

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON
MONDAY, NOVEMBER 12, 2007, AT 5801 CAVENDISH BOULEVARD,
CÔTE SAINT-LUC, AT 8:00 P.M.**

PRESENT:

Mayor Anthony Housefather, B.C.L., L.L.B, M.B.A. presiding
Councillor Dida Berku, B.C.L.
Councillor Mitchell Brownstein, B. Comm., B.C.L., L.L.B.
Councillor Mike Cohen, B.A.
Councillor Steven Erdelyi, B.Sc., B.Ed.
Councillor Sam Goldbloom, B.A.
Councillor Ruth Kovac, B.A.
Councillor Glenn J. Nashen

ALSO PRESENT:

Mr. Ken Lerner, City Manager
Mr. Jonathan Shecter, Director of Legal Services and City Clerk,
acted as Secretary of the meeting

**PRESENTATION TO JEAN-GUY RENAUD WHO RETIRED AFTER 35 YEARS
OF SERVICE IN THE PUBLIC WORKS DEPARTMENT, CITY OF CÔTE
SAINT-LUC**

Members of Council honoured Jean-Guy Renaud who retired after 35 years of service in the Public Works Department, a commemorative photo was taken with members of council as well as with Director Tordjman.

QUESTION PERIOD

The question period started at 8:25 p.m. and finished at 8:46 p.m. Six (6) people asked to speak and they were heard.

1) Avrom Shtern

The resident wished to thank council for commemorating Remembrance Day.

The resident then inquired as to whether council has been formally approached by Meadowbrook representatives in view of reactivating or settling any pending litigation to which Mayor Housefather responded in the negative.

The resident then tabled documents with the City Clerk.

2) Fran Ginsberg

The resident inquired as to the status of her request for an Overnight Parking Permit to which Mayor Housefather responded that the City Clerk can look into it and get back her.

3) Bonnie Lyons

The resident opined that pigeons are disease-ridden and called upon council to posit measures to prevent pigeons from transmitting these diseases to humans to

which Mayor Housefather responded that the City has been indeed proactive in doing so and for which the Director of Public Works added that the City has taken measures such as cleaning the centre median on Côte Saint-Luc Road, requesting that the City of Montreal clean their side of Côte Saint-Luc Road and using netting and fake animals to detract their presence. Mayor Housefather then added that the City of Montreal must do their part to alleviate the problem.

4) Dr. Bernard Tonchin

The resident recounted that he had the honour of being invited to Volunteers' Night and supported the idea of celebrating their important contribution to the City namely, by giving out awards to them. He then called upon the City to have this practice continue for which Mayor Housefather reassured the resident that it would. The resident then opined that City volunteers are saving the City a considerable amount of money by their contribution thus lowering municipal taxes for him and his fellow residents.

5) Sylvia Itzhayek

The member of the public wished to express her gratitude regarding the resolution being considered tonight requesting the Federal Government intervene in India's incarceration of her brother, Saul Itzhayek.

6) Jo Ann Goldwater

The resident tabled a letter requesting that the City of Lachine comply with a 300 meter setback *buffer zone* between railways and residential development. She then opined that Meadowbrook should be preserved as a greenspace tabling photos in support of her assertion.

071101

RESOLUTION ON REASONABLE ACCOMODATION (HEARINGS)

This item was deferred to a subsequent meeting.

071102

**RESOLUTION REQUESTING THE FEDERAL GOVERNMENT'S
INTERVENTION IN INDIA'S INCARCERATION OF MR. SAUL ITZHAYEK**

WHEREAS Mr. Saul Itzhayek, a Canadian citizen, is currently incarcerated in India;

It was

MOVED BY COUNCILLOR MIKE COHEN
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

"THAT the City of Côte Saint-Luc urges the Canadian government to make every possible effort, at the highest level and without further delay, to secure the release of Canadian citizen and Montreal resident, Mr. Saul Itzhayek, from prison in India; and

THAT a copy of this Resolution be sent to the Member of Parliament for Mount Royal, Mr. Irwin Cotler; Secretary of State for Foreign Affairs, Ms. Helena Guergis; Former Secretary of State for Canadians Abroad, Member of Parliament

Mr. Dan McTeague; all municipalities of the Montreal Metropolitan Community; and Me Julius Grey, Attorney representing the Itzhayek family.”
CARRIED UNANIMOUSLY

071103

**CONFIRMATION OF THE MINUTES OF THE PUBLIC CONSULTATION
MEETING OF COUNCIL DATED OCTOBER 15, 2007**

It was

MOVED BY COUNCILLOR GLENN J. NASHEN
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT the Minutes of the Public Consultation Meeting of Council dated October 15, 2007 be and are hereby approved as submitted.”
CARRIED UNANIMOUSLY

071104

**CONFIRMATION OF THE MINUTES OF THE REGULAR MEETING OF
COUNCIL DATED OCTOBER 15, 2007**

It was

MOVED BY COUNCILLOR GLENN J. NASHEN
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT the Minutes of the Regular Meeting of Council dated October 15, 2007 be and are hereby approved as submitted.”
CARRIED UNANIMOUSLY

071105

MONTHLY DEPARTMENTAL REPORTS FOR OCTOBER 2007

It was

MOVED BY COUNCILLOR GLENN J. NASHEN
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT the monthly departmental reports for October, 2007 be and are hereby approved as submitted.”
CARRIED UNANIMOUSLY

071106

**HUMAN RESOURCES – EMERGENCY MEDICAL SERVICES – HIRING OF
AUXILIARY DISPATCHER**

It was

MOVED BY COUNCILLOR GLENN J. NASHEN

SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

"THAT Stephen Pedicelli be and is hereby hired as an auxiliary Dispatcher for the Emergency Medical Services Department, posting number 2007-147, effective November 6, 2007;

THAT Treasurer's certificate number TC07-0128 dated November 6, 2007 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

071107

**HUMAN RESOURCES – MODIFICATION OF STATUS OF WHITE COLLAR
EMPLOYEE – PUBLIC WORKS**

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR MIKE COHEN

AND RESOLVED:

"THAT the status of Charles De Jean, Engineering Supervisor – Water and Sewage Systems, for the Public Works Department, be modified from auxiliary to permanent retroactive to October 1, 2007."

