

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON APRIL 5, 2007, 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, Abraham Gonshor and David Sternthal, forming a quorum with Mayor Steinberg presiding

ABSENT: Councillor Michael Goldwax

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

FIRST QUESTION PERIOD

Mrs. Gertie Jablonowski Shuster – 54 Holtham Place

- Asked why the Town found it necessary to have a dog run.

Mrs. Linda Rotchin – 3 Belsize

- Asked that the Zoning By-law, regarding the provisions for hedges, be amended.

Mrs. Renée Sanders Landenheim – 7 Lyncroft

- Asked that the Town amend the By-law concerning dogs to include that a dog which bites a person without provocation must be either removed from the territory of the Town or destroyed.

Mrs. Raja Jablonowski – 56 Holtham Place

- Asked questions concerning the dog run and asked who is responsible for the survey in this regard.
- Asked what the library membership fee is.

Mrs. Robinson – 182 Finchley

- Asked what the 2007 recreation budget is.
- Asked what the pool membership fee is.
- Asked how much is spent on tennis.

Mr. Tietelman – 5811 Ferncroft

- Complained about the increased amount of traffic on Ferncroft since the installation of traffic lights on Fleet Road. He also expressed concern over the number of vehicles which do not respect 'stop' signs.

Mrs. Candice Levine – 184 Netherwood

- Complained about traffic and the number of vehicles which do not respect the 'stop' signs.
- Asked how the Town determines priorities for snow removal operations and what the snow removal policy is.

2007-078

ADOPTION OF THE AGENDA

On motion of Councillor Bonnie Feigenbaum, seconded by Councillor Clifford Borden, it was UNANIMOUSLY RESOLVED:

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- THAT the Agenda of the regular meeting is hereby adopted with the addition of the following item under “Other Business”:

12.2 Abolition of the Position of “Assistant Director General”.

Adopted

Councillor Leon Elfassy temporarily left the Meeting.

2007-079

ADOPTION OF THE MINUTES

On motion of Councillor Bonnie Feigenbaum, seconded by Councillor David Sternthal, it was UNANIMOUSLY RESOLVED:

- THAT the Minutes of the Regular Council Meeting of March 5, 2007 and the Special Council Meeting of March 26, 2007 be and are hereby approved as submitted.

Adopted

Councillor Leon Elfassy returned to the Meeting.

Councillor David Sternthal temporarily left the Meeting.

2007-080

RESOLUTION OF THE TOWN OF HAMPSTEAD TO SUPPORT THE CONTINUATION OF A NEIGHBOURHOOD POLICE STATION

WHEREAS successive Councils of the Town of Hampstead lobbied enthusiastically for greater police presence following the loss of the Hampstead Police Department and the establishment of the Montreal Police Department, Station 15, in the Notre-Dame-de-Grâce district of the City of Montreal;

WHEREAS the level of service provided by the Montreal Police Department, Station 15, located in the Notre-Dame-de-Grâce district of the City of Montreal, was deemed, by the Town of Hampstead to be seriously insufficient until the establishment of the Neighbourhood Police Station (NPS) model, this model being established, in part, in response to the need to bring police services closer to the communities it serves;

WHEREAS the community-based NPS9 resulted in significant improvements in service level, response time, communication, contact and the feeling of safety and security, and the relationship between the police service and the local community improved with each successive commander, and the police officers serving out of NPS9 are greatly appreciated by the members of the many schools, synagogues, churches and seniors’ residences in addition to all other residents who feel close to their police department as a result of the community-based policing model and as a result of the willingness of the local officers to understand the many cultures, languages and backgrounds of the local population;

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WHEREAS the residents of the current City of Côte Saint-Luc, Town of Hampstead and Town of Montreal West voted overwhelmingly to demerge from the City of Montreal (Borough of Côte Saint-Luc - Hampstead - Montreal West) in the referendum held June 20, 2004 and subsequent legislation reconstituted these three municipalities;

