

MINUTES
REGULAR COUNCIL MEETING

SEPTEMBER 26, 2016
8:00 p.m.

Minutes of the Regular Meeting of the Council of Montreal West held on September 26, 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-one (21) 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
#20160926-001

The Mayor called the Meeting to order at 8:05 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 Maria Torres and resolved:

To adopt the Agenda of the Regular Meeting of Monday, September 26, 2016 as presented.

Carried unanimously
#20160926-002

4. Approval of the Minutes

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

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

- Regular Council Meeting of August 29, 2016;
- Special Council Meeting of September 9, 2016;
- Special Council Meeting of September 16, 2016.

Carried unanimously
#20160926-003

5. Correspondence

Mayor Masella greeted and welcomed Lieutenant Fred Jennings from the Montréal Police Department (Neighbourhood Police Station 9).

6. Report of the Mayor

Mayor Masella explained that a water break occurred at the Town Hall this summer. As a result, the regular water line had to be shut down, until the pipe is replaced, and a temporary one was installed. At the same time, it appeared the foundation need to be repaired in order to prevent water from leaking in the basement. A public call for tenders has been issued and the work will have to be done later this fall. The next Coffee with the mayor will be on October 19. Finally, he noted that the next regular meeting will be October 24, and not the last Monday of the month as usual.

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.

David Superstein quoted an article in The Suburban about the new by-law that enacted rules for the conduct of Council meetings. He wondered why there are fines in this by-law. Mayor Masella noted that he was called names in previous meetings and it had to stop, as this kind of behavior is not the standard of the community in Montreal West. This being said, he hoped it would not be necessary to use these provisions of the by-law. Councillor Ulin said that the tone of exchanges during the public question period degenerated over the last six months, and she saw some people who became aggressive while others remained respectful. Perhaps surprisingly, or not, things have improved after the adoption of a by-law was announced. The resident said he still did not appreciate that Council made that decision.

Paul Kenton said he understood the intent of the by-law, but thought it went too far. For instance, he pointed out that a Councillor would not be supposed to criticize a vote. The Mayor said that the goal is not at all to avoid debates and reiterated that it is not to make use of this by-law, and added that other municipalities have adopted similar ones. Councillor Feeney remarked that most people know how to behave. Unfortunately, regulations are made because of the minority of those who do not behave properly. She also noted that Montreal West is not alone in adopting such a by-law. Councillor Tasker-Brown said the adoption of this by-law was mostly intended to civilize what is said to Council members, not what they say to each other. She noted that there are different ways to conduct meetings and other municipalities are not like Montreal West in this respect. It explains why some provisions do not seem to reflect how things are done here. Councillor Ulin said that all the comments that were made will be considered. Again, the purpose was to civilize exchanges.

David Gerstel asked questions about the dog park's maintenance and if it was tested to see if there could be infection coming from the ground. Councillor Torres said there are different views about how it should be done; as for testing, the Mayor said he did not know if it was done and would find out. The resident also questioned the lack of enforcement of the animal by-law when it comes to cats. Councillor Ulin said it is a matter of resources and of assessing what is more problematic in the community. She noted that there is never more than one Public Security Officer (PSO) on duty at a time for the entire territory. The resident complained that this amounts to choosing what by-law provisions the Town will enforce. Councillor Ulin replied that every regulatory body makes choices based on its priorities.

Jo Ann Goldwater noted that the City of Côte Saint-Luc may be intending to renaturalize a strip of land close to Montreal West, where there could be a dog run. On the other side, there is Sheraton Park where dogs off leash are allowed at certain hours. She hoped the two municipalities could work together. The Mayor noted that the resident asked that question before. He added that it is not something Council has discussed. The resident said there could be parking issues in her neighborhood when there is a dog park in Côte Saint-Luc. The Mayor noted that Côte Saint-Luc may establish such a park and if there were parking problems, Montreal West would also be in its right to take measures on its side.

Arlette Cousineau said she was satisfied with the infrastructure work on Strathearn Avenue. However, now that the road has been redone, speeding is more common. She said she was concerned for young children. Mayor Masella said he talked to other residents about that. When the work is finished, there will be a traffic count to see if there is an actual problem. On another topic, the resident complained about some food businesses on Westminster who use the laneway in the back of buildings to store garbage there. She asked if the Town has a policy on hygiene, knowing that another restaurant will open soon. The Mayor said he was aware of the situation and that, last

month, a PSO met the owner of the restaurant. Councillor Ulin said that the Town could adopt a by-law to compel such businesses to have garbage containers. Having been invited to comment, the Director General told the resident to contact Mr. Demetrios Georgiou, the Public Security Lieutenant, since the Town has a general by-law on nuisances. The resident insisted there is still a need for a policy. The Mayor answered that there is a need to solve the problem in the short term, and that the by-laws could be amended later on.

