOMERATION 2013 ANNUAL EXPENSES

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

- THAT the Town of Hampstead pays the first instalment, in the amount of \$4,809,044.00 for their share of expenses for the 2013 operations of the Montréal Agglomeration; and

The Treasurer's certificate N° 13-02 dated January 14, 2013 has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

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2013-026

REQUEST FOR FINANCIAL ASSISTANCE UNDER THE INFRASTRUCTURE PROGRAM-QUEBEC MUNICIPALITIES (PIQM).

WHEREAS the Town of Hampstead has read the *Guide for the infrastructure program Quebec – Municipalities (PIQM) and the contribution of Quebec (TECQ) and more particularly Sub-Component 2.1 - Projects with an urban or regional impact for the year 2013 and thereafter;*

WHEREAS the Town must respect the applicable terms and conditions of this Guide that apply to it in order to receive the government contributions;

It was proposed by Councillor Jack Edery, seconded by Councillor Michael Goldwax, 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 proposed project is authorized by the Council of the Town of Hampstead, and that the said project is more fully described in Annex A attached to this resolution, to form an integral part;
- THAT the Town of Hampstead agrees to pay its share of eligible costs and ongoing operating costs of the project;
- 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 PIQM;
- THAT the Town hereby approves the content and authorizes its submission 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;
- The Town of Hampstead is committed to achieving the minimum capital municipal infrastructure set at \$ 28 per capita per year;
- 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

2013-027

GRANTING OF CONTRACT – SUPPLY OF CRUSHED STONE

WHEREAS there has been a call for tenders, by way of written invitation, for the supply of crushed stone;

WHEREAS, after analyzing the tenders opened on January 28, 2013, the lowest bidder conforming to the requirements of the tender invitation is Lafarge Canada Inc;

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

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

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LAFARGE CANADA INC.

Supply of crushed stone from March 1, 2013 to February 28, 2014
(as per specifications).

Crushed stone ¼"	(approx. 25 Metric Tons)	\$ 16.50 / mt
Crushed stone 2" - 4"	(approx. 25 Metric Tons)	\$ 16.50/ mt
Stone dust	(approx. 25 Metric Tons)	\$ 16.50/ mt
Crushed stone ¾"	(approx. 350 Metric Tons)	\$ 16.50 / mt
R.O.C. 0 - ¾"	(approx. 850 Metric Tons)	\$ 16.50 / mt
G.S.T. 5%	EXTRA	
Q.S.T. 9.975%	EXTRA	

- THAT said purchase shall be for an approximate expense of \$24,187.87, taxes included; and
- The treasurer's certificate N° 13-05, dated January 30, 2013, has been issued by the Town's Treasurer attesting to the availability of funds to cover the described expenses.

Adopted

2013-028

GRANTING OF CONTRACT – PURCHASE OF ANNUAL FLOWERS, PERENNIALS, SHRUBS AND TREES

WHEREAS there has been a call for tenders, by way of written invitation, for the supply of annual flowers, perennials, shrubs and trees;

WHEREAS, after analysing the tenders opened on January 30, 2013, the lowest bidders conforming to the requirements of the tender invitation are Centre de jardin Brossard Inc, Pepiniere Cramer Inc, Les Jardins W.G. Charlebois Inc et Pepinieres Y. Yvon Auclair & Fils Enr;

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

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

CENTRE DE JARDIN BROSSARD INC

Supply of perennials and shrubs 20 876.70 \$
(as per tender specifications)

PEPINIERE CRAMER INC

Supply of perennials and shrubs 20 217.78 \$
(as per tender specifications)

LES JARDINS W.G.CHARLEBOIS INC

Supply of annual flowers 4 081.96 \$
(as per tender specifications)

PÉPINIÈRES Y. YVON AUCLAIR & FILS ENR

Supply of trees 1 080.76 \$
(as per tender specifications)

Total expense of 46 257.20 \$

GST and QST are included in the above mentioned prices.

