

**Minutes of Town of Hampstead**

**MINUTES OF THE REGULAR COUNCIL MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON JULY 12<sup>TH</sup>, 2011, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.**

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

**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.

2011-805

**ADOPTION OF THE AGENDA**

On motion of Councillor Harvey Shaffer, 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:

**6.8** Acceptance of a settlement proposal concerning court file number 500-22-181312-110.

Adopted

2011-806

**ADOPTION OF THE MINUTES**

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

- THAT the Minutes of the Regular Council Meeting of June 13<sup>th</sup>, 2011 and of the Special Council Meeting of June 20<sup>th</sup>, 2011 be and are hereby approved as submitted.

Adopted

2011-807

**AUTHORIZATION FOR DIRECTOR GENERAL TO SIGN THE RENEWAL AGREEMENT WITH THE TOWN OF MOUNT-ROYAL FOR CALL DISPATCHING SERVICES**

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

- TO **defer** this resolution to a subsequent Council Meeting.

Adopted

2011-808

**DEPOSIT OF CERTIFICATE OF THE TOWN CLERK RE REGISTER OPENED FOR PERSONS QUALIFIED TO VOTE ON BY-LAW N<sup>O</sup> 786**

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The Town Clerk deposits the certificate of the registration procedure for voting on the By-law no.786 entitled By-law regarding the use of the available balance of closed loan By-law no.749 and reported that, after the registration proceedings called for and held at the Town Hall, on June 28, 2011, from 9:00 a.m. to 7:00 p.m.:

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- That the number of persons qualified to vote on this by-law was 4,967;
- That the number of signatures of persons qualified to vote required making the holding of a poll obligatory was 485;
- That the number of persons qualified to vote who have registered has been 1; and
- That By-law N° 786 has therefore been deemed approved by the persons qualified to vote.

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

2011-809

### **DEPOSIT OF CERTIFICATE OF THE TOWN CLERK RE REGISTER OPENED FOR PERSONS QUALIFIED TO VOTE ON BY-LAW N° 787**

The Town Clerk deposits the certificate of the registration procedure for voting on the By-law no.787 entitled By-law regarding the use of the available balance of closed loan By-law no.749 and reported that, after the registration proceedings called for and held at the Town Hall, on June 28, 2011, from 9:00 a.m. to 7:00 p.m.:

- That the number of persons qualified to vote on this by-law was 4,967;
- That the number of signatures of persons qualified to vote required making the holding of a poll obligatory was 485;
- That the number of persons qualified to vote who have registered has been 1; and
- That By-law N° 787 has therefore been deemed approved by the persons qualified to vote.

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

2011-810

### **ADOPTION OF BY-LAW N° 747-17 – AMENDMENT TO BY-LAW N° 747 TO DECREE THE FEE SCHEDULE FOR CULTURAL, SPORTS AND LEISURE ACTIVITIES FOR FALL 2011/WINTER 2012**

CONSIDERING THAT notice of motion of By-law N° 747-17 was given at the Regular Council meeting of June 13<sup>th</sup>, 2011 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 Harvey Shaffer, seconded by Councillor Bonnie Feigenbaum and UNANIMOUSLY RESOLVED:

- TO approve By-law n° 747-17 entitled: “By-law modifying By-law N° 747, to decree the fee schedule for cultural, sports and leisure activities for fall 2011/winter 2012”.

Adopted

2011-811

### **NOTICE OF MOTION – BY-LAW N° 752-3 – MODIFYING BY-LAW NO.752 CONCERNING TARIFFS**

NOTICE OF MOTION was given by Councillor Bonnie Feigenbaum that, at a subsequent meeting of Council, By-law n° 752-3 entitled “By-law modifying By-law 752 concerning tariffs” will be submitted to Council for adoption.

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TAKE FURTHER NOTICE THAT all Council members have received a draft copy of By-law n° 752-3 prior to this Council meeting and a motion to dispense with the reading of the said By-law was made.

2011-812

### **NOTICE OF MOTION – BY-LAW N° 705-7 – MODIFYING BY-LAW NO.705-6 CONCERNING THE COLLECTION, REMOVAL AND DISPOSAL OF REFUSE**

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NOTICE OF MOTION was given by Councillor Harvey Shaffer that, at a subsequent meeting of Council, By-law n° 705-7 entitled “By-law modifying By-law 705-6 concerning the collection, removal and disposal of refuse” will be submitted to Council for adoption.

