

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON MARCH 4TH, 2013, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

THOSE PRESENT WERE: Pro-Mayor Jack Edery, Councillors Leon Elfassy, Michael Goldwax, Bonnie Feigenbaum and Harvey Shaffer, forming a quorum with Pro-Mayor Jack Edery presiding.

ABSENTS: Mayor William Steinberg and 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.

2013-034

ADOPTION OF THE AGENDA

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

- THAT the agenda of the regular meeting is hereby adopted with the addition of the following items:
 - 13.1.1 - Deposit of the minutes of modification of resolution no. 2013-009.
 - 13.1.2 - Management agreement between the *Société D'Habitation du Quebec* and the Town of Hampstead.

Adopted

2013-035

ADOPTION OF THE MINUTES

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

- THAT the Minutes of the Regular Council Meeting of February 4th, 2013 are hereby approved as submitted.

Adopted

2013-036

SIGNING OF LEASE CONTRACT FOR THE CAFÉ AT THE IRVING L.ADESSKY COMMUNITY CENTER – HAMPSTEAD PARK

WHEREAS a leasing contract starting on April 1st, 2013 to October 31st, 2013, upon the expiration of the current lease, will be signed between the Town of Hampstead and Distributrices Deli-Snack Inc. for the premises at the Irving L. Adessky Community Center which will be used as a café;

It was proposed by Councillor Harvey Shaffer, seconded by Councillor Bonnie Feigenbaum and UNANIMOUSLY RESOLVED:

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To approve the agreement of lease between the Town of Hampstead and Distributrices Deli-Snack Inc starting from April 1st, 2013 to October 31st, 2013 and to authorize the Director of Community services and recreation to sign the said lease.

Adopted

2013-037

RESOLUTION ON AMENDMENT TO COMPENSATION REGULATION FOR MUNICIPAL SERVICES SUPPLIED FOR THE PURPOSE OF RECOVERY AND RECLAMATION OF RESIDUAL MATERIALS

WHEREAS a draft regulation amending the *Regulation respecting compensation for municipal services provided to recover and reclaim residual materials* has been published in the [*Gazette officielle du Québec*](#) of January 9, 2013;

WHEREAS according to the provisions of the draft regulation, the government proposes to share in equal parts between businesses and municipalities the costs associated with management of “Other” materials which, without being specified in the regulation, must be processed by the municipalities in the course of collection, transport, sorting and conditioning (CTTC) of materials, in order to ensure their recovery and reclamation;

WHEREAS in the Partnership Agreement of 2006 the Government of Quebec made a commitment to reach full compensation for the costs of selective waste collection;

WHEREAS this commitment was unanimously approved by the National Assembly; and

WHEREAS the Town of Hampstead is strongly opposed, after so much effort has been spent in establishing selective waste collection systems, to any reduction of the financial contribution by businesses to the costs of selective waste collection;

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

THAT the Town of Hampstead requests that the Minister of Sustainable Development, Environment, Wildlife and Parks revise the above-mentioned draft regulation so as to compensate Town of Hampstead in full, as of 2013, for the municipal services supplied for the purpose of recovery and reclamation of residual materials; and

THAT the Town of Hampstead shall forward copies of this resolution to MDDEFP, to MAMROT, to the FQM and to the president of the UMQ.

Adopted

2013-038

APPROVAL – APPOINTMENT OF MRS. KATHERINE KORAKAKIS AS A CLD BOARD MEMBER - CENTRE WEST

WHEREAS Council has reviewed the Curriculum vitae of Mrs Katherine Korakakis concerning the replacement of a member on the CLD Board Centre West;

WHEREAS Mrs. Korakakis qualifications are very compatible with the purpose and mission of the CLD Board;

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On motion of Councillor Harvey Shaffer, seconded by Councillor Bonnie Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the Town Council of Hampstead approves the appointment of Mrs. Katherine Korakakis as member of the CLD Board- Centre West.
- THAT by her naming, the aforementioned Mrs. Korakakis be and is hereby authorized to represent the City of Côte Saint-Luc, the Town of Hampstead and the Town of Montreal West.

Adopted

2013-039

ADOPTION OF BY-LAW N^o 802 - DECREERING THE LOAN OF \$314,238 TO FINANCE THE GRANT FROM THE MINISTRY OF MUNICIPAL AFFAIRS, REGIONS AND LAND OCCUPANCY AWARDED WITH RESPECT TO THE EXCISE TAX PROGRAM ON GASOLINE, TECQ 2010-2013, FOR THE COST OF REHABILITATING DRINKING WATER MAINS IN THE TOWN

CONSIDERING THAT notice of motion of By-law N^o 802 was given at the regular council meeting of January 14th, 2013 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 Michael Goldwax, seconded by Councillor Bonnie Feigenbaum and UNANIMOUSLY RESOLVED:

- TO approve By-law N^o 802 entitled By-law authorizing a loan of 314 238\$ for the cost of the rehabilitation of water mains in the Town of Hampstead.