WHEREAS residents of the Borough of Côte-des-Neiges-Notre-Dame-de-Grâce are presently served by Neighbourhood Police Stations 11, 25 and 26, while the residents of the City of Côte Saint-Luc, Town of Hampstead and Town of Montreal West are served by Neighbourhood Police Station 9;

WHEREAS the residents of the City of Côte Saint-Luc, Town of Hampstead and Town of Montreal West fear that the removal of its NPS would dramatically diminish the local police presence to undesirable levels once loathed in the 1970s and 1980s;

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

- THAT the Council of the Town of Hampstead hereby informs the Montreal Police Department and the Agglomeration of Montreal that it unanimously opposes the merger of NPS 9 and NPS 11;
- THAT the Council of the Town of Hampstead hereby informs the Montreal Police Department and the Agglomeration of Montreal that said Town insists on retaining a local NPS in the territory of Côte Saint-Luc, serving the population of Côte Saint-Luc, Hampstead and Montreal West.
- THAT the Council of the Town of Hampstead will join with the Councils of Montreal West and Côte Saint-Luc to take all possible steps to prevent an unwanted merger of its NPS without its consent
- THAT the Council of the Town of Hampstead demands that the Montreal Police Department and the Agglomeration of Montreal leave NPS 9 as a local station serving Côte Saint-Luc, Hampstead and Montreal West.
- THAT copies of this resolution be sent to all members of the Agglomeration of Montreal, to the Minister of Public Security, to the MNAs for d'Arcy McGee and NDG.

Adopted

2007-081

APPROVAL OF THE RENEWAL OF EXPECTATIONS OF THE TOWN OF HAMPSTEAD FROM CLD CENTRE WEST FOR 2006-2007

WHEREAS the CLD (Centre local de développement) Centre West serves the areas of the Saint-Laurent Borough and the City of Côte Saint-Luc, the Town of Hampstead and the Town of Montreal West;

WHEREAS the Members of Council have reviewed the letter and documents sent on February 28, 2007 from the Borough Director of Saint-Laurent concerning the municipal expectations from the CLD Centre West;

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

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- THAT the Council of the Town of Hampstead approves the renewal of the 2006-2007 Municipal Expectations from the CLD Centre West for 2007-2008.

Adopted

2007-082

APPOINTMENT OF REPRESENTATIVES TO THE BOARD OF DIRECTORS OF THE CLD CENTRE WEST

WHEREAS funds are available for the operation of a CLD (Centre local de développement) on the territories of Côte Saint-Luc, Hampstead and Montreal West;

WHEREAS it is in the interest of all parties that the Borough of Saint Laurent, the City of Côte Saint-Luc, the Town of Hampstead and the Town of Montreal West join together in order to allay the administrative burden and to benefit from economies of scale offered by the constitution of a CLD;

WHEREAS the reconstituted municipalities of Côte Saint-Luc, Hampstead and Montreal West must pursue common goals for the continuation of their participation within the CLD Centre West;

WHEREAS all three reconstituted municipalities have agreed, in principle, on the appointment of their representatives to sit on the Board of Directors of the CLD Centre West;

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

- THAT the Town of Hampstead approves the appointment of the following individuals to sit on the Board of Directors of the CLD Centre West, representing Côte Saint-Luc, Hampstead and Montreal West:

Me Dida Berku, Councillor, City of Côte Saint-Luc;

Mrs. Rachel Chemtob, Manager, Pro-Montreal Entrepreneurs (small and medium size firms); and

Mr. Christian Chiasson, Urban Planning Coordinator, City of Côte Saint-Luc, as a non-voting member.

- THAT said mandate shall be for a one year period commencing April 1, 2007 and ending on March 31, 2008.

Adopted

Councillor David Sternthal returned to the Meeting.

