

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON NOVEMBER 20TH, 2017, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

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

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 8:10 p.m.

PUBLIC QUESTION PERIOD

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

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

2017-237

ADOPTION OF THE AGENDA

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

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

Adopted

2017-238

ADOPTION OF THE MINUTES

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

- THAT the Minutes of the Regular Council meeting of October 2nd, 2017 are hereby approved as submitted.

Adopted

2017-239

DEPOSIT - STATEMENTS OF PECUNIARY INTERESTS OF MEMBERS OF COUNCIL

On motion of Councillor Cheryl Weigensberg, seconded by Councillor Leon Elfassy, it is UNANIMOUSLY RESOLVED:

- THAT written Statements of Pecuniary Interests of Mayor William Steinberg and Councillors Cheryl Weigensberg, Jack Edery, Leon Elfassy, Michael Goldwax, Warren Budning, and Harvey Shaffer have been deposited at this Council Meeting, in accordance with Section 358 of the *Act respecting elections and referendums in municipalities* (R.S.Q., c.E-2.2).

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2017-240

ADOPTION OF THE SCHEDULE OF THE REGULAR SITTINGS OF COUNCIL FOR YEAR 2018

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

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

- THAT the following schedule of the Regular Sittings of the Town Council for the year 2018 is to be held at 8:00 p.m. at the Community Center, 30 Lyncroft Road in Hampstead:

January 16 th ; (Tuesday)	July 3 th ; (Tuesday)
February 5 th ;	August 6 th ;
March 5 th ;	September 4 th ; (Tuesday)
April 9 th ;	October 9 th ; (Tuesday)
May 7 th ;	November 5 th ;
June 4 th ;	December 3 th ;

Adopted

2017-241

APPOINTMENT OF ACTING MAYORS FOR THE YEAR 2018

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

- THAT the following Councillors be and are hereby appointed Acting Mayor effective on the dates indicated, to have and exercise all powers of the Mayor when the latter is absent or otherwise unable to perform his duties, the whole in accordance with Section 56 of the *Cities and Towns Act*:

Councillor Michael GOLDWAX
January 1, 2018 to February 28, 2018

Councillor Cheryl WEIGENSBERG
March 1, 2018 to April 30, 2018

Councillor Harvey Earl SHAFFER
May 1, 2018 to June 30, 2018

Councillor Leon ELFASSY
July 1, 2018 to August 31, 2018

Councillor Jack EDERY
September 1, 2018 to October 31, 2018

Councillor Warren BUDNING
November 1, 2018 to December 31, 2018

Adopted

2017-242

ASSIGNMENT OF COUNCIL MEMBER PORTFOLIOS

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

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

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- THAT the Members of Council acknowledge the assignment of the Town of Hampstead's portfolios as follows:

*Community Services and recreation,
And Beautification* *Councillor Cheryl WEIGENBERG
Seat #1*

Finance *Councillor Jack EDERY
Seat # 2*

Tennis *Councillor Leon ELFASSY
Seat # 3*

*Public Works, IT - Infrastructure
and Network, Seniors and
Environment* *Councillor Michael GOLDWAX
Seat # 4*

*Communications, Youth Involvement,
Pool and IT - Communications and
PAC Vice-Chair* *Councillor Warren BUDNING
Seat # 5*

*Legal and Public Security &
Traffic, Sponsorships* *Councillor Harvey E. SHAFFER
Seat # 6*

*Inter-government relations,
Human Resources,
Agglomeration Council, Urban
Planning and PAC Chair* *Mayor William Steinberg*

Adopted

2017-243

DESIGNATION OF A REPLACEMENT FOR THE MAYOR AT MEETINGS OF THE AGGLOMERATION COUNCIL

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

- THAT as per the Mayor's recommendation, Councillor Michael GOLDWAX be and is hereby appointed as 1st replacement, Councillor Harvey E. SHAFFER 2nd replacement, Councillor Warren BUDNING 3rd replacement and Councillor Cheryl WEIGENBERG 4th replacement of Mayor William STEINBERG at meetings of the Montreal Agglomeration Council, should he be unable to attend the Meeting.

