

MINUTES
REGULAR COUNCIL MEETING

FEBRUARY 29, 2016
8:00 p.m.

Minutes of the Regular Meeting of the Council of Montreal West held on February 29, 2016 at the Town Hall located at 50 Westminster Avenue South.

Present: Mr. Beny Masella, Mayor
Ms. Julie Tasker-Brown, Councillor
Ms. Elizabeth Ulin, Councillor
Ms. Colleen Feeney, Councillor
Ms. Maria Torres, Councillor

Also present: Mr. Stephan F. Dulude, Director General
Mr. Claude Gilbert, Town Clerk

Mayor Beny Masella acted as chairperson of the meeting.
Mr. Claude Gilbert, Town Clerk, acted as secretary of the meeting.

Twenty-three (23) residents and visitors were in attendance.

1. Opening of the Meeting

It was moved by Councillor Maria Torres, seconded by Councillor Elizabeth Ulin and resolved:

That the Meeting be declared open.

Carried unanimously
#20160229-001

The Mayor called the Meeting to order at 8:00 p.m.

2. Acknowledgement of Visitors

Mayor Masella greeted and welcomed Senior Officer Pierre Blais from the Montréal Police Department (Neighbourhood Police Station 9).

3. Adoption of the Agenda

It was moved by Councillor Elizabeth Ulin, seconded by Councillor Maria Torres and resolved:

To adopt the Agenda of the Regular Meeting of Monday, February 29, 2016 as presented.

Carried unanimously
#20160229-002

4. Approval of the Minutes

It was moved by Councillor Colleen Feeney, seconded by Councillor Julie Tasker-Brown and resolved:

To approve the Minutes of the Council Meetings held on the following dates:

- Regular Council Meeting of January 25, 2016;
- Special Council Meeting of February 22, 2016.

Carried unanimously
#20160229-003

5. Correspondence

There was nothing under this item.

6. **Report of the Mayor**

Mayor Masella met representatives of the Caisse de dépôt et placement du Québec, which set up in 2015 a subsidiary that is allowed to act as owner-operator of certain infrastructure projects. Among these projects, a major one for Montreal West is the Train de l'Ouest. The Mayor took this meeting as an opportunity to express clearly the concerns of Town's residents about traffic and safety issues at the level crossing, which would inevitably become more serious with increasing departures, unless these departures were moved to another set of tracks. The Mayor also said he met local MP Marc Garneau, Minister of Transportation. The Minister met with various stakeholders in his riding of NDG-Westmount to get sense of their needs and priorities in view of the upcoming budget, and should transmit back these information to his colleagues in Ottawa. Mayor Masella noted that safety at the level crossing was one of the topics he discussed with Mr. Garneau, who is also expected to support the Town in getting a grant for a new recreation center. The recreation center was also mentioned when the Mayor met with MNA Kathleen Weil in December. Further to the findings of a technical study on the state of the current arena building, and following the public meetings that took place to inform the residents of the situation and options, the Mayor said it is clear the Town will not go forward with this project without a significant financial support from governments. Finally, he said the next Coffee with the Mayor will be March 23.

7. **Contracts and Town Clerk's Office**

a) Appointment of a representative to the Board of Directors of PME MTL Centre-Ouest

WHEREAS Chapter 8 of the 2015 Statutes of Quebec enacted legislative amendments under which the Agglomeration of Montreal must maintain a point of service for local and regional development, *inter-alia*, for the municipalities of Côte Saint-Luc, Hampstead and Montreal West, in accordance with paragraph 5 of article 118.82.3 of the Act respecting the exercise of certain municipal powers in certain Urban agglomerations (C.Q.L.R., Chapter E-20.001), as amended;

WHEREAS the new model of an economic development centre for the municipalities of Côte Saint-Luc, Hampstead and Montreal West, further to the replacement of the Local Development Centers in the Agglomeration of Montreal, shall be known as PME MTL Centre-Ouest;

WHEREAS Côte Saint-Luc, Hampstead and Montreal West (hereinafter referred to as the "Related Cities") are re-grouped under the guise of the aforementioned PME MTL Centre-Ouest;

WHEREAS the three aforementioned Related Cities must appoint an elected official within their municipal councils as a member of the board of administration of PME MTL Centre-Ouest;

THEREFORE:

It was moved by Councillor Elizabeth Ulin, seconded by Councillor Colleen Feeney and resolved:

1) That the Town Council of Montreal West, together with the Town of Hampstead and the City of Côte Saint-Luc, agree to appoint Me Dida Berku, Municipal Councillor of Côte Saint-Luc, to act as a representative from the three Related Cities in view of sitting on the board of administrators of the PME MTL Centre-Ouest

2) That this appointment be deemed effective as of June 30, 2015.

