

**Minutes of Town of Hampstead**

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON JULY 7, 2009, 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, Clifford Borden, David Sternthal and Leon Elfassy, forming a quorum with Mayor Steinberg presiding.

**ABSENT:** Councillors Bonnie Feigenbaum and Michael Goldwax.

**ALSO PRESENT:** Mr. Richard Sun, Director General and Charles Ohayon, Assistant Town Clerk, acting as Secretary of the Meeting.

**FIRST QUESTION PERIOD**

The Mayor invites the persons in attendance to ask their questions.

2009-152

**ADOPTION OF THE AGENDA**

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

THAT the agenda of the regular meeting is hereby adopted as submitted.

Adopted

2009-153

**ADOPTION OF THE MINUTES**

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

- THAT the Minutes of the Regular and Special Council Meetings of June 1, 2009 and of June 15, 2009, be and are hereby approved as submitted.

Adopted

2009-154

**ADOPTION – BY-LAW N° 760-1 – TO AMEND BY-LAW N° 760 CONCERNING SWIMMING POOLS**

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WHEREAS the Members of Council have received, within the delay, a copy of By-law N° 760-1 and declare to have read it;

It was proposed by Councillor Borden, seconded by Councillor Elfassy and UNANIMOUSLY RESOLVED:

- TO approve By-law N° 760-1 to be entitled: “By-law amending By-law N° 760 Concerning Swimming Pools”.

Adopted

2009-155

**ADOPTION – BY-LAW N° 775 CONCERNING THE SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAM (SPAIP)**

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WHEREAS the Members of Council have received, within the delay, a copy of By-law N° 775 and declare to have read it;

It was proposed by Councillor Borden, seconded by Councillor Elfassy and UNANIMOUSLY RESOLVED:

- TO approve By-law N° 775 to be entitled: “By-law N° 775 Concerning the Site Planning and Architectural Integration Program (SPAIP)”.

Adopted

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2009-156

### **ADOPTION – BY-LAW N° 747-9 – FEE SCHEDULE FOR CULTURAL, SPORTS AND LEISURE ACTIVITIES FOR SPRING / SUMMER 2009**

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CONSIDERING THAT notice of motion of By-law N° 747-9 was given at the Regular Council meeting of June 1, 2009 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 Gonshor, seconded by Councillor Borden and UNANIMOUSLY RESOLVED:

- TO approve By-law N° 747-9 entitled: “By-law Further Modifying By-law N° 747 to Decree the Fee Schedule for Cultural, Sports and Leisure Activities for Spring / Summer 2009”.

Adopted

2009-157

### **URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 69 GLENMORE ROAD**

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

- THAT the site planning and architectural integration programs showing **plans and elevations for an addition and renovation to a detached single family dwelling at 69 Glenmore Road** submitted to the Planning Advisory Committee meeting of June 8, 2009, is **approved**, the whole in conformity with the provisions of Chapter 12 of the Zoning By-law N° 727 and as recommended by the PAC.

Adopted

2009-158

### **URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 2 BRIARDALE ROAD**

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

- THAT the site planning and architectural integration programs showing **plans and elevations to demolish the existing home and erect a new detached single family dwelling in its place at 2 Briardale Road** submitted to the Planning Advisory Committee meeting of June 8, 2009, is **refused**, according to the provisions of Chapter 12 of the Zoning By-law No 727 and as recommended by the PAC.

Adopted

2009-159

### **URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 15 KILBURN ROAD**

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

- THAT the site planning and architectural integration programs showing **plans and elevations for an addition and renovation to a detached single family dwelling at 15 Kilburn Road** submitted to the Planning Advisory Committee meeting of June 8, 2009, is **approved**, the whole in conformity with the provisions of Chapter 12 of the Zoning By-law N° 727 and as recommended by the PAC.

