

## **Minutes of Town of Hampstead**

### **MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON NOVEMBER 1<sup>ST</sup>, 2010, 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.

2010-585

#### **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:

**9.1** Suspension of Employee #1029

**9.2** Suspension of Employee #1032

Adopted

2010-586

#### **ADOPTION OF THE MINUTES**

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

- THAT the Minutes of the Regular Council Meeting of October 4<sup>th</sup>, 2010 are hereby approved as submitted.

Adopted

2010-587

#### **AWARDING OF A CONTRACT – PROFESSIONAL SERVICES REGARDING THE GROUP PURCHASE OF GENERAL INSURANCE**

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WHEREAS according to section 29.5 of the *Cities and Towns Act*, (R.S.Q., chapter C-19) (the Act), the City of Hampstead, together with the members of the Island of Montreal group of municipalities (the group of municipalities), entered into an agreement concerning the common purchasing of general insurance;

WHEREAS, according to section 29.9.1 of the Act, the group of municipalities entered into an agreement with *l'Union des municipalités du Québec (UMQ)* regarding the awarding of an insurance contract in the name of the group of municipalities;

WHEREAS, according to section 29.7 of the Act the rules governing the awarding of contracts by a municipality apply to any contract awarded pursuant to an agreement under section 29.5 of the Act;

WHEREAS, a resolution was adopted by each municipality member of the group of municipalities approving the bid weighting and evaluating system proposed in the document entitled "*Appel d'offres sur invitation – Services de gestionnaire de risques en assurances de dommages pour les membres du regroupement des*

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*municipalités de l'Île de Montréal et l'Union des municipalités du Québec*" as well as the establishment of the selection committee;

WHEREAS the *UMQ* proceeded with a call for tenders, by way of written invitation for the '*Services de gestionnaire de risques en assurances de dommages pour les membres du regroupement des municipalités de l'Île de Montréal et l'Union des municipalités du Québec*';

WHEREAS following the tender opening on September 22, 2010, the Selection Committee evaluated the offer of services;

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

THAT the offer of services from *René Laporte & associés inc.*, dated September 22, 2010 be accepted for the '*Services de gestionnaire de risques en assurances de dommages pour les membres du regroupement des municipalités de l'Île de Montréal et l'Union des municipalités du Québec*';

THAT the service contract be awarded in the amount of \$1,210.00, excluding applicable taxes, said amount being applicable where a public tender is initiated to acquire a new general insurance portfolio or for renewal of the insurance contract by mutual agreement;

THAT the contract be awarded for a one year term, from January 1 to December 31, 2011, and shall be renewable each year for a period not exceeding five years;

THAT a copy of this resolution be sent to l'UMQ and *René Laporte & associés inc.*

Adopted

2010-588

### **AUTHORIZATION FOR MAYOR TO SIGN AN AGREEMENT WITH LE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE (MAMROT) FOR WATER MAIN AND SEWER RENEWAL PROGRAM (PRECO III)**

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WHEREAS le Ministère des Affaires Municipales, des Régions et de l'Occupation du Territoire has offered a Water Main and Sewer Renewal Program to municipalities;

WHEREAS an agreement must be reached between Le Ministère des Affaires Municipales, des Régions et de l'Occupation du Territoire and the Town of Hampstead to establish the terms of the payment contributions provided by the Federal and Provincial governments under the agreement regarding file no. 231735;

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

- THAT the Mayor or, in his absence, the Town Clerk is hereby authorized to sign the said agreement on behalf of the Town of Hampstead

Adopted

2010-589

### **PUBLICATION OF THE MAYOR'S REPORT ON THE FINANCIAL POSITION OF THE MUNICIPALITY**

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WHEREAS the Mayor has presented, to this Meeting, his report on the financial position of the Town of Hampstead;

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

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- THAT the Mayor's report on the financial position of the municipality for the year 2010 be distributed free of charge to every civic address in the Town of Hampstead

Mayor William Steinberg called for a vote.