Adopted

2017-244

DESIGNATION OF THE MEMBERS AND OFFICERS OF THE PLANNING ADVISORY COMMITTEE

WHEREAS Article 3 of By-law N° 1014 Respecting the Planning Advisory Committee, requires that the members of the Planning Advisory Committee be designated by Council resolution;

WHEREAS members and officers are named in accordance with the terms and conditions defined in Divisions 3, and 4 of By-law no. 1014 of the Town of Hampstead;

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

- THAT the following members be named:

Mayor William Steinberg – Chairman;
Councillor Warren Budning, Vice Chairman;

Adopted

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2017-245

RESOLUTION CONCERNING LA LOI FAVORISANT LE RESPECT DE LA NEUTRALITÉ RELIGIEUSE DE L'ÉTAT (ACT TO FOSTER ADHERENCE TO STATE RELIGIOUS NEUTRALITY) (BILL 62)

WHEREAS the government of Quebec has adopted la *Loi favorisant le respect de la neutralité religieuse de l'état* (Act to foster adherence to state religious neutrality) whose purpose is to ban the wearing of face coverings in many situations including the giving and receiving of government services;

WHEREAS those services include health, education, public transportation and many others which are of crucial importance in our society;

WHEREAS the legislation is targeted at those women who wear niqabs;

WHEREAS it is a serious infringement of those women's religious freedom and violates Section 15 of the Canadian Charter of Rights and Freedoms as well as the Quebec Charter of Human Rights and Freedoms;

WHEREAS it also violates the sexual equality provisions of the Canadian and Quebec Charters as only women wear niqabs and therefore only women are being restricted in what they can wear;

WHEREAS the argument that the law does not discriminate since men wearing masks are also covered is as false as the argument that a law banning both the rich and poor from sleeping under bridges does not discriminate against the poor;

WHEREAS there is no need for the legislation in terms of security or identification as simple administrative rules and guidelines already deal with these issues and there is no law that allows anyone to hide his or her face when identification is reasonably required such as to vote, get a Medicare card, board a plane, etc.;

WHEREAS the Town of Hampstead has always and will always require that faces be uncovered when there is a legitimate need for identification;

WHEREAS studies have shown that the vast majority, if not all, women in Quebec who wear niqabs have no problem with uncovering their faces when identification is required;

WHEREAS one goal of the legislation - to promote the integration of women who wear the niqab will not be achieved by isolating these women and preventing them from giving or receiving government services;

WHEREAS majorities do not need protection but minorities do;

WHEREAS the strength of a society is not evidenced by its ability to subjugate its minorities but by its ability to protect them;

WHEREAS the law has already led to a significant increase in violence against women wearing niqabs and even hijabs;

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WHEREAS discrimination against any minority inevitably leads to discrimination against other minorities and to an intolerant and racist society;

On motion of Mayor William Steinberg, seconded by Councillors Cheryl Weigensberg, Jack Edery, Leon Elfassy, Michael Goldwax, Warren Budning, and Harvey Shaffer, representing council as whole it is UNANIMOUSLY RESOLVED:

THAT the Town of Hampstead will not comply with the provisions of “*la Loi favorisant le respect de la neutralité religieuse de l’état*” (the Act to foster adherence to state religious neutrality) unless there is a reasonable need to do so for identification or security purposes;

THAT the Council requests that the Quebec National Assembly annul *la Loi favorisant le respect de la neutralité religieuse de l’état* (Act to foster adherence to state religious neutrality);

THAT the Council requests that the Quebec National Assembly not use the Notwithstanding clause to protect “*la Loi favorisant le respect de la neutralité religieuse de l’état*” (the Act to foster adherence to state religious neutrality) from a Charter challenge.