CARRIED UNANIMOUSLY

071108

**HUMAN RESOURCES – ELEANOR LONDON CÔTE SAINT-LUC PUBLIC
LIBRARY – RESIGNATION OF LIBRARY CLERK**

WHEREAS the City of Côte Saint-Luc received the resignation letter of Alicia Victor, employee number 2151, dated September 29, 2007 in which she tendered her resignation, effective October 14, 2007;

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

"THAT the City accepts the resignation of Alicia Victor, effective October 14, 2007."

CARRIED UNANIMOUSLY

071109

**HUMAN RESOURCES – ELEANOR LONDON CÔTE SAINT-LUC PUBLIC
LIBRARY – HIRING OF AUXILIARY LIBRARY CLERK**

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

"THAT Natasha Mann be and is hereby hired as an auxiliary Library Clerk for the Eleanor London Côte Saint-Luc Public Library, posting number 2007-146, effective November 6, 2007;

THAT Treasurer's certificate number TC07-0129 dated November 6, 2007 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

071110

**HUMAN RESOURCES – PARKS AND RECREATION DEPARTMENT – HIRING
OF AUXILIARY WHITE COLLARS**

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR MIKE COHEN

AND RESOLVED:

"THAT the list of auxiliary employees for the Parks and Recreation Department for November 2007, entitled: "*Part-Time Employees*" and comprising of one (1) page be approved as submitted;

THAT the employees contained on the aforementioned list be and are hereby hired and shall commence as per their respective hiring dates indicated on the aforementioned list;

THAT Treasurer's certificate number TC07-0127 dated November 2, 2007 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

071111

**HUMAN RESOURCES – PUBLIC WORKS – RESIGNATION OF "C"
MOTORIZED EQUIPMENT OPERATOR**

WHEREAS the City of Côte Saint-Luc received the resignation letter of Jean-Guy Renaud, employee number 954, dated September 28, 2007 in which he tendered his resignation, effective November 30, 2007;

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

"THAT the City accepts the resignation of Jean-Guy Renaud, effective November 30, 2007."

CARRIED UNANIMOUSLY

071112

**HUMAN RESOURCES – EMERGENCY MEDICAL SERVICES – END OF
EMPLOYMENT – AUXILIARY DISPATCHER**

It was

MOVED BY COUNCILLOR GLENN J. NASHEN
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

“THAT the employment of white collar auxiliary status, Dispatcher, employee number 2203, be and is hereby terminated, effective October 24, 2007.”
CARRIED UNANIMOUSLY

071113

**FINANCE – APPROVAL OF THE DISBURSEMENTS FOR THE PERIOD FROM
OCTOBER 1, 2007 TO OCTOBER 31, 2007**

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED:

“THAT the disbursements for the period of October 1, 2007 to October 31, 2007 for a total of \$2,772,655.35 in Canadian Funds be and are hereby approved;

THAT Treasurer’s certificate number No. TC07-0130 dated November 6, 2007 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses;

THAT said resolution shall be for immediate action.”
CARRIED UNANIMOUSLY

071114

**FINANCE – MAYOR’S REPORT OF THE FINANCIAL POSITION OF THE CITY
OF CÔTE SAINT-LUC**

The Mayor read the following report out loud as well as explained it:

PRESENTATION

In conformity with article 474.1 of the *Cities and Towns Act*, I am pleased to report on the financial situation of the City of Côte Saint-Luc (“City”) and on the orientations for the upcoming 2008 budget.

FINANCIAL REPORT FOR THE YEAR ENDED DECEMBER 31, 2006

The financial statements for the year ended December 31, 2006 were audited by the external auditing firm of RCGT. The City registered a net surplus of \$785,704.00 for the 2006 fiscal year.

This surplus is a result of actual operating expenses and debt reimbursement totalling \$30,548,299, versus municipal tax revenue and other sources of revenues totalling \$31,334,003.

The surplus of \$785,704 was used to offset a cumulative deficit that existed in the amount of \$338,714 and to create a working fund in the amount of \$350,000 to be used to finance capital projects directly by the City.

The City along with the Town of Hampstead and the Town of Montreal West are contesting the Borough's results for the year ending December 31, 2005, in which the City of Montreal is claiming \$1,822,000.00 from the City of Côte Saint-Luc.

THREE-YEAR CAPITAL EXPENDITURES PROGRAM FOR 2007-2008-2009

The projects included in the 2007-2008-2009 three (3) year capital budget are:

Projects	2007	2008	2009
Roads and Traffic	\$2,000,000	\$1,700,000	\$1,700,000
Water and Sewer Infrastructure	\$835,000	\$1,110,000	\$260,000
Buildings and Civil Properties	\$450,000	\$1,600,000	\$630,000
Parks Improvements	\$470,000	\$260,000	\$865,000
Vehicles and I.T. Equipment	\$2,132,000	\$895,000	\$905,000
Total	\$5,887,000	\$5,565,000	\$4,360,000

The projects included in the three-year capital expenditures program for 2007 fiscal year have either been completed or are in the process of being completed.

