

MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON DECEMBER 12TH, 2005, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:10 P.M.

THOSE PRESENT WERE: Mayor William Steinberg, Councillors Bonnie Feigenbaum, David Sternthal, Abraham Gonshor, Leon Elfassy and Clifford Borden forming a quorum.

ABSENT: Councillor Anne-Marie Boucher-Garber

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

1ST QUESTION PERIOD

Gary Shapiro Information concerning the Library agreement with the
5666. Queen Mary City of Côte Saint-Luc.

Michael Goldwax Public Security – Break-ins
35 Holly

2005-014

APPROVAL OF THE AGENDA

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

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

Approved

2005-015

DEPOSIT – STATEMENTS OF PECUNIARY INTEREST OF COUNCIL MEMBERS

The Town Council members have deposited, at this Council Meeting, individual written Statements of Pecuniary Interest according to section 357 of the *Act respecting elections and referendums in municipalities* (R.S.Q., c.E-2.2), with the exception of Councillor Anne-Marie Boucher-Garber who will deposit her Statement of Pecuniary Interest at a subsequent meeting.

2005-016

ASSIGNMENT – PORTFOLIOS TO THE COUNCIL MEMBERS

It was proposed by Abraham Gonshor, seconded by Leon Elfassy and UNANIMOUSLY RESOLVED:

- THAT the Council members acknowledge the assignment of the Town of Hampstead's portfolios as follows:

Mayor William Steinberg	-	Human Resources
Councillor Anne-Marie Boucher-Garber	-	Finance
Councillor Leon Elfassy	-	Public Works
Councillor Abraham Gonshor	-	Public Security
Councillor Bonnie Feigenbaum	-	Recreation
Councillor David Sternthal	-	Legal
Councillor Clifford Borden	-	Traffic

Approved

2005-017

ADOPTION - BY-LAW N° 740 - INTERNAL PROCEDURES GOVERNING COUNCIL MEETINGS

CONSIDERING THAT notice of motion of the by-law N° 740 was given at the Special Council meeting of November 28th, 2005 and that Council members received a copy of the by-law within the required delay and that they declare to have read it and waive the reading thereof;

It was proposed by Councillor Leon Elfassy, seconded by Councillor Bonnie Feigenbaum and UNANIMOUSLY RESOLVED:

- TO approve By-law N° 740 entitled: 'By-law Regarding the Internal Governing of the Council Meetings of the Town of Hampstead'.

Approved

2005-018

ADOPTION - BY-LAW N° 741 - DELEGATION OF POWERS TO AUTHORIZE MONEY SPENDING AND MAKING CONTRACTS

CONSIDERING THAT notice of motion of the by-law N° 741 was given at the Special Council meeting on November 28th, 2005 and that Council members received a copy of the by-law within the required delay and that they declare to have read it and waive the reading thereof;

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

- TO approve By-law N° 741 entitled: 'By-law respecting the delegation of powers to officers and employees to authorize the spending of money and to make contracts in the name of the Municipality'.

Approved

2005-019

BY-LAW N° 742 - DECREERING AND IMPOSING THE TAX RATES FOR THE YEAR 2006

It was proposed by Councillor Bonnie Feigenbaum, seconded by Councillor Leon Elfassy and UNANIMOUSLY RESOLVED:

- TO **defer** the adoption of By-law N° 742 to a subsequent Council meeting.

Approved

2005-020

ADOPTION – BY-LAW N° 743 – PLANNING ADVISORY COMMITTEE

CONSIDERING THAT notice of motion of by-law N° 743 was given at the Special Council meeting of November 28th, 2005 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 Bonnie Feigenbaum, seconded by Councillor Clifford Borden and UNANIMOUSLY RESOLVED:

- TO approve By-law N° 743 entitled: 'By-law respecting the Planning Advisory Committee'.

Approved

2005-021

NOTICE OF MOTION – BY-LAW N° 744 – REMUNERATION OF COUNCIL MEMBERS

NOTICE OF MOTION was given by Councillor David Sternthal that, at a subsequent meeting of Council, by-law N° 744 respecting the remuneration of the Town Council members will be submitted to Council for adoption.

TAKE FURTHER NOTICE THAT all Council members have received by-law N° 744 prior to this Council Meeting and that a motion to dispense with the reading of said by-law was made.

2005-022

NOTICE OF MOTION – BY-LAW NUMBER 745 – REIMBURSEMENT OF EXPENSES MADE BY A COUNCIL MEMBER

NOTICE OF MOTION was given by Councillor David Sternthal that, at a subsequent meeting of Council, by-law N° 745, decreeing the applicable rates for expenses incurred by a Town Council Member on behalf the Municipality will be submitted to Council for adoption.