2007-083

ADOPTION – BY-LAW N° 747-3 – TO DECREE THE FEE SCHEDULE FOR CULTURAL, SPORTS AND LEISURE ACTIVITIES FOR SPRING / SUMMER 2007

CONSIDERING THAT Notice of Motion of By-law N° 747-3 was given at the Council meeting of February 5, 2007 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;

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It was proposed by Councillor Bonnie Feigenbaum, seconded by Councillor Clifford Borden and RESOLVED:

- TO approve By-law N° 747-3 entitled: “By-law Further Modifying By-law N° 747 to Decree the Fee Schedule for Cultural, Sports and Leisure Activities for Spring / Summer 2007”.

Mayor William Steinberg called for a vote.

Voted in favour:

Councillor Feigenbaum
Councillor Borden
Councillor Gonshor
Councillor Sternthal

Voted against:

Councillor Elfassy

In favour: 4

Against: 1

Adopted on Division

2007-084

ADOPTION – SECOND DRAFT BY-LAW N° 727-5 FURTHER MODIFYING ZONING BY-LAW N° 727

WHEREAS the Members of Council have received a copy of Second Draft By-law N° 727-5 further modifying Zoning By-law N° 727, concerning decks and accessory buildings, and declare to have read it;

It was proposed by Councillor Abraham Gonshor, seconded by Councillor Clifford Borden, and UNANIMOUSLY RESOLVED:

- TO approve Second Draft By-law N° 727-5 to be entitled: “By-law to Further Modify Zoning By-law N° 727 (Decks and Accessory Buildings)”.

Adopted

2007-085

ADOPTION – BY-LAW N° 729-1 TO MODIFY BUILDING BY-LAW N° 729

WHEREAS Notice of Motion of By-law N° 729-1 was given at the Council meeting of March 5, 2007 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 Clifford Borden, seconded by Councillor Leon Elfassy, and UNANIMOUSLY RESOLVED:

- TO approve By-law N° 729-1 to be entitled: “By-law to Modify Building By-law N° 729 (Basement Floor Elevation and Protection against Backflow of Sewage)”.

Adopted

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2007-086

NOTICE OF MOTION – BY-LAW N° 758 – REPLACING THE WORDS “MONTREAL URBAN COMMUNITY POLICE DEPARTMENT” IN ALL EXISTING BY-LAWS OF THE TOWN OF HAMPSTEAD

NOTICE OF MOTION was given by Councillor Bonnie Feigenbaum that, at a subsequent meeting of Council, By-law N° 758 replacing the words “Montreal Urban Community Police Department” with the words “Montreal Police Department” in all existing by-laws of the Town of Hampstead, will be submitted to Council for adoption.

All Council members have received a copy of By-law N° 758 prior to this Council Meeting and a motion to dispense with the reading of the said By-law was made.

2007-087

ACCEPTANCE OF A SETTLEMENT PROPOSAL CONCERNING COURT FILE NUMBER 500-17-015728-036 (LA COMPAGNIE D’ASSURANCES JEVCO)

WHEREAS, during the course of 2001, the Town awarded contract TP2001-01 for the reconstruction of roads authorized by Loan By-law N° 720;

WHEREAS the work was completed and a cheque in the amount of \$125,887.00, in payment of the outstanding balance, was issued on December 21, 2001 in favour of Jevco Insurance, the general contractor’s surety;

WHEREAS the cheque was never cashed and was returned to the Municipality on June 10, 2002;

WHEREAS Jevco Insurance has sued the Town for the outstanding balance as of June 2, 2003;

WHEREAS the trial is set for April 12 and 13, 2007;

WHEREAS the maximum exposure of the Town is \$175,951.99;

WHEREAS negotiations to settle the case out of Court have been carried out and Jevco Insurance and its attorneys agree to a settlement in the amount of \$157,000.00 in capital, interest and costs;

WHEREAS this sum represents an actual rate of interest of 4.68% per year, from the issuance of the cheque, in payment of the outstanding balance;

