

## **Minutes of Town of Hampstead**

### **MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON NOVEMBER 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, Michael Goldwax and Abraham Gonshor, forming a quorum with Mayor Steinberg presiding

**ABSENT:** Councillor David Sternthal

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

#### **FIRST QUESTION PERIOD**

Mr. Schnapp

- Asked if the Council has plans for the beautification of Fleet Road.
- Asked why there are less speed bumps on Finchley Road than there are many on Dufferin Road.

Mr. Surkes

- Asked if there is any possibility of extending the leaf collection program.

Mr. Balla

- Complained of the high speed of vehicles circulating on Queen Mary and that the SPVM does not sufficiently patrol Queen Mary.

Mrs. M. Steinberg

- Asked who is responsible for repairing the street after digging for a new construction.

Mr. Charlap

- Asked on which projects the Town spends their additional tax revenue.

Mrs. Genziuk

- Asked why Hampstead pays more for their library agreement with Côte Saint-Luc than NDG pays for their agreement with Côte Saint-Luc.

Mrs. Itzhayek

- Thanked the Town Council for their resolution concerning her brother, Saul Itzhayek.

2007-246

#### **ADOPTION OF THE AGENDA**

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

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

Adopted

2007-247

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

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

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- THAT the Minutes of the Regular Council Meeting of October 1, 2007 and of the Special Council Meeting of October 15, 2007 be and are hereby approved as submitted.

Adopted

2007-248

### **RESOLUTION REQUESTING THE FEDERAL GOVERNMENT'S INTERVENTION IN INDIA'S INCARCERATION OF MR. SAUL ITZHAYEK**

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WHEREAS Mr. Saul Itzhayek, a Canadian citizen, has been unjustly incarcerated in a prison in India;

WHEREAS Mr. Itzhayek, was lured into India and guaranteed safe passage by Police Superintendent, Manu Maharaj, despite the fact that Mr. Itzhayek had informed Mr. Maharaj that his visa was expired;

WHEREAS, in a clear case of entrapment, when Mr. Itzhayek entered India on May 29, 2007, he was arrested by Police Superintendent, Manu Maharaj;

WHEREAS Mr. Itzhayek's health has deteriorated considerably since his incarceration and his life is in danger;

WHEREAS the Canadian people expect our government to do everything possible to help Canadian citizens who are wrongly imprisoned;

It was proposed by Councillor Bonnie Feigenbaum, seconded by Councillor Abraham Gonshor, and UNANIMOUSLY RESOLVED:

- THAT the Town of Hampstead urges the Canadian government to make every possible effort, at the highest level and without further delay, to secure the release of Canadian citizen and Montreal resident, Mr. Saul Itzhayek, from prison in India; and
- THAT a copy of this Resolution be sent to Prime Minister Stephen Harper; the Member of Parliament for Mount Royal, Mr. Irwin Cotler; Secretary of State for Foreign Affairs, Ms. Helena Guergis; Former Secretary of State for Canadians Abroad, Member of Parliament Mr. Dan McTeague; all municipalities of the Montreal Metropolitan Community; and Me Julius Grey, Attorney representing the Itzhayek family.

Adopted

2007-249

### **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 Bonnie Feigenbaum, seconded by Councillor Clifford Borden, it was UNANIMOUSLY RESOLVED:

- THAT the Mayor's report on the financial position of the municipality for the year 2007 be distributed free of charge to every civic address in the Town of Hampstead.

Adopted

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2007-250

### **DECISION CONCERNING THE APPEAL OF A “DANGEROUS DOG” NOTICE**

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WHEREAS following an incident which occurred on September 18, 2007, a “dangerous dog” notice dated October 1, 2007 was issued to Mr. Nunzio Trocchia, by the Town’s Director of Public Security, the owner of the dog in question;

WHEREAS the owner of the dog appealed to Council, requesting a reversal of the decision, which appeal was heard by Council on October 15, 2007;

WHEREAS, after studying the details of the incident of September 18, 2007 and after hearing the witnesses who presented themselves at the appeal process of October 15, 2007;

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

- THAT the Council of the Town of Hampstead, as provided for in paragraph 5.7 of By-law N<sup>o</sup> 761, nullifies the “dangerous dog” notice issued to Mr. Nunzio Trocchia on October 1, 2007.

