

Minutes of Town of Hampstead

MINUTES OF THE REGULAR COUNCIL MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON NOVEMBER 7TH, 2011, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

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

ABSENT: Councillor Harvey Shaffer

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.

2011-902

ADOPTION OF THE AGENDA

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

- THAT the agenda of the regular meeting is hereby adopted with the addition of the following items:
 - **10.4** - Creation of a new function and a new position of “Director of Technological and Material Resources”.
 - **10.5** - Appointment of Mr. Michel Richard, as “Director of Technological and Material Resources”.

Adopted

2011-903

ADOPTION OF THE MINUTES

On motion of Councillor Bonnie Feigenbaum, seconded by Councillor Jack Edery, it was UNANIMOUSLY RESOLVED:

- THAT the Minutes of the Regular Council Meeting of October 3rd, 2011 are hereby approved as submitted.

Adopted

2011-904

PUBLICATION OF THE MAYOR’S REPORT ON THE FINANCIAL POSITION OF THE MUNICIPALITY

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 Leon Elfassy, it was UNANIMOUSLY RESOLVED:

- THAT the Mayor’s report on the financial position of the municipality for the year 2011 be distributed free of charge to every civic address in the Town of Hampstead

Adopted

At 9.24 p.m. Councillor Abe Gonshor left temporarily the meeting and came back at 9.25p.m.

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2011-905

DEPOSIT – STATEMENTS OF PECUNIARY INTERESTS OF MEMBERS OF COUNCIL

Written Statements of Pecuniary Interests of Mayor William Steinberg and Councillors Bonnie Feigenbaum, Abraham Gonshor, Jack Edery, Leon Elfassy, Michael Goldwax and Harvey Shaffer have been deposited at this Council Meeting, in accordance with Section 358 of the *Act respecting elections and referendums in municipalities* (R.S.Q., c.E-2.2).

2011-906

AUTHORIZATION TO SIGN AN AGREEMENT WITH LE MINISTRE DU DÉVELOPPEMENT DURABLE, ET DE L'ENVIRONNEMENT ET DES PARCS FOR THE PROGRAM « CLIMAT MUNICIPALITÉS» - PART 1.

WHEREAS le Ministre du développement durable de l'environnement et des parcs has offered to municipalities the program « climat municipalités » which consists of developing an inventory of greenhouse gas emissions and an action plan for the reduction of said emissions;

WHEREAS an agreement must be reached between le Ministre du développement durable de l'environnement et des parcs and the Town of Hampstead relating to the granting of financial assistance under the program *Climat Municipalités* - Volet 1;

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

- THAT the Director of Public Works is hereby authorized to sign, on behalf of the Town of Hampstead, the agreement relating to the granting of financial assistance under the program *Climat Municipalités* - Volet 1.

Adopted

2011-907

APPROVAL – ACTIVITIES PLAN 2011-2012 AND BUDGET PLAN 2011-2012 FOR CLD CENTRE- OUEST / CENTRE WEST

WHEREAS Council has reviewed the documents sent on October 5, 2011 by the Borough Director of Saint-Laurent concerning CLD Centre-Ouest / Centre West;

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

- THAT the Town Council of Hampstead approves the Activities Plan 2011-2012 and the Budget Plan 2011-2012 of the CLD Centre-Ouest / Centre West.

Adopted

2011-908

PROTOCOL OF AGREEMENT WITH THE POLICE DEPARTMENT OF MONTREAL

WHEREAS the Police Department of Montreal is willing to cooperate with the Town of Hampstead in order to facilitate the prosecution of offences relating to graffiti under the Municipal Nuisance By-law, as well as the resulting civil claims for damage;

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WHEREAS the Police Department of Montreal is willing to communicate the personal information it may detain concerning incidents of this nature;

WHEREAS the exchange of personal information between public bodies is allowed for the purposes of law enforcement;

It was proposed by Councillor Leon Elfassy, seconded by Councillor Jack Edery and UNANIMOUSLY RESOLVED;

- 1) That the Town of Hampstead agrees to the terms of a protocol of agreement proposed by the Police Department of Montreal, establishing the applicable guidelines for the exchange of personal information in matters related to graffiti vandalism.
- 2) That the term of this protocol of agreement be of one year, and be automatically renewed at its end, unless one of the parties gives the other a notice to the contrary.
- 3) That the Director of Public Security be authorized to sign this protocol of agreement on behalf of the Town of Hampstead.

Adopted

2011-909

ADOPTION OF BY-LAW NO.791 AMENDING ZONING BY-LAW NO.727 OF THE TOWN OF HAMPSTEAD, SUBDIVISION BY-LAW NO.728 REGULATING CADASTRAL OPERATIONS IN THE TOWN OF HAMPSTEAD, BY-LAW NO.730 CONCERNING PERMITS AND CERTIFICATES AND BY-LAW NO.759 CONCERNING THE DEMOLITION OF BUILDINGS

CONSIDERING THAT notice of motion of By-law N° 791 was given at the Regular Council meeting of September 6th, 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 Leon Elfassy, seconded by Councillor Michael Goldwax and UNANIMOUSLY RESOLVED:

- TO approve By-law n° 791 entitled: “By-law amending zoning By-law no.727 of the Town of Hampstead, Subdivision By-law no.728 regulating cadastral operations in the Town of Hampstead, By-law no.730 concerning permits and certificates and By-law no.759 concerning the demolition of buildings”.