TAKE FURTHER NOTICE THAT all Council members have received by-law N° 745 prior to this Council Meeting and that a motion to dispense with the reading of said by-law was made.

2005-023

GRANTING OF THE COMMUNITY SERVICES SPRING / SUMMER BROCHURE PUBLISHING CONTRACT

CONSIDERING THAT Council members have acquainted themselves with the report of the Director of Community Services and Recreation dated November 24th, 2005 with regard to a request for quotations for the preparation and publication of a brochure for the spring / summer 2006 program;

It was proposed by Councillor Bonnie Feigenbaum, seconded by Councillor Leon Elfassy and UNANIMOUSLY RESOLVED:

- THAT the Town Council grant to 'Le Groupe Pénega' the contract for the preparation and publication of the Community Services spring / summer 2006 brochure of the Town of Hampstead, following the prices and terms of their submission of October 25th, 2005.

Approved

2005-024

AUTHORIZATION TO APPROPRIATE FUNDS FROM THE ACCUMULATED SURPLUS

It was proposed by Councillor David Sternthal, seconded by Councillor Leon Elfassy and UNANIMOUSLY RESOLVED:

- TO defer this resolution to a subsequent Council Meeting.

Approved

2005-025

INTERMUNICIPAL AGREEMENT – CÔTE SAINT-LUC SNOW DUMP SERVICES

CONSIDERING THAT the Town Council members are acquainted with the letter of November 29th, 2005 from the City Manager of Côte Saint-Luc and the intermunicipal agreement allowing the Town of Hampstead to use the Côte Saint-Luc snow dump;

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

- THAT the Mayor or, in the case of his absence, the Acting Mayor and the Director general or, in case of his absence, the Town Clerk, is authorized to sign the Intermunicipal Agreement by which the City of Côte Saint-Luc allows the Town of Hampstead to use the services of the Côte Saint-Luc snow dump located at the intersection of Kildare Road and Marc Chagall Avenue. The Town of Hampstead will pay, to the City of Côte Saint-Luc, an annual fixed amount of \$10 000 in order to reserve the right for Hampstead to use the snow dump and an amount of \$1,00 per cubic metre of snow deposited at the site during the season, from January 1st, 2006 until March 31st, 2006.

Approved

2005-026

INTERMUNICIPAL AGREEMENT – CÔTE SAINT-LUC LIBRARY SERVICES

CONSIDERING THAT the Town Council members have acquainted themselves with the intermunicipal agreement allowing the residents of the Town of Hampstead to use the Côte Saint-Luc library;

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

- THAT the Mayor or, in the case of his absence, the Acting Mayor and the Director General or, in the case of his absence, the Town Clerk, is authorized to sign the Intermunicipal Agreement by which the City of Côte Saint-Luc allows residents of the Town of Hampstead to be members and to use the services of the Côte Saint-Luc Library located at 5851 Cavendish Boulevard.
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Mayor William Steinberg called for a vote:

Voted in favour:

Bonnie Feigenbaum
David Sternthal
Abraham Gonshor
Clifford Borden

Voted against:

Leon Elfassy

In favour: 4

Against: 1

Approved on division

2005-027

APPROVAL OF THE DELEGATION AGREEMENT FOR PENAL LAWSUIT OPERATIONS ON BEHALF OF THE MUNICIPAL COURT OF THE CITY OF MONTREAL

WHEREAS the territory Hampstead will be reconstituted into a municipality as of January 1st, 2006, by virtue of *An Act respecting the exercise of certain municipal powers in certain agglomerations* (S.Q. 2004, c. 29);

WHEREAS, as a reconstituted municipality, the Town of Hampstead will be acting as a prosecutor in the sense of the *Code of Penal Procedure (R.S.Q., c. C-25.1)* for offences under its jurisdiction;

WHEREAS the Municipal Court is an Urban agglomeration power that will be exercised by the City of Montreal through its Direction of Penal and Criminal Affairs team;

WHEREAS a Prosecutor's Attorney Team is already in operation within the Direction of Penal and Criminal Affairs to exercise all the functions dedicated to a prosecutor attorney of the Municipal Court; and

WHEREAS it is in the interest of the new Town of Hampstead to sign an agreement in regard to delegation of penal lawsuit operations before the City of Montreal Municipal Court:

It was proposed by Councillor David Sternthal, seconded by Councillor Leon Elfassy and UNANIMOUSLY RESOLVED:

- THAT the Director General be authorized to sign on behalf of the Town of Hampstead an agreement concerning delegation of penal lawsuit operations before the City of Montreal Municipal Court.