Adopted

2007-251

### **ADOPTION – BY-LAW N<sup>o</sup> 757-1 – AMENDMENT TO BY-LAW N<sup>o</sup> 757 CONCERNING THE PENSION PLAN FOR THE EMPLOYEES OF THE TOWN OF HAMPSTEAD – CESSATION OF PARTICIPATION OF FIREFIGHTERS**

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WHEREAS notice of motion of By-law N<sup>o</sup> 757-1 was given at the Regular Council meeting of October 1, 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 Michael Goldwax, and UNANIMOUSLY RESOLVED:

- TO adopt By-law N<sup>o</sup> 757-1 entitled: “By-law Amending By-law N<sup>o</sup> 757 Concerning the January 1, 2001 Pension Plan for the Employees of the Town of Hampstead”, effective January 1, 2006 unless stated otherwise; and
- THAT the actions under the Plan pursuant to the foregoing are conditional upon the approval and acceptance of such by the appropriate governmental authorities, and shall be deemed upon such approval and acceptance, to be effective as of the date mentioned herein.

Adopted

2007-252

### **NOTICE OF MOTION – BY-LAW N<sup>o</sup> 764 – TAX RATES FOR THE YEAR 2008**

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NOTICE OF MOTION was given by Councillor Clifford Borden that, at a subsequent meeting of Council, By-law N<sup>o</sup> 764, Decreeing and Imposing the Tax Rates to Cover the Town’s Expenses for the Year 2008, will be submitted to Council for adoption.

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All Council members have received a draft copy of By-law N° 764 prior to this Council Meeting and a motion to dispense with the reading of the said By-law was made.

2007-253

### **NOTICE OF MOTION – BY-LAW N° 765 – TO DECREE BUDGET CONTROLS AND TRACKING**

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NOTICE OF MOTION was given by Councillor Clifford Borden that, at a subsequent meeting of Council, By-law N° 765, Decreeing Budget Controls and Tracking, will be submitted to Council for adoption.

All Council members have received a draft copy of By-law N° 765 prior to this Council Meeting and a motion to dispense with the reading of the said By-law was made.

2007-254

### **NOTICE OF MOTION – BY-LAW N° 746-2 – TO MODIFY LIBRARY MEMBERSHIP FEES**

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NOTICE OF MOTION was given by Councillor Bonnie Feigenbaum that, at a subsequent meeting of Council, By-law N° 746-2, Further Modifying By-law N° 746 to Decree the Applicable Fees for Library Membership, will be submitted to Council for adoption.

All Council members have received a draft copy of By-law N° 765 prior to this Council Meeting and a motion to dispense with the reading of the said By-law was made.

2007-255

### **NOTICE OF MOTION – BY-LAW N° 747-5 – FURTHER MODIFYING BY-LAW N° 747 DECREEEING THE FEE SCHEDULE FOR CULTURAL, SPORTS AND LEISURE ACTIVITIES**

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NOTICE OF MOTION was given by Councillor Bonnie Feigenbaum that, at a subsequent meeting of Council, By-law N° 747-5, Further Modifying By-law N° 747 Decreeing the Fee Schedule for Cultural, Sports and Leisure Activities, will be submitted to Council for adoption.

All Council members have received a draft copy of By-law N° 747-5 prior to this Council Meeting and a motion to dispense with the reading of the said By-law was made.

