

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON JULY 7, 2008, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

THOSE PRESENT WERE: Mayor William Steinberg, Councillors Bonnie Feigenbaum, Clifford Borden, Leon Elfassy, Michael Goldwax, Abraham Gonshor and David Sternthal, forming a quorum with Mayor Steinberg presiding

ALSO PRESENT: Mr. Richard Sun, Director General and Me Chantal Bergeron, Town Clerk acting as Secretary of the Meeting

FIRST QUESTION PERIOD

Mr. Daniel Miller

- Asked why the Town of Hampstead did not make any representation, as did Côte Saint-Luc, to the National Assembly concerning Bill 22 in an attempt to secure an exemption for EMS.
- Asked what the plans are for the old fire station building.

Mrs. Miller

- Questioned the usefulness of keeping the basketball courts open when it seems that nobody is using them.

Mrs. Genziuk

- Asked for more information concerning item 5.3 on the Agenda.

2008-152

ADOPTION OF THE AGENDA

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

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

7.2 Authorization for payment to City of Côte Saint-Luc for the installation of traffic lights on Fleet in 2003.

Mayor William Steinberg called for a vote.

Voted in favour:

Councillor Feigenbaum
Councillor Elfassy
Councillor Goldwax
Councillor Gonshor
Councillor Sternthal

In favour: 5

Voted against:

Councillor Borden

Against: 1

Adopted on Division

2008-153

ADOPTION OF THE MINUTES

On motion of Councillor Goldwax, seconded by Councillor Gonshor, it was UNANIMOUSLY RESOLVED:

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- THAT the Minutes of the Public Consultation Meeting and of the Regular Council Meeting of June 3, 2008 and of the Special Council Meetings of June 12, 2008 and June 25, 2008 be and are hereby approved as submitted.

Adopted

2008-154

DEPOSIT – STATEMENT OF PECUNIARY INTERESTS OF COUNCILLOR MICHAEL GOLDWAX

Town Council Member, Michael Goldwax, has deposited, at this Council Meeting, his written Statement of Pecuniary Interests according to section 357 of the *Act respecting elections and referendums in municipalities* (R.S.Q., c.E-2.2).

2008-155

MERGING OF MUNICIPAL AND SCHOOL BOARD ELECTIONS

WHEREAS the Quebec Minister of Education, Recreation and Sports has tabled Draft Bill 188 to modify the laws governing public school boards and school board elections;

WHEREAS the Minister has indicated that she will explore merging school board and municipal elections;

WHEREAS in school board elections there are separate English and French voting lists, which would create confusion at the polling stations;

WHEREAS in the 2005 municipal elections, there were already significant problems and delays at the polling stations;

WHEREAS both municipal and school board elections deserve proper attention paid to the candidates and the issues involved;

WHEREAS the merger of these elections would be unfair to the candidates and the voters;

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

- THAT the Hampstead Town Council request that the Quebec government continues to ensure that municipal and school board elections are kept separate and not held on the same date;
- THAT a copy of this resolution be sent to the Quebec Union of Municipalities; the Association of Suburban Municipalities; the Minister of Education, Recreation and Sports, Michelle Courchesne; the Minister of Municipal Affairs, Nathalie Normandeau; the Chairman of the Committee Studying Bill 88, Pierre Arcand; and the MNA for D'Arcy McGee, Lawrence Bergman.

Adopted

2008-156

DECISION CONCERNING THE APPEAL OF A “DANGEROUS DOG” NOTICE

WHEREAS following an incident which occurred on March 13, 2008, a “dangerous dog” notice dated March 25, 2008 was issued to Mr. Allan Flegg and Mrs. Nancy Hoffman, by the Town’s Director of Public Security, the owner of the dog in question;

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WHEREAS the owner of the dog appealed to Council, requesting a reversal of the decision, which appeal was heard by Council on June 3, 2008;

WHEREAS, after studying the details of the incident of March 13, 2008 and after hearing the witnesses who presented themselves at the appeal process of June 3, 2008;

On motion of Councillor Gonshor, seconded by Councillor Borden, it was UNANIMOUSLY RESOLVED:

- THAT the Council of the Town of Hampstead, as provided for in paragraph 5.7 of By-law N° 761, nullifies the “dangerous dog” notice issued to Mr. Allan Flegg and Mrs. Nancy Hoffman on March 25, 2008; and
- THAT the dog is not permitted to be in the dog run until such time as the owner can prove to the Town Council that the dog has received adequate behaviour training.

Adopted

2008-157

NOTICE OF MOTION – BY-LAW N° 747-7 – FEE SCHEDULE FOR CULTURAL, SPORTS AND LEISURE ACTIVITIES FOR FALL 2008 / WINTER 2009

NOTICE OF MOTION was given by Councillor Feigenbaum that, at a subsequent meeting of Council, By-law N° 747-7, to Decree the Fee Schedule for Cultural, Sports and Leisure Activities for Fall 2008 / Winter 2009, will be submitted to Council for adoption.

All Council members have received a draft copy of By-law N° 747-7 prior to this Council Meeting and a motion to dispense with the reading of the said By-law was made.

