

**MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON FEBRUARY 20<sup>TH</sup>, 2006, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.**

**THOSE PRESENT WERE:** Mayor William Steinberg, Councillors Anne-Marie Boucher, Clifford Borden, Leon Elfassy, Abraham Gonshor and David Sternthal, forming a quorum.

**ABSENT:** Councillor Bonnie Feigenbaum

**ALSO PRESENT:** Mr Richard Sun, Director General and Mr. Yvon Turcot, Assistant Director General and Assistant Town Clerk, acting as Secretary of the meeting.

**FIRST QUESTION PERIOD**

There were no questions.

2006-42

**APPROVAL OF THE AGENDA**

On motion of Councillor Anne-Marie Boucher, seconded by Councillor David Sternthal, it was UNANIMOUSLY RESOLVED:

- THAT the Agenda of the special meeting is hereby approved as submitted.

Approved

2006-43

**NOTICE OF MOTION – BY-LAW N° 748 – AUTHORIZING A LOAN FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT**

NOTICE OF MOTION was given by Councillor Leon Elfassy that, at a subsequent meeting of Council, By-law N° 748 authorizing a loan for the acquisition of vehicles and equipment will be submitted to Council for adoption.

TAKE FURTHER NOTICE THAT all Council members have received By-law N° 748 prior to this Council Meeting and a motion to dispense with the reading of the said by-law was made.

2006-44

**NOTICE OF MOTION – BY-LAW N° 749 – AUTHORIZING A LOAN FOR THE COST OF ROAD REPAIR AND RESURFACING**

NOTICE OF MOTION was given by Councillor Leon Elfassy that, at a subsequent meeting of Council, By-law N° 749 authorizing a loan for the cost of road repair and resurfacing will be submitted to Council for adoption.

TAKE FURTHER NOTICE THAT all Council members have received By-law N° 749 prior to this Council Meeting and a motion to dispense with the reading of the said by-law was made.

2006-45

**COUNCIL'S OBJECTION TO THE ADOPTION BY THE  
AGGLOMERATION COUNCIL OF THE *RÈGLEMENT DU CONSEIL  
D'AGGLOMÉRATION SUR LES TAXES***

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**WHEREAS** under Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* (R.S.Q., ch. E-20.001) (the "Act"), a related municipality may object to the Minister of Municipal Affairs and Regions to by-laws adopted by the Agglomeration Council;

**WHEREAS** under Section 85 of the Act, the Agglomeration Council may levy any tax or impose any other method of financing that may be levied or imposed by a local municipality;

**WHEREAS** such by-law is subject to the right of objection stipulated in Section 115 of the Act;

**WHEREAS** the Agglomeration Council adopted on January 26, 2006 the agglomeration budget;

**WHEREAS** the Agglomeration Council adopted on January 27, 2006 the *Règlement du conseil d'agglomération sur les taxes (exercice financier de 2006)* (the "By-Law");

**WHEREAS** several expenses included in the 2006 agglomeration budget are local expenses, which should not be financed by agglomeration revenues, but instead, by local revenues;

**WHEREAS**, in consideration of this fact, the agglomeration taxation rate imposed on agglomeration taxpayers is higher than it should have been if only the expenses related to the exercise of agglomeration powers would have been included in the agglomeration budget;

**WHEREAS** the financing of the water supply, as included in the 2006 budget, does not respect the requirements specified in Article 68 of the Order in Council 1229-2005 concerning the Urban Agglomeration of Montréal;

**WHEREAS** the agglomeration fiscal structure has been fixed with the aim of avoiding an increase of the tax burden of Montreal taxpayers, without considering the interest of all taxpayers of the agglomeration, and by inappropriately and discriminatorily favouring taxpayers of the City of Montréal;

**WHEREAS**, in spite of several requests from the representative of the City at the Agglomeration Council, no information was given by the City of Montreal on several elements of the agglomeration budget, which are not detailed in the budgetary documents;