Adopted

2013-040

ADOPTION OF BY-LAW N^o 803 - AUTHORIZING THE SPENDING OF \$1,609,000 FOR THE COST OF REHABILITATING THE TOWN'S DRINKING WATER MAINS, SUBJECT TO A 20-YEAR LOAN OF \$816,019 AND FINANCED PARTIALLY BY THE GENERAL FUND FOR AN AMOUNT OF \$500,300 AND BY THE BALANCES REMAINING IN THE TOWN'S LOAN BY-LAWS OF A TOTAL AMOUNT OF \$292,681

CONSIDERING THAT notice of motion of By-law N^o 803 was given at the regular council meeting of January 14th, 2013 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 Michael Goldwax, seconded by Councillor Harvey Shaffer and UNANIMOUSLY RESOLVED:

- TO approve By-law N^o 803 entitled By-law authorizing a loan of 1,074,000\$ for the cost of the rehabilitation of water mains in the Town of Hampstead.

Adopted

2013-041

NOTICE OF MOTION – BY-LAW NO. 752-6 AMENDING BY-LAW 752-1 CONCERNING TARIFFS

It was proposed by Councillor Bonnie Feigenbaum, seconded by Councillor Michael Goldwax, and unanimously resolved to defer this item to a subsequent meeting.

Adopted

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2013-042

DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON FEBRUARY 11TH 2013

Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on February 11th, 2013.

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

2013-043

REQUEST TO AUTHORIZE FAÇADE MODIFICATIONS TO A DETACHED SINGLE FAMILY DWELLING AT 5660 QUEEN MARY ROAD, LOT NO. : 2 089 562, ZONE RA-1, (SPAIP BY-LAW NUMBER 775) (ZONING BY-LAW NUMBER 727)

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 façade modifications to a detached single family dwelling at 5660 Queen Mary Road, submitted to the Planning Advisory Committee meeting of February 11th, 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

Intervention of interested persons concerning the request for Minor Exemption for project located at 49-51 Cleve Road.

No intervention

2013-044

REQUEST TO AUTHORIZE A MINOR EXEMPTION TO ZONING BY-LAW 727, ARTICLE 6.3.2, TO ALLOW THE RIGHT SIDE SETBACK AT 2.04M (6.69 FEET) INSTEAD OF 2.55M (8.37 FEET) AND FOR ARTICLE 6.4.1 TO ALLOW THE REAR SETBACK AT 7.44M (24.4 FEET) INSTEAD OF 7.62M (25 FEET) TO LEGALIZE AN EXISTING SEMI-DETACHED DUPLEX AT 49-51 CLEVE ROAD, LOT NO. : 2 089 258, ZONE RB-2 (BY-LAW # G-18 005 CONCERNING MINOR EXCEPTIONS) (ZONING BYLAW NUMBER 727)

WHEREAS the members of Council have reviewed the request for approval of a minor exemption to Zoning By-law 727, article 6.3.2 to allow the right side setback at 2.04m (6.69 feet) instead of 2.55m (8.37 feet) and for article 6.4.1 to allow the rear setback at 7.44m (24.4 feet) instead of 7.62m (25 feet) to legalize an existing semi-detached duplex;

WHEREAS the Planning Advisory Committee, at its meeting held on February 11th, 2012, recommended *to approve* the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 49-51 Cleve Road, lot no. : 2 089 258, Zone RB-2 is *approved*.

Adopted

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2013-045

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF FEBRUARY 2013

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

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

- THAT the disbursements for the period from February 1st, 2013 to February 28th, 2013, in the total amount of \$ 834, 339.41 are hereby approved (\$204 686.11 for cheques and \$ 629,653.30 for on line payments).

Adopted

2013-046

GRANTING OF CONTRACT – SUPPLY OF ASPHALT FOR YEAR 2013

WHEREAS there has been a call for tenders by way of written invitation for the supply of asphalt for year 2013;

WHEREAS, after analysing the tenders opened on February 8, 2013, the lowest bidder conforming to the requirements of the tender invitation is Construction DJL inc;

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

- THAT, the contract for supply of asphalt for year 2013 be and is hereby approved, the whole as more amply delineated hereunder:

CONSTRUCTION DJL INC.