On motion of Councillor Clifford Borden, seconded by Councillor David Sternthal, it was UNANIMOUSLY RESOLVED:

- THAT the Town settle, out of Court, the claim of La Compagnie d’assurances Jevco, in Court file number 500-17-015728-036 for the total sum of \$157,000.00 in capital, interest and costs;
- THAT the Mayor and the Town Clerk be authorized to sign the Mutual Release Full and Final Discharge and Transaction in that file;
- THAT Bélanger Sauvé L.L.P. be authorized to co-sign the aforesaid document and the Declaration of Settlement out of Court;

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- THAT a cheque in the amount of \$157,000.00 be issued by the Town in favour of La Compagnie d'assurances Jevco to give full effect to the foregoing; and
- THAT Treasurer's certificate N° 07-020, dated April 2, 2007, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2007-088

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 62 THURLOW ROAD

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

- THAT the site planning and architectural integration programs received on February 26, 2007 showing **plans and elevations for a two storey rear addition to a detached single family dwelling at 62 Thurlow Road** and prepared by **Michael Finkelstein architect** for the Planning Advisory Committee meeting of March 12, 2007, is **approved** according to the provisions of Chapter 12 of the Zoning By-law N° 727 and as recommended by the PAC.

Adopted

Councillor Bonnie Feigenbaum temporarily left the Meeting.

2007-089

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 17 GRANVILLE ROAD

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

- THAT the site planning and architectural integration programs received on February 2, 2007 showing **plans and elevations for a two storey rear addition to a detached single family dwelling at 17 Granville Road** and prepared by **Geiger and Huot Architects** for the Planning Advisory Committee meeting of March 12, 2007, is **not approved** according to the provisions of Chapter 12 of the Zoning By-law N° 727 and as recommended by the PAC.

Adopted

2007-090

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 84 DOWNSHIRE ROAD

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

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- THAT the site planning and architectural integration programs received on March 9, 2007 showing **plans and elevations for a two storey rear addition to a detached single family dwelling** at **84 Downshire Road** and prepared by **Rubin & Goldenberg Architects** for the Planning Advisory Committee meeting of March 12, 2007, is **approved** according to the provisions of Chapter 12 of the Zoning By-law N^o 727 and as recommended by the PAC.

Adopted

2007-091

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 231 NETHERWOOD CRESCENT

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

- THAT the site planning and architectural integration programs received on March 1, 2007 showing **plans and elevations for a two storey rear addition to a detached single family dwelling** at **231 Netherwood Crescent** and prepared by **Stephane Miron, Architect** for the Planning Advisory Committee meeting of March 12, 2007, is **approved** according to the provisions of Chapter 12 of the Zoning By-law N^o 727 and as recommended by the PAC.

Adopted

2007-092

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 2 ALDRED CRESCENT

WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 2 Aldred Crescent, Lot 2089530 to permit the existing front building line setback to be 5.81 meters from the property line instead of the minimum required setback of 6.1 meters, according to the provisions of article 6.2.1 of Zoning By-law No 727;

WHEREAS the Planning Advisory Committee, at its meeting held on March 12, 2007, recommended to approve the aforementioned request for minor exemption;

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

- THAT the aforementioned request for a minor exemption for the property located at 2 Aldred Crescent on Lot 2089530 is **approved**.

Adopted

Councillor Bonnie Feigenbaum returned to the Meeting.

2007-093

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 35 LYNCROFT ROAD

WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 35 Lyncroft Road, Lot 2089118 to permit the right lateral setback to be 12'-10" from the property line instead of the

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minimum required setback of 13'-2", according to the provisions of article 6.3.2 of Zoning By-law No 727;

WHEREAS the Planning Advisory Committee, at its meeting held on December 12, 2006, recommended to approve the aforementioned request for minor exemption;

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

- THAT the aforementioned request for a minor exemption for the property located at 35 Lyncroft Road, Lot 2089118 is **approved**.

