

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON JUNE 3RD, 2019, 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, Warren Budning, Harvey Shaffer, and forming a quorum with Mayor Steinberg presiding.

THOSE ABSENT WERE: Councillor Cheryl Weigensberg

ALSO PRESENT: Mr. Richard Sun, Director General, and Me Pierre Tapp, Town Clerk, acting as Secretary of the meeting.

OPENING OF MEETING

The Mayor called the meeting to order at 8:11 p.m.

PUBLIC QUESTION PERIOD

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

- Question were asked by residents and answered by the Mayor and the Councillors.

2019-124

ADOPTION OF THE AGENDA

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

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

Adopted

2019-125

GRANTING OF CONTRACT - SUPPLY AND INSTALLATION OF LED STREET LIGHT

WHEREAS the Federation of Quebec Municipalities issued a call for tender for the awarding of a contract for the supply of LED street lighting including the installation thereof and concept and eco-energetic analyses for the benefit of Quebec municipalities;

WHEREAS Énergère Inc. has filed a submission which obtained the highest score and was awarded the contract under the terms and conditions of the Call for Tenders, with the FQM being responsible for the performance of the contract;

WHEREAS resolution number 2018-280, adopted on September 4th, 2018, the Council authorised the Town's adhesion to the Call for Tenders in order to benefit from the terms and conditions arising from the contract;

WHEREAS opportunity and feasibility analyzes were done by the Énergère.

- THAT the Town of Hampstead continue its participation in the call for tenders issued by the FQM and mandate the holder of the contract Énergère Inc., to proceed to the replacement of 410 street lights for LED, at an approximate cost of \$267, 600 plus taxes

Treasurer's certificate n° 19-09, dated May 7, 2019, has been issued by the Town's Controller, attesting to the availability of funds to cover the described expense.

Mayor William Steinberg called for a nominal vote, as he used the prerogative of section 53 of the Cities and Town Act expressing his opposition to the adoption of this resolution at the last Council meeting.

Hampstead, May 13th, 2019

Veto has been reversed

Unanimously adopted

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2019-126

ADOPTION OF THE MINUTES

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

- THAT the Minutes of the Regular Council meeting of May 13th, 2019 are hereby approved as submitted.

Adopted

2019-127

RESOLUTION REGARDING BILL 21 - AN ACT RESPECTING THE LAICITY OF THE STATE

WHEREAS the National Assembly of Quebec has passed Bill 21 entitled An Act respecting the laicity of the State;

Whereas Bill 21 includes provisions that ban many public service employees in Quebec from wearing identifiable religious symbols at work;

Whereas we agree with the stated principle of the law as enumerated in Chapter 1;

AFFIRMATION OF THE LAICITY OF THE STATE

1. The State of Québec is a lay State.
2. The laicity of the State is based on the following principles:

- (1) the separation of State and religions;
- (2) the religious neutrality of the State;
- (3) the equality of all citizens; and
- (4) freedom of conscience and freedom of religion.

Whereas the Bill itself contradicts the above stated principals of the law; more specifically section 2 (2) the religious neutrality of the state, section 2 (3) the equality of all citizens and section 2 (4) freedom of conscience and freedom of religion;

Whereas barring public employees, who wear religious symbols, from holding many jobs with the State is the State taking and enforcing a negative position regarding religion and as such is the opposite of section 2 (2) the concept of the religious neutrality of the state;

Whereas barring public employees, who wear religious symbols, from holding many jobs with the state is the State discriminating against specific citizens who hold religious beliefs and as such is the opposite of section 2 (3) the equality of all citizens;

Whereas barring public employees, who wear religious symbols, from holding many jobs with the state restricts and limits a citizen's ability to act as per his conscience and or religious beliefs and as such is the opposite of section 2.4 freedom of conscience and freedom of religion;

WHEREAS Hampstead has many residents who will be affected by this law;

WHEREAS the law invokes the notwithstanding clause of both the Quebec and Canadian Charters;

WHEREAS this is a tacit admission that the law violates the fundamental freedoms of expression and religion;

On motion of Mayor William Steinberg, second by Councilor Jack Edery, it is UNANIMOUSLY RESOLVED:

- THAT we believe in the fundamental right of freedom of religion;