**Voted in favour:**

Councillor Jack Edery  
Councillor Leon Elfassy  
Councillor Michael Goldwax  
Councillor Bonnie Feigenbaum  
Councillor Harvey Shaffer

**Voted against:**

Councillor Abe Gonshor

**In favour: 5**

**Against: 1**

Adopted on division

2010-590

**ADOPTION OF BY-LAW No. 690-6 AMENDING BY-LAW No. 690-5 CONCERNING NUISANCE**

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CONSIDERING THAT notice of motion was given at the Regular Council meeting of 4<sup>th</sup> October, 2010 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 Leon Elfassy, seconded by Councillor Jack Edery and UNANIMOUSLY RESOLVED:

- TO approve By-law N° 690-6 amending By-Law no. 690-5 concerning nuisance.

Adopted

2010-591

**ADOPTION OF BY-LAW N° 727-9 FURTHER MODIFYING ZONING BY-LAW N° 727 (DOOR GIVING ACCESS TO A BASEMENT OR CELLAR)**

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WHEREAS the Members of Council have received a copy of By-Law N° 727-9 further modifying Zoning By-Law N° 727 (door giving access to a basement or cellar), and to define its authorized use, and declare to have read it;

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

- TO *approve* By-law N° 727-9 to be entitled: "By-Law N° 727-9 further modifying Zoning By-Law N° 727 (door giving access to a basement or cellar) and to define its Authorized Use".

Adopted

2010-592

**APPROVAL OF THE PAYMENT CONCERNING AN INSURANCE CLAIM REGARDING 20 COLCHESTER ROAD, HAMPSTEAD**

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On motion of Councillor Harvey Shaffer, seconded by Councillor Leon Elfassy, it was RESOLVED:

- THAT the Town Council approves the payment of \$ 20,000 to *Lapointe Rosenstein Marchand Melançon In Trust* upon settlement of the file regarding the 20 Colchester Road, Hampstead insurance claim and that the Mayor or Director General is authorized to sign any document related to the settlement of the said file;

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The Treasurer's certificate N°10-31, dated October 28<sup>th</sup> 2010, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

**Voted in favour:**

Councillor Abe Gonshor  
Councillor Jack Edery  
Councillor Leon Elfassy  
Councillor Bonnie Feigenbaum  
Councillor Harvey Shaffer

**Voted against:**

Councillor Michael Goldwax

**In favour: 5**

**Against: 1**

Adopted on division

2010-593

**SIGNING OF RELEASE AND TRANSACTION BETWEEN CHUBB INSURANCE COMPANY OF CANADA AND THE TOWN OF HAMPSTEAD**

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WHEREAS a release and transaction must be concluded between Chubb Insurance Company of Canada and the Town of Hampstead for the residence located at 20 Thurlow, regarding the file CQM no. 500-22-158030-091;

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

THAT the Mayor or the Director General is authorized to sign a release and transaction between Chubb Insurance Company of Canada and the Town of Hampstead regarding the file CQM no. 500-22-158030-091;

Adopted

2010-594

**DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON OCTOBER 6, 2010**

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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 October 6, 2010.

2010-595

**REQUEST TO AUTHORIZE A REAR EXTENSION BY INSTALLING A SOLARIUM TO A DETACHED SINGLE FAMILY DWELLING AT 345 DUFFERIN ROAD, LOT NO.: 2 088 459 ZONE R-B1 (SPAIP BY-LAW NUMBER 775)**

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On motion of Councillor Leon Elfassy, seconded by Councillor Harvey Shaffer, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration program showing **plans and elevations for rear extension by installing a solarium to a detached single family dwelling at 345 Dufferin Road**, submitted to the Planning Advisory Committee meeting of October 6, 2010 is *approved*, the whole in conformity with the provisions of the Zoning By-law number 727 and of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC.

Adopted

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2010-596

**REQUEST TO AUTHORIZE THE MODIFICATION OF THE REAR ELEVATION AND INSTALLATION OF A WIDER GARAGE DOOR TO A DETACHED SINGLE FAMILY DWELLING AT 46 STRATFORD ROAD, LOT NO.: 2 088 862 ZONE RA-1 (SPAIP BY-LAW NUMBER 775)**

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

- THAT the site planning and architectural integration program showing **plans and elevations for a modification of the rear elevation and installation of a wider garage door to a detached single family dwelling at 46 Stratford Road**, submitted to the Planning Advisory Committee meeting of October 6, 2010 is *approved*, the whole in conformity with the provisions of the Zoning By-law number 727 and of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC.