Adopted

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### RECESS

*At 9:40 p.m., it was proposed by Mayor Steinberg and unanimously resolved, to recess the meeting.*

*At 9:50 p.m., the meeting was resumed. All Council members were still present.*

2009-160

#### **URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 24 THURLOW ROAD**

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

- THAT the site planning and architectural integration programs showing **plans and elevations for an addition and renovation to a detached single family dwelling at 24 Thurlow Road** submitted to the Planning Advisory Committee meeting of June 8, 2009, is **refused**, the whole in conformity with the provisions of Chapter 12 of the Zoning By-law N<sup>o</sup> 727 and as recommended by the PAC.

Adopted

2009-161

#### **URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 15 LYNCROFT ROAD**

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

- THAT the site planning and architectural integration programs showing **plans and elevations to demolish the existing home and to allow a 2<sup>nd</sup> floor addition to a detached single family dwelling at 15 Lyncroft Road** submitted to the Planning Advisory Committee meeting of June 8, 2009, is **refused**, according to the provisions of Chapter 12 of the Zoning By-law No 727 and as recommended by the PAC.

Adopted

2009-162

#### **URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 54 CLEVE ROAD**

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

- THAT the site planning and architectural integration programs showing **plans and elevations to modify and renovate the attic of a detached single family dwelling at 54 Cleve Road** submitted to the Planning Advisory Committee meeting of June 8, 2009, is **refused**, the whole in conformity with the provisions of Chapter 12 of the Zoning By-law N<sup>o</sup> 727 and as recommended by the PAC.

Adopted

2009-163

#### **URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 6312 MACDONALD AVENUE**

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

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- THAT the site planning and architectural integration programs showing **plans and elevations for an addition and renovation to a detached single family dwelling at 6312 MacDonald Avenue** submitted to the Planning Advisory Committee meeting of June 8, 2009, is **approved**, the whole in conformity with the provisions of Chapter 12 of the Zoning By-law N<sup>o</sup> 727 and as recommended by the PAC.

Adopted

**Intervention of interested persons concerning request for minor exemption at 5725 Queen Mary Road:**

***No Intervention***

2009-164

**REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 5725 QUEEN MARY ROAD**

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WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 5725 Queen Mary Road, lot 2089452, to permit the existing left side setback to be 2.11 metres (6.923 feet) instead of the required minimum allowable of 2.3 metres (7.5 feet), in accordance with the provisions of By-law N<sup>o</sup> 727, article 6.3;

WHEREAS the Planning Advisory Committee, at its meeting held on June 8, 2009, recommended to approve the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 5725 Queen Mary Road, lot 2089452, is **approved**.

Adopted

2009-165

**REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 5725 QUEEN MARY ROAD**

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WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 5725 Queen Mary Road, lot 2089452, to permit the existing accessory building to have the length of a wall at 3.75 metres (12.3 feet) instead of the maximum allowable length of 3.5 metres (11.4 feet), in accordance with the provisions of By-law N<sup>o</sup> 727, article 6.14.e;

WHEREAS the Planning Advisory Committee, at its meeting held on June 8, 2009, recommended to approve the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 5725 Queen Mary Road, lot 2089452, is **approved**.

Adopted

2009-166

**REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 5725 QUEEN MARY ROAD**

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WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 5725 Queen Mary Road, lot 2089452, to permit the existing accessory building to occupy an area of 11.05 square metres (118.96 square feet) instead of the maximum allowable area of 10 square metres (107.6 square feet), in accordance with the provisions of By-law N<sup>o</sup> 727, article 6.14.e;

WHEREAS the Planning Advisory Committee, at its meeting held on June 8, 2009, recommended to approve the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 5725 Queen Mary Road, lot 2089452, is **approved**.

Adopted

### *Intervention of interested persons concerning request for minor exemption at 15 Lyncroft Road:*

#### *No Intervention*

2009-167

### **REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 15 LYNCROFT ROAD**

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WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 15 Lyncroft Road, lot 2088966, to permit the existing left side setback to be 2.08 metres (6.83 feet) instead of the required minimum allowable of 2.3 metres (7.5 feet), this is necessary to allow the 2<sup>nd</sup> floor addition, in accordance with the provisions of By-law N<sup>o</sup> 727, article 6.3;

WHEREAS the Planning Advisory Committee, at its meeting held on June 8, 2009, recommended to approve the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 15 Lyncroft Road, lot 2088966, is **approved**.

