

MINUTES
REGULAR COUNCIL MEETING

AUGUST 29, 2016
8:00 p.m.

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

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

Absent: Ms. Julie Tasker-Brown, 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
#20160829-001

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

2. Acknowledgement of Visitors

There was nothing under this item.

3. Adoption of the Agenda

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

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

Carried unanimously
#20160829-002

4. Approval of the Minutes

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

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

- Regular Council Meeting of June 27, 2016;
- Special Council Meeting of July 15, 2016;
- Special Council Meeting of July 27, 2016;
- Special Council Meeting of August 12, 2016.

Carried unanimously
#20160829-003

5. Correspondence

There was nothing under this item.

6. Report of the Mayor

Mayor Masella deemed it appropriate to explain the changes that were brought to the rules governing question periods at regular monthly meetings, like he did in June. There will now be two question periods, one at the beginning of the meeting, and the other one at the end. Those question periods are not supposed to give rise to debates. People are allowed to ask two questions at a time (first one with a preamble, the second one without) and then go back at the end of the line if others have questions to ask. This is to improve the tone of these public meetings and he added that the lack of respect does not fit with Montreal West community standards. Concerning Davies Park, the Mayor said he hoped the phase 2 of the rejuvenation project will begin this fall. As for grass issues in the dog park, he noted that the cost incurred by the Town to solve them will be deducted from what is still due to the contractor. In order to facilitate maintenance work, the dog park will be closed Tuesdays and Thursdays between noon and 1 p.m. The Mayor noted that, at the end of June, the water service line to the Town Hall broke and this caused leaks that damaged the foundations. As a result, the front door is now closed and a call for tenders will be issued soon in order to have the repairs done. Concerning the Recreation Center, he said the new grant program has now been defined by the governments, and noticed that eligible projects may receive up to 66% funding. The Town will make an application. On Strathearn Avenue where infrastructure work is being carried out this year, unfortunately, the work did not proceed as smoothly as planned, with three natural gas leaks. Gaz Métro is investigating the circumstances. Finally, he said that the next Coffee with the Mayor will be September 21.

7. First Public Question Period

The Mayor announced the beginning of the First Public Question Period at 8:10 p.m.

Residents were invited to ask their questions to the Mayor and Councillors concerning matters of general interest.

Rob Bickerdike said he has had health issues because the contractor who was hired to install a treated wooden deck on a neighbor's property near his own applied a chemical product on the structure. He asked what the Town can do. The Mayor noted that there is a pesticide by-law but he was not sure it could be relevant in this kind of situation, and wondered if it would not be rather a matter of air quality under the City of Montreal's jurisdiction. Having been invited to comment by the Mayor, the Director General told the resident to contact the Public Security Officers (PSO) so that they will check if it is the pesticide by-law or maybe the nuisance by-law that could be applicable.

Ian Robinson noted that the City Council of Westmount has adopted a resolution requiring bidders to provide certification from the Autorité des Marchés Financiers, like is done for government contracts. He asked if Montreal West would do the same. The Mayor said this question has been discussed by Council and other municipalities. He agreed the logic is right to say it should be the same rule for municipal contracts, but was not sure that Westmount will have the AMF agree to provide the same service. At this point, he would wait and see if Westmount will succeed with this resolution. The resident also complained about a parking problem due to one of his neighbors.

Chris Caza-Pugh said trees behind his property, on Meadowbrook golf course, seem to have died from ash borer infestation, and some branches fell on his side. He tried to reach the owner, Canadian Pacific, but to no avail. He wondered if the Town could do something even if the problem is outside its territory. The Mayor said this situation reminded him of the issues the Town had with Hydro-Québec concerning trees that it had planned to cut down. The Mayor told the resident the best thing he could do was to go to the Borough Office of Lachine since the tree is in Montreal, and also to talk to the property manager of CP, not the golf course manager. Councillor Ulin added he should bring pictures with him, and noted that Montreal West cannot rule on Lachine's trees. She also assured the resident that emerald ash borer does not threaten other tree species.

Josée Beaudoin asked if the Mayor could talk to Lachine, regarding the issue raised above. The Mayor said he could, since he meets the Borough Mayor at the Agglomeration Council.

Ann McLaughlin noted that the contractor hired by the Town to carry out infrastructure work on Strathearn Avenue was very professional and respectful of citizens. On another point, she complained about restaurants that are putting their garbage in the backyards and do not have enough garbage bins. Residents on Strathearn are disgusted by the odors and flies and now there are rodents around. The Mayor said the Town can address this problem. The resident also expressed concerns about the opening of other restaurants on Westminster, given the non-desirable side effects she mentioned. The

Mayor remarked that Montreal West is maybe one of the last municipalities that let businesses use the same garbage bins as residents and have the same service. In Côte Saint-Luc, for instance, he noted that his drugstore had to hire a contractor for garbage collection. It is a question of where businesses on Westminster can actually put these bins or containers. The Mayor also said that if a restaurant's terrace caused noise nuisances, it could be an infringement of the Town's by-laws. Councillor Ulin advised the resident to notify the PSO. The resident asked what will happen with the new restaurants. The Mayor answered this question cannot be answered as long as one does not know how they will behave.