2007-256

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

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

- THAT the site planning and architectural integration programs received on September 27, 2007 showing **plans and elevations for a second storey rear addition to the detached single family dwelling at 55 Heath Place** and prepared by **Serge Darsigny, Architect**, for the Planning Advisory Committee meeting of October 9, 2007, is **approved**,

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according to the provisions of Chapter 12 of the Zoning By-law No 727, subject to the following conditions:

- that the back elevation be as indicated on option 2 of the plans submitted on September 27, 2007;
- that the right elevation be as indicated on option 5 of the plans submitted on September 27, 2007; and
- that the stone for the main entrance and for the chimney be resubmitted for approval by the Urban Planning Department.

Adopted

2007-257

### **URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 78 HAMPSTEAD ROAD**

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

- THAT the site planning and architectural integration programs received on September 27, 2007 showing **plans and elevations for a two storey rear addition to the detached single family dwelling at 78 Hampstead Road** and prepared by **Rubin & Goldenberg Architects**, for the Planning Advisory Committee meeting of October 9, 2007, is **approved**, according to the provisions of Chapter 12 of the Zoning By-law No 727 and as recommended by the PAC.

Adopted

2007-258

### **REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 5704 QUEEN MARY ROAD**

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WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 5704 Queen Mary Road, Lot 2089604 to permit the left lateral setback to be 1.87 m (6.13') from the lot line instead of the minimum allowable setback of 2.13 m (7'). This request is to permit an existing situation;

WHEREAS the Planning Advisory Committee, at its meeting held on October 9, 2007, recommended to approve the aforementioned request for minor exemption;

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

- THAT the aforementioned request for a minor exemption for the property located at 5704 Queen Mary Road, Lot 2089604, is **approved**.

Adopted

2007-259

### **REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 184 WEXFORD ROAD**

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WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 184 Wexford Road, Lot 2088610 to permit the front setback to be 5.77 m (18.93') instead of 6.10 m (20'), the rear setback

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to be 7.96 m (26.12') instead of 8.12 m (26.64'), the left lateral setback to be 2.24 m (7.35') from the lot line instead of the minimum allowable setback of 2.69 m (8.8') and the right lateral setback to be 2.24 m (7.35') from the lot line instead of the minimum allowable setback of 2.69 m (8.8'). This request is to permit an existing situation;

WHEREAS the Planning Advisory Committee, at its meeting held on October 9, 2007, recommended to approve the aforementioned request for minor exemption;

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

- THAT the aforementioned request for a minor exemption for the property located at 184 Wexford Road, Lot 2088610, is **approved**.

Adopted

2007-260

**MOTION TO DEFER THE REQUEST FOR MINOR EXEMPTION –  
PROPERTY LOCATED AT 4 HAVERSTOCK ROAD**

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On motion of Councillor Leon Elfassy, seconded by Councillor Michael Goldwax, it was proposed to defer this item to a subsequent meeting.

Mayor William Steinberg called for a vote.

**Voted in favour:**

Councillor Elfassy  
Councillor Goldwax

**Voted against:**

Councillor Feigenbaum  
Councillor Borden  
Councillor Gonshor

**In favour: 2**

**Against: 3**

Rejected

2007-261

**REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 4  
HAVERSTOCK ROAD**

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WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 4 Haverstock Road, Lot 2089776 to permit a fence and hedge to be located entirely on public property instead of entirely on the property of the property owner, according to the provisions of article 7.6.2, paragraph 1 of Zoning By-law No 727;

WHEREAS the Planning Advisory Committee, at its meeting held on August 14, 2007, recommended not to approve the aforementioned request for minor exemption;

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

- THAT the aforementioned request for a minor exemption for the property located at 4 Haverstock Road, Lot 2089776, is **not approved**.

Mayor William Steinberg called for a vote.

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**Voted in favour:**

Councillor Feigenbaum  
Councillor Gonshor  
Councillor Borden  
Councillor Elfassy

**In favour: 4**

**Voted against:**

Councillor Goldwax

**Against: 1**

Adopted on division

2007-262

**APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF OCTOBER 2007**

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

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

- THAT the disbursements for the period from October 1 to October 31, 2007, in the amount of \$778,898.38, are hereby approved.