Adopted

2011-910

ADOPTION OF BY-LAW 775-1 - BY-LAW MODIFYING BY-LAW NO.775 CONCERNING SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAM (SPAIP)

CONSIDERING THAT notice of motion of By-law N° 775-1 was given at the Special Council meeting of September 26th, 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 Leon Elfassy, seconded by Councillor Abe Gonshor and UNANIMOUSLY RESOLVED:

- TO approve By-law n° 775-1 entitled: By-law modifying By-law no.775 concerning site planning and architectural integration program (SPAIP)”;

Adopted

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2011-911

NOTICE OF MOTION – BY-LAW N° 792 – TAX RATES FOR THE YEAR 2012

NOTICE OF MOTION was given by Councillor Jack Edery that, at a subsequent meeting of Council, By-law N° 792, decreeing and imposing the tax rates to cover the Town's Expenses for the Year 2012, will be submitted to Council for adoption.

2011-912

DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON OCTOBER 17TH 2011

Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on October 17th, 2011.

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

2011-913

REQUEST TO AUTHORIZE FAÇADE MODIFICATIONS TO A DETACHED SINGLE FAMILY DWELLING AT 18 HOLTHAM PLACE, LOT NO.: 2 090 017, ZONE RB-4 (SPAIP BY-LAW NUMBER 775)

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

- THAT the site planning and architectural integration program showing **plans and elevations** of facade modifications to a detached single family dwelling at 18 Holtham Place, submitted to the Planning Advisory Committee meeting of October 17th, 2011 is *approved* as recommended by the PAC. The whole meets the prescribed standards of the Zoning By-law number 727 and the prescribed standards of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC.

Adopted

2011-914

REQUEST TO AUTHORIZE A SINGLE STOREY ADDITION IN THE REAR YARD OF A DETACHED SINGLE FAMILY DWELLING AT 2 HOLLY ROAD, LOT NO.: 2 089 355, ZONE RA-2 (SPAIP BY-LAW NUMBER 775)

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** of a single storey addition in the rear yard of a detached single family dwelling at 2 Holly Road, submitted to the Planning Advisory Committee meeting of October 17th, 2011 is *conditionally approved* as recommended by the PAC. The whole does not meet the prescribed standards of the Zoning By-law number 727 and partially meets the prescribed standards of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC provided that:
 - The ground floor addition shall rest on a poured concrete continuous foundation wall;
 - Clarification on the architectural plans showing the wraparound of new roof and overhang on existing building façade.

Adopted

At 9.40 p.m. Councillor Leon Elfassy left temporarily the meeting.

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Intervention of interested persons concerning request for minor exemption at 2 Holly Road:

No interventions

2011-915

MINOR EXEMPTION REQUEST TO THE ZONING BY-LAW NUMBER 727, ARTICLE 6.2, SUB-PARAGRAPH 1 TO PERMIT THE FRONT SECONDARY SETBACK AT 4.72 M (15.5 FT) INSTEAD OF THE PRESCRIBED 6.1 M (20.0 FEET) IN ORDER TO AUTHORIZE A SINGLE STOREY ADDITION IN THE REAR YARD OF A DETACHED SINGLE FAMILY DWELLING AT 2 HOLLY ROAD, LOT NO.: 2 089 355, ZONE RA-2 (MINOR DEROGATION BY-LAW NUMBER G-18-0005)

WHEREAS the members of Council have reviewed the request for approval for a minor exemption to Zoning By-law 727, Article 6.2 sub-paragraph 1 to permit the front secondary setback at 4.72m (15.5 feet) instead of the prescribed 6.1m (20.0 feet) in order to authorize a single storey addition in the rear yard of a detached single family dwelling;

WHEREAS the Planning Advisory Committee, at its meeting held on October 17th, 2011, recommended *to approve* the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 2 Holly Road, on lot no.: 2 089 355 Zone RA-2 is *approved*.

Adopted

2011-916

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF OCTOBER 2011

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

On motion of Councillor Jack Edery, seconded by Councillor Abe Gonshor, it was UNANIMOUSLY RESOLVED:

- THAT the disbursements for the period from September 29th, 2011 to October 31st, 2011, in the total amount of \$1 073 678.37 are hereby approved (\$603,128.31 for cheques and \$470,550.06 for on line payments).

Adopted

2011-917

FILING OF THE SECOND COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR 2011

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, for the fiscal year 2011, compared with the same period for the fiscal year 2010; and
- 2) statement of projected revenues and expenditures for the fiscal year 2011, at the time of the statement's preparation, compared with those provided for in the budget for the year 2011.