The City's budget priorities for the 2007 fiscal year were major improvements in water and roads infrastructure, parks facility upgrades and the purchase of vehicles required for garbage collection. The federal and provincial gasoline tax grant in the amount of \$1,357,000 has allowed the City to proceed with major work on a number of streets including diagnostic testing and rehabilitation of the water distribution network, as well as with sidewalk reconstruction and the repaving of certain streets. In addition to the above major projects, we have invested in upgrades and repairs at Maimonides Park and Parkhaven Pool, various City buildings, software and IP/fibre optic technology.

The three (3) year capital budget is simply a planning document required by law and we have no obligation to carry out any of the projects. Council must approve each project in this planning document on an individual basis before any funds are committed.

PRELIMINARY FORECAST ON THE FINANCIAL SITUATION FOR THE YEAR 2007

The third quarter results indicate that the City has respected the commitments made in the 2007 original budget adopted by Council in December 2006.

When the 2007 operating budget was being developed, we were able to rely on the historical data of the 2006 fiscal year. As a result, we were able to create an accurate budget taking into account realistic potential revenues and expenses.

To date, the actual 2007 operating revenues are well within the revenue budgets established in the forecast to December 31, 2007.

On the expenditure side, we have experienced some minor cost increases in various areas such as energy costs; however we are also well within expense budgets established in the forecast to December 31, 2007. Due to better cash-flow management and delays in borrowing long-term debt, we have experienced some savings in capital and interest repayments.

Although we are estimating a surplus for the 2007 fiscal year, we will continue to keep close control over our expenses while maintaining a high quality of service to Côte Saint-Luc residents.

Members of the Municipal Council closely monitor the actual revenues and expenses of the City. On a monthly basis, the Audit Committee, chaired by Councillor Dida Berku, examines internal financial reports produced by the Finance Department and identifies corrective measures when required.

GENERAL ORIENTATION FOR THE 2008 BUDGET

As in 2006 and 2007, the established budget priorities for the 2008 budget will continue to focus on maintaining quality services for the residents of the City of Côte Saint-Luc while minimizing the increase in municipal taxes to an amount below the cost of inflation. We will continue to focus on recycling and composting programs, improvements in our water infrastructure system, and providing recreational programs that suit today's needs of all Côte Saint-Luc residents.

In the upcoming weeks, the City Administration and members of Council will be finalizing the 2008 operating and capital budgets. The City will adopt the 2008 operating budget and the 2008-2009-2010 capital expenditure program three (3) year plan at a special public Council meeting on December 17, 2007.

In addition to the adoption of the budget, Council will adopt a new by-law for budgetary control and monitoring which will take effect on January 1, 2008. Although the current spending procedures provide us with adequate financial internal controls, this new by-law will clearly re-affirm and identify the process to ensure the availability of funds prior to purchases being authorized.

The capital budget priorities for 2008 will continue to be investments in our parks, aqueduct infrastructure and maintenance of roads/sidewalks. We will continue to take advantage of revenues from the gasoline tax grant and other grants available to municipalities for sports and recreation projects.

LIST OF CONTRACTS EXCEEDING \$25,000.00

In accordance with the law, I have deposited with the City Clerk the list of all contracts issued in 2006 which include an expenditure exceeding \$25,000.00 entered into since the last meeting of Council at which I presented this report. I have also deposited the list of all contracts involving an expenditure exceeding \$2,000.00 entered into within that period with the same contracting party, if those contracts involved a total expenditure exceeding \$25,000.00.

REMUNERATION OF MEMBERS OF COUNCIL

As members of the Council, we receive an annual remuneration and an annual allowance for expenses related to our function.

The following table indicates the remuneration and allowances received by members of council.

Office	Remuneration	Expense allocation
Mayor	\$ 44,968.00	\$ 13,730.00
Councillors	\$ 14,989.00	\$ 7,494.00

In conclusion, although it is still too early to predict the final 2008 budget, I can assure you that Council will exercise a very close watch on the budget preparation as it progresses. We will do everything possible to continue to increase the excellent level of services given to residents at the most reasonable cost possible.

Thank you,
Anthony Housefather
Mayor

071115

**MAYOR'S REPORT ON THE FINANCIAL POSITION OF THE CITY –
AUTHORIZATION TO PUBLISH IN "THE CHRONICLE"**

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT in accordance with the law, Council hereby authorizes and orders the publication of the text of the Mayor’s Report on the financial position of the City of Côte Saint-Luc in “The Chronicle” in lieu of distribution to each civic address in the municipality.”

CARRIED UNANIMOUSLY

071116

**FINANCE – REQUEST FOR AN OPERATING BUDGET LINE OF CREDIT AND
A CAPITAL LINE OF CREDIT**

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT Council hereby authorizes for the City of Côte Saint-Luc to have access to the following funds from the Royal Bank on an annual basis in view of having an operating budget line of credit and a capital line of credit:

1. An operating budget line of credit of \$2,500,000; and
2. a capital budget line of credit of \$4,000,000;

THAT any cash surplus be used to repay the line of credit as soon as possible;

THAT said resolution shall be for immediate action.”