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- THAT we believe that in a liberal democracy there is a very real place for the separation of religion and state. The state has no role imposing religious beliefs on its citizens or any right to ban religious beliefs. The separation of religion and state should not, however, be confused with the persecution of religion by the state. It is the basic right of every citizen to be free to believe as he will and practice his religion free of state intervention, so long as the practicing of his religion does not interfere with the basic rights of other citizens to freely enjoy their own civil rights;
- THAT we believe the wearing of a Kipah, Turban, Hijab, cross or other religious symbol is not an impediment to carrying out one's duties as employees of the State. These symbols do not diminish the wearer, they do not impede the wearer and they are not prejudicial to those with whom the wearer of a religious symbol interacts;
- That we reject the notion that wearing an identifiable religious symbol is a legitimate basis for discrimination;
- That in a Liberal Democracy the majority does not have the right to pass discriminatory laws against any minority;
- That the Town of Hampstead will not recognize the legitimacy of any law, such as this one, that is inherently discriminatory;
- That the Town of Hampstead does not recognize Bill 21 as a valid law. We will not comply. We will not enforce discriminatory laws;
- THAT the strength of a society is not evidenced by its ability to subjugate its minorities but by its ability to embrace and protect them.

Adopted

2019-128

RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATION TO RESUME THE POSSESSION AND FULL USE OF CERTAIN MUNICIPAL LANDS ON WHICH ILLEGAL ENCROACHMENT EXISTS

WHEREAS the Town of Hampstead is responsible for preserving and taking care of the property belonging to the municipality for the good of all;

WHEREAS over the years, certain fences of citizens of the Town have benefited from illegal encroachment on municipal property;

WHEREAS that such a situation could be detrimental to the entire municipality if emergency work were to be delayed because of the presence of these fences on Town-owned street rights-of-way;

WHEREAS the present fences impede the efficient snow removal in the winter season;

WHEREAS such a situation is also unfair to citizens who respect the limits of municipal property and who have agreed to move their fence voluntarily;

WHEREAS legal notices from Bélanger Sauvé Law Firm have been served by bailiff to the citizens in such a situation at the following addresses:

12 Northcote Road, 49 Thurlow Road, 1 Merton Crescent, 70 Merton Road, 280 Harrow Road, 54 Merton Road, 5682 Queen-Mary Road, and 8 Granville Road

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

- **THAT** the municipal services of the Town of Hampstead warn one last time, by the service of this resolution, the citizens who did not

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take the necessary measures to remove their fences on municipal land and this at the latest June 30, 2019;

- **THAT**, consequently, the municipal services take the necessary means to remove the fences concerned as soon as possible following the expiry of the mentioned period.

Adopted

2019-129

PROCEDURE FOR RECEIVING AND CONSIDERING COMPLAINTS FILED ON THE AWARDING OR ATTRIBUTION PROCESS FOR A CONTRACT

WHEREAS Bill 108, An Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (L.Q. 2018, C. 27) (hereinafter called the Act) was passed on December 1st, 2017;

WHEREAS as of May 25th, 2019, according to article 573.3.1.3 of the Cities and Towns Act (RLRQ C-19), every municipality must have a procedure for the reception and examination of complaints formulated as part of the awarding of a contract following a request for public tenders;

WHEREAS this procedure must also relate to the awarding of an "over-the-counter" (OTC) contract with a sole supplier involving an expenditure equal to or greater than the minimum threshold for public tenders;

On motion of Councillor Harvey Shaffer, seconded by Councillor Michael Goldwax, it is

UNANIMOUSLY RESOLVED:

- THAT as a result of the above, the Town of Hampstead adopts the procedure below in accordance with the law.

Adopted

2019-130

DEPOSIT OF THE MINUTES OF THE REGULAR PAC MEETING HELD ON MAY 14TH, 2019 AND OF THE SPECIAL PAC MEETING HELD ON MAY 29TH, 2019

Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Regular Planning Advisory Committee meeting held on May 14th, 2019 and of the special Planning Advisory Committee meeting held on May 29th, 2019.

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

2019-131

REQUEST TO AUTHORIZE THE MODIFICATION OF THE FRONT DOOR FOR A DETACHED SINGLE FAMILY DWELLING LOCATED AT 184 WEXFORD CRESCENT, LOT NO. 2 089 202, ZONE RA-2, (ZONING BY-LAW NO. 1001-2) AND (SPAIP BY-LAW NO. 775)

On motion of Councilor Warren Budning, seconded by Councilor Michael Goldwax, it is UNANIMOUSLY RESOLVED:

- THAT the modification of the front door for a detached single family dwelling located at **184 Wexford Crescent** and submitted to the Planning Advisory Committee meeting on May 14th, 2019, is ***approved*** as recommended by the PAC. The modification meets the prescribed standards of the Zoning By-law no. 1001-2 and meets the prescribed standards of the Site Planning and Architectural Integration Program By-law no. 775.

