

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON OCTOBER 1, 2007, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

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

ABSENT: Councillors Bonnie Feigenbaum and Clifford Borden

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

FIRST QUESTION PERIOD

Dr. P. Gordon

- Asked what Council intends to do about the dog run since a petition has been filed in Superior Court.

Ms. Atkinson

- Suggested that allowing parking on both sides of Stratford close to Town Hall causes a problem, allowing only one car to pass at a time.

Mr. C. Ross

- Asked what Council's plans are regarding the Fire Station on MacDonald.

Ms. L. Vineberg

- Asked why Council appointed a lawyer, who is not specialized in municipal law, to defend the Town in the legal action concerning the dog run.

Mr. L. Gold

- Asked, if the Town goes ahead with the construction of the dog run and the court rules against the by-law which permits a dog run, who is going to pay for the construction.

Mrs. Yufe

- Asked if the Council sought a legal opinion concerning the legality of the dog run by-law and the possibility of a law suit.
- Asked if the Council passed a resolution appointing the law firm Grey Casgrain.

Mr. S. Vineberg

- Asked if the Town has received a writ concerning the dog run.

2007-223

ADOPTION OF THE AGENDA

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

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

Adopted

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2007-224

ADOPTION OF THE MINUTES

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

- THAT the Minutes of the Regular Council Meeting of September 4, 2007 and of the Special Council Meeting of September 17, 2007 be and are hereby approved as submitted.

Adopted

2007-225

DEPOSIT OF CERTIFICATE OF THE TOWN CLERK RE REGISTER OPENED FOR PERSONS QUALIFIED TO VOTE ON BY-LAW N° 748-2

The Town Clerk reported that, after the registration proceedings called for and held at the Town Hall, 5569 Queen Mary Road, from 9:00 a.m. to 7:00 p.m., on September 17, 2007, concerning By-law N° 748-2 entitled: "By-law Amending the Term of By-law N° 748 Authorizing a Loan of \$1,597,800 for the Acquisition of Vehicles and Equipment".

- That the number of persons qualified to vote on this by-law is 4,907;
- That the number of signatures of persons qualified to vote required making the holding of a poll obligatory is 500;
- That the number of persons qualified to vote who have registered is 0; and
- That By-law N° 748-2 has therefore been deemed approved by the persons qualified to vote.

2007-226

TAX RELIEF MEASURES AND PROGRAMME OF INTEREST SUBSIDY (GOVERNMENT OF QUEBEC DECREE 1210-2005, ARTICLE 3 OF DECEMBER 7, 2005) FISCAL YEAR 2008

WHEREAS the Council of the Agglomeration of Montreal will adopt their budget for the 2008 fiscal year;

WHEREAS the fiscal burden of immovables in the category of immovables consisting of six or more dwellings and the residual category situated in the territory of the Town of Hampstead exceeds 105% of the fiscal burden established for these categories for the 2005 fiscal year;

WHEREAS the Council of the Town of Hampstead wishes to ease the impact of this budget on the taxes of the owners of these immovables; and

WHEREAS decree 1210-2005 was enacted on December 7, 2005;

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

- THAT the Town Council takes advantage, under the prescribed provisions of sections 2 to 9 of Decree 1210-2005, toward the category of immovables consisting of six or more dwellings and the residual category;

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- THAT the sum of \$ 879,794 be paid to the City of Montreal in order to diminish the amount of taxes for 2008 to be imposed on the immovables of each of the following categories situated in the Town of Hampstead as detailed below:

<u>Category</u>	<u>Amount</u>
Category of immovables consisting of six or more dwellings	\$ 19,785
Residual category	\$ 860,009

- THAT a certified copy of this resolution be sent to the City of Montreal and to the Minister of Municipal Affairs and Regions.

Adopted

2007-227

NOTICE OF MOTION – BY-LAW N° 763 – LOAN FOR PAYMENT TO THE CENTRAL MUNICIPALITY TO REDUCE THE RATE OF AGGLOMERATION TAXES, BY VIRTUE OF SECTIONS 3 AND THOSE FOLLOWING OF DECREE 1210-2005

NOTICE OF MOTION was given by Councillor Michael Goldwax, that, at a subsequent meeting of Council, By-law N° 763, authorizing a loan for payment to the central municipality to reduce the rate of agglomeration taxes for 2008, by virtue of sections 3 and those following of decree 1210-2005, will be submitted to Council for adoption.

All Council members have received a copy of Loan By-law N° 763 prior to this Council Meeting and a motion to dispense with the reading of the said by-law was made.

2007-228

NOTICE OF MOTION – BY-LAW N° 757-1 – AMENDING BY-LAW N° 757 CONCERNING THE JANUARY 1, 2001 PENSION PLAN FOR THE EMPLOYEES OF THE TOWN OF HAMPSTEAD” – CESSATION OF PARTICIPATION OF FIREFIGHTERS

NOTICE OF MOTION was given by Councillor Michael Goldwax, that, at a subsequent meeting of Council, By-law N° 757-1 Amending By-law No 757 Concerning the January 1, 2001 Pension Plan for the Employees of the Town of Hampstead – Cessation of Participation of Firefighters, will be submitted to Council for adoption.

