

**MINUTES**  
**REGULAR COUNCIL MEETING**

**MAY 27, 2019**  
**8:00 p.m.**

Minutes of the Regular Meeting of the Council of Montreal West held on May 27, 2019 at the Town Hall located at 50 Westminster Avenue South.

Present:	Mayor:	Mr. Beny Masella	
	Councillors:	Ms. Elizabeth Ulin	Seat 2
		Ms. Colleen Feeney	Seat 3
		Ms. Maria Torres	Seat 4

Absent:	Mr. Dino Mazzone	Seat 1
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Also present: Me Raffaele Di Stasio, Director General  
Me Claude Gilbert, Town Clerk

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

Twelve (12) residents and visitors were in attendance.

**1. Opening of the Meeting**

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

That the Meeting be declared open.

Carried unanimously  
#20190527-001

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 Maria Torres, seconded by Councillor Colleen Feeney and resolved:

To adopt the Agenda of the Regular Meeting of Monday, May 27, 2019 modified as follows:

- by deferring item 13 a): **Green Corridor Committee – Hydro-Québec.**

Carried unanimously  
#20190527-002

**4. Approval of the Minutes**

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

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

- Regular Meeting of April 29, 2019;
- Special Meeting of May 3, 2019;
- Special Meeting of May 10, 2019.

Carried unanimously  
#20190527-003

5. **Correspondence**

There was nothing under this item.

6. **Report of the Mayor**

Mayor Masella commented Quebec Bill 21 concerning State secularism. He noted that in Montreal West, there is no prayer at the beginning of Council meetings. At the meetings of the Agglomeration Council of which he is a member, there is only a moment of silence. He added that it is not clear whether the provisions of this bill, which is still to be adopted, would apply in de-merged municipalities on the Island, since they do not have the kind of employees in position of authority who are targeted by the prohibition of religious symbols. In any case, the Mayor said he would expect the Town administration will advise complying with the law. Finally, he noted that the next Coffee with the Mayor will take place June 20.

7. **First Public Question Period**

The Mayor announced the beginning of the First Public Question Period at 8:05 p.m.

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

Keith Henderson asked Council to meet with a group of friends of the public library, in order to have an informal exchange of views and concerns, and to see where it would go from there. He said it should be a wide-ranging discussion, covering topics like, among others, the need for a public consultation, and other options than moving the library to a new recreation center, for instance in an annex to the town hall. Mayor Masella answered that the Council met less than a month ago with a relocation committee that includes members of the library board. The resident said that the "friends of the library" is a group which includes other people in addition to members of the board. Councillor Feeney noted that the Town deals with the board, and that things would get confused if it attempted to discuss with two groups. The resident said that the goal of an informal meeting like the one he was talking of is not to make decisions. Councillor Ulin asked how many people there are in this group of friends. The resident answered they are about 20, and that the board approved their mission statement. The Mayor said that it would be considered and that the Town would get back with a answer within a month.

Thomas Spiegler introduced Mitchell White who introduced himself as the president of the Royal West Academy foundation. He explained that the school seeks to rebuild the auditorium and wishes to increase and improve the cooperation between the school, the Town and the community. The Mayor noted that he first met people from the foundation ten years ago and this project was already in their plans for the future at the time. He added that the School Board and the Town cooperate by sharing some facilities in Montreal West, and the scope of that cooperation could expand maybe.

Tony Ciamberlano wanted to know what is going on with the road to the condo project in Montreal close to the end of Brock South. The Mayor noted that it is Montreal which is responsible for giving the necessary permits in relation to this project. However, Montreal West has made its concerns known. He was not in a position to give a more precise answer but assured the resident that the Town follows up on this file. The resident said that more drivers are using now Brock South as an alternate exit. The Mayor said one can hope that once the situation gets back to normal after the major work is completed around this sector, drivers will also find it more convenient to do as before. He added that an updated traffic study should be ready by June 4.

Cynthia Nichols wanted to know if a permit is needed to repair a leak in the roof. The Mayor said he would think that if it is an emergency, she should go forward. In any case, she should call the Inspector. The resident then asked if she could rent the chalet for a birthday party. Councillor Ulin told her to call the Community Center. The resident asked if she could get a subsidy for the organization of an activity promoting peace. The Mayor explained that Town grants are usually given once a year in December. She could make a request.

Peter Cooney complained about the traffic of trucks on Avon. The Mayor said that the Town can only enforce parking violations, not moving violations, which are under the jurisdiction of Montreal Police Department, and of the controllers from the Ministry of Transports. The resident also complained about parking and street cleaning patterns South of Avon.

The First Question Period ended at 8:35 p.m.