Carried unanimously
#20160229-004

b) Canada 150 celebration – grant application

It was moved by Councillor Elizabeth Ulin, seconded by Councillor Colleen Feeney and resolved:

That the Town of Montreal West apply for a subsidy under the Canada 150 Fund to the Federal Department of Canadian Heritage, in order to organize local events and commemorations in 2017, and authorize its Director of Recreation and Cultural Services to sign any necessary documents for this purpose.

Carried unanimously
#20160229-005

c) Agreement with St. Philip's Church

WHEREAS the Town may grant any assistance it considers appropriate with respect to such matters like community activities and the undertaking and furtherance, in or outside its territory, of works of charity and any action for the general welfare, in accordance with paragraph 1 of article 4, the first paragraph of article 90 and paragraph 2 of article 91 of the Municipal Powers Act (C.Q.L.R., Chapter C-47.1);

WHEREAS the Anglican Church of St. Philip owns a large tract of land in Montreal West over which is located the Rectory;

WHEREAS the Church would like to sell the Rectory but only after this tract of land has been subdivided, in order to keep the residue of that property;

WHEREAS By-Law No. 2009-009 provides that the permit applicant for a land subdivision must either give the Town the equivalent of 10% of the land to be subdivided or pay the equivalent of 10% of the land's value, in order to contribute for parks in the Town;

WHEREAS the Church contends that it does not have the financial capacity to meet this requirement;

WHEREAS the Town may consider providing assistance to the Church in this regard, without renouncing to the contribution it must receive to issue the subdivision permit;

WHEREAS the Town, in return, is also interested in having a say in the property's eventual development;

THEREFORE:

It was moved by Councillor Maria Torres, seconded by Councillor Colleen Feeney and resolved:

- 1) That the Town of Montreal West agree to defer St. Philip's Church's obligation to pay the contribution until after the sale of the Rectory or of any part of the property, subject to the conditions of an agreement that shall bind the two parties.
- 2) That the Church, in return, be required to grant the Town a hypothec on the whole piece of land to be subdivided, in order to guarantee the payment of that contribution, the deed of hypothec being also conform to the terms of the agreement mentioned above.
- 3) That the said agreement include a right of first refusal in favor of the Town.
- 4) That the subdivision permit be issued after the signature of this agreement and the registration of the hypothec.
- 5) That the Mayor and the Town Clerk be authorized to sign the agreement, the deed of hypothec and any other needed document to implement this resolution.
- 6) That this resolution be conditional upon the Church providing evidence that it has obtained from the Anglican Bishop of Montreal the authorizations to hypothecate the land to be subdivided and to sell the part of the land where the rectory is located.

Carried unanimously
#20160229-006

d) Earth Hour 2016

WHEREAS the "Earth Hour" is a yearly international event sponsored by the World Wildlife Fund;

WHEREAS this event is intended to increase public awareness of the importance of saving energy to fight climate change;

WHEREAS in 2015, more than 7,000 municipalities in 172 countries participated in this initiative;

It was moved by Councillor Julie Tasker-Brown, seconded by Councillor Elizabeth Ulin and resolved:

- 1) That the Town of Montreal West agree to turn off all nonessential lighting for one (1) hour on Saturday, March 19, 2016 starting at 8:30 p.m.
- 2) That all residents of Montreal West be encouraged to join this event in the same way.

3) That the Town of Montreal West invite all Montreal Island municipalities to take part in the Earth Hour 2016.

Carried unanimously
#20160229-007

8. Administration and finances

a) Approval of disbursements – January 21 to February 25, 2016

It was moved by Councillor Colleen Feeney, seconded by Councillor Julie Tasker-Brown and resolved:

That the list of accounts payable from January 21 to February 25, 2016 totaling \$827,964.69 be approved and paid as listed.