June Gray said that right behind her property there is a fence. On the other side there are trees which branches are bending towards her house. They may end up rubbing on the roof and she added they also overshadowed her lot. Since the neighbor denies the trees are theirs, she asked if it could be a Town tree. The Mayor said no; such a tree between two adjacent private houses can only be one or both of the owners' property.

Cynthia Nichols asked a question about signs on the sidewalk in front of her house on the other side of the street. Mayor Masella said it is about road work that will be carried out by the Public Works Department in the coming weeks, and she could follow up with the department for the work schedule. The resident then asked a question about a claim for damages to a rosebush on St. Philip's Church property. The Mayor told her to send the claim to the Town Clerk. On another point, the resident asked what was going on with trucks in Montreal West. The Mayor explained that the PSO do not have the power to issue for tickets for moving violations. He advised her to go the Montreal Police Department. She can also file a report on line. The resident said she saw a landscape contractor taking pictures of little girls dancing in the park. The Mayor said he will tell the PSO and ask them to keep an eye open.

The First Question Period ended at 8:45 p.m.

8. Contracts and Town Clerk's Office

a) Deed of hypothec – St. Philip's Church

WHEREAS the Town has agreed to defer the obligation of St. Philip's Church to pay a contribution for parks in order to facilitate the issuance of a subdivision permit, in accordance with resolution #20160229-006;

WHEREAS an agreement was signed by both the Town and the Church to this effect, one of its conditions being that the Church shall grant the Town a mortgage guarantee to secure the payment of this contribution under the terms of this agreement;

WHEREAS a deed of hypothec has been prepared to this end;

WHEREAS the draft subdivision plan referred to in the agreement had to be replaced, since it appeared that the land base of the hypothec would have to be modified to reflect the fact that the Church's building encroaches on the Rectory's land;

THEREFORE:

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

- 1) That the Town of Montreal West agree to the terms and conditions of a deed of hypothec with St. Philip's Church, as prepared by Me Francine Pager, Notary, for the purposes of implementing the agreement referred to in the preamble of this resolution.
- 2) That the Mayor and the Town Clerk be authorized to sign the said deed of hypothec as well as any necessary documents for these purposes.

Carried unanimously
#20160829-004

b) Letter of agreement with the City of Montreal concerning the access to its databases

WHEREAS the City of Montreal owns large databases regarding infrastructure and natural environment and covering the territory of the Agglomeration;

WHEREAS the City of Montreal is ready to share this information with the Town of Montreal West, on the condition that its access to these various data be subject to the terms of use which are set out in standard agreements;

THEREFORE:

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

- 1) That the Town of Montreal West accept to enter into an agreement with the City of Montreal for the purpose of accessing and using its computer networks and various databases owned by the latter that cover the territory of Montreal West.
- 2) That the Director of Public Works of Montreal West, Mr. Rylan Wadsworth, be authorized to sign any such agreement and application forms on behalf of the Town.

Carried unanimously
#20160829-005

c) Planting of public trees – guidelines

WHEREAS the Town of Montreal West values the importance of public trees in the community for environmental, economic, health and aesthetic reasons;

WHEREAS the Town of Montreal West is planting more trees compared to other municipalities on the Island of Montreal based on territory size;

WHEREAS for the past few years the Town of Montreal West has been planting more trees than what is felled by both residents and Town's employees alike;

WHEREAS a substantial portion of the Town's tree canopy, particularly its public street trees, is aging and requires replacement and rejuvenation as soon as possible;

WHEREAS a survey of the Town's public trees found the number of smaller, younger trees is severely underrepresented;

WHEREAS the Town has determined proactive measures are required to protect and ensure the health of its urban forest and establish a robust urban forest for future generations,

THEREFORE:

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

That the Department of Public Works be instructed and mandated to:

- 1) Maximise the planting of public street trees in plantable spaces, defined by an experienced employee or recognized outside expert as spots large enough to accommodate a new tree (i.e. compatible with existing utilities, underground infrastructure, fire hydrants, sidewalks, etc);
- 2) Prioritise areas with minimal street tree coverage (i.e. 2 or more civic addresses in a row with no street tree; corner lots with no street tree) when possible;
- 3) Plant the largest species of tree possible given the constraints of the plantable space;
- 4) Ensure a wide diversity of tree species in the Town by prioritizing underrepresented species;
- 5) Consider the appearance (size and form) of adjacent trees when choosing the species for a particular spot;
- 6) Select good quality nursery trees (i.e. those with single straight trunks and well spaced lateral branches that are free from structural weaknesses).