CARRIED UNANIMOUSLY

071117

SEPTEMBER COMPARATIVES AND BUDGET UPDATE FOR 2007

The City Treasurer filed the September comparative and budget update for 2007.

071118

**NOTICE OF MOTION – BY-LAW 2284 TO BE ENTITLED: “BY-LAW
CONCERNING BUDGET CONTROL AND MONITORING”**

Councillor Dida Berku gave a notice of motion that By-Law 2284 entitled: “By-law concerning Budget control and monitoring” will be presented at a later meeting for adoption.

071119

**RESOLUTION TO WAIVE THE READING OF THE BY-LAW 2284 TO BE
ENTITLED: “BY-LAW CONCERNING BUDGET CONTROL AND MONITORING”**

WHEREAS, the above captioned by-law was given to members of Council on Thursday, November 8, 2007;

WHEREAS, all Council members present hereby declare that they have read said by-law and waive the reading thereof;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT the Council of the City of Côte Saint-Luc unanimously waives the reading of the By-Law 2284 to be entitled: “By-law concerning Budget control and monitoring” when it will be presented for adoption, the whole in accordance with the law.”

CARRIED UNANIMOUSLY

Subsequent to the waiving of the Reading of the by-law, Councillor Berku then explained every section of the by-law to the public, including the various detailed budget-controlled mechanisms contained within the by-law.

071120

PARKS AND RECREATION – INVOICE FOR CATERING SERVICES

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

“THAT the City Council awards and ratifies a contract for catering services, to Tradition Catering, at a cost of \$16,875.00, plus all applicable taxes;

THAT Treasurer’s certificate number TC07-0131 dated November 6, 2007 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses;

THAT said resolution shall be for immediate action.”
CARRIED UNANIMOUSLY

071121

NOTICE OF MOTION – BY-LAW 2283 TO BE ENTITLED: “BY-LAW CREATING THE FEE SCHEDULE FOR CULTURAL, SPORTS AND LEISURE ACTIVITIES FOR THE SPRING AND SUMMER OF 2008”

Councillor Ruth Kovac gave a notice of motion that By-Law 2283 entitled: “By-law creating the fee schedule for cultural, sports and leisure activities for the spring and summer of 2008 ” will be presented at a later meeting for adoption.

071122

RESOLUTION TO WAIVE THE READING OF THE BY-LAW 2283 TO BE ENTITLED: “BY-LAW CREATING THE FEE SCHEDULE FOR CULTURAL, SPORTS AND LEISURE ACTIVITIES FOR THE SPRING AND SUMMER OF 2008”

WHEREAS, the above-captioned by-law was given to members of Council on Thursday, November 8, 2007;

WHEREAS, all Council members present hereby declare that they have read said by-law and waive the reading thereof;

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT the Council of the City of Côte Saint-Luc unanimously waives the reading of the By-Law 2283 to be entitled: “By-law creating the fee schedule for cultural, sports and leisure activities for the spring and summer of 2008” when it will be presented for adoption, the whole in accordance with the law.”
CARRIED UNANIMOUSLY

071123

**MATERIAL RESOURCES – RENEWAL OF SERVICE CONTRACT WITH
DESSAU-SOPRIN INC.**

This item was deferred to a subsequent meeting.

071124

MATERIAL RESOURCES – AQUEDUCT LINING ON CAVENDISH BOULEVARD

This item was deferred to a subsequent meeting.

071125

**MATERIAL RESOURCES – EXPENDITURES FOR ROOF REPAIR AT CITY
HALL**

This item was deferred to a subsequent meeting.

071126

**ENGINEERING – EXPENDITURES FOR THE ROOF REPAIR AT THE
ELEANOR LONDON COTE SAINT-LUC PUBLIC LIBRARY**

WHEREAS, the City of Côte Saint-Luc has repaired the roof at the Eleanor London Côte Saint-Luc public library;

WHEREAS, the City has gone to tender (A-50-06) according to law for the above-mentioned goods and services;

WHEREAS the City, by resolution number 061129, awarded the contract to Les Entreprises Cloutier et Gagnon Ltee;

WHEREAS the nature of the work required unforeseen expenses to:

- replace the brick on the chimney
- replace four sides of the support structure
- add insulation
- extend the layers of brick

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

"THAT Council hereby authorizes the expenditure of \$35,365.16, plus applicable taxes, to Les Entreprises Cloutier et Gagnon Ltée;

THAT Treasurer's certificate number TC07-0133 dated November 7, 2007 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

071127

ENGINEERING – SIDEWALK REPAIR

WHEREAS the City of Côte Saint-Luc wishes to repair areas of various sidewalks throughout the City;

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

"THAT Council hereby awards a contract for sidewalk repair to T.G.A. Montreal Inc. for an amount of up to \$26,900.00, plus applicable taxes to cover sidewalk repairs charged to residents;

THAT Treasurer's certificate number TC07-0136 dated November 7, 2007 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

071128

PUBLIC WORKS – PURCHASE TWO (2) DUMP TRUCKS

WHEREAS the City of Côte Saint-Luc wishes to purchase two (2) dump trucks;

WHEREAS the City of Côte Saint-Luc has gone to tender (C-36-07) according to the law for the above-mentioned goods and services;

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED:

"THAT Council hereby awards a purchasing contract to Pie-IX Dodge Chrysler Inc. for an amount of \$134,888.00, plus applicable taxes the whole as per tender document C-36-07;

THAT Treasurer's certificate number TC07-0135 dated November 7, 2007 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