Carried unanimously
#20160229-008

9. Urban Department

a) Site Planning Projects and Architectural Integration Programs (SPAIP)

It was moved by Councillor Julie Tasker-Brown, seconded by Councillor Colleen Feeney and resolved:

1) To acknowledge receipt of the minutes of a meeting held by the Planning Advisory Committee (PAC) on February 24, 2016.

2) To approve under the SPAIP the following plans submitted to this meeting, subject to the conditions stated by the PAC as outlined in the minutes, as the case may be:

Address	Project	PAC's recommendation
37 Westminster N. 185 Bedbrook 43 Curzon	replacement of a door replacement of roof shingles replacement of a window and interior renovation of the bathroom	as presented; as presented; as presented;
172 Ballantyne S. 120 Percival 112 Westminster N. 150 Wolseley N.	replacement of windows replacement of windows replacement of back door replacement of windows, side door and garage door	as presented; as presented; as presented; with conditions;
183-189 Easton 17 Ainslie	replacement of brick replacement of flat roof	with conditions; as presented.

3) To defer the examination of the following plans to a next meeting of this Council, in accordance with the recommendations of the PAC as outlined in the minutes:

Address	Project
227 Ballantyne N. 47 Ainslie 33-35 Westminster N. 15 Banstead	replacement of brick, roof cladding, windows and door (including garage door) and repainting of shutters; replacement of a patio door by a double door; installation of a commercial sign; extension at the rear of the house.

4) To refuse the following plans, in accordance with the recommendations of the PAC as outlined in the minutes:

Address	Project
61-63 Ronald	replacement of windows.

Carried unanimously
#20160229-009

b) Minor exemption request – 91-97 Bedbrook

NOTE Councillor Julie Tasker-Brown summarized the issues involved in the following matter. She also noted that it had been advertised in the newspaper. No comments were received since the publication (and none were made after these explanations).

It was moved by Councillor Julie Tasker-Brown, seconded by Councillor Elizabeth Ulin and resolved:

That the plans and request submitted to the December 16, 2015 meeting of the Planning Advisory Committee be approved, in accordance with By-Laws 2010-002 and G-18-0005, for the following minor exemptions from sections 4.1.10 and 4.2.6 of the Zoning By-Law, regarding the immovable located at 91-97 Bedbrook:

- Allow that a detached garage be set up in the lateral setback, despite the normal requirement that allows it only in the rear setback;
- Allow that a detached garage be set up on a lot which land use is H4, despite the normal requirement that allows it only for land uses H1, H2 and H3.

Carried unanimously
#20160229-010

c) Approval of a first Draft By-Law and fixing of the date of a public consultation meeting – By-Law Concerning an Amendment to Zoning By-Law No. 2010-002 in order to remove lot 1 292 123 from Zone RA-9 to include it in Zone MA-2

It was moved by Councillor Julie Tasker-Brown, seconded by Councillor Maria Torres and resolved:

- 1) To approve the first Draft By-Law for a By-Law Concerning an Amendment to Zoning By-Law No. 2010-002 in order to remove lot 1 292 123 from Zone RA-9 to include it in Zone MA-2.
- 2) To convene a public consultation meeting on this Draft By-Law at the Community Center John A. Simms, on Mach 21, 2016 at 7:00 p.m.

Carried unanimously
#20160229-011

10. Public Works

There was nothing under this item.

11. Human Resources

There was nothing under this item.

12. Appointments

a) Designation of the Pro-Mayor

NOTE The last persons who held the office of Pro-Mayor, starting with the most recent incumbent, were Councillors Maria Torres, Elizabeth Ulin, Julie Tasker-Brown, and Colleen Feeney.

It was moved by Councillor Maria Torres, seconded by Councillor Elizabeth Ulin and resolved:

- 1) That Councillor Colleen Feeney be appointed Pro-Mayor for the months of April, May, June and July 2016.
- 2) That Councillor Colleen Feeney be designated to replace Mayor Beny Masella on the Agglomeration Council as necessary, and that a copy of this resolution be forwarded, if needed, to the Agglomeration Council.
- 3) That this appointment take effect on April 1, 2016.