Adopted

2007-094

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF MARCH 2007

WHEREAS Council reviewed the list of payments for the month of March 2007;

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

- THAT the disbursements for the period from March 1 to March 31, 2007 be and are hereby approved.

Adopted

2007-095

GRANTING OF CONTRACT – STREET LINE MARKINGS – YEAR 2007

WHEREAS there has been a call for tenders, by way of written invitation, for the contract of street line markings – year 2007;

WHEREAS, after analysing the tenders opened on March 22nd, 2007, the lowest bidder conforming to the requirements of the tender invitation is Les Entrepreneurs PMC La Chance inc;

On motion of Councillor Clifford Borden, seconded by Councillor Leon Elfassy, 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:

LES ENTREPRENEURS P.M.C. LA CHANCE INC.

| | |
|---|--------------|
| Street line markings (as per specifications) | \$ 10,999.75 |
| G.S.T. 6% | \$ 659.99 |
| Q.S.T. 7.5% | \$ 874.48 |
| Grand total, taxes included | \$ 12,534.22 |

- THAT Treasurer's Certificate N^o 07-019, dated March 26th, 2007, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

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2007-096

GRANTING OF CONTRACT – SUPPLY OF PROFESSIONAL SERVICES FOR PLANS AND SPECIFICATIONS FOR 2007 ROAD REPAIRS

WHEREAS there has been a call for tenders, by way of written invitation, for the supply of professional services for plans and specifications for 2007 road repairs;

WHEREAS, after the application of the system of bid weighting and evaluating, the bid having received the highest score is IMS / Pasquin St-Jean et associés, Experts-Conseils Inc;

On motion of Councillor David Sternthal, seconded by Councillor Abraham Gonsior, it was UNANIMOUSLY RESOLVED:

- THAT on condition that, after an investigation concerning the financial stability of, and any pending litigation against the successful bidder, the following quotation for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

IMS / PASQUIN ST-JEAN ET ASSOCIÉS, EXPERTS CONSEILS INC.

| | |
|--|--------------------|
| Supply of professional services 2007 road repairs (as per specifications) | \$ 49 500.00 |
| G.S.T. 6% | \$ 2 970.00 |
| Q.S.T. 7.5% | <u>\$ 3 935.25</u> |
| Grand total taxes included | \$ 56 405.25 |

- THAT Treasurer's Certificate N° 07-021, dated April 3, 2007, has been issued by the Town's Assistant Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2007-097

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 April 2, 2007, with regard to hiring auxiliary employees;

It was proposed by Councillor Bonnie Feigenbaum, seconded by Councillor Clifford Borden, 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 April 2, 2007, prepared by the Director of Community Services.

Adopted

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2007-098

ABOLITION OF THE POSITION OF “ASSISTANT DIRECTOR GENERAL”

WHEREAS the Town wishes to reduce its manpower and abolish the position of “Assistant Director General” as a permanent full-time position;

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

- THAT the Town Council hereby abolishes the position of Assistant Director General;
- THAT the Town Council ratifies the departure agreement of the incumbent Assistant Director General, in accordance with the specific conditions contained in the confidential “Personnel” file in the Director General’s Office, reached between the Director General and the Assistant Director General, Mr. Yvon Turcot. This agreement will take effect on April 6, 2007; and
- THAT Treasurer’s Certificate N^o 07-022, dated April 5, 2007, has been issued by the Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

SECOND QUESTION PERIOD

Mrs. Gertie Jablonowski Shuster – 54 Holtham Place

- Asked when a decision will be made on the dog run issue.
- Asked for more explanation concerning By-law number 729-1.
- Asked for more explanation concerning Court settlements.

2007-099

ADJOURNMENT

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

Adopted

Dr. William Steinberg, Mayor

Me Chantal Bergeron, Town Clerk