Carried unanimously
#20160829-006

d) Amendment to contract management policy

WHEREAS the National Assembly of Quebec has adopted Bill 83 on June 10, 2016 being an Act to amend various municipal-related legislative provisions concerning such matters as political financing;

WHEREAS articles 16 and 17 of this Act compel municipalities like Montreal West to modify their contract management policy in order to provide that the appointment of members to selection committees for the assessment of tenders for professional services shall no longer be done by resolution but shall be delegated to an officer;

THEREFORE:

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

That the Contract Management Policy enacted by virtue of resolution #20101216-005 (2) be amended by replacing the first paragraph of section 10 with the following:

“Where a tender weighing and assessment system is used, a selection committee must be established and its members appointed by an officer to which this power has been delegated by Council in a by-law. Notwithstanding the Act respecting access to documents and the protection of personal information, no Councillor, officer or employee may disclose information allowing a person to be identified as a member of a selection committee.”

Carried unanimously
#20160829-007

9. Administration and finances

a) Approval of disbursements – June 22 to August 24, 2016

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

That the list of accounts payable from June 22 to August 24, 2016 totaling \$1,126,792.18 be approved and paid as listed.

Carried unanimously
#20160829-008

b) Delegation of powers for the months of July and August, 2016

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

To approve the report of the Director General concerning the exercise of powers delegated under By-Law No. 2005-002 for the months of July and August, 2016.

Carried unanimously
#20160829-009

10. Urban Department

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

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

1) To acknowledge receipt of the minutes of a meeting held by the Planning Advisory Committee (PAC) on August 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
63 Ainslie	modification of existing roof, addition of a mudroom, removal and reinstalling of deck sections;	with conditions;
138 Brock N.	replacement of cladding material on main façade, new front door, repainting garage door and windows trims, removal of mullions and installing new spotlights and soffits	as presented;
309 Brock N. 12 Easton	replacement of eight windows installing aluminium cladding on front porch and soffits	as presented; with conditions;
112 Broughton	closing the wall on a basement window and replacement of two other basement windows	with conditions;
87 Percival	replacement of a door and two windows	as presented;
60 Brock N.	installation of gutters	as presented;
83 Percival	repointing of a wall, installation of galvanized lintels over windows, repair of window sills and construction of a	as presented.

foundation under existing extension

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
94-98 Westminster N.	installation of a commercial sign;
30-38 Westminster N.	painting of the façade;
147 Brock S.	extension/modification of roof.

Carried unanimously
#20160829-010

b) Approval of a Draft By-Law and fixing of the date of a public consultation meeting – By-Law Amending By-Law No. 2012-005 Concerning the Site Planning and Architectural Integration Program in order to exclude some categories of projects from its application and to reduce the number of required documents for some others

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

1) To approve the Draft By-Law for a By-Law Amending By-Law No. 2012-005 Concerning the Site Planning and Architectural Integration Program in order to exclude some categories of projects from its application and to reduce the number of required documents for some others.

2) To convene a public consultation meeting on this Draft By-Law at the John A. Simms Community Center, on September 15, 2016 at 7:00 p.m.

Carried unanimously
#20160829-011

c) Approval of a first Draft By-Law and fixing of the date of a public consultation meeting – By-Law Concerning Various Amendments to Zoning By-Law No. 2010-002

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

1) To approve the first Draft By-Law for a By-Law Concerning Various Amendments to Zoning By-Law No. 2010-002.

2) To convene a public consultation meeting on this Draft By-Law at the John A. Simms Community Center, on September 15, 2016 at 7:15 p.m.

Carried unanimously
#20160829-012

11. Public Works

a) Subsidy application for a Community and Recreation Center – New Canada Quebec Building Fund (Small Communities Component)

WHEREAS the Town has taken cognizance of the Guide concerning the Payment Terms of the Government's Contribution within the scope of the New Canada Quebec Building Fund (Small Communities Component);

WHEREAS the Town must follow the applicable terms of this Guide in order to receive a contribution;

THEREFORE:

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

1) That the Town of Montreal West undertake to comply with the applicable content of the Guide mentioned in the preamble, in order to carry out the building of a new Community and Recreation Center.

2) That the Town accept and agree to be fully and solely liable and to exonerate the Canadian and Quebec Governments as well as their ministers, officers, employees and agents in the event of any claims, requests, losses, damages and costs of whatever nature arising from bodily injuries to third parties (including death) and material losses or

damages to property that may be attributed to a deliberate or negligent behavior directly or indirectly linked to capital expenditures realized with the proceeds from the funding received under the subsidy program mentioned in the preamble.

