

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON AUGUST 1ST, 2016, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

THOSE PRESENT WERE: Mayor William Steinberg, Councillors Karen Zajdman, Jack Edery, Leon Elfassy, Michael Goldwax, Warren Budning and Harvey Shaffer, 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 8:07 p.m.

FIRST QUESTION PERIOD

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

- Questions were asked by residents and answered by Mayor and members of Council.
- A resident deposits a document with regards to Dufferin Street.

2016-205

ADOPTION OF THE AGENDA

On motion of Councillor Michael Goldwax, seconded by Councillor Leon Elfassy, it was UNANIMOUSLY RESOLVED:

- THAT the agenda of the regular meeting is adopted with the addition of the following item:

Item 14.1 Resolution of recognition towards Ms. Firoozeh Djavedani.

Adopted

2016-206

ADOPTION OF THE MINUTES

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

- THAT the Minutes of the Regular Council meeting of July 4th, 2016 and the Special Council meeting of July 18th, 2016 be and are hereby approved as submitted.

Adopted

2016-207

DEPOSIT OF CERTIFICATE – RE REGISTER OPENED FOR PERSONS QUALIFIED TO VOTE ON BY-LAW N⁰ 1001

The Town Clerk reported that, after the registration proceedings called for and held at the Town Hall, 5569 Queen Mary Road, from 9:00 a.m. to 7:00 p.m., on July 6th, 2016, concerning By-law N⁰ 1001 entitled: “Zoning By-law”,

- The number of persons qualified to vote on this By-law is 5,000;
- The number of signatures of persons qualified to vote required making the holding of a poll obligatory is 500;

Minutes of Town of Hampstead

- The number of persons qualified to vote who have registered is 0; and

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

2016-208

DEPOSIT OF CERTIFICATE – RE REGISTER OPENED FOR PERSONS QUALIFIED TO VOTE ON BY-LAW N° 1002

The Town Clerk reported that, after the registration proceedings called for and held at the Town Hall, 5569 Queen Mary Road, from 9:00 a.m. to 7:00 p.m., on July 6th, 2016, concerning By-law N° 1002 entitled: “By-law concerning Subdivisions”,

- The number of persons qualified to vote on this By-law is 5,000;
- The number of signatures of persons qualified to vote required making the holding of a poll obligatory is 500;
- The number of persons qualified to vote who have registered is 0; and

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

2016-209

RESOLUTION TO AUTHORIZE THE LAW FIRM DUFRESNE HÉBERT COMEAU TO REPRESENT THE TOWN OF HAMPSTEAD TO INITIATE PROCEEDINGS BEFORE THE SUPERIOR COURT OF QUÉBEC IN RESPECT TO THE PROPERTY AT 189 NETHERWOOD ROAD FOR A SANITATION AND DECONTAMINATION ISSUE

WHEREAS the Town of Hampstead has received numerous complaints about the state of the property at 189 Netherwood Road, the former owners declared bankruptcy and moved out of the said property;

WHEREAS the property is contaminated by oil products, the house is clearly abandoned and there is evidence of the presence of rodents and the house is in urgent need of repair to comply with our by-laws;

WHEREAS the Trustee ceded all their rights in the property to the Bank of Montreal;

WHEREAS the Bank of Montreal is disputing the enterprise Remediasol’s legal hypothec on the property in court case 500-17-086927-152;

WHEREAS the Bank of Montreal has not complied with a formal declaration, served by bailiff, from the Town clerk, on June 7, 2016 to establish a timeline and to proceed to the decontamination and cleaning of the land and urgent repairs of the house;

WHEREAS the Town of Hampstead has no other choice than to proceed by way of the Court in the present case;

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

- THAT the Town of Hampstead hereby authorizes the law firm of DUFRESNE HEBERT COMEAU AVOCATS to initiate proceedings before the Superior Court of Quebec deemed necessary to protect the interest of the Town of Hampstead regarding the situation on the property at 189 Netherwood Road;

Minutes of Town of Hampstead

- THAT the Town Clerk, under the auspices of the Director General, will follow up on this issue and will report to the Town Council;
- THAT the present mandate can be withdrawn at any time by a letter from the Town Clerk or the Director General.