Carried unanimously
#20160229-012

13. Councillors' Reports

a) Seat Number 4

Councillor Maria Torres reported on matters pertaining to Public Works and Buildings.

b) Seat Number 1

Councillor Julie Tasker-Brown reported on matters pertaining to Urban Planning and Environment.

c) Seat Number 2

Councillor Elizabeth Ulin reported on matters pertaining to Public Security, Recreation and Culture.

d) Seat Number 3

Councillor Colleen Feeney reported on matters pertaining to Finance, Administration and Human Resources.

14. Deposit of Documents

There was nothing under this item.

15. Notice of Motion, Reading and Adoption of By-Laws

a) Adoption of By-Law No. 2016-003 – By-Law Authorizing a Loan of \$969,115 for the Carrying out of Road, Aqueduct and Sewer Work and Sidewalk Repairs on Strathearn Avenue North between Curzon and Milner

WHEREAS dispensation from reading for this By-Law having been previously requested according to the law, a copy of said By-Law was accordingly made available to Council members, who have taken cognizance of it and waive its reading;

THEREFORE:

It was moved by Councillor Colleen Feeney, seconded by Councillor Maria Torres and resolved:

That By-Law No. 2016-003 entitled “By-Law Authorizing a Loan of \$969,115 for the Carrying out of Road, Aqueduct and Sewer Work and Sidewalk Repairs on Strathearn Avenue North between Curzon and Milner” be adopted.

Carried unanimously
#20160229-013

b) Notice of Motion and dispensation from reading for a By-Law Concerning an Amendment to Zoning By-Law No. 2010-002 in order to remove lot 1 292 123 from Zone RA-9 to include it in Zone MA-2

Mayor Masella gave notice of motion that it is intended at a subsequent Meeting of Council to submit for adoption a “By-Law Concerning an Amendment to Zoning By-Law No. 2010-002 in order to remove lot 1 292 123 from Zone RA-9 to include it in Zone MA-2”.

The said By-Law will be made available to the public, in draft version, at least two juridical days before the meeting to be scheduled is held to adopt the By-Law.

Mayor Masella requested that the reading of this “By-Law Concerning an Amendment to Zoning By-Law No. 2010-002 in order to remove lot 1 292 123 from Zone RA-9 to include it in Zone MA-2” be dispensed with.

16. Public Question Period

The Mayor announced the beginning of the Public Question Period at 8:55 p.m.

Residents were invited to ask their questions to the Mayor and Councillors.

Ian Robinson wanted to know exactly if St. Philip’s Church will have to pay the 10% contribution for parks fund. Mayor Masella said it will, but only on the part of the land where the rectory is, when it is sold; the balance of the contribution will be a mortgage on the residue of the land. The resident asked if this was legal and the Mayor answered yes, the Town having a discretionary power to provide such assistance to community organizations. The resident wondered if this amounted to treating all taxpayers equally. The Mayor remarked that the Church does not pay any taxes on its property at this time, in accordance with law. Helping it to sell will allow to levy taxes on a property formerly exempted. Councillor Ulin added that over there is a beautiful green space. Asking for the whole amount instead of accepting to delay the payment could lead to the sale of the whole property to a promoter. So she preferred the mortgage formula. However, she noted this is a unique case and that she understood the resident’s perspective.

Shan Impey-Warf thanked Council on behalf of St. Philip's Church. She asked who will follow up on the resolution adopted tonight. The Mayor told her that the Town Clerk will send it to the Church's lawyer. The visitor said that the next step is the subdivision of the property, but then it also will have to be re-zoned. The Mayor said the re-zoning process will follow.

Naghmeh Mohammadian introduced herself as one of the promoters of a daycare project on Westminster. To answer a letter from the Mayor who pointed out problems with this project, she said she would have a solution to the concerns about parking. The Mayor said his letter was not only about traffic and security issues. He noted that this daycare asked the government to allow that the number of children be raised from 6 to 20. To accept this change, for the Town, would entail a zoning amendment in that sector. The Town could not agree to such a request and then deny another one to the same effect. The resident said there are not daycares in Montreal West, apart from family based ones. However, there is already a daycare not far which is authorized. She handed a letter and other documents to Council members. Councillor Tasker-Brown said she was certain there is a demand for good daycares. However, one must also consider what uses are the most appropriate in each zone. This sector is mostly residential with some family businesses. Changing that for the resident's project would mean to allow commercial businesses. The situation is a bit similar to what happened on Ronald Drive a few years ago. There was already a daycare, and there was a project to have another one nearby; but Council decided that there should be a limit to the number of daycares in a given neighborhood. In addition, noted Mayor Masella, even if parents sign a letter by which they undertake to comply with traffic rules, it does not give more resources to enforce them. The resident said the idea is the daycare would take note of the license plate numbers of the parents' vehicles. The Mayor said the Town will examine the letter and documents she distributed.