THAT members of the Quebec legislature read and carefully reflect upon the poem written by Pastor Martin Niemoeller after he was released from a German concentration camp following WWII. The poem is attached to this resolution.

THAT copies of this resolution be sent to Premier Philippe Couillard, Minister of Justice, Stéphanie Vallée, Darcy McGee MNA David Birnbaum and to all municipalities on the island of Montreal.

Adopted

2017-246

NOTICE OF MOTION OF BY-LAW NO 1016 ENTITLED BY-LAW DECREERING AND IMPOSING THE TAX RATES TO COVER THE TOWN’S EXPENSES FOR THE YEAR 2018

NOTICE OF MOTION was given by Councillor Jack Edery that, at a subsequent meeting of Council, By-law no. 1016 entitled By-law decreeing and imposing the tax rates to cover the Town’s expenses for the year 2018, will be submitted to Council for adoption.

2017-247

ADOPTION OF DRAFT BY-LAW NO. 1016 ENTITLED BY-LAW DECREERING AND IMPOSING THE TAX RATES TO COVER THE TOWN’S EXPENSES FOR THE YEAR 2018

WHEREAS the Members of Council have received a copy of By-law No. 1016, decreeing and imposing the tax rates to cover the Town’s Expenses for the year 2018, and declare to have read it;

It was proposed by Councillor Jack Edery, seconded by Councillor Harvey Shaffer, it is UNANIMOUSLY RESOLVED:

- TO approve By-law no.1016 to be entitled: “Decreeing and Imposing the Tax Rates to Cover the Town’s Expenses for the year 2018”

Adopted

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2017-248

NOTICE OF MOTION OF BY-LAW NO. 694-10 MODIFYING BY-LAW NO. 694 CONCERNING TRAFFIC

NOTICE OF MOTION was given by Councillor Harvey Shaffer that, at a subsequent meeting of Council, By-law No. 694-10 modifying By-law No. 694 will be submitted to Council for adoption.

All Council members have received a draft copy of By-law No. 694-10 and a motion to dispense with the reading of the said By-law was made.

2017-249

ADOPTION OF DRAFT BY-LAW NO. 694-10 MODIFYING BY-LAW NO. 694 CONCERNING TRAFFIC

WHEREAS the Members of Council have received a copy of Draft By-law No. 694-10 modifying By-law No. 694, regarding traffic, and declare to have read it;

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

- TO approve the Draft By-law No. 694-10 modifying By-law No. 694 on traffic.

Adopted

2017-250

NOTICE OF MOTION OF BY-LAW NO. 1010-2 MODIFYING BY-LAW NO. 1010 CONCERNING TARIFFS

NOTICE OF MOTION was given by Councillor Jack Edery that, at a subsequent meeting of Council, By-law no. 1010-2 modifying By-law no. 1010 will be submitted to Council for adoption.

All Council members have received a draft copy of By-law no. 1010-2 and a motion to dispense with the reading of the said By-law was made.

2017-251

ADOPTION OF DRAFT BY-LAW NO. 1010-2 MODIFYING BY-LAW NO. 1010 ON TARIFFS

WHEREAS the Members of Council have received a copy of Draft By-law no. 1010-2 modifying By-law no. 1010, regarding tariffs, and declare to have read it;

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

- TO approve the Draft By-law No. 1010-2 modifying By-law no. 1010 on tariffs.

Adopted

2017-252

DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON NOVEMBER 14th, 2017

Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on November 14th, 2017.

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

2017-253

REQUEST TO AUTHORIZE MODIFICATIONS TO FACADES OF A DETACHED SINGLE FAMILY DWELLING LOCATED AT 199 NETHERWOOD ROAD, LOT NO. 2 089 497, 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 modifications to facades of a detached single family dwelling located at **199 Netherwood** and submitted to the Planning Advisory Committee meeting on November 14th, 2017 are ***refused*** as recommended by the PAC. The modifications meet the prescribed standards of the Zoning By-law no. 1001-2 and only partially meet the prescribed standards of the Site Planning and Architectural Integration Program By-law no. 775.