071129

INFORMATION TECHNOLOGY AND ENGINEERING – VOICE OVER IP

WHEREAS the City of Côte Saint-Luc wishes to purchase and install a VOIP system;

WHEREAS the City has gone to tender (C-38-07) according to law for the above-mentioned goods and services;

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR GLENN J. NASHEN

AND RESOLVED:

"THAT Council hereby awards a purchasing and service contract for the installation and implementation of a VOIP system to Bell Canada Inc. for an amount of \$114,075.00 plus applicable taxes the whole as per tender document C-38-07;

THAT Treasurer's certificate number TC07-0137 dated November 7, 2007 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

071130

PURCHASE OF TREES

WHEREAS the City of Côte Saint-Luc wishes to purchase and plant trees throughout the City;

WHEREAS the City has gone to tender (C-39-07) according to law for the above-mentioned goods and services;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED:

"THAT Council hereby awards a purchasing and service contract to Les Entreprises Frères Jabel Inc. for approximately 150 trees¹ for an amount up to \$38,000.00 plus applicable taxes;

THAT Treasurer's certificate number TC07-0138 dated November 7, 2007 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

¹ Substantially similar to those set out in the tender document.

071131

**RESOLUTION TO ADOPT THE ZONING BY-LAW 2217-30 ENTITLED:
“BY-LAW TO AMEND THE ZONING BY-LAW NO. 2217, OF THE CITY OF
CÔTE SAINT-LUC IN ORDER TO MODIFY THE LIMITS AND THE USES
PERMITTED INSIDE ZONE CD-5”**

This item was deferred to a subsequent meeting.

071132

**RESOLUTION TO ADOPT THE SECOND DRAFT ZONING BY-LAW
2217-HH-P2 TO BE ENTITLED: “BY-LAW TO AMEND THE ZONING BY-LAW
NO. 2217, OF THE CITY OF CÔTE SAINT-LUC IN ORDER TO RENAME THE
EXISTING ZONE “RM-15 TO “RM*-15” AND TO CHANGE THE TABLE OF
USES AND NORMS ACCORDINGLY”**

This item was deferred to a subsequent meeting.

071133

**NOTICE OF MOTION – BY-LAW NO. 2217-II-P1 TO BE ENTITLED:
“BY-LAW TO AMEND THE ZONING BY-LAW NO. 2217, OF THE CITY OF
CÔTE SAINT-LUC IN ORDER TO RENAME THE ACTUAL ZONE “CC-4” BY
THE ZONE “RU*-63” AND TO ENLARGE ITS LIMITS”**

This item was deferred to a subsequent meeting.

071134

**RESOLUTION TO WAIVE THE READING OF BY-LAW 2217-II-P1 TO BE
ENTITLED: “BY-LAW TO AMEND THE ZONING BY-LAW NO. 2217, OF THE
CITY OF CÔTE SAINT-LUC IN ORDER TO RENAME THE ACTUAL ZONE
“CC-4” BY THE ZONE “RU*-63” AND TO ENLARGE ITS LIMITS”**

This item was deferred to a subsequent meeting.

071135

**RESOLUTION TO ADOPT THE FIRST DRAFT ZONING BY-LAW NO.
2217-II-P1 TO BE ENTITLED: “BY-LAW TO AMEND THE ZONING BY-LAW NO.
2217, OF THE CITY OF CÔTE SAINT-LUC IN ORDER TO RENAME THE
ACTUAL ZONE “CC-4” BY THE ZONE “RU*-63” AND TO ENLARGE ITS
LIMITS”**

This item was deferred to a subsequent meeting.

071136

**NOTICE OF MOTION – BY-LAW NO. 2275 TO BE ENTITLED: “BY-LAW
AMENDING THE CONSOLIDATED CONSTRUCTION BY-LAW NO. 2088, THE
ZONING BY-LAW NO. 2217, THE BY-LAW NO. 2089 GOVERNING THE
CADASTRAL OPERATION, THE BY-LAW NO. G18-005 CONCERNING MINOR
EXEMPTIONS IN ORDER TO MODIFY THE TARIFFS RELATED TO MINOR
EXEMPTION REQUESTS, CADASTRAL OPERATION REQUESTS, PERMIT
AND CERTIFICATE REQUESTS AS WELL AS TO INSTITUTE OTHER NEW
TARIFFS CONCERNING OTHER URBAN PLANNING BY-LAWS OF THE CITY
OF CÔTE SAINT-LUC”**

This item was deferred to a subsequent meeting.

071137

RESOLUTION TO WAIVE THE READING OF BY-LAW 2275 TO BE ENTITLED: "BY-LAW AMENDING THE CONSOLIDATED CONSTRUCTION BY-LAW NO. 2088, THE ZONING BY-LAW NO. 2217, THE BY-LAW NO. 2089 GOVERNING THE CADASTRAL OPERATION, THE BY-LAW NO. G18-005 CONCERNING MINOR EXEMPTIONS IN ORDER TO MODIFY THE TARIFFS RELATED TO MINOR EXEMPTION REQUESTS, CADASTRAL OPERATION REQUESTS, PERMIT AND CERTIFICATE REQUESTS AS WELL AS TO INSTITUTE OTHER NEW TARIFFS CONCERNING OTHER URBAN PLANNING BY-LAWS OF THE CITY OF CÔTE SAINT-LUC"

This item was deferred to a subsequent meeting.