Daniel Markuze said that the general 4-hour parking limit is not enforced. Councillor Ulin noted that the PSO see that it is enforced when there are complaints. The resident contended that he remarked vehicles parked in the street which did not move during two weeks. Councillor Ulin invited him to call the PSO in such cases. The resident said it was not up to him to do that. Having been invited to comment, Mr. Georgiou reminded the resident that there are car owners with 24-hour parking permits.

Ann McLaughlin complained about the situation caused by the storage of garbage in the back of commercial buildings on Westminster. She said it will not go away with using domestic bins. She noted it brings problems with animals, like squirrels, cats, dogs. The issue is repetitive. The Mayor noted that there seems to be a difference with the restaurants on the other side of Westminster, which share big commercial containers. Councillor Tasker-Brown remarked that one aspect is that the Town picks up the garbage of businesses, which is not the case in all municipalities. Another is that the Town has decreased the number of these weekly pickups from two to one. Councillor Ulin noted that some businesses are already taking care of their garbage at their own cost, like Pharmaprix.

Barbara Baily said there is a difference between a by-law and a directive, and wondered if a by-law on the conduct of meetings was really necessary. The Mayor told her that he had been insulted at times before the by-law was adopted, and that it did not happen again after it was. The resident said that she did not disagree with the intent, but was not sure that a by-law was required. Having been invited to comment, the Director General noted that a by-law would be easier to understand and respect, because it is written. General guidelines or verbal rules would be less clear, and therefore their implementation could look more discretionary. Councillor Tasker-Brown said it is important to note that it was a matter of civility because things had gone to a point where residents, not just Council members, were getting uncomfortable. The fact is that over the last few months, meetings have become more constructive, which means this by-law is working. Councillor Feeney added that she had never heard before such a lack of respect. This is why it took some time for Council to deal with it that way. Councillor Ulin also said she never thought it would go to that point. The situation started to deteriorate several months ago. The Mayor tried to issue rules such as the resident asked, and it only got worse. Guidelines were tried informally and it did not work.

Ian Robinson said he did not like the by-law, but understood why it was adopted. Montreal West is not anymore like it used to be. On another point, he asked a question how a renovation permit would be issued. Councillor Tasker-Brown said that the renovation files submitted to the PAC are about the exterior of buildings; otherwise a permit can be issued without going to PAC. If windows were installed without a permit, a ticket will be issued, but the owner also would have to go to PAC anyway, and may or may not see the work approved.

Cynthia Nichols asked if a garbage bin was ordered to be placed near the property of St. Philip's Church. Councillor Torres said yes.

The First Question Period ended at 9:00 p.m.

8. Contracts and Town Clerk's Office

a) New policy concerning a subsidy for TreeAzin treatment for Ash trees on private land

WHEREAS the Town has undertaken to combat the spread of the Emerald Ash Borer (EAB) in Ash trees in the public domain by having susceptible trees vaccinated with TreeAzin by a certified supplier;

WHEREAS the Town Council has expressed a desire to help combat the spread of the EAB in Ash trees in the private domain by subsidizing a portion of the costs incurred by residents to have their Ash trees vaccinated;

THEREFORE:

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

That the Town of Montreal West adopt the following policy under which:

1. The resident must arrange and pay for inspection by a certified arborist. If the tree is not infested so as to render it unsalvageable, the resident must then arrange and pay for treatment by a certified arborist.
2. The resident can choose to use the same arborist that the Town has contracted to vaccinate Town Ash trees. However, it is still the responsibility of the resident to contact the arborist to make arrangements for the vaccination and to pay them directly. To qualify for any potential preferential rates from that arborist, they must contact them by June 30 of the year in which the vaccination is to be given.
3. The resident must provide a report including address of vaccination, picture of the tree and diameter of the vaccinated tree.
4. The resident must provide a receipt to the Town for the completed vaccination.
5. The vaccination must take place before Labour Day of the year in which it is to be given.
6. The Town will reimburse a portion of the vaccination as follows:
 - Trees less than 10cms in diameter: no subsidy;
 - Trees 10cms and larger in diameter: subsidy will correspond to 50% of the cost of the TreeAzin treatment (including the product, manpower and transportation), up to a maximum of \$250 per treatment;
 - Diameter is measured 30cms from the ground.
7. This policy shall be effective January 1, 2017 for new treatments.