**WHEREAS** the adoption of the budget preceded the adoption of the *Règlement du conseil d'agglomération sur les dépenses mixtes*, even though the budget should have applied said by-law to determine what part of mixed expenditures would be incurred in the exercise of agglomeration powers, and the budget was therefore adopted before the adoption of the by-law establishing the criteria for determining the sharing of mixed expenditures;

**WHEREAS** a detailed analysis of the 2006 budgetary documents (the version presented in December and the version adopted in January) has been done, and the motives of objection to the By-Law are more fully described in the document entitled "Motifs qui sous-tendent la décision de la municipalité de Hampstead de se prévaloir de son droit d'opposition en vertu de l'article 115 de la *Loi sur l'exercice de certaines compétences municipales dans certaines agglomérations*

(« Loi 75 ») en regard du *Règlement du Conseil d'agglomération de Montréal sur les taxes (exercice financier de 2006)*”, said document being an integral part of this resolution;

**WHEREAS** under Section 115 of the Act, an authenticated copy of the resolution setting out the objection is sent simultaneously to the Minister and every other related municipality within the same 30-day period;

It was proposed by Councillor Anne-Marie Boucher, seconded by Councillor Abraham Gonshor and UNANIMOUSLY RESOLVED:

- **TO** exercise the right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the *Règlement du conseil d'agglomération sur les taxes (exercice financier de 2006)* adopted by the Agglomeration Council;
- **TO** send to the Minister of Municipal Affairs and Regions the objection of the Town of Hampstead with respect to the *Règlement du conseil d'agglomération sur les taxes (exercice financier de 2006)* adopted by the Agglomeration Council;
- **TO** send to the Minister of Municipal Affairs and Regions simultaneously with the objection abovementioned, the document attached to this resolution entitled “Motifs qui sous-tendent la décision de la Ville de Hampstead de se prévaloir de son droit d’opposition en vertu de l’article 115 de la *Loi sur l’exercice de certaines compétences municipales dans certaines agglomérations* (« Loi 75 ») en regard du *Règlement du Conseil d'agglomération de Montréal sur les taxes (exercice financier de 2006)*”, which set forth the motives of objection of the Town of Hampstead with respect to the *Règlement du conseil d'agglomération sur les taxes (exercice financier de 2006)* adopted by the Agglomeration Council;
- **TO** forward copies of this resolution to the other related municipalities.

Approved

2006-46

**COUNCIL’S OBJECTION TO THE ADOPTION BY THE AGGLOMERATION COUNCIL OF THE *RÈGLEMENT DU CONSEIL D’AGGLOMÉRATION SUR LES DÉPENSES MIXTES***

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**WHEREAS** under Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* (R.S.Q., ch. E-20.001) (the “Act”), a related municipality may object to the Minister of Municipal Affairs and Regions to by-laws adopted by the Agglomeration Council;

**WHEREAS** under Section 118 of the Act, documents of the central municipality that contain both elements setting out administrative acts performed in the exercise of an urban agglomeration power or the results of such acts and elements setting out administrative acts performed in the exercise of another power or the results of such acts, particularly the financial report, must be divided accordingly;

**WHEREAS** under Section 69 of the Act, the Agglomeration Council establishes by a by-law criteria for determining what part of a mixed expenditure is an expenditure incurred in the exercise of urban agglomeration powers;

**WHEREAS** said by-law is subject to the right of objection stipulated in Section 115 of the Act;

**WHEREAS** the Agglomeration Council adopted the agglomeration budget on January 26, 2006;

**WHEREAS** the Agglomeration Council adopted on January 27, 2006, following the adoption of the budget, the *Règlement du conseil d'agglomération sur les dépenses mixtes* (the “**By-Law**”);

**WHEREAS** the By-Law only mentions the following criteria to determine what part of a mixed expenditure is an expenditure incurred in the exercise of urban agglomeration powers:

- Factual quantitative elements;
- Quantitative assessment of human resources assigned to the exercise of agglomeration powers;
- Quantitative assessment of material and financial resources assigned to the exercise of agglomeration powers;