071138

RESOLUTION TO ADOPT THE FIRST DRAFT ZONING BY-LAW NO. 2275 TO BE ENTITLED: "BY-LAW AMENDING THE CONSOLIDATED CONSTRUCTION BY-LAW NO. 2088, THE ZONING BY-LAW NO. 2217, THE BY-LAW NO. 2089 GOVERNING THE CADASTRAL OPERATION, THE BY-LAW NO. G18-005 CONCERNING MINOR EXEMPTIONS IN ORDER TO MODIFY THE TARIFFS RELATED TO MINOR EXEMPTION REQUESTS, CADASTRAL OPERATION REQUESTS, PERMIT AND CERTIFICATE REQUESTS AS WELL AS TO INSTITUTE OTHER NEW TARIFFS CONCERNING OTHER URBAN PLANNING BY-LAWS OF THE CITY OF CÔTE SAINT-LUC"

This item was deferred to a subsequent meeting.

071139

ADOPTION OF BY-LAW 2281 ENTITLED: "BY-LAW UPDATING THE SCHEDULE OF FEES AND FINES FOR THE ELEANOR LONDON CÔTE SAINT-LUC PUBLIC LIBRARY"

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

"THAT By-law entitled: "By-law updating the schedule of fees and fines for the Eleanor London Côte Saint-Luc Public Library" be and is hereby adopted and numbered 2281;

THAT it be promulgated according to law."
CARRIED UNANIMOUSLY

071140

ADOPTION OF BY-LAW 2280 ENTITLED: "BY-LAW CONCERNING THE DELEGATION OF AUTHORITY TO THE OFFICERS AND EMPLOYEES OF THE CITY"

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT By-law entitled: *“By-law concerning the delegation of authority to the officers and employees of the City”* be and is hereby adopted and numbered 2280;

THAT it be promulgated according to law.”
CARRIED UNANIMOUSLY

071141

**CHARGES FOR PHOTOCOPIES AND PRINTING AT THE ELEANOR LONDON
COTE SAINT-LUC PUBLIC LIBRARY**

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

“THAT Council hereby authorizes the following fees at the Eleanor London Côte Saint-Luc Public Library;

Photocopies	\$0.10 per page
Printing	\$0.10 per page

THAT said resolution shall be for immediate action.”
CARRIED UNANIMOUSLY

071142

**NOTICE OF MOTION – BY-LAW 2282 TO BE ENTITLED: “BY-LAW TO
CHANGE THE DATES OF THE COUNCIL MEETINGS FOR THE MONTHS OF
JUNE AND OCTOBER 2008”**

Councillor Mike Cohen gave notice of motion that By-law 2282 to be entitled: *“By-law to change the dates of the Council Meetings for the months of June and October 2008”* will be presented at a later meeting for adoption.

071143

**RESOLUTION TO WAIVE THE READING OF BY-LAW 2282 TO BE ENTITLED:
“BY-LAW TO CHANGE THE DATES OF THE COUNCIL MEETINGS FOR THE
MONTHS OF JUNE AND OCTOBER 2008”**

WHEREAS, the above captioned by-law was given to members of Council on Thursday, November 8, 2007;

WHEREAS, all Council members present hereby declare that they have read said by-law and waive the reading thereof;

It was

MOVED BY COUNCILLOR MIKE COHEN
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

“THAT the Council of the City of Côte Saint-Luc unanimously waives the reading of By-law 2282 to be entitled: “*By-law to change the dates of the Council Meetings for the months of June and October 2008*” when it will be presented for adoption, the whole in accordance with the law.”
CARRIED UNANIMOUSLY

071144

RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATION TO PROCURE FINANCIAL ASSISTANCE FROM THE “UNION DES MUNICIPALITÉS DU QUÉBEC” FOR TWO LITIGATION CASES

INTRODUCTION

WHEREAS the “*Union des Municipalités du Québec*” (U.M.Q.) has a financial program in place for its members to procure and obtain financial assistance to support them for cases presently before the Courts;

WHEREAS the City of Côte Saint-Luc has been a member in good standing of the U.M.Q. since its reconstitution;

WHEREAS the City of Côte Saint-Luc was sued by the City of Montreal in 1998 and 2001 respectively and is thus presently before the Courts in two cases said cases pertaining to the Cleaning (*Curage*) and Reprofiling (*Reprofilage*) of the Saint-Pierre interceptor (Interceptor) - erroneously referred to by the City of Montreal as the Saint-Pierre Collector - said cases bearing docket numbers 500-05-062-597-016 and 500-22-020-108-984²;

INVOLVEMENT OF SEVERAL MUNICIPALITIES

WHEREAS the former Cities of Saint-Laurent, Lachine, Saint-Pierre and Montreal West were also sued by the City of Montreal in said cases and the former Montreal Urban Community (M.U.C.) was also brought into warranty;

FINANCIAL IMPACT

WHEREAS the financial implications of both aforementioned cases initially totaled approximately \$2,000,000.00;

MERITS OF THE CASE

WHEREAS Côte Saint-Luc has merit in defending the litigation brought forth by the City of Montreal for several reasons, *inter alia*, for a number of years without the permission of the other partner-municipalities, the City of Montreal used the Saint-Pierre Interceptor to dispose of snow, which is the principle source of sediments which are now to be found in the sewer and which require flushing and cleaning;

WHEREAS as a result of the foregoing, the City of Montreal is entirely responsible for the damages caused to the Interceptor for which they are suing the City of Côte Saint-Luc to collect;

WHEREAS the City of Montreal abused its role as a prime contractor to unjustly claim financial contribution from its partner-municipalities for damages that it caused;

² The case was initially instituted in the Court of Quebec and subsequently transferred to Superior Court.