Adopted

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2019-132

REQUEST TO AUTHORIZE AN ADDITION TO A SEMI-DETACHED BIFAMILY DWELLING LOCATED AT 6312-6314 MACDONALD AVENUE, LOT NO. 2 088 520, ZONE RB-6, (ZONING BY-LAW NO. 1001-2) AND (SPAIP BY-LAW NO. 775)

On motion of Councillor Warren Budning, seconded by Councillor Jack Ebery it is UNANIMOUSLY RESOLVED:

- THAT the addition to a semi-detached bifamily dwelling located at **6312-6314 Macdonald Avenue** and submitted to the Planning Advisory Committee meeting on May 14th, 2019 is approved as recommended by the PAC. The addition meets the prescribed standards of the Zoning By-law no. 1001-2 and meets the prescribed standards of the Site Planning and Architectural Integration Program By-law no. 775.

Adopted

2019-133

REQUEST TO AUTHORIZE THE MODIFICATION OF A FACADE FOR A DETACHED SINGLE FAMILY DWELLING LOCATED AT 2 HOLLY ROAD, LOT NO. 2 089 355, ZONE RA-2, (ZONING BY-LAW NO. 1001-2) AND (SPAIP BY-LAW NO. 775)

On motion of Councillor Michael Goldwax, seconded by Councillor Warren Budning it is UNANIMOUSLY RESOLVED:

- THAT the modification to a facade of a single family dwelling located at 2 Holly Road, and submitted to the Planning Advisory Committee meeting on May 14th, 2019 is approved as recommended by the PAC. The modification meets the prescribed standards of the Zoning By-law no. 1001-2 and meets the prescribed standards of the Site Planning and Architectural Integration Program By-law no. 775.

Adopted

2019-134

REQUEST TO AUTHORIZE A MINOR EXEMPTION TO ZONING BY-LAW NO. 1001-2 FOR A DETACHED SINGLE FAMILY DWELLING LOCATED AT 6 HOLLY ROAD, LOT NO. 2 089 353, ZONE RA-2, (ZONING BY-LAW NO. 1001-2) AND (BY-LAW CONCERNING MINOR EXEMPTIONS NO. 1013)

WHEREAS the members of Council have reviewed the following request for a minor exemption to Zoning By-law No. 1001-2;

1. to section 65, schedule b, to allow the front setback at 4.3m (14.1 ft.) instead of 6.1m (20 ft.).

WHEREAS the Planning Advisory Committee, at its meeting held on May 14th, 2019, recommended to approve the request for a minor exemption;

On motion of Councillor Warren Budning, seconded by Councillor Michael Goldwax, it is UNANIMOUSLY RESOLVED:

- THAT the request for a minor exemption for the property located at **6 Holly Road**, lot no. : 2 089 353, Zone RA-2 is approved.

Adopted

RECESS

The Mayor recessed the meeting at 9:45 p.m. and reconvened the meeting at 9:52 p.m.

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2019-135

REQUEST TO AUTHORIZE A MINOR EXEMPTION TO ZONING BY-LAW NO. 1001-2 FOR A DETACHED SINGLE FAMILY DWELLING LOCATED AT 57 HAMPSTEAD ROAD, LOT NO. 2 088 982, ZONE RA-1, (ZONING BY-LAW NO. 1001-2) AND (BY-LAW CONCERNING MINOR EXEMPTIONS NO. 1013)

WHEREAS the members of Council have reviewed the following request for a minor exemption to Zoning By-law No. 1001-2;

1. to section 65, schedule b, to allow the front setback at 4.4m (14.5 ft.) instead of 6.1m (20 ft.).

WHEREAS the Planning Advisory Committee, at its meeting held on May 14th, 2019, recommended to **refuse** the request for a minor exemption;

On motion of Councillor Warren Budmning, seconded by Councillor Harvey Shaffer, it is UNANIMOUSLY RESOLVED:

- THAT the request for a minor exemption for the property located at **57 Hampstead Road**, lot no. : 2 088 982, Zone RA-1 is **approved**, and this notwithstanding PAC's recommendation.