TAKE FURTHER NOTICE THAT all Council members have received a draft copy of By-law n° 705-7 prior to this Council meeting and a motion to dispense with the reading of the said By-law was made.

2011-813

### **NOTICE OF MOTION – BY-LAW N° 690-7 – MODIFYING BY-LAW N° 690 CONCERNING NUISANCE**

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NOTICE OF MOTION was given by Councillor Michael Goldwax that, at a subsequent meeting of Council, By-law n° 690-7 entitled “By-law modifying By-law 690 concerning nuisance” will be submitted to Council for adoption.

TAKE FURTHER NOTICE THAT all Council members have received a draft copy of By-law n° 690-7 prior to this Council meeting and a motion to dispense with the reading of the said By-law was made.

2011-814

### **NOTICE OF MOTION – BY-LAW N° 744-2 ESTABLISHING THE REMUNERATION OF THE TOWN COUNCIL MEMBERS**

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NOTICE OF MOTION was given by Councillor Jack Edery that, at a subsequent meeting of Council, By-law n° 744-2 entitled “By-law establishing the remuneration of the Town Council members” will be submitted to Council for adoption.

TAKE FURTHER NOTICE THAT all Council members have received a draft copy of By-law n° 744-2 prior to this Council meeting and a motion to dispense with the reading of the said By-law was made.

2011-815

### **ACCEPTANCE OF A SETTLEMENT PROPOSAL CONCERNING COURT FILE NUMBER 500-22-181312-110**

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WHEREAS the Town of Hampstead is a Defendant in a court case bearing number 500-22-181312-110 before the Court of Quebec of the District of Montreal;

WHEREAS La Garantie Compagnie d'Assurance de l'Amérique du Nord, the plaintiff in this case, is claiming from the Town an amount of \$52,423.93 plus interest at the legal rate and additional indemnity pursuant to article 1619 C.c.Q.;

WHEREAS all the parties have agreed to settle this case out of court by way of a Mutual Release Full and Final Discharge and Transaction satisfactory to all the parties;

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

- THAT the Town pay to La Garantie Compagnie d'Assurance de l'Amérique du Nord the total amount of \$43,000.00 as full and final payment in capital, interest and costs;
- THAT the Town Clerk be authorized to sign the Mutual Release Full and Final Discharge and Transaction and any other document related to the settlement of the file;

Treasurer's certificate N° 11-029, dated July 12, 2011, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2011-816

### **DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON JUNE 20<sup>TH</sup> 2011**

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Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on June 20<sup>th</sup>, 2011.

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

2011-817

### **REQUEST TO AUTHORIZE A SECOND STOREY ADDITION TO A DETACHED SINGLE FAMILY DWELLING AT 7 COLCHESTER ROAD, LOT NO.: 2 089 852 ZONE RA-2 (SPAIP BY-LAW NUMBER 775)**

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

- THAT the site planning and architectural integration program showing **plans and elevations** of a second storey addition to a detached single family dwelling at 7 Colchester Road, submitted to the Planning Advisory Committee meeting of June 20<sup>th</sup>, 2011 is *conditionally approved*, the whole in conformity with the provisions of the Zoning By-law number 727 but partially meets the prescribed standards regarding the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC considering the following conditions:
  - To ensure that the roof plan is consistent with the proposed elevations;
  - To utilize "maibec" exterior cladding material for the second storey addition

Adopted

2011-818

### **REQUEST TO AUTHORIZE FAÇADE MODIFICATIONS TO A DETACHED SINGLE FAMILY DWELLING AT 6 MINDEN ROAD, LOT NO.: 2 089 892 ZONE RA-2 (SPAIP BY-LAW NUMBER 775)**

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On motion of Councillor Abe Gonshor, seconded by Councillor Leon Elfassy, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration program showing **plans and elevations** of a façade modifications to a detached single

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family dwelling at 6 Minden Road, submitted to the Planning Advisory Committee meeting of June 20<sup>th</sup>, 2011 is *refused*, the whole in conformity with the provisions of the Zoning By-law number 727 but does not meet the prescribed standards regarding the Site Architectural Integration Program By-law number 775 and as recommended by the PAC.