Adopted

2009-168

### **REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 15 LYNCROFT ROAD**

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WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 15 Lyncroft Road, lot 2088966, to permit the existing right side setback to be 2.15 metres (7.05 feet) instead of the required minimum allowable of 2.3 metres (7.5 feet), this is necessary to allow the 2<sup>nd</sup> floor addition, in accordance with the provisions of By-law N<sup>o</sup> 727, article 6.3;

WHEREAS the Planning Advisory Committee, at its meeting held on June 8, 2009, recommended to approve the aforementioned request for minor exemption;

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

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- THAT the aforementioned request for minor exemption for the property located at 15 Lyncroft Road, lot 2088966, is **approved**.

Adopted

2009-169

**REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 15 LYNCROFT ROAD**

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WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 15 Lyncroft Road, lot 2088966, to permit the proposed bay window on the right side of the building to be in the side setback located approximately 1.68 metres (5.5 feet), instead of the required minimum allowable of 4 metres (13.1 feet), in accordance with the provisions of By-law N<sup>o</sup> 727, article 6.7.b;

WHEREAS the Planning Advisory Committee, at its meeting held on June 8, 2009, recommended to refuse the aforementioned request for minor exemption;

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

- THAT the aforementioned request for minor exemption for the property located at 15 Lyncroft Road, lot 2088966, is **refused**.

Adopted

*At 10:52 p.m. Councillor Borden left the meeting.*

*At 10:56 p.m. Councillor Borden returned to the meeting.*

2009-170

**APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF JUNE 2009**

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WHEREAS Council reviewed the list of payments for the month of June 2009;

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

- THAT the disbursements for the period from May 28, 2009 to June 30, 2009, in the amount of \$863,276.25, are hereby approved.

Adopted

2009-171

**APPROVAL FOR FINANCING FROM THE TOWN'S WORKING FUND OF A PORTION OF THE PURCHASE PRICE FOR A FORD PICK-UP**

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WHEREAS the purchase of a 2009 Ford Ranger pick-up was concluded through a direct contract with the supplier Viau Ford 1990 Inc;

WHEREAS the vehicle was purchased for a sum of \$20,955.24 taxes included;

WHEREAS the Town wishes to finance a portion equivalent to \$12,000 from the working fund, said sum to be reimbursed over a period of three years as of the 2010 fiscal year;

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

THAT a sum of \$12,000 for the purchase of a 2009 Ford Ranger pick-up will be financed through the Town of Hampstead's working fund.

Adopted

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2009-172

### **TEMPORARY REPLACEMENT OF THE DIRECTOR GENERAL DURING HIS ABSENCES**

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WHEREAS it is desirable to amend the list of positions which may be designated to perform the duties of Director General and replace the Director General during the latter's temporary absences;

It was proposed by Councillor Borden, seconded by Councillor Elfassy and UNANIMOUSLY RESOLVED:

- THAT the Director General designates either the Town Clerk, the Town Treasurer, the Director of Human Resources OR the Director of Public Works to temporarily perform the duties of Director General and to exercise the authority of Director General during his temporary absences;
- THAT the Mayor or, in the event of his absence, the Town Council designate one of the aforementioned directors to assume the duties of the Director General if the Director General is unable to carry out his responsibilities; or if the office of the Director General is vacant; and
- THAT in the case of such replacement, the person temporarily appointed to this higher position is remunerated as a Temporary Promotion in accordance with the Management Remuneration Policy of the Town of Hampstead.