3) That the Town approve and authorize the sending of all the required documentation to the Ministry of Municipal Affairs and Land Occupation.

4) That the Town of Montreal West undertake to pay its share of the eligible costs for the carrying out of this project, as well as its operating costs once completed.

5) That the Town undertake to inform the Ministry of Municipal Affairs and Land Occupation of any modification that may be brought to the project approved by the present resolution.

6) That the Director General be authorized to sign the subsidy application form and any other document on behalf of the Town of Montreal West for the purposes of this resolution.

Carried unanimously
#20160829-013

12. Human Resources

a) Permanent appointment – Building Inspector

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

That Mr. Vlad Florea-Archir be appointed permanent Building Inspector as of August 20, 2016 (Group 7).

Carried unanimously
#20160829-014

13. Appointments

There was nothing under this item.

14. Councillors' Reports

a) Seat Number 1

In the absence of Councillor Julie Tasker-Brown, there was no report on matters pertaining to Urban Planning and Environment.

b) Seat Number 2

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

c) Seat Number 3

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

d) Seat Number 4

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

15. Deposit of Documents

There was nothing under this item.

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

a) Adoption of By-Law No. 2016-016 – By-Law Amending Zoning By-Law No. 2010-002 with respect to parking, hardscaping and authorized exterior cladding materials

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 Elizabeth Ulin, seconded by Councillor Colleen Feeney and resolved:

That By-Law No. 2016-016 entitled "By-Law Amending Zoning By-Law No. 2010-002 with respect to parking, hardscaping and authorized exterior cladding materials" be adopted.

Carried unanimously
#20160829-015

b) Adoption of By-Law No. 2016-017 – By-Law concerning the rules of conduct of Council meetings

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 Maria Torres, seconded by Councillor Elizabeth Ulin and resolved:

That By-Law No. 2016-017 entitled "By-Law concerning the rules of conduct of Council meetings" be adopted.

Carried unanimously
#20160829-016

c) Notice of Motion and dispensation from reading for a By-Law Concerning Various Amendments to Zoning By-Law No. 2010-002

Mayor Masella gave notice of motion that it is intended at a subsequent Meeting of Council to submit for adoption a "By-Law Concerning Various Amendments to Zoning By-Law No. 2010-002".

The said By-Law, in draft version, was tabled with Council and made available to the public.

Mayor Masella requested that the reading of this "By-Law Concerning Various Amendments to Zoning By-Law No. 2010-002" be dispensed with.

d) Notice of Motion and dispensation from reading for a By-Law Amending By-Law No. 2014-003 Enacting a Code of Ethics and Good Conduct for Municipal Elected Officers and replacing By-Law No. 2011-008

Mayor Masella gave notice of motion that it is intended at a subsequent Meeting of Council to submit for adoption a "By-Law Amending By-Law No. 2014-003 Enacting a Code of Ethics and Good Conduct for Municipal Elected Officers and replacing By-Law No. 2011-008".

The said By-Law, in draft version, was tabled with Council and made available to the public.

Mayor Masella requested that the reading of this "By-Law Amending By-Law No. 2014-003 Enacting a Code of Ethics and Good Conduct for Municipal Elected Officers and replacing By-Law No. 2011-008" be dispensed with.

e) Notice of Motion and dispensation from reading for a By-Law Amending By-Law No. 2012-006 Enacting a Code of Ethics and Professional Conduct for Municipal Employees

Mayor Masella gave notice of motion that it is intended at a subsequent Meeting of Council to submit for adoption a "By-Law Amending By-Law No. 2012-006 Enacting a Code of Ethics and Professional Conduct for Municipal Employees".

The said By-Law, in draft version, was tabled with Council and made available to the public.

Mayor Masella requested that the reading of this "By-Law Amending By-Law No. 2012-006 Enacting a Code of Ethics and Professional Conduct for Municipal Employees" be dispensed with.

f) Notice of Motion and dispensation from reading for a By-Law Amending By-Law No. 2005-002 to Delegate Powers to Officers and Employees by the Council

Mayor Masella gave notice of motion that it is intended at a subsequent Meeting of Council to submit for adoption a "By-Law Amending By-Law No. 2005-002 to Delegate Powers to Officers and Employees by the Council".

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 Amending By-Law No. 2005-002 to Delegate Powers to Officers and Employees by the Council" be dispensed with.

17. Second Public Question Period

The Mayor announced the beginning of the Second Public Question Period at 9:30 p.m.

Residents were invited to ask their questions to the Mayor and Councillors concerning the matters on the agenda of this meeting.

18. Termination of the Meeting

At 9:31 p.m., no questions being asked,

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

That the Meeting be terminated.

Carried unanimously
#20160829-017

Beny Masella
Mayor

Claude Gilbert
Town Clerk

*The annexes mentioned above are deposited
in the municipal archives in File Archives-20160829*