Approved

2005-028

DISAGREEMENT WITH THE CONTRIBUTION RATE OF THE CSST

Resolution Concerning Workplace Health and Safety and the Contribution Rate in 2006 for the Town of Hampstead

WHEREAS the Town of Hampstead will regain its employer status with the CSST on January 1, 2006;

WHEREAS the CSST intends to apply the *Regulation respecting the use of employer experience* to establish the Town of Hampstead's contribution rate, starting in 2006;

WHEREAS the City of Montreal is subject to the retrospective plan while the Town of Hampstead cannot take part in this plan and, as a result, will not benefit from the adjustment the plan allows;

WHEREAS the risks involved in working for the City of Montreal are not the same as those in Hampstead;

WHEREAS, according to the Transition Committee, after reconstitution the Town of Hampstead will pay the CSST an estimated \$2.39 per \$100 of maximum yearly insurable wages if the CSST reviews and applies the City of Montreal's experience;

WHEREAS the Town of Hampstead will have fifty-three (53) regular unionized employees and managers – a very small part of the 23,354.9 person-years employed by the City of Montreal in 2005;

WHEREAS the Town of Hampstead would pay slightly less than the unit rate estimated at \$1.71 per \$100 of maximum yearly insurable wages, including the sector based association, for 2006 if its experience had never been combined with the experience of the City of Montreal;

WHEREAS the *Regulation respecting the use of employer experience* does not address the case of reconstituted cities, which should therefore be considered new legal entities to which the unit rate should apply;

WHEREAS applying past experience in this case would create a city category with an unjust contribution rate compared to all other municipalities in Quebec;

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

- THAT the Town of Hampstead make the CSST aware of its strong disagreement with the CSST's plan to apply in 2006 and thereafter the City of Montreal's experience. Due to an unreasonable and unrealistic interpretation of the law, this approach unnecessarily punishes residents, charging them unrelated costs; it constitutes unjust and inequitable treatment as it makes the Town of Hampstead pay for significantly more than its experience in terms of work-related accidents and occupational illness.
- THAT, short of applying the Town of Hampstead's own experience, the CSST be asked to consider the Town of Hampstead as a new employer with a municipal category contribution rate until Hampstead develops its own experience.

Approved

2005-029

CONFIRMATION OF THE HIRING OF MANAGEMENT PERSONNEL OF THE TOWN OF HAMPSTEAD

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

- THAT the Council members of the Town of Hampstead confirm the following appointments of the management personnel of the Town of Hampstead on January 1st, 2006:
 - Richard Sun, Director General
 - Yvon Turcot, Assistant Director General
 - Zélia Craveiro, Administrative Assistant and Mayor's Secretary
 - Me Chantal Bergeron, Town Clerk
 - Me André Drouin, Director – Human Resources
 - Irene Lahaie, Director – Community Services and Recreation
 - Chandra Devenyi – Section Manager - Leisure
 - Charles Ohayon, Treasurer
 - Armin Klaus, Assistant Treasurer
 - Robert Martin, Director – Public Security
 - Michel Richard, Division Chief – Purchasing, Budget Control, Inventory and Information Systems

Approved

2005-030

APPOINTMENT OF AN INTERIM DIRECTOR OF PUBLIC WORKS AND TECHNICAL SERVICES

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

- THAT Council hereby authorizes the appointment of Luc Beauregard as the Interim Director of Public Works and Technical Services effective January 1st, 2006, the whole subject to a twelve month probationary period, under the terms and conditions of the confidential personnel files of the Town of Hampstead.

Approved

2005-031

INTERMUNICIPAL AGREEMENT FOR DISPATCH SERVICES

WHEREAS the Town Council of the Town of Hampstead has agreed to enter into agreement with the City of Côte Saint Luc to accept the offer of services for dispatch;

It was proposed by Councillor Leon Elfassy, seconded by Councillor Abraham Gonshor and UNANIMOUSLY RESOLVED:

- THAT the Director General and the Town Clerk of the Town of Hampstead are authorized to work with their counter parts in the City of Côte Saint-Luc to prepare the Intermunicipal Agreement.
- THAT the Mayor or, in case of absence, the Acting Mayor and the Director general or, in case of absence, the Town Clerk are authorized to sign the Intermunicipal Agreement by which the Town of Hampstead will use the services of the dispatch centre located in the City of Côte Saint-Luc.
- THAT the Town of Hampstead will pay the amount of \$35,000 per year to receive this service.