2008-158

NOTICE OF MOTION – BY-LAW N° 745-1 – MODIFYING BY-LAW N° 745 DECREERING THE APPLICABLE RATES FOR EXPENSES INCURRED BY A TOWN COUNCIL MEMBER ON BEHALF OF THE MUNICIPALITY

NOTICE OF MOTION was given by Councillor Goldwax that, at a subsequent meeting of Council, By-law N° 745-1, Modifying By-law N° 745 Decreeing Applicable Rates for Expenses incurred by a Town Council Member on behalf of the Municipality, will be submitted to Council for adoption.

All Council members have received a draft copy of By-law N° 745-1 prior to this Council Meeting and a motion to dispense with the reading of the said By-law was made.

2008-159

ACCEPTANCE OF A SETTLEMENT PROPOSAL CONCERNING COURT FILE NUMBER 500-22-144399-089

WHEREAS the Town of Hampstead is a Defendant in a court case bearing number 500-22-144399-089 before the Court of Quebec of the District of Montreal;

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WHEREAS La Garantie Compagnie d'Assurance de l'Amérique du Nord, the plaintiff in this case, is claiming from the Town an amount of \$27,410.09 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;

THEREFORE, it was proposed by Councillor Goldwax, seconded by Councillor Sternthal and UNANIMOUSLY RESOLVED:

- THAT the Town pay to La Garantie Compagnie d'Assurance de l'Amérique du Nord the amount of \$20,500.00 in capital, interest and costs and pay to the legal firm, Lavery, De Billy, the amount of \$500.00 for their fees;
- THAT the Town Clerk be authorized to sign the Mutual Release Full and Final Discharge and Transaction and the Declaration of Settlement out of Court;
- THAT Treasurer's certificate N°08-031, dated July 2, 2008, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2008-160

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 419 DUFFERIN ROAD

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

- THAT the site planning and architectural integration programs received on June 3, 2008 showing **plans and elevations for a two storey addition to the side and rear of the existing semi-detached single family dwelling at 419 Dufferin Road** and prepared by **Agapai et Alt Architects**, for the Planning Advisory Committee meeting of June 12, 2008, is **approved**, according to the provisions of Chapter 12 of Zoning By-law No 727 and as recommended by the PAC.

Adopted

2008-161

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 5791 FERNCROFT ROAD

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

- THAT the site planning and architectural integration programs received on May 26, 2008 showing **plans and elevations for a front and rear addition to the existing detached single family dwelling at 5791 Ferncroft Road** and prepared by **Wendy Spatzner, Architect** for the Planning Advisory Committee meeting of June 12, 2008, is **approved**, according to the provisions of Chapter 12 of Zoning By-law N° 727 and as recommended by the PAC.

Adopted

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2008-162

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 55 HEATH PLACE

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

- THAT the site planning and architectural integration programs received on May 27, 2008 showing **plans and elevations for a partial second storey addition to the existing detached single family dwelling at 55 Heath Place** and prepared by **Serge Darsigny, Architect** for the Planning Advisory Committee meeting of June 12, 2008, is **approved**, according to the provisions of Chapter 12 of Zoning By-law N^o 727 and as recommended by the PAC.

Adopted

2008-163

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 40 GRANVILLE ROAD

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

- THAT the site planning and architectural integration programs received on May 28, 2008 showing **plans and elevations for a an addition to the existing detached single family dwelling at 40 Granville Road** and prepared by **Robert Moskovic, Architect** for the Planning Advisory Committee meeting of June 12, 2008, is **approved**, according to the provisions of Chapter 12 of Zoning By-law N^o 727 and as recommended by the PAC.

Adopted

2008-164

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 203 HARLAND ROAD

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

- THAT the site planning and architectural integration programs received on May 2, 2008 showing **plans and elevations to demolish the existing home and erect a new detached single family dwelling in its place at 203 Harland Road** and prepared by **Geiger & Huot, Architects**, for the Planning Advisory Committee meeting of June 12, 2008, is **not approved**, according to the provisions of Chapter 12 of the Zoning By-law No 727 and as recommended by the PAC.

Adopted

2008-165

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF JUNE 2008

WHEREAS Council reviewed the list of payments for the month of June 2008;

Council discussed the matter and, on motion of Councillor Borden, seconded by Councillor Feigenbaum, it was UNANIMOUSLY RESOLVED:

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- THAT the disbursements for the period from June 1 to June 30, 2008, in the amount of \$620,411.46, are hereby approved.

Adopted

2008-166

AUTHORISATION FOR PAYMENT TO CITY OF CÔTE SAINT-LUC FOR THE INSTALLATION OF TRAFFIC LIGHTS ON FLEET IN 2003

WHEREAS, in accordance with Section 136 of the *Act to Amend Various Legislative Provisions Respecting Municipal Affairs* (S.Q., 2008 c.18 – Bill 82), the Town of Hampstead must pay, to the City of Côte Saint-Luc, an amount of \$204,137, plus accrued interest at an annual rate of 4.6312% as of June 21, 2006 and until the date of payment, as compensation for the amount that the City of Côte Saint-Luc paid to the City of Montreal to cover the cost of the installation of traffic lights, during the year 2003, on Fleet Road in the territory of the Town of Hampstead;

On motion of Councillor Feigenbaum, seconded by Councillor Gonshor, it was RESOLVED:

- TO authorize the Town Treasurer to appropriate the required amount, mentioned in the preamble, from the cumulated unreserved surplus of the Town of Hampstead for payment to the City of Côte Saint-Luc.