Adopted

2016-210

RESOLUTION TO AUTHORIZE THE LAW FIRM DUFRESNE HÉBERT COMEAU TO REPRESENT THE TOWN OF HAMPSTEAD TO INITIATE PROCEEDING IN RELATION TO A PROPERTY LOCATED AT 21 MERTON ROAD FOR FAILING TO COMPLY WITH THE TERMS OF A PERMIT ISSUED BY THE TOWN OF HAMPSTEAD IN THE INSTALLATION OF A GENERATOR

WHEREAS the Town of Hampstead has received numerous complaints about the presence and the usage of generator on the side of a house located at 21 Merton Road;

WHEREAS the Town of Hampstead issued in 2013 a permit number 2013-0267 for the installation of an emergency generator in the backyard of the 21 Merton Road;

WHEREAS the owners of the said property didn't respect the terms of permit issued and installed the said generator in the side of the said building;

WHEREAS the said owners refused to comply with a formal declaration, served by bailiff, from the Town Clerk, to move the generator in the backyard for this apparatus is illegally installed in the side of the building;

WHEREAS the Town of Hampstead has no other choice than to proceed by way of the Court in the present case;

On motion of Councillor Karen Zajdman, seconded by Councillor Leon Elfassy, it was UNANIMOUSLY RESOLVED:

- THAT the Town of Hampstead hereby authorizes the law firm of DUFRESNE HEBERT COMEAU AVOCATS to initiate proceedings before the Superior Court of Quebec deemed necessary to protect the interest of the Town of Hampstead regarding the situation on the property at 21 Merton Road;
- THAT the Town Clerk, under the auspices of the Director General, will follow up on this issue and will report to the Town Council;
- THAT the present mandate can be withdrawn at any time by a letter from the Town Clerk or the Director General.

Adopted

2016-211

NOTICE OF MOTION – BY-LAW No. 782-1 REGARDING THE ADOPTION OF A CODE OF ETHICS AND CONDUCT FOR MEMBERS OF COUNCIL OF THE TOWN OF HAMPSTEAD

NOTICE OF MOTION was given by Councillor Karen Zajdman that, at a subsequent meeting of Council, By-law N° 782-1 amending By-law no 782 regarding the adoption of a Code of Ethics and Conduct for members of Council of the Town of Hampstead will be submitted to Council for adoption.

All Council members have received a draft copy of By-law N° 782-1 and a motion to dispense with the reading of the said By-law was made.

Minutes of Town of Hampstead

2016-212

ADOPTION OF BY-LAW N° 811-4 AMENDMENT TO BY-LAW N° 811 TO DECREE THE FEE SCHEDULE FOR CULTURAL, SPORTS AND LEISURE (ACTIVITIES FOR FALL/WINTER 2016/2017)

WHEREAS the Members of Council have received a copy of By-law n° 811-4 amendment to By-law no. 811 to decree the fee schedule for cultural, sports and leisure (activities for fall/winter 2016/2017), and declare to have read it;
On motion of Councillor Karen Zajdman, seconded by Councillor Michael Goldwax, it was UNANIMOUSLY RESOLVED:

- TO approve By-law n° 811-4 amendment to By-law no. 811 to decree the fee schedule for cultural, sports and leisure (activities for fall/winter 2016/2017).

Adopted

2016-213

DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON JULY 11TH 2016

Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on July 11th, 2016.

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

2016-214

REQUEST TO AUTHORIZE MODIFICATIONS TO AN ALREADY APPROVED PROJECT FOR AN ADDITION OF A SINGLE FAMILY DWELLING LOCATED AT 2 ALBION ROAD, LOT NO.: 2 089 554, ZONE RA-1 (ZONING BY-LAW NO. 727) (SPAIP BY-LAW NO.775)

On motion of Councillor Leon Elfassy, seconded by Councillor Warren Budning, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration program showing modifications to the plans and elevations to authorize a modification to a previously approved project for a detached single family dwelling located at **2 Albion Road**, submitted to the Planning Advisory Committee meeting of July 11th, 2016 is *deferred*. The modifications partially 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 provided that:
 - The minor exemption to allow the construction of a driveway where the slope begins directly after the sidewalk instead of being at the same level at least 90 cm (zoning by-law 727, Art. 7.6 .3.9) should be refused as presented. Changes need to be made to the project to reflect the said request. The project must comply with the By-law as much as possible;
 - The minor exemption to allow the construction of a driveway having a slope of 15% instead of the established maximum of 10 % maximum (By-law 727, art. 7.6.3.10) should be refused as presented. Changes need to be made to the project to reflect the said request. The project must comply with the By-law as much as possible;
 - Details of the retaining walls for the driveway entrance must be provided;
 - The windows on the left façade should be aligned;

Minutes of Town of Hampstead

- The cedar on the left façade, must be designed with 3" masonry behind, in accordance with zoning By-law 727;
- The elevation for the left must be reworked.