Adopted

2007-263

**FILING OF THE COMPARATIVE STATEMENTS OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR 2007**

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 2007, compared with the same period for the fiscal year 2006; and
- 2) statement of projected revenues and expenditures for the fiscal year 2007, at the time of the statement's preparation, compared with those provided for in the budget for the year 2007.

2007-264

**GRANTING OF CONTRACT – REHABILITATION OF AQUEDUCT PIPES FOR POTABLE WATER DISTRIBUTION**

WHEREAS there has been a call for tenders, by way of written invitation, for the rehabilitation of aqueduct pipes for potable water distribution;

WHEREAS, after analysing the tenders opened on October 12, 2007, the lowest bidder conforming to the requirements of the public tender is Exotec;

On motion of Councillor Abraham Gonshor, seconded by Councillor Michael Goldwax, 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:

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**EXOTEC**

Rehabilitation of aqueduct pipes	\$ 82,200.00
G.S.T. 6%	\$ 4,932.00
Q.S.T. 7.5%	<u>\$ 6,534.90</u>
Grand total taxes included	\$ 93,666.90

- THAT Treasurer's Certificate N° 07-035, dated October 30, 2007, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2007-265

**GRANTING OF CONTRACT – SNOW REMOVAL, SKATING RINKS AT HAMPSTEAD AND ELLERDALE PARKS – WINTER 2007/2008**

WHEREAS there has been a call for tenders, by way of written invitation, for the snow removal contract of the skating rinks at Hampstead and Ellerdale Parks;

WHEREAS, after analysing the tenders opened on October 29<sup>th</sup> 2007, the lowest bidder conforming to the requirements of the tender invitation is Excavation Mario Ltee;

On motion of Councillor Michael Goldwax, seconded by Councillor Bonnie Feigenbaum, 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:

**EXCAVATION MARIO LTEE**

Snow removal Hampstead Park (skating rinks #1 and #2) (as per quotation specifications)	\$ 19 672.00
Snow removal Ellerdale Park (skating rink) (as per quotation specifications)	\$ 9,836.00
G.S.T. 6%	1,770.48
Q.S.T. 7.5%	2,345.88
<b>TOTAL</b>	<b>\$ 33,624.36</b>

- THAT Treasurer's certificate N° 07-034, dated October 30th, 2007, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2007-266

**GRANTING OF CONTRACT – EXTENSION OF RECYCLING CONTRACT FOR THE PERIOD OF APRIL 1, 2008 TO MARCH 31, 2009**

WHEREAS the Council, at a meeting held on June 5, 2007, adopted Resolution N° 2007-139 mandating the City of Dollard-des-Ormeaux to carry out a group

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call for tenders, on behalf of participating municipalities, for the collection of recyclables;

WHEREAS the City of Dollard-des-Ormeaux, within its mandate and in accordance with Section 573.3 of the *Cities and Towns Act*, is obliged to request, from the Minister of Municipal Affairs and Regions, authorization for the extension of the existing recycling contract covering the territories of Côte-Saint-Luc, Hampstead, Montreal West, Dollard-des-Ormeaux, Roxboro, Île Bizard, Sainte-Geneviève, Ste-Anne-de-Bellevue, Pierrefonds, Senneville, Point-Claire and St-Laurent for a period of twelve months ending March 31, 2009;

WHEREAS on September 7, 2007 the Minister authorized the City of Dollard-des-Ormeaux, as well as the participating municipalities and boroughs whose contract expires March 31, 2008, to conclude, without calling for tenders, new service contracts with *Les Fibres J.C. Inc.* for the period of April 1, 2008 to March 31, 2009;

WHEREAS *Les Fibres J.C. Inc.* agrees to extend the existing contract, under the same conditions, until March 31, 2009; and

WHEREAS it is in the best interest of the Town of Hampstead to extend the said contract, thereby allowing time to evaluate the possibility of the mechanized collection.