Mayor William Steinberg called for a vote.

Voted in favour:

Councillor Feigenbaum
Councillor Elfassy
Councillor Gonshor
Councillor Sternthal

In favour: 4

Voted against:

Councillor Borden
Councillor Goldwax

Against: 2

Adopted on Division

2008-167

GRANTING OF CONTRACT – PURCHASE OF ONE USED GRADER

WHEREAS there has been a call for tenders, by way of written invitation, for the purchase of one used grader;

WHEREAS, after analysing the tenders opened on July 2, 2008, the lowest bidder conforming to the requirements of the tender invitation is Globoquip;

WHEREAS this expense will be financed by Loan By-law N° 748, which has been approved by the Minister of Municipal Affairs and Regions;

On motion of Councillor Goldwax, seconded by Councillor Gonshor, it was UNANIMOUSLY RESOLVED:

- THAT, as recommended by the Division Chief of Purchasing, the following quotation for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

GLOBOQUIP / 9109-2741 QUEBEC INC.

One 1995 John Deere grader, model 772BH \$ 81 750.00
(as per specifications)

Three equipment books and C.D. \$ 1 250.00

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G.S.T. 5%	\$ 4 150.00
Q.S.T. 7.5%	<u>\$ 6 536.25</u>
Grand total taxes included	\$ 93 686.25

- THAT Treasurer's Certificate N° 08-028, dated July 2, 2008, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2008-168

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 July 2008, with regard to hiring auxiliary employees;

It was proposed by Councillor Feigenbaum, seconded by Councillor Gonshor 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 of July 2008, prepared by the Director of Community Services.

Adopted

2008-169

APPROVAL FOR HIRING OF AUXILIARY EMPLOYEES FOR THE PUBLIC WORKS DEPARTMENT AND FOR THE PUBLIC SECURITY DEPARTMENT

It is proposed by Councillor Goldwax, seconded by Councillor Gonshor and UNANIMOUSLY RESOLVED:

- THAT the Town Council approves the hiring of the following auxiliary employees for the Public Works Department:

Yannick Picard
Pierre Thibault

- THAT these auxiliary employees may be assigned to different functions as may be needed by the Town. These hirings are made in accordance with the provisions of the collective agreement in effect between C.U.P.E. Local 301 and the Town of Hampstead;

- THAT the Town Council approves the hiring of the following auxiliary employees for the Public Security Department:

Diane Guerriero
Katherine Durivage

- THAT these auxiliary employees may be assigned as may be needed by the Town as Public Security Officers, for a period of approximately four (4) months. These hirings are made in accordance with the provisions of the collective agreement in effect between C.U.P.E. Local 429 and the Town of Hampstead.

Adopted

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2008-170

HIRING OF MS. IRINA IOURNIOUK AS “SECRETARY (TOWN CLERK)”

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

- TO hire Ms. Irina Iourniouk as “Secretary (Town Clerk)” with a start date no later than August 4, 2008, 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 Treasurer’s Certificate N° 08-030, dated July 2, 2008, has been issued by the Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2008-171

HIRING OF SIMONA SONNENWIRTH AS “HUMAN RESOURCES OFFICER”

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

- TO hire Simona Sonnenwirth as “Human Resources Officer” not later than July 28, 2008, subject to the usual conditions and in accordance with conditions contained in the “Management - Conditions of Employment Policy” and the “Management Remuneration Policy” of the Town of Hampstead;
- THAT Treasurer’s Certificate N° 08-029, dated July 2, 2008, has been issued by the Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2008-172

CREATION OF A NEW FUNCTION - “EXECUTIVE ASSISTANT”

It was proposed by Councillor Sternthal, seconded by Councillor Goldwax and UNANIMOUSLY RESOLVED:

- TO create a new management function entitled “Executive Assistant”, the job description for which is attached and is included as an integral part of the present resolution;
- TO designate Mrs. Zelia Craveiro as “Executive Assistant” effective July 8, 2008, subject to the usual conditions and in accordance with the conditions contained in the “Management - Conditions and Benefits of Employment Policy” and the “Management Remuneration Policy” of the Town of Hampstead.

Adopted

SECOND QUESTION PERIOD

Mr. Lorne Gold

- Asked how By-law 745-1 changes By-law 745.
- Asked for information regarding the beautification work on Fleet Road.

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Mrs. Genziuk

- Asked what the actual Expense Allowance is regarding By-Law 745.
- Asked about the Council Members' annual remuneration increase.

2008-173

ADJOURNMENT

All the subjects of the Agenda having been discussed, it was proposed by Councillor Feigenbaum and unanimously resolved to declare the meeting closed.

Adopted

Dr. William Steinberg, Mayor

Me Chantal Bergeron, Town Clerk