Adopted

2016-215

REQUEST TO AUTHORIZE MINOR EXEMPTIONS TO THE ZONING BY-LAW NO. 727 FOR THE FOLLOWING ARTICLES:

- A. **ART. 6.2.1; TO PERMIT THE FRONT SETBACK AT 4.53M (14.86F) FROM THE PROPERTY LOT LINE INSTEAD OF 6.1M (20F) TO LEGALIZE THE EXISTING**
- B. **ART. 6.4.1; TO PERMIT THE REAR SETBACK AT 3.54M (11.61F) FROM THE PROPERTY LOT LINE INSTEAD OF 4.42M (14.5F) REQUIRED TO LEGALIZE THE EXISTING**
- C. **ART. 6.3.2; TO PERMIT THE REAR STAIRS AT 2.08M (6.82F) FROM THE PROPERTY LINE INSTEAD OF 3.0M (9.6F) TO LEGALIZE THE EXISTING**

AND THIS FOR A DETACHED SINGLE FAMILY DWELLING LOCATED AT 4 HAVERSTOCK ROAD, LOT 2 089 776 ZONE RA-1 (ZONING BY-LAW NO. 727) (SPAIP BY-LAW NO.775) (BY-LAW CONCERNING MINOR EXEMPTIONS NO 18 G-0005)

WHEREAS the members of Council have reviewed the request for approval of minor exemptions to Zoning By-law 727, art. 6.2.1 to permit the front setback at 4.53M (14.86 ft) from the property lot line instead of 6.1M (20 ft) to legalize the existing, art. 6.4.1 to permit the rear setback at 3.54M (11.61 ft) from the property lot line instead of 4.42M (14.5 ft) required to legalize the existing, and art. 6.3.2 to permit the rear stairs at 2.08M (6.82 ft) from the property line instead of 3.0M (9.6 ft) to legalize the existing to a detached single family dwelling;

WHEREAS the Planning Advisory Committee, at its meeting held on July 11th, 2016, recommended the aforementioned request for minor exemptions as follows:

- A. The minor exemption allowing the front setback at 4.53M (14.86 ft) from the property lot line instead of 6.1M (20 ft) to legalize the existing should be approved. (by-law 727 , art. 6.2.1);
- B. Then minor exemption to permit the rear setback at 3.54M (11.61 ft) from the lot line instead of 4.42M (14.5 ft) required to legalize the existing should be approved. (by-law 727 , art. 6.4.1);
- C. The minor exemption to permit the back staircase at 2.08M (6.82 ft) from the property lot line instead of 3.0M (9.6 ft) to legalize the existing should be approved. (by-law 727 , art. 6.3.2).

On motion of Councillor Leon Elfassy, seconded by Councillor Michael Goldwax, it was UNANIMOUSLY RESOLVED:

- THAT the aforementioned request for minor exemptions for the property located at 4 Haverstock Road, lot no. : 2 089 776, Zone RA-1 is *approved*.

Adopted

2016-216

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF JULY 2016

WHEREAS Council reviewed the list of payments for the month of July 2016;

On motion of Councillor Jack Edery, seconded by Councillor Karen Zajdman, it was UNANIMOUSLY RESOLVED:

Minutes of Town of Hampstead

- THAT the disbursements for the period from June 21st, 2016 to July 20th, 2016, in the total amount of \$931,004.42 are hereby approved (\$534,676.21 for cheques and \$396,328.21 for online payments).

Adopted

2016-217

PER 2016 BUDGETARY ALLOCATIONS -TRANSFER OF FUNDS FROM UNAPPROPRIATED SURPLUS TO COVER FUTURE EXPENSES FOR THE PURCHASE OF A PUBLIC SECURITY VAN AND THE 2017 MUNICIPAL ELECTIONS

On motion of Councillor Jack Edery, seconded by Councillor Warren Budning, it was UNANIMOUSLY RESOLVED:

- THAT the Town Council approves the transfer of funds, as further detailed in the following table, in the amount of \$34,000 from Unappropriated Surplus to Appropriated Surplus Account 55-992-00-000.

Details	2016 allocation
2017 Municipal elections	20,000
Public security van	14,000

Adopted

2016-218

MODIFICATION TO RESOLUTION NO. 2013-115 CONCERNING FUNDS RESERVED FOR AN ESTIMATED SETTLEMENT IMPACT PER THE FINAL TRANSFER OF THE FIREMEN PENSION FUND TO MONTREAL

WHEREAS resolution no. 2013-115, adopted at the special Council meeting of May 6th, 2013, authorized a surplus appropriation of \$70,000 to finance an estimated cost of settlement for the final transfer of the firemen pension fund to Montreal;

WHEREAS the costs relating to this appropriation were accounted for in the fiscal year 2015 and the reserve is no longer required;

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

- THAT the Town Council approves the transfer of funds in the amount of \$70,000 from the Appropriated Surplus G/L account 55-992-00-000 back into the Town’s Unappropriated Surplus.