**WHEREAS** the By-Law stipulates that “Are not mixed expenditures for the general activity, expenditures related to the exercise of the transport activity, environment hygiene, health and well-being, planning, urbanism and development, as well as leisure and arts”, without however specifying if said expenditures have to be considered as agglomeration or local expenditures, and without any other explanation, while most of the activities seems to be concurrent powers for which expenditures would be considered as mixed;

**WHEREAS** the two versions of the budgetary documents do not include the all of the information necessary to judge the sharing of mixed expenditures;

**WHEREAS** under Section 70 of the Act, the auditor responsible for expressing an opinion on the aggregate taxation rate of the central municipality must also provide an opinion on the breakdown on the mixed expenditures;

**WHEREAS** the imprecision of the By-Law does not allow the auditor to fulfil its duty stipulated in the Act, considering the vagueness of the criteria used in the By-Law and the absence of the allocation keys;

**WHEREAS**, for the same reasons, the imprecision of the By-Law does not allow the Agglomeration Council to play its role and to insure an equitable sharing of the mixed expenditures;

**WHEREAS** the normative content of the By-Law is insufficient and vague and, because of that, grants inordinate administrative discretion in the sharing of the mixed expenditures that is unacceptable;

**WHEREAS** a detailed analysis of the 2006 budgetary documents (the version presented in December and the version adopted in January) has been done, and the motives of objection to the By-Law are more fully described in the document entitled “*Motifs qui sous-tendent la décision de la Ville de Hampstead de se prévaloir de son droit d’opposition en vertu de l’article 115 de la Loi sur l’exercice de certaines compétences municipales dans certaines agglomérations (« Loi 75 ») en regard du Règlement du Conseil d’agglomération de Montréal sur le partage des dépenses mixtes*”, said document being an integral part of this resolution;

**WHEREAS** under Section 115 of the Act, an authenticated copy of the resolution setting out the objection is sent simultaneously to the Minister and every other related municipality within the same 30-day period;

It was proposed by Councillor Abraham Gonshor, seconded by Councillor Anne-Marie Boucher and UNANIMOUSLY RESOLVED:

- **TO** exercise the right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the *Règlement du conseil d'agglomération sur les dépenses mixtes*;
- **TO** send to the Minister of Municipal Affairs and Regions the objection of the Town of Hampstead with respect to the *Règlement du conseil d'agglomération sur les dépenses mixtes*;

Approved

2006-47

**RESOLUTION CONCERNING THE DEBT OWING BY THE TOWN OF HAMPSTEAD ACCORDING TO ARTICLE 45 OF DECREE 1229-2005, IN REGARD TO OBTAINING A LONG TERM LOAN FOR ITS REIMBURSEMENT AND TO DETERMINE THE ORIGINS OF THE REVENUES TO COVER THE REIMBURSEMENT OF THE LONG TERM LOAN AS AUTHORIZED IN ARTICLE 50 OF DECREE 1229-2005**

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WHEREAS the government has, by decree, reconstituted as a local municipality the sector of the City of Montreal corresponding with the territory of the former Town of Hampstead, including its residents and taxpayers;

WHEREAS, through the June 21, 2004 Decree 596-2004, the government, in accordance with Article 51 of the *Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities*, formed a transition committee to participate, together with the City's administrators and employees, and, if applicable, with any people elected in advance in the reconstituted municipalities, in the establishment of the conditions most conducive to facilitating the transition between the successive municipal administrations;

WHEREAS, according to Article 45 of Decree 1229-2005, in compensation for the fact that the central municipality continues to assume certain debts following the reorganization, each reconstituted municipality, subject to Article 49, is indebted for a sum that in the case of the Town of Hampstead amounts to **\$4,752,530**;

WHEREAS, according to Article 49 of Decree 1229-2005, the Transition Committee could on behalf of the reconstituted municipalities contract before December 31, 2005 under conditions authorized first by the Ministry of Municipal Affairs and Regions a loan to compensate the central municipality for certain debts it continues to assume on behalf of the reconstituted municipalities;

WHEREAS in this case Article 45 does not apply and each reconstituted municipality becomes indebted to the creditor chosen by the Transition Committee for the sum appearing in conjunction with its name in this Article;