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- The Treasurer's certificate 13-06, dated January 31 2013, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2013-029

APPROVAL OF LIST OF AUXILIARY EMPLOYEES FOR COMMUNITY SERVICES DEPARTMENT

CONSIDERING THAT Council members reviewed the report of the Director of Community Services and Recreation, dated January 28, 2013, with regard to hiring auxiliary employees,

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

Adopted

2013-030

MODIFICATION OF RESOLUTION NO. 2012-167 - THE HAMPSTEAD CENTENNIAL 2014 COMMITTEE

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

TO replace resolution 2012-167 approved by the Council at its Regular Council Meeting of June 11th, 2012, with the following paragraphs, preamble remaining the same:

“That the Town of Hampstead will create the Hampstead Centennial 2014 Committee with the mandate to oversee the planning and organization of Centennial activities for the community;

That the Committee will be composed of residents, interested parties, administration and elected officials;

That the Committee will be chaired by Mrs. Louise O'Donnell, the position of *Treasurer* to Mrs. Rachel Genziuk and the position of *Events and Administrative Liaison* assigned to the individual holding the position of Supervising Manager in the Community Services and Recreation Department;

That the member responsible for *Beautification* is Mrs. Anne Kelles, for *Communications* Mr. Warren Budning and for *Special Events* Mrs. Lauren Wiseman;

That Councillor Bonnie Feigenbaum is the member responsible for acting as the liaison with council.

That all members are responsible for fundraising and sponsorship, as required;

That the Committee may add members to the Executive, to sub-committees and task forces for specific projects and activities;

That the Committee will maintain its own accounting, and report to the Administration and Elected officials;

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That the Town Treasurer or the Assistant Town Treasurer will sit on this committee as an advisor when required to ensure proper financial control and accounting procedures are adhered to.”

Adopted

2013-031

TO ALLOCATE FUNDS FOR USE BY HAMPSTEAD’S CENTENNIAL COMMITTEE (1914-2014) TO ASSIST IN THE FINANCING OF THE 2014 CENTENNIAL CELEBRATIONS

WHEREAS the Town of Hampstead was constituted in 1914 and will hence celebrate its Centennial in 2014;

WHEREAS a Centennial Committee comprising of residents, elected officials and town administrative personnel has been duly established and recognized by the Government;

WHEREAS HAMPSTEAD’S CENTENNIAL COMMITTEE (1914-2014) is an independent entity responsible for its financial activities which are directly and exclusively related to the Centennial Celebrations;

WHEREAS HAMPSTEAD’S CENTENNIAL COMMITTEE (1914-2014) has no funds of its own and that certain expenditure will be necessary to proceed with operational activities;

WHEREAS the Centennial Committee Chairperson and its Treasurer are responsible to account for all financial activities under the control of the said Committee;

WHEREAS the Town Treasurer &/or the Assistant Treasurer retains financial oversight over the Centennial Committee's operations;

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

- To authorize the appropriation of \$50,000 from the Unappropriated accumulated Surplus of the Town of Hampstead as a provision for future partial deposits to be made into the bank account of HAMPSTEAD’S CENTENNIAL COMMITTEE (1914-2014) conditional on the Town Treasurer &/or the Assistant Treasurer’s validation of a provisional budget submitted by the Centennial Committee.
- That the Centennial Committee is required to follow all policies and related laws and By-laws that apply to the Town of Hampstead regarding purchasing and contract award processes.

Adopted

2013-032

RESOLUTION TO APPROVE THE APPLEWOOD PARK WATER PLAY PROJECT

Whereas the Town of Hampstead wishes to design and put together a water play facility for the community;

Whereas the Town had established a steering committee to oversee the planning and construction of the water play facility;

Whereas the committee had commissioned Beaupre and Associates, Urban design architects, to evaluate the project and to provide planning details;

Whereas Beaupre and associates has submitted its report to committee and members of Council;

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Whereas the Town is ready to contribute up to 250K conditional on the receipt of a grant;

It was proposed by Councillor Michael Goldwax seconded by Councillor Bonnie Feigenbaum and unanimously resolved:

To approve the design and plans of Beaupré and Associates;

To authorize the Town administration to submit an application to obtain a grant from PIQM (Programme d'infrastructure Quebec Municipalites) for approx. 2/3 of the total project costs.

Adopted

SECOND QUESTION PERIOD

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

2013-033

ADJOURNMENT

All the subjects of the Agenda having been discussed, it was proposed by Councillor Michael Goldwax, seconded by Councillor Harvey Shaffer 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