Adopted

2011-819

### **REQUEST TO AUTHORIZE FAÇADE MODIFICATIONS TO A DETACHED PLACE OF WORSHIP AT 6215 COTE SAINT-LUC ROAD, LOT NO.: 2 090 009 ZONE CW-4 (SPAIP BY-LAW NUMBER 775)**

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On motion of Councillor Leon Elfassy, seconded by Councillor Abe Gonshor, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration program showing **plans and elevations** of a façade modifications to a detached place of worship at 6215 Cote Saint –Luc Road, submitted to the Planning Advisory Committee meeting of June 20<sup>th</sup>, 2011 is *accepted*, the whole in conformity with the provisions of the Zoning By-law number 727 and the prescribed standards regarding the Site Architectural Integration Program By-law number 775 and as recommended by the PAC.

Adopted

2011-820

### **APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF JUNE 2011**

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WHEREAS Council reviewed the list of payments for the month of June 2011;

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

- THAT the disbursements for the period from June 1<sup>st</sup>, 2011 to June 30<sup>th</sup>, 2011, in the total amount of \$ 5,837,268.69 are hereby approved (\$702, 828.68 for cheques and \$5,134,440.01 for on line payments).

Adopted

2011-821

### **FULL ACHIEVEMENT OF OBJECT IN ACCORDANCE WITH THE BY-LAW NO. 769 COST PROVISIONS AND APPROPRIATION OF A SOURCE OF CASH FINANCING, NOT PROVIDED FOR IN THE ORIGINAL BY-LAW**

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WHEREAS the Town of Hampstead has fully achieved the objective of by-law n° 769 in accordance with the cost as initially planned, being \$157, 785;

WHEREAS a part of the loan amount of \$ 0 was financed on a permanent basis;

WHEREAS to pay a part of the cost for the work, the Town of Hampstead wishes to appropriate an amount of: \$157, 785 from the general fund;

WHEREAS there is a non-contracted balance of: \$157, 785 of the loan approved by the Minister of Municipal Affairs, Regions and Land Occupancy that may not be applied to any other end;

WHEREAS it is necessary to modify loan by-law n° 769 to indicate how the spending will be financed.

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

**THAT** the amount of loan By-law n° 769 be reduced from \$157, 785 to \$0;

**THAT** the Town of Hampstead appropriated an amount of \$157, 785 from the general fund, to pay for a part of the planned expense under By-law n° 769.

**THAT** one certified copy of this resolution be transmitted to the Minister of Municipal Affairs, Regions and Land Occupancy.

Adopted

2011-822

**AMENDMENT TO THE POLICY ON THE CAPITALIZATION AND DEPRECIATION OF THE CAPITAL ASSETS OF THE TOWN OF HAMPSTEAD**

WHEREAS the Members of Council adopted in March 2008 by resolution, no. 2008-058, a policy to ensure sound administration, defining the practices relating to the capitalization and depreciation of the capital assets of the Town;

WHEREAS Council wishes to amend Annex 1 of said policy and has received, prior to this meeting, a copy of the proposed amended “Policy on the Capitalization and Depreciation of Capital Assets”;

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

- THAT the “Policy on the Capitalization and Depreciation of Capital Assets”, dated March 4, 2008, be amended as follows and is hereby approved to take effect immediately:

**ANNEX 1**

<b>Category of assets</b>	<b>Method of depreciation</b>	<b>Maximum useful life (in years)</b>
(...)		
<b>BUILDINGS</b>		
○ Administrative buildings	straight line	40
○ Shops, garages and storage buildings	straight line	40
○ Other	straight line	30
○ Major improvements	straight line	20
○ Minor improvements	straight line	10
(...)		

Adopted

2011-823

**APPROVAL OF LIST OF AUXILIARY EMPLOYEES FOR COMMUNITY SERVICES DEPARTMENT**

CONSIDERING THAT Council members reviewed the report of the Director of the Community Services dated June 2011, with regard to hiring auxiliary employees;

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

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- 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 of July 2011, prepared by the Director of Community Services.