WHEREAS prior to the institution of proceedings by the City of Montreal, the former Cities of Lachine, Lasalle, Saint-Pierre, Montreal West and Westmount had advised the City of Montreal as well as the M.U.C. of its intentions to cede jurisdiction over the Saint-Pierre Interceptor to the said M.U.C.;

WHEREAS the M.U.C. had as its intention to make connections related to the Saint-Pierre Interceptor permanent thus comprising a portion of the complete integrated service offered by the M.U.C. for the benefit of the whole population of the Island of Montreal but yet leaving the partner-municipalities as having the financial responsibility over this Interceptor;

WHEREAS the foregoing results in:

- a) demanding from the taxpayers of the partner-municipalities an unreasonable financial contribution;
- b) fiscal discrimination which lies contrary to rules set out in the former legislation entitled: "*la loi sur la communauté urbaine de Montréal*" in particular, article 220;

ADVANCEMENT OF MUNICIPAL LAW AND THE LAW IN GENERAL

WHEREAS the aforementioned cases pertaining to the cleaning and reprofiling of the Saint-Pierre Interceptor deal with several issues in law namely, but not restricting the generality of the foregoing:

- a) Is the City of Montreal correct in asserting that the Saint-Pierre Interceptor is indeed a collector? In the affirmative, can Defendants be held liable for the costs of cleaning and reprofiling said Interceptor?
- b) Considering that the reprofiling was necessary because of the direct intervention and activities of the City of Montreal as well as the City of Montreal not properly constructing it in the first place, do Defendants have to pay for said costs?;
- c) Considering that it was the City of Montreal who deposited the sediments in said Interceptor should the City of Côte Saint-Luc be held liable for its cleaning nonetheless?
- d) Are any of the debts prescribed in whole or in part since prescription is three years and since the City of Montreal sued Côte Saint-Luc almost four years later over the costs of reprofiling?;
- e) Even if any of the alleged debt is indeed considered legitimate, what right (ex-right) does the City of Montreal have to charge its partner-municipalities interest on said debts and moreover, are these said sums exaggerated?;
- f) Is Montreal the owner of the Interceptor? If so, how can they charge Côte Saint-Luc to reprofile an Interceptor which they were in charge of building and which they didn't properly build in the first place?
- g) If the Interceptor is presently being used for the overall benefit of the Agglomeration as it was prior for the M.U.C, why do the taxpayers of the City of Côte Saint-Luc have to shoulder the burden of any alleged expense?;

WHEREAS the payment of the overall amount of approximately \$380,000 in capital, up to ten years of interest on said capital, special indemnity and legal costs - all of which the City of Montreal is claiming from the City of Côte Saint-Luc - would have a significant impact upon Côte Saint-Luc's budget;

WHEREAS the City of Montreal's claim is **not** well founded in fact and in law and therefore, the UMQ has every interest to provide Côte Saint-Luc with financial assistance to defend the City of Montreal's illegitimate and baseless claim;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT the preamble of this resolution shall form part thereof as if quoted hereinafter at length;

THAT Council hereby authorizes the City administration to procure and obtain financial assistance from the U.M.Q. in view of continuing its contestation against the City of Montreal against the two aforementioned lawsuits;

THAT Council hereby declares that the overall issues to be decided in this case shall advance municipal law in that:

- They shall create *stare decisis* (*case precedent*) on how inter-municipal relations are governed;
- affect future relationships between future municipalities as said cases deal with legal definitions and ownership of underground water infrastructure;
- a proper *case-precedent* set in the above-captioned matter can potentially legally dictate future relationships between various partner-municipalities thus avoiding further **NEEDLESS, COSTLY AND PROTRACTED LITIGATION;**

THAT the Mayor or the City Manager or the Director of Legal Services and City Clerk be and are hereby authorized to sign any letter or any other document to give effect to this foregoing resolution.”

CARRIED UNANIMOUSLY

071145

**SETTLEMENT OF AN INTEREST DEBT OWED BY THE CITY OF MONTREAL
TO THE CITY OF CÔTE SAINT-LUC**

WHEREAS subsequent to case no. 2006 QCCRT 03914, the City of Montreal was obligated to pay a debt which Côte Saint-Luc had already paid in their stead;

WHEREAS the City of Côte Saint-Luc is claiming interest from the City of Montreal on the aforementioned debt;

WHEREAS both the City of Côte Saint-Luc and the City of Montreal have agreed upon an amount of \$2,554.09 in said interest;

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED:

“THAT council hereby authorizes the City of Côte Saint-Luc to accept an interest payment amount of \$2,554.09 from the City of Montreal on a debt which the City of Côte Saint-Luc had already paid in their stead and which case no. 2006 QCCRT 03914 had ordered the City of Montreal to pay;

THAT Council further authorizes the Director of Legal Services and City Clerk or the City Treasurer to sign any document to give effect to the foregoing.”