Asphalt MB-7 (approx. 50 metric tons)	\$ 71.70 / mt
Asphalt MB-6 (approx. 250 metric tons)	\$ 66.70 / mt
Asphalt MB-5 (approx. 25 metric tons)	\$ 64.90 / mt
Asphalt MB-4 (approx. 15 metric tons)	\$ 61.80 / mt
Asphalt MB-3 (approx. 10 metric tons)	\$ 61.00 / mt

G.S.T. 5%	Extra
Q.S.T. 9.975%	Extra

THAT said purchase, based on our estimates, shall be for an approximate expense of \$26,926.58, taxes included; and

The Treasurer's certificate 13-07, dated February 11, 2013, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2013-047

GRANTING OF CONTRACT – PURCHASE OF ONE DODGE GRAND CARAVAN, YEAR 2013

It was proposed by Councillor Harvey Shaffer, seconded by Councillor Bonnie Feigenbaum, and unanimously resolved to defer this item to a subsequent meeting.

Adopted

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2013-048

GRANTING OF CONTRACT – TRIMMING / CUTTING OF TREES

WHEREAS there has been a call for tenders, by way of written invitation, for the trimming/cutting of threes;

WHEREAS, after analyzing the tenders opened on February 19th 2013, the lowest bidder conforming to the requirements of the tender invitation is Service d'entretien arbre Viau inc;

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

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

Service d'Entretien Arbres Viau Inc / (9187-8447 Quebec Inc.)

Trimming/cutting of threes: (as per specifications in tender documents)	\$ 49,920.00
G.S.T. (5%):	\$ 2,496.00
Q.S.T. (9.975%):	\$ <u>4,979.52</u>
Grand total taxes included:	\$ 57,395.52

Treasurer's certificate N° 13-09, dated February 19, 2013 has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

RECESS

The Pro-Mayor recessed the meeting at 9:00 p.m and reconvened the meeting at 9:08 p.m., all members of Council present at the beginning of the meeting remaining to form a quorum.

2013-049

GRANTING OF CONTRACT – SUPPLY AND PLANTATION OF TREES AND SHRUBS

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

WHEREAS, after analyzing the tenders opened on February 19th 2013, the lowest bidder conforming to the requirements of the tender invitation is Les Entreprises Clifton DRAM inc;

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

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

Les Entreprises Clifton DRAM Inc

Supply and plantation of trees and shrubs: (as per specifications in tender documents)	\$ 25,622.00
G.S.T. (5%):	\$ 1,281.10
Q.S.T. (9.975%):	\$ <u>2,555.80</u>
Grand total taxes included:	\$ 29,458.90

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Treasurer’s certificate N° 13-10, dated February 20, 2013 has been issued by the Town’s Treasurer, attesting to the availability of funds to cover the described expenses.

Councillor Harvey Shaffer disclosed that his law firm represents Les Entreprises Clifton DRAM Inc.; he abstained from participating in the discussions and from voting or attempting to influence the vote.

Pro-Mayor Jack Edery called for a vote:

Present Council members who voted:

- Councillor Leon Elfassy
- Councillor Michael Goldwax
- Councillor Bonnie Feigenbaum
- Pro-Mayor Jack Edery

Adopted

At 9.09 p.m. Councillor Harvey Shaffer left temporarily the meeting.

2013-050

GRANTING OF CONTRACT – PLANTATION OF FLOWERS

WHEREAS there has been a call for tenders, by way of written invitation, for the plantation of flowers;

WHEREAS, after analyzing the tenders opened on February 19th 2013, the lowest bidder conforming to the requirements of the tender invitation is Les Entreprises Clifton DRAM Inc;

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

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

Les Entreprises Clifton DRAM Inc.

Plantation of flowers:	\$ 13,785.70
(as per specifications)	
G.S.T. (5%):	\$ 689.30
Q.S.T. (9.975%):	<u>\$ 1,375.12</u>
Grand total taxes included:	\$ 15,850.12

Treasurer’s certificate N° 13-11, dated February 20, 2013 has been issued by the Town’s Treasurer, attesting to the availability of funds to cover the described expenses.

Councillor Harvey Shaffer disclosed that his law firm represents Les Entreprises Clifton DRAM Inc.; he abstained from participating in the discussions and from voting or attempting to influence the vote.

Pro-Mayor Jack Edery called for a vote:

Present Council members who voted:

- Councillor Leon Elfassy
- Councillor Michael Goldwax
- Councillor Bonnie Feigenbaum
- Pro-Mayor Jack Edery

Adopted

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2013-053

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 February 26, 2013, with regard to hiring auxiliary employees,

It was proposed by Councillor Bonnie Feigenbaum, seconded by Councillor Harvey Shaffer 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

2013-054

APPROVAL OF RENEWAL OF GROUP INSURANCE CONTRACT FOR THE YEAR 2013-2014

WHEREAS the Town of Hampstead is part of the regrouped municipalities of: Baie d'Urfé, Beaconsfield, Côte-Saint-Luc, Dollard-des-Ormeaux, Dorval, Hampstead, Kirkland, Montréal-Est, Montréal-Ouest, Mont-Royal, Pointe-Claire, Senneville, Sainte-Anne-de-Bellevue and Westmount for group insurance;