Approved

2005-032

EXTENSION OF CONTRACT FOR SECTION MANAGER – SPORTS

WHEREAS the Director General apprised the Members of Council of the need to extend the hiring contract of the Section Manager for Sports;

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

- THAT the Council hereby authorizes to extend Mr Ian Bresler's employment contract for 6 months, beginning on January 1st, 2006 and ending June 30th, 2006.

Approved

2005-033

AUTHORIZATION TO CERTAIN PERSONS TO ISSUE STATEMENTS OF OFFENCE FOR THE TOWN OF HAMPSTEAD

WHEREAS the territory of Hampstead will be reconstituted into a Town as of January 1st, 2006, by virtue of *An Act respecting the exercise of certain municipal powers in certain agglomerations* (S.Q. 2004, c. 29);

WHEREAS as a reconstituted municipality the Town of Hampstead will be acting as a prosecutor in the sense of the *Code of Penal Procedure (R.S.Q., c. C-25.1)* for offences under its jurisdiction;

WHEREAS Section 147 of the *Code of Penal Procedure (R.S.Q., c-25-1)* prescribes that a person must be authorized in writing by the prosecutor to deliver a statement of offence; and

WHEREAS it is necessary for the Town of Hampstead to issue certain authorizations for the delivery of statements in order to complete the existing authorizations ensuring the enforcement of all by-laws applicable on its territory following its reconstitution.

It was proposed by Councillor David Sternthal, seconded by Councillor Leon Elfassy and UNANIMOUSLY RESOLVED:

- To authorize the persons mentioned in the attached Schedule « A », to deliver statements of offence on behalf of the Town of Hampstead in relation to any acts, by-laws, resolutions or orders described in the said Schedule, which forms an integral part of the present resolution.

Approved

2005-034

APPROVAL OF THE BANKING SERVICES CONTRACT

RATIFICATION OF THE ACTS CARRIED OUT BY THE TRANSITION COMMITTEE OF THE MONTREAL AGGLOMERATION AND AWARDING OF A CONTRACT FOR BANKING SERVICES

WHEREAS the territory of Hampstead will be reconstituted into a Town as of January 1st, 2006, by virtue of *An Act Respecting the Consultation of Citizens with Respect to the Territorial Reorganization of Certain Municipalities (2003, Chapter 14)*;

WHEREAS, in accordance with Section 65 of the said Act, the mission of the Transition Committee for the Montreal Agglomeration is to participate, together with the administrators and employees of the City of Montreal and the concerned boroughs, in the establishment of the conditions most conducive to facilitate the transition of the former municipalities who chose to be reconstituted;

WHEREAS it is in the interest of the municipalities being reconstituted to award a contract for banking services as early as possible before January 1st, 2006, in order to enable the Treasurer to carry out certain acts before the reorganization;

WHEREAS public tenders were called by the Transition Committee for the banking services of the 15 municipalities to be reconstituted;

WHEREAS three (3) tenders received comply with the qualification criteria; and

WHEREAS the Selection Committee recommends unanimously the awarding of the contract to National Bank of Canada:

It was proposed by Councillor Bonnie Feigenbaum, seconded by Councillor David Sternthal and UNANIMOUSLY RESOLVED:

- THAT the acts carried out by the Transition Committee of the Montreal Agglomeration concerning the banking services contract be ratified; and.
- THAT, as recommended by the Transition Committee of the Montreal Agglomeration Committee, the offer of National Bank of Canada be accepted for the banking services required by the new Town of Hampstead for a term of two (2) years starting January 1st, 2006, all in accordance with the terms and conditions of the specifications.

Approved

2005-035

RATIFICATION OF THE NEQ NUMBER

WHEREAS the Transition Committee of the Montreal Agglomeration (CTAM) has a mandate to obtain the Quebec Business Number (NEQ) for the Town of Hampstead;

It was proposed by Councillor David Sternthal, seconded by Councillor Leon Elfassy and UNANIMOUSLY RESOLVED:

- THAT the Council recognizes the CTAM's proceedings to obtain the NEQ and acknowledges that the Town of Hampstead NEQ is: 8831858244.

Approved

2ND QUESTION PERIOD

Lorne Gold Costs for Library services
169 Harland

Gary Shapiro Information re extension of the contract for the Section
5666 Queen Mary Manager – Sports
Strategic meetings with the 15 demerging municipalities

Michael Goldwax Snow removal; Committee for recreation.
35 Holly

2005-036

ADJOURNMENT

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

Approved

William Steinberg, Mayor

Me Chantal Bergeron, Town clerk