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

- THAT, as recommended by the Division Chief of Purchasing, the Council authorizes the extension of the existing recycling contract, for a maximum amount of \$56,000 taxes included, with *Les Fibres J.C. Inc.*, for the period of April 1, 2008 to March 31, 2009, under the same terms and conditions as contract 2002-95 presently in force;
- THAT Treasurer's Certificate N° 07-032, dated October 23, 2007, has been issued attesting to the availability of funds to cover the described expenses.

Adopted

2007-267

### **GRANTING OF CONTRACT - SUPPLY OF ONE STERLING ACTERRA SIX-WHEEL TRUCK TO RECEIVE AN ASPHALT TRUCK BIN**

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WHEREAS there has been a public call for tenders made by the City of Montreal for the acquisition of Sterling trucks;

WHEREAS Resolution CE04 2041 was adopted by the City of Montreal on October 27, 2004 granting a contract, valid until December 31, 2011, to the supplier Globocam;

WHEREAS the Town of Hampstead is able to benefit from the existing agreement between the City of Montreal and Globocam Inc;

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

THAT, as recommended by the Division Chief of Purchasing, the following contract for the purchase of a Sterling six-wheel truck be and is hereby approved, the whole as more amply delineated hereunder:

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**GLOBOCAM (MONTREAL) INC.**

One Sterling Acterra 6-wheel Truck (equipped per specifications)	\$ 67,026.18
Tire Tax	18.00
G.S.T. 6%	4,022.65
Q.S.T. 7.5%	5,330.01
<b>TOTAL</b>	<b>\$ 76,396.85</b>

- THAT Treasurer's certificate N<sup>o</sup> 07-033, dated October 23, 2007, has been issued by the Town's Treasurer attesting to the availability of funds to cover the described expenses.

Adopted

2007-268

**ONE-DAY SUSPENSION OF EMPLOYEE #1035**

WHEREAS the Director General has reported the one (1) day suspension, without pay, of employee #1035;

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

- THAT, having enquired, Council ratifies the one (1) day disciplinary suspension, without pay, of employee #1035, imposed by the Director General, in accordance with Article 113 of the *Cities and Towns Act*.

Adopted

2007-269

**THREE DAY SUSPENSION OF EMPLOYEE #1083**

WHEREAS the Director General has reported the three (3) day suspension, without pay, of employee #1083;

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

- THAT, having enquired, Council ratifies the three (3) day disciplinary suspension, without pay, of employee #1083, imposed by the Director General, in accordance with Article 113 of the *Cities and Towns Act*.

Adopted

2007-270

**ONE-DAY SUSPENSION OF EMPLOYEE #1051**

WHEREAS the Director General has reported the one (1) day suspension, without pay, of employee #1051;

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

- THAT, having enquired, Council ratifies the one (1) day disciplinary suspension, without pay, of employee #1051, imposed by the Director General, in accordance with Article 113 of the *Cities and Towns Act*.

Adopted

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### **HIRING OF MRS. KATIA LIMA AS 'COMMUNICATIONS OFFICER', TEMPORARY MANAGEMENT POSITION**

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

- TO hire Mrs Katia Lima as "Communications Officer" on November 5, 2007, for a period not to exceed six (6) months actually worked and in accordance with the conditions contained in the confidential 'personnel' file in the Director General's office; and
- THAT Treasurer's Certificate N<sup>o</sup> 07-036, dated November 2, 2007, has been issued by the Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

### **SECOND QUESTION PERIOD**

Mr. Lazer Crudo

- Commented on the Council's decision to refuse his request for minor exemption.

Mr. Stolow

- Asked for more information concerning minor exemptions.

Mrs. Genziuk

- Asked how many six-wheel trucks the Town possesses.

2007-272

### **ADJOURNMENT**

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

Adopted

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Dr. William Steinberg, Mayor

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Me Chantal Bergeron, Town Clerk