WHEREAS "Groupe Mallette Actuaire Inc." has filed, on February 26th, 2013, a report on the renewal of the financial conditions pertaining to the group insurance contract for the Town of Hampstead;

WHEREAS "Groupe Mallette Actuaire Inc." confirms in the said report that the financial conditions proposed by the insurer (SSQ Groupe Financier) for the period of April 1st 2013 to March 31, 2014, are justified;

WHEREAS the report of "Groupe Mallette Actuaire Inc." clearly indicates that the insurer completely honours the financial commitments it made in its tender for contract;

WHEREAS this is the last year of a maximum five (5) year contract with the insurer;

WHEREAS "Groupe Mallette Actuaire Inc." recommends acceptance of the terms of renewal proposed by the insurer (SSQ Groupe Financier), for the period of April 1st, 2013 to March 31, 2014;

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

- THAT the conditions for renewal of the group insurance contract proposed by the insurer (SSQ Groupe Financier), for the period of April 1st, 2013 to March 31, 2014, for an amount not exceeding \$174,722.64 including taxes, are approved by the Town Council;
- THAT the Director General is authorized to sign, on behalf of the Town of Hampstead, any and all documents required for the above purposes; and
- THAT Treasurer's certificate n° 13-14, dated February 25th, 2013 has been issued by the Treasurer, attesting to the availability of the funds to cover the described expenses.

Adopted

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2013-055

MODIFICATION OF THE RESOLUTION NO. 2012-269 CONCERNING THE SUSPENSION OF EMPLOYEE #1256

WHEREAS Council wishes to modify Resolution no. 2012-269 which was adopted at the Regular Council Meeting held on September 11, 2012;

It was proposed by Councillor Michael Goldwax, seconded by Councillor Leon Elfassy, and UNANIMOUSLY RESOLVED:

- TO replace Resolution no. 2012-269 adopted by Council at the Regular Meeting held on September 11, 2012, with the following:

“ **THAT** following the recommendations and report of the director general and after inquiry, **Council** ratifies *the three (3) months* disciplinary suspension without pay of employee #1256, imposed by the director general on September 11, 2012, in accordance with article 113 of the Cities and Towns Act. ”;

Adopted

2013-056

DEPOSIT OF THE MINUTES OF MODIFICATION OF RESOLUTION NO. 2013-009

Each member of the Council having received a copy, the Town Clerk deposits the Minutes of the modification of resolution no. 2013-009 signed on March 1st, 2013.

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

2013-057

MANAGEMENT AGREEMENT BETWEEN THE SOCIÉTÉ D'HABITATION DU QUÉBEC AND THE TOWN OF HAMPSTEAD

CONSIDERING its Statutes of Incorporation, the Société d'Habitation du Québec (hereafter referred to as the "Société") prepares and implements, with the authorization of the government, programs permitting it to meet its objectives and can delegate all or part of the administration thereof to third parties;

CONSIDERING that to this effect, the Société has implemented a program, the management of which has been entrusted to the Town of Hampstead (hereafter referred to as the "Partner");

CONSIDERING that the aim is to encourage efficiency in the management operations of these programs, the parties would like to use information technology and communications and to this effect, the parties would like on one hand to secure the electronic exchange of documents and information, and on the other hand, to define their respective responsibilities for this subject;

It was proposed by Councillor Michael Goldwax seconded by Councillor Leon Elfassy and UNANIMOUSLY RESOLVED:

THAT Council authorizes the signature of an agreement concerning the Management of programs of improvement of the habitat and the signature of an agreement concerning the Security of information;

THAT said agreements shall be between THE SOCIÉTÉ D'HABITATION DU QUÉBEC, a corporation duly constituted by the *Loi sur la Société d'Habitation du Québec* (L.R.Q., c.S-8), of which the offices are situated in the City of Quebec, and the Town of Hampstead, a corporation founded in the public

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interest, of which its Town Hall is located at 5569 Queen Mary Road, Town of Hampstead in the Province of Québec, H3X 1W5, hereafter referred to as “The Partner”;

THAT the Mayor of the Town of Hampstead, Mr. William Steinberg, and the Building Inspector Mrs. Firoozeh Djavedani be and are hereby authorized to sign the agreements on behalf of the Town of Hampstead (Partner);

THAT the Division chief of Urban planning and building inspections and the Building inspector of the Town of Hampstead are authorized by the Town to make to the Société, on behalf of the Town staff, an application for granting, amendment, termination or suspension of access privileges to the systems of the Société, and in accordance with the guidelines and procedures issued by the Société.

Adopted

SECOND QUESTION PERIOD

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

2013-058

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