All Council members have received a copy of By-law N° 757-1 prior to this Council Meeting and a motion to dispense with the reading of the said by-law was made.

2007-229

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 92 HAMPSTEAD ROAD

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

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- THAT the site planning and architectural integration programs received on August 22, 2007 showing **plans and elevations of a new two storey detached single family dwelling at 92 Hampstead Road** and prepared by **Geiger & Huot, Architects**, for the Planning Advisory Committee meeting of September 10, 2007, is **approved**, according to the provisions of Chapter 12 of the Zoning By-law No 727 and as recommended by the PAC.

Adopted

2007-230

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

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

- THAT the site planning and architectural integration programs received on August 29, 2007 showing **plans and elevations for a two 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 September 10, 2007, is **not approved**, according to the provisions of Chapter 12 of the Zoning By-law No 727 and as recommended by the PAC.

Adopted

2007-231

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 195 FINCHLEY ROAD

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

- THAT the site planning and architectural integration programs received on September 6, 2007 showing **plans and elevations for replacing the existing brick façade with artificial stone on the detached single family dwelling at 195 Finchley Road** and prepared by **the owner** for the Planning Advisory Committee meeting of September 10, 2007, is **approved**, according to the provisions of Chapter 12 of the Zoning By-law No 727 and as recommended by the PAC.

Adopted

2007-232

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 265 NETHERWOOD CRESCENT

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

- THAT the site planning and architectural integration programs received on August 29, 2007 showing **plans and elevations for modifications to all facades and roof to the detached single family dwelling at 265 Netherwood Crescent** and prepared by **Sydney Godel, Architect**, for

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the Planning Advisory Committee meeting of September 10, 2007, is **not approved**, according to the provisions of Chapter 12 of the Zoning By-law No 727 and as recommended by the PAC.

Adopted

2007-233

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 92 HAMPSTEAD ROAD

WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 92 Hampstead Road, Lot 2089894 to permit the garage threshold to be 4 feet (1.22 m) below the sidewalk level instead of a maximum of 2 feet (61 cm) below sidewalk level, according to the provisions of article 7.6.3, paragraph 9 of Zoning By-law No 727;

WHEREAS the Planning Advisory Committee, at its meeting held on August 14, 2007, recommended to approve the aforementioned request for minor exemption;

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

- THAT the aforementioned request for a minor exemption for the property located at 92 Hampstead Road, Lot 2089894, is **approved**.

Adopted

Intervention of Interested Persons Concerning the Request for Minor Exemption for the Property Located at 4 Haverstock Road

Ms. Susan Crudo

- *Addressed the Members of Council, explaining, in detail, why she felt that this request for minor exemption should be approved.*

RECESS

At 9:25 p.m., it was proposed by Councillor David Sternthal, seconded by Councillor Michael Goldwax, to recess the meeting.

At 9:40 p.m., it was proposed by Councillor David Sternthal, seconded by Councillor Abraham Gonshor, to resume the meeting.

2007-234

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 4 HAVERSTOCK ROAD

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;

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

It was proposed by Councillor Leon Elfassy, seconded by Councillor David Sternthal and unanimously resolved to defer this item to a subsequent meeting.

Deferred

2007-235

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 5 NORTHCOTE ROAD

It was proposed by Councillor Leon Elfassy, seconded by Councillor Abraham Gonshor, and unanimously resolved to defer this item to a subsequent meeting.

Deferred

2007-236

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF SEPTEMBER 2007

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

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

- THAT the disbursements for the period from September 1 to September 30, 2007, in the amount of \$380,934.50, are hereby approved.

Adopted

2007-237

ANNULMENT OF RESOLUTION N° 2007-197 CONCERNING THE AGREEMENT FOR THE SALE OF BOMBARDIER VEHICLES AND THE AUTHORIZATION FOR THEIR SALE BY PUBLIC AUCTION

WHEREAS, by Resolution N° 2007-197, the Town Council authorized the agreement to sell two Bombardier vehicles to Globoquip 9109-2791 Quebec Inc;

WHEREAS Globoquip 9109-2791 Qc Inc. no longer desires to acquire the said Bombardier vehicles and have reneged on their offer to purchase;

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

- THAT Resolution N° 2007-197, adopted on August 6, 2007, is hereby annulled; and
- THAT the Town Council authorizes the sale of the two Bombardier vehicles by auctioneers, Ritchie Brothers.

Adopted

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SECOND QUESTION PERIOD

Ms. Shuster

- Asked if the Town has received an official writ concerning the action taken against By-law 727-6.

Ms. Genziuk

- Asked whether the Town Clerk could supply her with a draft copy of the Council Minutes before the Council Meeting.
- Asked who owns the building where the Fire Station was previously housed.
- Asked how much the Town will receive from any gasoline tax rebate.

2007-238

ADJOURNMENT

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

Adopted

Dr. William Steinberg, Mayor

Me Chantal Bergeron, Town Clerk