Carried unanimously
#20160926-004

9. **Administration and finances**

a) **Approval of disbursements – August 25 to September 21, 2016**

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

That the list of accounts payable from August 25 to September 21, 2016 totaling \$790,728.60 be approved and paid as listed.

Carried unanimously
#20160926-005

b) **Delegation of powers for the month of September 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 month of September 2016.

Carried unanimously
#20160926-006

c) **Financing of various projects through the unallocated surplus**

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

That the expenditures for professional services related to the following projects be charged to budget code 55-991-00-000:

- modification of the Site Planning and Architectural Integration Programme for the commercial district on Westminster Avenue;
- preparation of the file for a subsidy application in order to fund a new Recreation and Community Center;
- translation of documents for a subsidy application in order to fund a new Recreation and Community Center;
- preparation of a greenhouse gas inventory.

Carried unanimously
#20160926-007

10. 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 September 21, 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 |
|---|---|---|
| 34 Ballantyne N. 48-50 Roxton | replacement of five windows replacement of window sills, redoing stone section between windows, caulking windows, brick repointing | as presented; with conditions; |
| 30 Ballantyne S. 54 Ainslie | replacement of roof shingles demolition of a deck, construction of a new one in another place, removal of a back door and a window, insertion of a window and a patio door | as presented; with conditions; |
| 249 Percival 102 Radcliffe | replacement of roof shingles brick repointing, replacement of windows and doors, replacement of roof membrane, installation of gutters | as presented; as presented; |
| 75 Percival 135 Percival 139 Brock S. | installation of a garden shed in the backyard replacement of a basement window replacement of slate and metal roofing over front porch by asphalt shingles | as presented; as presented; as presented; |
| 43 Brock N. | repair of basement back entrance, door replacement and balcony renovation | as presented; |
| 64 Nelson | replacement of roof shingles | with conditions. |

- 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 |
|----------------|--|
| 143 Brock S. | changing a one-storey and side extension for a two-storey extension. |

Carried unanimously
#20160926-008

11. Public Works

There was nothing under this item.

12. Human Resources

There was nothing under this item.

13. Appointments

There was nothing under this item.

14. Councillors' Reports

a) Seat Number 2

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

b) Seat Number 3

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

c) Seat Number 4

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

d) Seat Number 1

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

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. 2016-018 – 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

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 Maria Torres and resolved:

That By-Law No. 2016-018 entitled “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 adopted.

Carried unanimously
#20160926-009

b) Adoption of By-Law No. 2016-019 – By-Law Amending By-Law No. 2012-006 Enacting a Code of Ethics and Professional Conduct for Municipal Employees

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 Julie Tasker-Brown and resolved:

That By-Law No. 2016-019 entitled “By-Law Amending By-Law No. 2012-006 Enacting a Code of Ethics and Professional Conduct for Municipal Employees” be adopted.

Carried unanimously
#20160926-010

c) Adoption of By-Law No. 2016-020 – 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

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

That By-Law No. 2016-020 entitled “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” be adopted.

Carried unanimously
#20160926-011

d) Adoption of By-Law No. 2016-021 – By-Law Amending By-Law No. 2005-002 to Delegate Powers to Officers and Employees by the Council

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 Elizabeth Ulin and resolved:

That By-Law No. 2016-021 entitled “By-Law Amending By-Law No. 2005-002 to Delegate Powers to Officers and Employees by the Council” be adopted.

Carried unanimously
#20160926-012

e) Notice of Motion and dispensation from reading for a By-Law Amending Traffic By-Law No. 405

Mayor Masella gave notice of motion that it is intended at a subsequent Meeting of Council to submit for adoption a “By-Law Amending Traffic By-Law No. 405”.

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 the “By-Law Amending Traffic By-Law No. 405” be dispensed with.

17. Second Public Question Period

The Mayor announced the beginning of the Second Public Question Period at 9:40 p.m.

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

David Superstein asked a question about the TreeAzin subsidy. Mayor Masella said he would check to validate if it is still state-of-the-art against Emerald Ash Borer. Councillor Ulin noted that it worked well with Town trees, none of which were lost.

Cynthia Nichols asked a question about the SPAIP for the commercial area on Westminster. Councillor Feeney said this project would be paid by the surplus and the goal is beautification. Councillor Tasker-Brown noted the sector targeted is from Avon to Curzon.

18. Termination of the Meeting

At 9:45 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
#20160926-013

Beny Masella
Mayor

Claude Gilbert
Town Clerk

*The annexes mentioned above are deposited
in the municipal archives in File Archives-20160926*