Adopted

2011-824

### **AGREEMENT RELATING TO THE COST-SHARING OF CERTAIN SERVICES FOR PURPOSES OF IMPLEMENTING CORRECTIVE MEASURES CONCERNING PAY EQUITY FOR WHITE COLLAR EMPLOYEES**

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CONSIDERING that the key issues associated with the implementation of corrective measures concerning pay equity for white collar employees are substantially the same for the Towns of Beaconsfield, Côte-Saint-Luc, Dollard-des-Ormeaux, Dorval, Hampstead, Kirkland, Montréal-Est, Mont-Royal, Pointe-Claire, Sainte-Anne-de-Bellevue and Westmount;

CONSIDERING the belief that the above-mentioned municipalities are very likely to be called upon to defend certain positions before the Courts;

CONSIDERING that the above-mentioned municipalities wish to share the costs of representation associated with their defense in a court of law and entrust one of them with the administration of a common fund established for that purpose;

CONSIDERING there is cause for every municipality part of the agreement to adopt a resolution for such purposes;

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

- TO AUTHORIZE the signing of an agreement binding the Towns of Beaconsfield, Côte Saint-Luc, Dollard-des-Ormeaux, Dorval, Hampstead, Kirkland, Montréal-Est, Mont-Royal, Pointe-Claire, Sainte-Anne-de-Bellevue and Westmount, for purposes of sharing the costs of representation relating to the implementation of corrective measures concerning pay equity for white collar employees, and establishing the aliquot shares for each municipality part of the agreement;
- TO AUTHORIZE that the Town's aliquot shares be paid to a common defense fund;
- TO MANDATE the Town of Kirkland to act as a trustee for said common defense fund;
- TO AUTHORIZE the Director General or the Director of Human Resources to sign the above-mentioned agreement for and on behalf of the Town, as well as any other document required for such purposes.

Adopted

2011-825

### **AMENDMENT TO RESOLUTION #2011-801 - SUSPENSION OF EMPLOYEE #1012**

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WHEREAS the Union representing employee # 1012 and the Director of Human Resources have entered into discussions and have reached an agreement in principle allowing for a settlement regarding the dispute concerning the disciplinary suspension imposed by Council on employee # 1012;

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

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- **THAT** resolution #2011-801 be amended by striking the words “three (3) month” and by replacing the words “August 21” by the words “July 4”;
- **THAT** the Director of Human Resources be authorized to negotiate and to sign a document containing the conditions pertaining to the agreement in principle reached with the Union.

Adopted

2011-826

### **ABOLITION OF POSITION AT PUBLIC WORKS DEPARTMENT AND APPROVAL OF HIRING OF AUXILIARY EMPLOYEES FOR FINANCE AND PUBLIC WORKS DEPARTMENTS**

**WHEREAS** a temporary up to twelve (12) month position of “OFFICE AGENT” has been created and posted for the Public Works Department;

**WHEREAS** a temporary up to twelve (12) month replacement position of “SECRETARIAL CLERK” has been posted for the Finance Department; and

**WHEREAS** the permanent incumbent of the “OFFICE AGENT AND DISTRIBUTION - MOTORIZED EQUIPMENT AGENT” is retiring on August 31, 2011;

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

- **THAT** the Town Council approves the hiring of Ms. Giovanna Cantoral Bartolo as “OFFICE AGENT” at the Public Works Department, with the status of auxiliary employee, as of May 19, 2011 for a period not exceeding twelve (12) months;
- **THAT** the Town Council approves the hiring of MS. Renée Chrétien as replacement “SECRETARIAL CLERK” at the Finance Department, with the status of auxiliary employee, as of June 27, 2011 for a period not exceeding twelve (12) months;
- **THAT** the above-mentioned employees are hired 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
- **THAT** the position of “OFFICE AGENT AND DISTRIBUTION - MOTORIZED EQUIPMENT AGENT” be and is hereby abolished as of September 1, 2011.

Adopted

### **SECOND QUESTION PERIOD**

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

*At 9.20 p.m Councillor Abe Gonshor temporarily left the meeting and came back at 9.22p.m.*

*At 9.21 p.m Councillor Bonnie Feigenbaum temporarily left the meeting and came back at 9.23p.m.*

2011-827

### **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<sup>c</sup> Nathalie Lauzière, Town Clerk