Adopted

2019-136

REQUEST TO AUTHORIZE AN ADDITION TO A DETACHED SINGLE FAMILY DWELLING LOCATED AT 57 HAMPSTEAD ROAD, LOT NO. 2 088 982, ZONE RA-1, (ZONING BY-LAW NO. 1001-2) AND (SPAIP BY-LAW NO. 775)

On motion of Councillor Warren Budning, seconded by Councillor Harvey Shaffer, it is UNANIMOUSLY RESOLVED:

- THAT the addition to a detached single family dwelling located at **57 Hampstead Road**, and submitted to the Planning Advisory Committee meeting on May 14th, 2019 is **deferred**, as recommend by the PAC. The addition only partially meets the prescribed standards of the Zoning By-law no. 1001-2 and only partially meets the prescribed standards of the Site Planning and Architectural Integration Program By-law no. 775.

Adopted

2019-137

REQUEST TO AUTHORIZE AN ADDITION TO A DETACHED SINGLE FAMILY DWELLING LOCATED AT 69 GLENMORE ROAD, LOT NO. 2 089 902, ZONE RA-2, (ZONING BY-LAW NO. 1001-2) AND (SPAIP BY-LAW NO. 775)

On motion of Councillor Warren Budning, seconded by Councillor Michael Goldwax it is UNANIMOUSLY RESOLVED:

- THAT the addition to a detached single family dwelling located at **69 Glenmore Road**, and submitted to the Planning Advisory Committee meeting on May 14th, 2019 is **deferred** as recommended by the PAC. The addition meets the prescribed standards of the Zoning By-law no. 1001-2 and only partially meets the prescribed standards of the Site Planning and Architectural Integration Program By-law no. 775.

Adopted

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2019-138

REQUEST TO AUTHORIZE THE MODIFICATION OF WINDOWS FOR A DETACHED SINGLE FAMILY DWELLING LOCATED AT 5706 QUEEN-MARY ROAD, LOT NO. 2 089 605, ZONE RA-2, (ZONING BY-LAW NO. 1001-2) AND (SPAIP BY-LAW NO. 775)

On motion of Councilor Warren Budning, seconded by Councilor Michael Goldwax, it is UNANIMOUSLY RESOLVED:

- THAT the modification of windows for a detached single family dwelling located at **5706 Queen-Mary Road** and submitted to the Planning Advisory Committee meeting on May 14th, 2019, is *refused* as recommended by the PAC. The modification meets the prescribed standards of the Zoning By-law no. 1001-2 and only partially meets the prescribed standards of the Site Planning and Architectural Integration Program By-law no. 775.

Adopted

2019-139

REQUEST TO AUTHORIZE THE MODIFICATION OF A FACADE FOR A DETACHED SINGLE FAMILY DWELLING LOCATED AT 6550 MACDONALD ROAD, LOT NO. 2 088 549, ZONE RB-6, (ZONING BY-LAW NO. 1001-2) AND (SPAIP BY-LAW NO. 775)

On motion of Councillor Warren Budning, seconded by Councillor Michael Goldwax, it is UNANIMOUSLY RESOLVED:

- THAT the modification to a facade of a single family dwelling located at **6550 Macdonald Road**, and submitted to the Planning Advisory Committee meeting on May 14th, 2019 is *approved* as recommended by the PAC. The modification meets the prescribed standards of the Zoning By-law no. 1001-2 and meets the prescribed standards of the Site Planning and Architectural Integration Program By-law no. 775.

Adopted

2019-140

REQUEST TO AUTHORIZE THE CONSTRUCTION OF A DETACHED APARTMENT BUILDING LOCATED AT 5763 COTE ST-LUC ROAD, LOT NO. 2 088 777, ZONE RA-1, (ZONING BY-LAW NO. 1001-2) AND (SPAIP BY-LAW NO. 775)

On motion of Councillor Warren Budning, seconded by Councillor Michael Goldwax, it is UNANIMOUSLY RESOLVED:

- THAT the construction of a detached apartment building located at **5763 Cote St-Luc Road** and submitted to the Planning Advisory Committee meeting on May 29th, 2019 is *deferred* as recommended by the PAC. The construction only partially meets the prescribed standards of the Zoning By-law No. 1001-2 and only partially meets the prescribed standards of the Site Planning and Architectural Integration Program By-law No. 775.