WHEREAS the Transition Committee of the Agglomeration of Montreal, for and in the name of the reconstituted municipalities, obtained a temporary loan from the Royal Bank of Canada as provided for in Article 49 of Decree 1229-2005 concerning the Agglomeration of Montreal;

WHEREAS each reconstituted municipality must reimburse the Royal Bank of Canada on March 31, 2006 its respective share of the nominal amount at that date according to its proportion of the debt stipulated in Article 45 of Decree 1229-2005, as well as the interest on this sum;

WHEREAS the Town of Hampstead is thus, as of January 1, 2006, indebted for the sum of **\$4,752,530**, corresponding with the amount appearing in conjunction with the name of the City in Article 45 of Decree 1229-2005, as well as the interest on this sum, all of which must be reimbursed to the Royal Bank of Canada on March 31, 2006;

WHEREAS according to Article 50 of Decree 1229-2005 each municipality is authorized to contract a long-term loan to reimburse the debt it must assume in accordance with Article 45 or Article 49 and the financing costs associated with the securities issued to guarantee the loan;

WHEREAS Article 50 of Decree 1229-2005 stipulates that the council of the municipality determines by resolution the source of revenues for reimbursing the long-term loan, that the resolution may therefore provide for the use of any source of financing that the municipality is authorized to use for any other purpose and that it may also directly associate any part of the loan with a by-law from the former municipality by virtue of which a debt has been contracted; in this case, the sums destined to reimburse the part thus identified shall come from revenues determined by this by-law;

WHEREAS, the Town of Hampstead wishes to contract a long-term loan of **\$4,909,050** to finance the reimbursement of its share of the debt, namely the sum of **\$4,752,530** as established by Article 45 of Decree 1229-2005, to which is added the sum of **\$95,050** to cover the financing costs related to securities issued to guarantee the loan and the sum of **\$61,470** to cover the temporary financing costs;

On motion of Councillor Anne-Marie Boucher, seconded by Councillor Clifford Borden, it was UNANIMOUSLY RESOLVED:

- THAT the present resolution replace Resolution N<sup>o</sup> 2006-37, adopted on February 7<sup>th</sup>, 2006; and
- THAT the following be determined and decreed by the present resolution:

ARTICLE 1: The preceding preamble forms an integral part of the present resolution.

ARTICLE 2: Council is authorized to borrow up to **\$4,909,050** for a term of 20 years.

ARTICLE 3: To provide for the payment of the expenses for interest and for the repayment in capital of the yearly instalments incurred for interest and for the repayment in capital of the yearly instalments of the loan authorized by the present by-law is hereby imposed and will be levied, each year, for the term of the borrowing, on all the taxable immovables situated in the territory of the Town of Hampstead, a special tax at a rate sufficient to ensure the full reimbursement of the total borrowing, distributed according to the property values of these immovables as inscribed on the property assessment roll in force each year.

ARTICLE 4: The present resolution will come into force in accordance with the law.

Approved

2006-48

**URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING  
PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS  
(PIIA) – 25 HOLTHAM ROAD**

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

- THAT the site planning and architectural integration programs received January 26<sup>th</sup>, 2006 showing **plans and elevations of a modification to the roof and the main entrance of the detached single-family dwelling at 25 Holtham Road** and prepared by **Mrs. Miriam Tabori**, architect, for the Planning Advisory Committee meeting of **January 30, 2006**, be approved according to the provisions of Chapter 12 of the Zoning By-law N<sup>o</sup> 727 and as recommended by the PAC.

Approved

**SECOND QUESTION PERIOD**

Mr. Sonny Surkes – 5702 Queen Mary

- Asked for more information concerning replacement of the Bombardiers.

Mrs. Cheryl Surkes – 5702 Queen Mary

- Asked for more detailed information on the vehicles being purchased.

2006-49

**ADJOURNMENT**

All the subjects of the Agenda having been discussed, it was proposed by Councillor Anne-Marie Boucher and unanimously resolved to declare the meeting closed.

Approved

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William Steinberg, Mayor

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Yvon Turcot, Assistant Town Clerk