Adopted

2010-597

**REQUEST TO AUTHORIZE THE MODIFICATION OF THE REAR ELEVATION OF A DETACHED SINGLE FAMILY DWELLING AT 10 NORTHCOTE ROAD, LOT NO.: 2 088 460, ZONE RA-1 (SPAIP BY-LAW NUMBER 775)**

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

- THAT the site planning and architectural integration program showing **plans and elevations for a modification of the rear elevation of a detached single family dwelling at 10 Northcote Road**, submitted to the Planning Advisory Committee meeting of October 6, 2010 is *approved*, the whole in conformity with the provisions of the Zoning By-law number 727 and of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC.

Adopted

2010-598

**APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF OCTOBER 2010**

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WHEREAS Council reviewed the list of payments for the month of October 2010;

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

THAT the disbursements for the period from October 1<sup>st</sup>, 2010 to October 26, 2010, in the total amount of \$ 836,347.48 are hereby approved (\$ 356,731.46 for cheques and \$ 479,616.02 for on line payments).

Adopted

2010-599

**FILING OF THE SECOND COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR 2010**

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In accordance with Section 105.4 of the *Cities and Towns Act*, the Town Treasurer hereby deposited the following:

- 1) statement of revenues and expenditures as at September 30<sup>th</sup>, for the fiscal year 2010, compared with the same period for the fiscal year 2009; and

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- 2) statement of projected revenues and expenditures for the fiscal year 2010, at the time of the statement's preparation, compared with those provided for in the budget for the year 2010.

2010-600

### **SUSPENSION OF EMPLOYEE #1029**

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**WHEREAS** the Town of Hampstead, by its resolution #2010-583, suspended without pay employee #1029 pending the conclusion of an investigation;

**WHEREAS** the Director of Human Resources has completed the investigation and reported to the Director General and Council;

**WHEREAS** the Director of Human Resources has concluded a settlement of grievance #10-1117 with the "Syndicat des cols bleus regroupés de Montréal, Local 301";

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

- **THAT COUNCIL** maintains the suspension without pay of employee #1029 until December 20, 2010 inclusively, on condition that a conditional reintegration agreement (also known as a "last chance agreement") is signed by employee #1029, the Union and the Town;
- **THAT COUNCIL** authorizes the Director of Human Resources to sign such agreement for and in the name of the Town of Hampstead;
- **THAT EMPLOYEE** #1029 returns to work the working day following December 20, 2010, as per his regular schedule;
- **THAT** failing the signature of such agreement within a period of one (1) week of the adoption of this resolution, employee #1029 is terminated retroactively to September 28, 2010.

Adopted

*At 9:24 p.m. Councillor Abe Gonshor and Councillor Leon Elfassy temporarily left the meeting.*

2010-601

### **SUSPENSION OF EMPLOYEE #1032**

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**WHEREAS** the Town of Hampstead, by its resolution #2010-582, suspended without pay employee #1032 pending the conclusion of an investigation;

**WHEREAS** the Director of Human Resources has completed the investigation and reported to the Director General and to Council;

**WHEREAS** the Director of Human Resources has concluded a settlement of grievance #10-1116 with the "Syndicat des cols bleus regroupés de Montréal, Local 301";

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

- **THAT COUNCIL** maintains the suspension without pay of employee #1032 until such date that a conditional reintegration agreement (also called a "last chance agreement") is signed by employee #1032, the Union and the Town;
- **THAT COUNCIL** authorizes the Director of Human Resources to sign such agreement for and in the name of the Town of Hampstead;

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- **THAT EMPLOYEE #1032** returns to work the working day following the signature of said agreement, as per his regular schedule;
- **THAT** failing the signature of such agreement within a period of one (1) week of the adoption of this resolution, employee #1032 is terminated retroactively to September 28, 2010.

Adopted

*At 9:26 p.m Councillor Abe Gonshor and Councillor Leon Elfassy returned to the meeting after the resolution was adopted.*

*At 9:45 p.m Councillor Leon Elfassy temporarily left the meeting and returned to the meeting at 9:49 p.m.*

### **SECOND QUESTION PERIOD**

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

2010-602

### **ADJOURNMENT**

All the subjects of the Agenda having been discussed, it was proposed by Councillor Jack Edery, seconded by Councillor Michael Goldwax 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