Adopted

2017-254

REQUEST TO AUTHORIZE THE MODIFICATION TO A FACADE FOR A DETACHED SINGLE FAMILY DWELLING LOCATED AT 7 GLENMORE ROAD, LOT NO. 2 089 732, 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 modification to a facade for a detached single family dwelling located at **7 Glenmore Road** and submitted to the Planning Advisory Committee meeting on November 14th, 2017 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

2017-255

REQUEST TO AUTHORIZE THE MODIFICATIONS TO FACADES FOR A DETACHED SINGLE FAMILY DWELLING LOCATED AT 10 ALDRED CRESCENT, LOT NO. 2 089 533, ZONE RB-4, (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 modifications to facades for a detached single family dwelling located at **10 Aldred Crescent** and submitted to the Planning Advisory Committee meeting on November 14th, 2017 are ***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

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2017-256

REQUEST TO AUTHORIZE THE MODIFICATIONS TO A FACADE FOR A DETACHED SINGLE FAMILY DWELLING LOCATED AT 23 ALBION ROAD, LOT NO. 2 089 774, 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 modifications to a facade for a detached single family dwelling located at **23 Albion Road** and submitted to the Planning Advisory Committee meeting on November 14th, 2017 are approved. The modifications meet the prescribed standards of the Zoning By-law no. 1001-2 and meet the prescribed standards regarding the Site Planning and Architectural Integration Program By-law no.775.

Adopted

2017-257

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF OCTOBER 2017

WHEREAS Council reviewed the list of payments for the month of October 2017;

On motion of Councillor Jack Edery, seconded by Councillor Cheryl Weigensberg it is UNANIMOUSLY RESOLVED:

- THAT the disbursements for the period from September 16th, 2017 to October 16th, 2017, in the total amount of \$1 652, 200.93 are hereby approved (\$785,573.60 for cheques and \$866, 627.33 for online payments).

Adopted

2017-258

APPROVAL OF THE ANNUAL REPORT ON THE USAGE OF DRINKING WATER

WHEREAS the Ministry of Municipal Affairs and Land Occupancy - Ministère des Affaires Municipales et de l'Occupation du Territoire (MAMOT) requires municipalities to produce a report on the use of drinking water to facilitate the implementation of measures related to Québec's Strategy for saving drinking water;

WHEREAS the Town of Hampstead has produced its report and it was approved by the MAMOT on September 25th, 2017;

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

- To RATIFY AND APPROVE the Annual Report on the usage of drinking water produced by the Town of Hampstead for the year 2016 as approved by the MAMOT.

Adopted

2017-259

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

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 2014 to 2018*;

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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 and Land Occupancy;

On motion of Councillor Jack Edery seconded by Councillor Harvey Shaffer, it is 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 2014-2018;
- THAT the Town hereby approves the content and authorizes the submission of the work schedule starting 2014-01-01, and all other documents required by the Ministry to the Management of Infrastructures Department of the Ministry of Municipal Affairs and Land Occupancy, in order to receive the governmental contribution confirmed to the Town in a letter from the Minister of Municipal Affairs and Land Occupancy; and
- THAT the Town of Hampstead is committed to attaining the minimum municipal infrastructure capitalization level set at \$ 28 per capita per year, or for a total of \$ 140 per capita for all five years of the program;
- THAT the Town hereby undertakes to inform the Management of Infrastructures Department of the Ministry of Municipal Affairs and Land Occupancy of any changes to be made to the work schedule approved herein.

THAT the Town confirms by this resolution that the attached work program includes true realized costs and reflects the estimated expenditures of eligible works until March 31st.