Adopted

2016-219

CONTRACT – DISPOSITION OF STREET BROOM WASTE AND MATERIALS FROM EXCAVATION

WHEREAS there has been a public call for tenders, for the disposition of street broom waste and materials from excavation;

WHEREAS, after analysing the tenders opened on July 27, the lowest bidder conforming to the requirements of the tender invitation is Recyclage Notre-Dame Inc,

On motion of Councillor Michael Goldwax, seconded by Councillor Leon Elfassy, it was UNANIMOUSLY RESOLVED:

THAT, the contract for the disposition of street broom waste and materials from excavation for the period from August 15, 2016 to August 14 2018 be and is

Minutes of Town of Hampstead

hereby approved, the whole as more amply delineated hereunder;

THAT, according to the previous year’s quantities, the estimated amount of expenditure for the two-year contract, is \$ 116 244 plus applicable taxes.

RECYCLAGE NOTRE-DAME INC.

Earth grade « A »	(approx. 1 000 metric tons)	\$ 24 000.00
Earth grade « A-B »	(approx. 2050 metric tons)	\$ 49 200.00
Earth grade « B-C »	(approx. 150 metric tons)	\$ 3 600.00
Rock or asphalt	(approx. 50 metric tons)	\$ 1 100.00
Street broom waste	(approx. 800 metric tons)	\$ 38 344.00

THAT, prices will be adjusted as per the Consumers price index for the second year of the contract;

Both GST and QST are applicable on above mentioned prices.

Adopted

2016-220

APPROVAL OF HIRING OF MR. SAMY AITOUBELLI AS “BUILDING INSPECTOR - URBAN PLANNING AND BUILDING INSPECTION”

CONSIDERING THAT the Town of Hampstead requires the hiring of a Building Inspector as temporary additional staff;

CONSIDERING THAT the Director General, the Urban Planning and Building Inspection Section Chief and the Human Resources Director are recommending the hiring of **MR. SAMY AITOUBELLI** to fill such position;

CONSIDERING THAT Resolution 2006-344 delegates, jointly, to the Director General and to the Human Resources Director the authority to hire non-regular officers and employees for a fixed term of less than five hundred and twenty (520) hours;

CONSIDERING THAT **MR. SAMY AITOUBELLI** has begun his assignment on July 15th, 2016;

On motion of Councillor Karen Zajdman, seconded by Councillor Warren Budning, it was UNANIMOUSLY RESOLVED:

- TO APPROVE the temporary hiring of **MR. SAMY AITOUBELLI** as “**BUILDING INSPECTOR - URBAN PLANNING AND BUILDING INSPECTION**” starting July 15th, 2016, for a period not to exceed October 28th, 2016, 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

Treasurer’s certificate no 16-25, dated July 19th, 2016, has been issued by the Comptroller, attesting the availability of funds to cover this expense.

Adopted

2016-221

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

CONSIDERING THAT Council members reviewed the report of the Director of Community Services and Recreation, dated July 21st, 2016, on the hiring of auxiliary white collar employees;

Minutes of Town of Hampstead

On motion of Councillor Karen Zajdman, seconded by Councillor Jack Edery, it was UNANIMOUSLY RESOLVED:

- THAT the Town Council approves the hiring of auxiliary white collar employees as detailed on the list for 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

2016-222

RESOLUTION OF RECOGNITION TOWARDS MS. FIROOZEH DJAVEDANI

On motion of Councillor Jack Edery, seconded by Councillor Warren Budning, it was UNANIMOUSLY RESOLVED:

- THAT the Council of Town of Hampstead wishes to manifest its appreciation and recognition to Ms. Firoozeh Djavedani for her four years of excellent service provided to the citizens of Hampstead;
- THAT the Council, on behalf of the employees and the residents of the Town of Hampstead, wishes her the best of success in all her future endeavors.

Adopted

SECOND QUESTION PERIOD

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

- No Question was asked.

2016-223

ADJOURNMENT

All the subjects of the agenda having been discussed, it was proposed by Councillor Warren Budning, seconded by Councillor Michael Goldwax and unanimously resolved to declare that the meeting be closed at 9.01 p.m.

Adopted

(s) William Steinberg
Dr. William Steinberg, Mayor

(s) Pierre Tapp
Me Pierre Tapp, Town Clerk