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2011-918

AUTHORIZATION TO PAY IN INSTALLMENTS THE EXPENSES COVERING HAMPSTEAD’S SHARE OF MONTREAL WEST / HAMPSTEAD 2011-2012 SEASON OF MINOR HOCKEY EXPENSES AND ICE TIME

WHEREAS the Town of Hampstead participates in the hockey program housed in Montreal West under the supervision of the Montreal West Civic Recreation Association;

WHEREAS, based on the anticipated number of Hampstead residents who will participate in the hockey program, the expected expense for the fall 2011 / winter 2012 is approximately \$106,000;

WHEREAS, based on the recommendation of the Director of Community Services, an advance partial payment at the beginning of the season is deemed justified given Hampstead’s rate of participation in a non-profit organization’s services;

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

THAT Council approves the payment of this expense in three installments as follows:

- 1st Installment: No later than October 31, 2011 - A portion of the registration user fees - \$25,000;
- 2nd Installment: No later than December 31, 2011 – A second portion of the registration user fees \$25,000;
- 3rd Installment: At the end of the season - The balance of the program costs but not exceeding \$60,000.

Adopted

At 9.43 p.m. Councillor Leon Elfassy left back.

2011-919

CONTRACT FOR THE SUPPLY OF ROAD SALT – WINTER 2011/2012

WHEREAS the adoption of resolution 2011-794 on June 20th, 2011 allowed the Town of Hampstead to be part of Montreal’s group call for tender for the purchase of road salt for the winter 2011/2012;

WHEREAS, as result of Montreal public call for tenders 11-11666, Sifto Canada Corporation is the supplier who obtain the contract for the Town of Hampstead;

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

- TO, ratify the resolution CG00 0309 adopted on September 28 2011 by the City of Montreal awarding the contract for the supply of road salt for the winter 2011/2012 to Sifto Canada Corporation at the following cost:

Supply of road salt	\$ 67.00/mt
Transportation fee	\$ 3.45/mt
N.B. approx. usage of 1 300 metric tons	

Taxes are not included on the above price.

Delivery: IF and WHEN required only.

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Treasurer's Certificate N° 11-034 dated October 18, 2011, has been issued by the Town Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2011-920

HIRING OF MR MICHEL PILON, AS "COMMANDANT – PUBLIC SECURITY"

It was proposed by Councillor Leon Elfassy, seconded by Councillor Abe Gonshor and UNANIMOUSLY RESOLVED:

- TO hire **Mr. MICHEL PILON, As "Commandant – Public Security"** as of November 8, 2011, subject to the usual conditions and in accordance with the conditions described in the contract signed on October 12, 2011 between Mr. Pilon and the Town, as represented by the Director of Human Resources and contained in the confidential "Personnel" file in the Director of Human Resources' Office;

The Treasurer's certificate no 11-035, dated November 1st, 2011, has been issued by the Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2011-921

SUSPENSION OF EMPLOYEE #1025

WHEREAS Council, by resolution 2011-900, ratified a suspension without pay of employee #1025 for investigation purposes, imposed by the director general on September 29, 2011, in accordance with article 113 of the Cities and Towns Act;

WHEREAS such suspension was imposed pending the conclusion of an investigation;

WHEREAS the investigation is now completed, the employee has been returned to work;

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

- **THAT**, having inquired, Council imposes a three (3) day suspension without pay of employee #1025, at a date to be determined by the Director General.

Adopted

2011-922

ADMINISTRATIVE DISMISSAL OF MR. UMBERTO GINOCCHIO

WHEREAS Mr. Umberto Ginocchio has been absent from work for almost six (6) years, in fact since the month of January 2006;

WHEREAS Mr. Umberto Ginocchio is totally incapable to resume his job of office agent;

WHEREAS the Town has no reasonable hope that Mr. Umberto Ginocchio will be able to return to work in a foreseeable future;

WHEREAS no reasonable accommodation is possible under the current circumstances;

It was proposed by Councillor Michael Goldwax, seconded by Councillor Abe Gonshor and UNANIMOUSLY RESOLVED:

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- **THAT**, having inquired, Council dismisses and terminates the employment of Mr. Umberto Ginocchio, effective today.

Adopted

2011-923

**CREATION OF A NEW FUNCTION AND A NEW POSITION OF
“DIRECTOR OF TECHNOLOGICAL AND MATERIAL RESOURCES”**

It was proposed by Councillor Abe Gonshor, seconded by Councillor Leon Elfassy and UNANIMOUSLY RESOLVED:

- TO create a new management function of “**Director of Technological and Material Resources**” which job is classified at Level IV;
- TO fill one (1) position in the newly created function.

Adopted

2011-924

**APPOINTMENT OF MR. MICHEL RICHARD, AS “DIRECTOR OF
TECHNOLOGICAL AND MATERIAL RESOURCES”**

It was proposed by Councillor Jack Edery, seconded by Councillor Bonnie Feigenbaum and UNANIMOUSLY RESOLVED:

- TO promote **Mr. Michel Richard** as “**DIRECTOR OF TECHNOLOGICAL AND MATERIAL RESOURCES**” as of November 8, 2011, subject to the usual conditions in accordance with the “Management Remuneration Policy” and the “Senior Management Conditions of Employment and Benefits Policy” of the Town of Hampstead;

Adopted

2011-925

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^c Nathalie Lauzière, Town Clerk