CARRIED UNANIMOUSLY

071146

RESOLUTION TO CLOSE PART OF LOT NUMBER 1 290 381 AS A PUBLIC STREET

WHEREAS part of lot number 1290 381 is no longer required as a public street;

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

“THAT Council hereby declares part of lot number 1 290 381 closed the whole as per the technical description prepared by François L. Arcand, Land Surveyor and as appears below hereunder as well as shown on the copy of plan number M 25357, minuted M 14519, reference 2007-08-20, dated October 11th, 2007 and prepared by François L. Arcand, Quebec Land Surveyor annexed hereto as Annex A to form an integral part of the Minutes;

THAT correlatively therewith, Council hereby authorizes the Director of Legal Services and City Clerk to sign a Deed of Cession prepared by Louis Dumont Notary, entitled: “Cession” comprising of four (4) pages and annexed herewith as Annex B to form an integral part of the Minutes;

THAT said resolution is contingent upon the present owner and subsequent owners of the said lot holding the City, its council, officers, employees, insurers, *ayants cause* as well as any and all duly authorities mandataries harmless for any compensation or indemnity for namely, any delay in closing part of lot number 1 290 381 as a public street and that said condition be inscribed in the aforementioned Deed of Cession;

**TECHNICAL DESCRIPTION FOR PORTION OF STREET TO BE CLOSED AS
PRODUCED BY FRANÇOIS L. ARCAND, LAND SURVEYOR**

Part of lot 1 290 381

Part of lot **ONE MILLION TWO HUNDRED AND NINETY THOUSAND THREE HUNDRED AND EIGHTY-ONE (PT. 1 290 381)**, of the cadastre of Quebec, registration division of Montreal, in the municipality of the City of Côte Saint-Luc, being of irregular figure, bounded and more fully described as follows: to the north-east (119°10') by lot 3 322 042, measuring twenty-six metres and twelve hundredths (26,12 m) along this limit; to the east by lot 3 322 042, measuring seventeen metres and twenty-two hundredths (17,22 m) along the arc of a curve to the left having an exterior radius of fifteen metres and twenty-four hundredths (15,24 m) along this limit; to the north-east by lot 3 322 042, measuring twelve metres and thirteen hundredths (12,13 m) along the arc of a curve to the right having an interior radius of forty-nine metres and fifty-one hundredths (49,51 m) along this limit; to the east (181°09') by lot 3 322 042, measuring three metres and twenty-five hundredths (3,25 m) (cadastre: three metres and forty-one hundredths (3,41 m)) along this limit; to the south-west (297°09') by lot 1 290 383, measuring twenty-four metres and sixty-seven hundredths (24,67 m) along this limit; to the west (340°20') by the residue of lot 1 290 381, measuring thirty-two metres and sixty-seven hundredths (32,67 m) along this limit.

Containing an area of five hundred and one square metres and four tenths (501,4 m²).

The dimensions are in metres (IS).

The directions mentioned in the technical description are in reference to a geodetic system.

The present emplacement is subject to a notarial verification of the titles and the servitudes.”

CARRIED UNANIMOUSLY

071147

RESOLUTION TO ESTABLISH THE STANCE OF THE CITY OF CÔTE SAINT-LUC COUNCIL ON ISSUES TO BE PRESENTED AT THE MONTREAL URBAN AGGLOMERATION COUNCIL MEETING

WHEREAS according to section 4 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., c. E-20.001) (hereinafter “the Act”), the urban agglomeration of Montreal is made up namely, of the City of Côte Saint-Luc since January 1, 2006;

WHEREAS according to section 58 of the Act, every central municipality has an urban agglomeration council, the nature, composition and operating rules of which are set out in an order in council and that this agglomeration council constitutes a deliberative body of the municipality;

WHEREAS under section 59 of the Act, every municipality must be represented on the urban agglomeration council;

WHEREAS according to section 61 of the Act, at a meeting of the council of a related municipality, the mayor informs the council of the matters that are to be considered at a future meeting of the urban agglomeration council, sets out the position the mayor intends to take on any matter referred to at the urban agglomeration council meeting, discusses that position with the other members present and proposes the adoption of a resolution establishing the council’s stance;

WHEREAS an agglomeration council meeting shall be held on November 29, 2007 for which members of the municipal council shall establish the stance that it wishes to take;

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR GLENN J. NASHEN

AND RESOLVED:

“THAT Council take the following stance in view of the Agglomeration Council meeting to be held on November 29, 2007 as follows:

- to authorize the Mayor, should he deem it expedient to attend said meeting, to make any decisions he deems necessary and in the best interest of the City of Côte Saint-Luc and its residents regarding the items on the agenda of the Agglomeration Council meeting to be held on November 29, 2007 based on the information to be presented during those meetings.”

CARRIED UNANIMOUSLY

SECOND QUESTION PERIOD

The Second question period started at 10:13 p.m. and finished at 10:15 p.m. One (1) person asked to speak and was heard.

1) Dr. Bernard Tonchin

The resident referred to item **12f** on tonight's agenda concerning the closure of part of lot number 1290381 as a public street and inquired as to its location to which Councillor Erdelyi responded.

The resident inquired as to whether the City would consider leasing trucks with an option to buy to which Mayor Housefather responded that when expedient, the City would indeed consider this option.

The resident then requested a status report concerning the Transport Commission meeting held in August of this year which discussed the Cavendish Extension to which Mayor Housefather responded that the Commission has yet to reach its conclusions.

071148

APPROVAL OF THE CLOSING OF THE MEETING

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR GLENN J. NASHEN

AND RESOLVED:

"THAT Council hereby authorizes the Mayor to declare the Meeting closed."

CARRIED UNANIMOUSLY

AT 10:15 P.M. MAYOR HOUSEFATHER DECLARED THE MEETING CLOSED.

ANTHONY HOUSEFATHER
MAYOR

JONATHAN SHECTER
DIRECTOR OF LEGAL SERVICES
AND CITY CLERK