## 8. Contracts and Town Clerk's Office

### a) Declaration reiterating the institutional secularism of the Town of Montreal West and the religious freedom of individuals

WHEREAS on March 28, 2019, the Quebec Government introduced before the Quebec National Assembly Bill 21 entitled *An Act respecting the laicity of the State*;

WHEREAS Bill 21 establishes the obligation for all employees of an organization to exercise their functions with their faces uncovered;

WHEREAS Bill 21 also establishes the obligation for any person who presents themselves to receive a service from the Town to have their face uncovered when doing so is necessary to allow their identity to be verified or for security reasons;

WHEREAS Bill 21 provides for a prohibition on wearing any religious symbols for certain categories of employees;

WHEREAS the neutrality of the State is an essential component of a democratic society;

WHEREAS Quebec is a secular society and the Town of Montreal West already respects the principle of secularism;

WHEREAS the secularism and neutrality of our institutions are not called into question by the display of religious symbols;

WHEREAS the freedom of conscience, religion and expression are fundamental values protected by the Canadian Charter of Rights and Freedoms and the Quebec Charter of Human Rights and Freedoms;

WHEREAS the Town of Montreal West has a duty to provide impartial treatment to its employees, regardless of their religious beliefs;

WHEREAS, in specifically prohibiting religious clothing, Bill 21 is inherently discriminatory towards members of the Jewish, Muslim and Sikh faiths, without excluding the possibility that it may impact faithful of other religions;

THEREFORE:

It was moved by Mayor Beny Masella, seconded by Councillor Elizabeth Ulin and resolved:

- 1) That the Town of Montreal West reaffirm the inalienable nature of the right of freedom of religion, conscience and expression so as to ensure that its community reflects its citizens and the province of Quebec in the 21<sup>st</sup> century.
- 2) That the citizens of Montreal West, regardless of their religious beliefs and origins, are equal and full members of the community.
- 3) That the Town of Montreal West reiterate the importance of the neutrality of the State in a democratic society.
- 4) That the Town of Montreal West reiterate its full support to all its employees and citizens, regardless of their beliefs and the manner in which they express them.

Carried unanimously  
#20190527-004

### b) Procedure for receiving and examining complaints in matters of municipal contracts

WHEREAS Bill No. 108 entitled *An Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics* (S.Q. 2017, c. 27) was assented to on December 1, 2017;

WHEREAS in accordance with Section 573.3.1.3 of the *Cities and Towns Act* (CQLR, c. C-19), every municipality must have a procedure for receiving and examining the complaints filed in the course of the awarding of a contract through a public call for tenders;

WHEREAS this procedure must also include the awarding of a contract by mutual agreement with a sole supplier involving an expenditure equal to or above the public tender threshold;

WHEREAS as a result of the foregoing, the Town of Montreal West wishes to adopt such a procedure, which is included in the appendix to this resolution as an integral part thereof, and to designate a person responsible for its implementation;

THEREFORE:

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

- 1) That the said procedure on receiving and examining complaints filed in the course of the awarding of a contract or of a mutual agreement with a sole supplier, be adopted.
- 2) That the Director General, or the Assistant Director General in her absence, be designated as the person in charge of the application of said procedure.

Carried unanimously  
#20190527-005

**c) Terms of payment – certificates of authorization (Bell Canada)**

WHEREAS By-Law No. 2007-005 relating to tariffs provides that a fee of \$100.00 must be paid by any company in order to carry out work on its telecommunications, transportation or infrastructure network which is located in the public right-of-way;

WHEREAS it is essential that the Town be notified in advance of such interventions which have an impact on access to public roads and the work of its blue collars;

WHEREAS coordination at the local level of the planning for such interventions is made complex by the size of organizations like Bell Canada which are present in the whole country;

WHEREAS the payment of the applicable fee is normally a prerequisite before interventions of this kind, but the exact date of the work is not always known or certain at the time when the application is made, while this date is supposed to be in the certificate;

WHEREAS there might be, as a consequence, a discrepancy between the time when the application was made to get the authorization and when the work will actually be done;

WHEREAS the presence of Bell Canada's infrastructure in Montreal West is a permanent state of fact which may justify to consider that adapted terms of payment for this company would not likely result in a loss for the municipality;

WHEREAS Bell Canada has asked that the Town of Montreal West agree to such adapted terms of payment in view of the circumstances described above;

WHEREAS it is deemed appropriate to accept this request for a certain flexibility within the scope of Bell Canada's applications for certificates of authorization to do such work;

WHEREAS Bell Canada, in a document signed on May 17, 2019 by Mr. José Tiburcio, Senior Manager – Right of Way and Municipal Affairs, has accepted to comply with the conditions stated below;

THEREFORE:

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

- 1) That the Town of Montreal West accept the request from Bell Canada that it may pay the applicable fees to get certificates of authorization on a quarterly basis, instead of every time Bell Canada makes an application to be authorized to perform work.
- 2) That the payment be due upon invoicing on April 1, July 1, October 1 and December 31 every year, with interests at the normal rate (12% annually) after thirty days.
- 3) That the quarterly invoices be forwarded to the person having the authority to approve their payment, who is not necessarily the one who accepted the present terms of payment or the one who will proceed with the payment.
- 4) That the work authorized in a certificate for intervention on Bell Canada's network may be carried out at any time within six (6) months from the date this certificate is issued, provided that an advance notice of five (5) working days be given to the Public Works department of the Town prior to the beginning of any such work.
- 5) That the agreement reflected in the present resolution will become null and void in the event of an agreement negotiated for the whole Province between Bell Canada and municipalities provides for other terms and conditions.