Adopted

2009-173

### **APPROVAL OF AGREEMENT IN PRINCIPLE BETWEEN THE TOWN OF HAMPSTEAD AND CSSS CAVENDISH**

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WHEREAS within the context of the *Plan québécois de lutte à une pandémie influenza*, should there be a pandemic, the CSSS will have to ensure access to care and services; and

WHEREAS the CSSS, within that context, must set up non-traditional sites to carry out triage and medical evaluation of people who present flu-like symptoms; and

WHEREAS the Irving L. Adessky Community Centre responds to the criteria for non-traditional sites as required by the *Agence de la santé et des services sociaux*;

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

- THAT the Town of Hampstead approves the Agreement in principle reached with the CSSS Cavendish; and
- TO AUTHORIZE the Director General to sign the said Agreement in principle.

Adopted

2009-174

### **CREATION OF A NEW JOB OF "BUILDING INSPECTOR"**

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It was proposed by Councillor Elfassy, seconded by Councillor Borden and RESOLVED:

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- TO CREATE a new job of “**Building Inspector**”, salary grade 9, with the Urban Planning Department be, and is hereby, created in accordance with the provisions of the applicable collective agreement.

Mayor Steinberg called for a vote.

**Voted in favour:**

Councillor Elfassy  
Councillor Borden  
Mayor Steinberg

**Voted against:**

Councillor Sternthal  
Councillor Gonshor

**In favour: 3**

**Against: 2**

Adopted on Division

2009-175

**APPROVAL FOR HIRING OF AUXILIARY EMPLOYEES AND STUDENTS FOR THE PUBLIC WORKS DEPARTMENT AND FOR THE COMMUNITY SERVICES AND RECREATION DEPARTMENT**

It is proposed by Councillor Elfassy, seconded by Councillor Borden and UNANIMOUSLY RESOLVED:

- THAT the Town Council approves the hiring of the following student employees for the Public Works Department:
  - Jonathan Lasry-Legault
  - Annick Cornet
  - Ryan Lenilnowski
  - E. Amirasslani
  - Nadia Caron
  - Mark Titleman
  - Justin Tremblay
  - Brian Kelenson
  - James Plotkin

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 blue-collar employees for the Community Service and Recreation Department:
  - Mauricio Henriquez, auxiliary
  - Sean Bernstein, student
  - Laurent Taillefer, student
  - Dustin Plotkin, student

The auxiliary employee 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.

Adopted

2009-176

**END OF MANDATE TO Me JULIUS GREY**

It was proposed by Councillor Sternthal, seconded by Councillor Gonshor and RESOLVED:

- TO end the mandate the Town of Hampstead has entrusted in Me Julius Grey.

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- THAT this resolution takes effect not later than \_\_\_\_\_.

Mayor Steinberg called for a vote.

**Voted in favour:**

Councillor Elfassy  
Councillor Sternthal  
Councillor Gonshor

**Voted against:**

Councillor Borden

**In favour: 3**

**Against: 1**

Adopted on Division

2009-177

### **TEMPORARY SUSPENSION OF NEWSLETTER**

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It was proposed by Councillor Sternthal, seconded by Councillor Gonshor and RESOLVED:

- TO temporarily suspend the publication and distribution of the Town of Hampstead's newsletter for the period of August to November 2009.

Mayor Steinberg called for a vote.

**Voted in favour:**

Councillor Sternthal  
Councillor Gonshor

**Voted against:**

Councillor Elfassy  
Councillor Borden

**In favour: 2**

**Against: 2**

Rejected

### **SECOND QUESTION PERIOD**

The Mayor invites the persons in attendance to ask their questions.

2009-178

### **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

### **MAYOR'S VETO OF RESOLUTION N<sup>o</sup> 2009-176**

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According to the provisions of Section 53 (2) of the *Cities and Towns Act*, I, the undersigned William Steinberg, Mayor of the Town of Hampstead, refuse to approve Resolution N<sup>o</sup> 2009-176 concerning the withdrawal of mandate to Me Julius Grey.

Dated at Hampstead, this 8<sup>th</sup> day of July, 2009

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Dr. William Steinberg, Mayor

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Dr. William Steinberg, Mayor

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Charles Ohayon, Assistant Town Clerk