Cynthia Nichols said that there are trucks which block her driveway. Also, there are rumors about housing development and the NDG Food Depot. Then there what she called the dog cage problem with the dog run, which is automatically locked at 10:00 p.m. The Mayor said the Town is looking into ways of solving this problem, like an exit one-way bar. The resident also wondered what happens with the lumber when trees must be cut down. Having been invited to answer by the Mayor, Mr. Ferdinando Guadagnino, Foreman, said that most of the time, the wood is rotten. There is also the case of ash trees. The Mayor agreed the Town could look for other ways to dispose of recyclable wood. On another point, the resident wondered why there is no opposition party in Montreal West. The Mayor noted that there are no political parties at all. Finally, the resident expressed concerns about a tree planted on the property of St. Philip's Church. The Mayor said it is a private land.

Jennifer Leach said she did not understand the objection raised about the daycare project based on the fear of a precedent, knowing that there is another daycare nearby. Mayor Masella explained that the rules were different when that first daycare was started. Now the government asks that new daycares get municipal approval. The resident said that the earlier daycare set the precedent, not the new applicant. The Mayor noted that the difference is the earlier one did not ask the Town. Councillor Ulin added that if it had asked the Town, that daycare would not have been approved.

Louise Chenevert complained about the state of sidewalks on Roxton. Councillor Torres said that all the Town can do for the time being is to put cold asphalt patches. To the Mayor, the resident said that two years ago she complained about a private snow removal contractor who dumps snow on the other side of the street. The Mayor asked her if she reported this problem. The resident said she expected Public Security Officers (PSO) to track the offender. Councillor Ulin asked her if the Town was aware of the addresses of the residents involved, and advised her to tell the PSO. The resident noted that it would be a good idea to organize a community gathering on the occasion of the annual Earth Hour. Finally she gave Council members a copy of the Montreal West Trees calendar she made.

Tom Maclay said he supported the new daycare's application, but understood the parking problems. However, he suggested that the Town remove the five-minute limit for parking in the vicinity. The Mayor said it would not solve all the issues, and added that this suggestion should go first to the Traffic and Safety Committee.

Richard Morin asked what are the expenses associated with the library in the monthly list of accounts payable. Councillor Feeney noted that they are included, not singled out, in general expenses like Hydro-Quebec bills. This is different from the annual grant to the library, which is approved and paid separately. Concerning the dog run, the resident said he disagreed with its size, its costs, like for the wifi service, and the fact that trees were felled to make it. About the arena, he contended that those who want one should pay, not all residents. Mayor Masella answered that to be clear, there is no wifi in the dog park, but an electronic gate system. He noted that the dog park serves the needs of many people: if there are 280 which are licensed, it means there are many more residents who benefit. For instance, he has a dog and there are four other persons in his

house. Councillor Tasker-Brown said that the electronic gate system was chosen after a long consultation process and considering different options. In particular, one of the main concerns expressed was that dog owners from Montreal West could be overwhelmed with people from outside the Town; hence, this system which allows to control the access. There was also a concern for nuisances, which led to the decision about time limits. These were not easy issues to resolve, but the decisions were reasoned. The Mayor added that, for instance, having a fountain for dogs was not extravagant; all dog parks have one. By deciding to have a dog park, the Town solved a problem after 40 years of debate. He also pointed out that the costs included the re-building of a new park for kids on the other side of the street.

Cynthia Nichols noted that the new park for kids is located rather close to the railway.

17. Termination of the Meeting

At 10:00 p.m., no other questions being asked,

It was moved by Councillor Elizabeth Ulin, seconded by Councillor Maria Torres and resolved:

That the Meeting be terminated.

Carried unanimously
#20160229-014

Beny Masella
Mayor

Claude Gilbert
Town Clerk

*The annexes mentioned above are deposited
in the municipal archives in File Archives-20160229*