6) That the above-mentioned terms may be repealed at any time without notice by the Town of Montreal West.

Carried unanimously  
#20190527-006

**9. Administration and finances**

**a) Approval of disbursements – April 24 to May 16, 2019**

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

That the list of accounts payable from April 24 to May 16, 2019 totaling \$277,549.99 be approved and paid as listed.

Carried unanimously  
#20190527-007

**b) Delegation of powers for the month of May 2019**

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 May 2019.

Carried unanimously  
#20190527-008

**c) Budget transfers to allocated surplus**

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

To approve the following budget transfers as per the recommendation of the Treasurer, from the unallocated surplus (55-991-00-000) to the allocated surplus (55-992-00-000):

- \$50,000.00 winter contingencies
- \$40,000.00 municipal elections.

Carried unanimously  
#20190527-009

**d) Budget transfers to unallocated surplus**

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

To approve the following budget transfers as per the recommendation of the Treasurer, being for the balance of parts from the allocated surplus to the unallocated surplus:

- \$554.84 Resolution #20120326-017 park maintenance
- \$308.11 Resolution #20120326-013 water play area (Rugby and Davies Parks)
- \$9,851.80 Resolution #20121126-011 Nelson and Parkside intersections
- \$2,609.87 Resolution #20150629-004 Canada Post dispute – legal fees
- \$1,779.38 Resolution #20160926-007 Community Center – grant application.

Carried unanimously  
#20190527-010

**10. Urban Department**

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

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

1) To acknowledge receipt of the minutes of a meeting held by the Planning Advisory Committee (PAC) on May 22, 2019.

2) To approve as presented under the SPAIP the following plans submitted to this meeting, in accordance with the recommendations of the PAC as outlined in the minutes:

Address	Project
41 Rugby	Redoing front stairs;
146 Ballantyne N.	Relocation of the main entrance stairs to the front of the building;
227 Percival	Demolition of rear extension and construction of a two storey extension;
460-462 Hudson	Replacement of front door;
70 Percival	Replacement of asphalt shingles in a different color.

3) To approve with conditions under the SPAIP the following plans submitted to this meeting, in accordance with the recommendations of the PAC as outlined in the minutes:

Address	Project
232 Brock N.	Replacement of twenty-eight windows;
201 Westminster N.	Replacement of six windows and a side door;
141 Percival	Roof shingles replacement and modifications to allow ventilation, installation of soffits, fascia and replacement of gutters.

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

Address	Project
55 Easton	Building a canopy over the main door

Carried unanimously  
#20190527-011

**b) Minor exemption request – 155 Ballantyne South**

*NOTE* Councillor Colleen Feeney summarized the issues involved in the following matter. He 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 Colleen Feeney, seconded by Councillor Elizabeth Ulin and resolved:

That the plans and request submitted to the April 29, 2019 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 the 2<sup>nd</sup> and 4<sup>th</sup> paragraphs of section 4.2.1 of the Zoning By-Law, regarding the immovable located at 155 Ballantyne South in zone RA-9 to:

- Normalize the height of an existing shed in the backyard, which is 3.06 metres while the maximum is of 3.00 metres in that zone, the consequence being to exceed this requirement by 0.06 metre.
- Normalize the surface of an existing shed in the backyard, which is 9.99 metres while the maximum is of 9.00 metres in that zone, the consequence being to exceed this requirement by 0.99 metre.

Carried unanimously  
#20190527-012

**11. Public Works**

There was nothing under this item.

**12. Human Resources**

There was nothing under this item.

**13. Appointments**

**a) Green Corridor Committee – Hydro-Québec**

This item was postponed to another meeting.

**14. Councillors' Reports**

**a) Seat Number 1**

In the absence of Councillor Dino Mazzone, there was no report on matters pertaining to Public Security and to Special Projects Fundraising.

**b) Seat Number 2**

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

**c) Seat Number 3**

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

**d) Seat Number 4**

Councillor Maria Torres reported on matters pertaining to Environment, 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. 2019-004 – Contract Management By-Law**

WHEREAS a copy of this By-Law in draft version was previously tabled at a Council meeting when the notice of motion was given, and made available in accordance with the law;

WHEREAS the purpose and scope of this by-law were summed up at the present meeting;

THEREFORE:

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

That By-Law No. 2019-004 entitled “Contract Management By-Law” be adopted.

Carried unanimously  
#20190527-013

**17. Second Public Question Period**

The Mayor announced the beginning of the Second Public Question Period at 9:05 p.m.

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

Cynthia Nichols wanted to know if she could get the roots of a dead rose tree near the cenotaph. Councillor Torres said she would see.

Peter Cooney asked if Hydro-Quebec benefitted from the same kind of arrangements that were approved tonight for Bell Canada. Mayor Masella said no, and the reason for this resolution about Bell is that it makes more frequent demands, so it was deemed convenient to reach such an agreement for practical purposes.

**18. Termination of the Meeting**

At 9:10 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  
#20190527-014

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Beny Masella  
Mayor

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Claude Gilbert  
Town Clerk

*The annexes mentioned above are deposited  
in the municipal archives in File Archives-20190527*