Adopted

2019-141

REQUEST TO AUTHORIZE AN ADDITION TO A DETACHED SINGLE FAMILY DWELLING LOCATED AT 80 MERTON ROAD, LOT NO. 2 090 377, ZONE RA-2, (ZONING BY-LAW NO. 1001-2) AND (SPAIP BY-LAW NO. 775)

On motion of Councilor Harvey Shaffer, seconded by Councilor Warren Budning, it is UNANIMOUSLY RESOLVED:

- THAT the addition to a detached single family dwelling located at **80 Merton Road** and submitted to the Planning Advisory Committee meeting on May 29th, 2019 is *approved*, and this notwithstanding the PAC's recommendation. The addition only partially meets the prescribed standards of the Zoning By-law no. 1001-2 and only partially meets the prescribed standards of the Site Planning and Architectural Integration Program By-law no. 775.

Adopted

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2019-142

REQUEST TO AUTHORIZE AN ADDITION TO A DETACHED SINGLE FAMILY DWELLING LOCATED AT 185 ETON CRESCENT, LOT NO. 2 089 504, ZONE RA-2, (ZONING BY-LAW NO. 1001-2) AND (SPAIP BY-LAW NO. 775)

On motion of Councillor Warren Budning, seconded by Councillor Harvey Shaffer, it is UNANIMOUSLY RESOLVED:

- THAT the addition to a detached single family dwelling located at **185 Eton Crescent** and submitted to the Planning Advisory Committee meeting on May 29th, 2019 is ***approved*** and this notwithstanding the PAC's recommendation. The addition meets the prescribed standards of the Zoning By-law no. 1001-2 and only partially meets the prescribed standards of the Site Planning and Architectural Integration Program By-law no. 775.

Adopted

2019-143

REQUEST TO AUTHORIZE THE CONSTRUCTION OF A DETACHED SINGLE FAMILY DWELLING LOCATED AT 14 ALBION ROAD, LOT NO. 2 089 750, ZONE RA-1, (ZONING BY-LAW NO. 1001-2) AND (SPAIP BY-LAW NO. 775)

On motion of Councillor Warren Budning, seconded by Councillor Harvey Shaffer, it is UNANIMOUSLY RESOLVED:

- THAT the construction of a detached single family dwelling located at **14 Albion Road** and submitted to the Planning Advisory Committee meeting on May 29th, 2019 is ***refused*** as recommended by the PAC. The construction meets the prescribed standards of the Zoning By-law No. 1001-2 and only partially meets the prescribed standards of the Site Planning and Architectural Integration Program By-law No. 775.

Adopted

2019-144

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF MAY 2019

WHEREAS Council reviewed the list of payments for the month of May 2019;

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

- THAT the disbursements for the period from April 16th, 2019 to May 15th, 2019, in the total amount of **\$1, 127, 252.51** are hereby approved.

Adopted

2019-145

GRANTING OF CONTRACT – REMOVAL OF STUMPS AND RE SODDING

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

- TO defer this resolution to a subsequent Council Meeting.

Adopted

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2019-146

APPROVAL OF THE HIRING LIST OF WHITE COLLAR STUDENT EMPLOYEES FOR THE COMMUNITY SERVICES AND RECREATION DEPARTMENT

CONSIDERING THAT Council members reviewed the list of the Community Services and Recreation [Director] [Supervising Manager], submitted May 20th, 2019, on the hiring of white collar student employees,

On motion of Councillor Warren Budning, seconded by Councillor Harvey Shaffer, it is UNANIMOUSLY RESOLVED:

- THAT the Town Council approves the hiring of white collar student employees as detailed on the list from the Community Services and Recreation Department. The hiring is subject to the usual conditions and in accordance with the provisions of the collective agreement between CUPE Local 429 and the Town of Hampstead.

Adopted

SECOND QUESTION PERIOD

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

- Question were asked by residents and answered by the Mayor and the Councillors.

2019-147

ADJOURNMENT

All the subjects of the Agenda having been discussed, it was proposed by Councillor Michael Goldwax, seconded by Councillor Warren Budning, and unanimously resolved to declare that the meeting be closed at 10:07 p.m.

Adopted

Dr. William Steinberg, Mayor

Me Pierre Tapp OMA, Town Clerk