Adopted

2017-260

AUTHORIZATION TO PROCEED WITH THE CONTRACT RENEWAL FOR MAINTENANCE AND APPLICATIONS SUPPORT WITH PG SOLUTIONS INC FOR 2018

WHEREAS the Town proceeded to the purchase of the PG Solutions Inc. applications in 2005;

WHEREAS the PG Solutions applications are those used for the current operations by the employee;

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

- THAT the annual renewal contract for 2018 be awarded to PG Solutions Inc., for the amount of \$ 61 017 taxes included;

Treasurer's Certificate No 17-20 dated September 13, 2017, has been issued, attesting to the availability of funds to cover the described expenses.

Adopted

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2017-261

FIFTH RENEWAL OF INTERMUNICIPAL AGREEMENT FOR THE DUMPING OF SNOW BETWEEN THE TOWN OF HAMPSTEAD AND CITY OF CÔTE SAINT-LUC

WHEREAS Council has received a copy of the proposed fifth Renewal of Agreement for the Dumping of Snow, since the end of the term of the agreement of 2009, with an effective date of October 2nd, 2017, between the City of Côte Saint-Luc and the Town of Hampstead;

It was proposed by Councillor Michael Goldwax, seconded by Councillor Warren Budning, and is UNANIMOUSLY RESOLVED:

- THAT the Director general or, in case of his absence, the Town Clerk, are authorized to sign the fifth Renewal of the intermunicipal agreement for the dumping of snow, with an effective date of October 2nd, 2017, by which the City of Côte Saint-Luc allows the Town of Hampstead to use the Côte Saint-Luc snow dump located at the intersection of Kildare Road and Marc Chagall Avenue during the period of November 1st, 2017 to March 31st, 2018;

Treasurer's certificate No 17-23, dated November 16th, 2017, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2017-262

APPROVAL OF HIRING OF MR. ERIC JANUKAVICIUS AS "BUILDING INSPECTIONS TECHNICIAN"

CONSIDERING THAT the Town of Hampstead created one (1) permanent "Building Inspections Technician" position, salary grade 13, with the Urban Planning and Building Inspections Division;

CONSIDERING THAT the Director General and the Human Resources Director are recommending the hiring of **Mr. Eric Janukavicius** to fill such position;

It was proposed by Councillor Warren Budning, seconded by Councillor Michael Goldwax, it is UNANIMOUSLY RESOLVED:

- TO APPROVE the permanent hiring of **MR. ERIC JANUKAVICIUS** as "**BUILDING INSPECTIONS TECHNICIAN**" 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

2017-263

APPROVAL OF HIRING OF MS CARINA TOLEDO AS "ADMINISTRATIVE SECRETARY"

CONSIDERING THAT the Town of Hampstead requires the hiring of a permanent Administrative Secretary, salary grade 8;

CONSIDERING THAT the Director General and the Human Resources Director are recommending the hiring of **Ms. Carina Toledo** to fill such position;

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

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- TO APPROVE the permanent hiring of **MS CARINA TOLEDO** as “**ADMINISTRATIVE SECRETARY**” 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

2017-264

APPROVAL OF HIRING OF MS. RENÉE CHRÉTIEN AS “OFFICE AGENT”

CONSIDERING THAT the Town of Hampstead requires the hiring of an Office Agent, salary grade 6, with the Public Works Department due to a vacancy;

CONSIDERING THAT the Director General, the Human Resources Director are recommending the hiring of **MS. RENÉE CHRÉTIEN** to fill such position;

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

- TO APPROVE the hiring of **MS. RENÉE CHRÉTIEN** as “**OFFICE AGENT**” with the Public Works Department, 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

PUBLIC QUESTION PERIOD

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

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

2017-265

ADJOURNMENT

All the subjects of the Agenda having been discussed, it was proposed by Councillor Harvey Shaffer, seconded by Councillor Warren Budning and unanimously resolved to declare that the meeting be closed at 9:43 p.m.

Adopted

(s) William Steinberg _____
Dr. William Steinberg, Mayor

(s) Pierre Tapp _____
Me Pierre Tapp, Town Clerk