

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON  
MONDAY, OCTOBER 6, 2008, AT 5801 CAVENDISH BOULEVARD,  
CÔTE SAINT-LUC, AT 8:00 P.M.**

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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 Allan J. Levine, B.Sc., M.A., DPLI  
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

**A MOMENT OF SILENCE IN MEMORY OF LATE JAMES G. BUTLER, FORMER  
LONG-TIME CITY MANAGER OF THE CITY OF CÔTE SAINT-LUC**

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A moment of silence was observed in memory of the late James G. Butler, former long-time City Manager of the City of Côte Saint-Luc.

**AWARD PRESENTATION BY THE CANADIAN PUBLIC WORKS  
ASSOCIATION (CPWA) TO THE CITY OF CÔTE SAINT-LUC, WINNER OF A  
NATIONAL PUBLIC WORKS WEEK AWARD**

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Jean-Guy Courtemanche of the Canadian Public Works Association presented an award to the Public Works Department for winning a 2008 National Public Works Week award for their Public Works Week.

**QUESTION PERIOD**

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The question period started at 8:15 p.m. and finished at 8:54 p.m. Eight (8) people asked to speak and they were heard.

1) Toby Shulman

The resident requested that the City disseminate (i.e. in the form of a flyer) its Emergency Preparedness Plan to its residents to which Mayor Housefather responded that the City could look into it. Councillor Nashen – the councillor who oversees the Emergency Preparedness Plan – then added that the City is currently working on updating its extensive plan and when completed, it shall implement a communications plan to its residents.

The resident then inquired as to whether the City had a specific committee dealing with emergency preparedness to which Mayor Housefather responded that it did.

The resident then inquired as to when the proposal to have two lanes turning left on to Fleet Road (from Cavendish Boulevard) will be completed to which Mayor Housefather responded that in principle, the proposal should be completed this fall.

The resident then advised council that she was informed that there were 'terrible things going on in Rembrandt Park' to which Mayor Housefather responded that the resident was misinformed and for which Councillor Nashen corroborated that actual evidence is to the contrary.

2) Rene Kahawita

The resident opined that the stretch of road on Wentworth between Guelph and Kildare must be re-done to which Mayor Housefather responded that it is on the list to be re-done in 2009.

3) Terry Pomeranz

The resident advised council that he is a representative of Hawco and inquired as to when Hawco would receive a response from the City regarding its request for a building permit as well as permission to install a sales office for which Mayor Housefather clarified that since the City just received plans and since the plans have not been examined by the Planning Advisory Committee the two requests cannot yet be considered.

4) Eric Berman

The resident requested that the City compel his neighbours to properly level their lands and have proper drainage to which Councillor Berku responded that the City has been proactive to resolve the neighbourly dispute – to the utmost of its legal abilities – and to which Mayor Housefather added that the City could expend reasonable efforts to recommend a time schedule for the resident's neighbours to complete their work.

5) Alex Davis

The resident went on record congratulating the Public Works Department for their marvellous effort regarding the planting of trees and flowers throughout the City.

6) Harry Oberman

The resident explained to council that he understood there would be a Minor Exemption Request from Hawco concerning *inter alia*, parking spaces and went on record as objecting to it.

The resident then went on record as thanking the City concerning work being done on or around Clanranald Avenue.

The resident then advised council that last year, he called several times regarding city lighting that required repairs and the matter has yet to be resolved to which Mayor Housefather requested that the Public Works Coordinator Beatrice Newman who is in the audience tonight take careful note of the request and return to the resident with a response. As well, Mayor Housefather requested to be advised of the said response.

The resident then requested that the City post a sign in front of Aaron Hart Park indicating said park's name to which Mayor Housefather responded that the City could look into it.

The resident then inquired as to why a road compactor was still parked on or around his immovable (multi-family) dwelling to which Mayor Housefather responded that the City could look into it.

7) Irving Itman

The resident congratulated Mayor Housefather, Councillor Nashen and the rest of council for their efforts expended to save Côte Saint-Luc's Emergency Medical Services and imparted to the public the importance of this service.

The resident then went on record congratulating Mayor Housefather, Councillor Kovac and the rest of council for their efforts expended to save Côte Saint-Luc's neighbourhood police station.<sup>1</sup>

The resident then commended Mayor Housefather, Councillor Berku and the rest of council for attempting to find a solution to expedite the extension of Cavendish Boulevard.

The resident then personally commended Mayor Housefather for running Côte Saint-Luc with an acute business sense implementing concepts such as: 'cost-effective measures, quality of service and progressive innovation'.

The resident then requested his fellow residents take more interest in composting.

The resident then complained that the Borough of Côte-des-Neiges – Notre-Dame-de-Grace has failed to properly clear the snow from its hospital facilities in a prompt and expeditious manner as does the City of Côte Saint-Luc's Public Works Department. He then opined that, 'We put a man on the moon and brought him back' but the aforementioned borough cannot properly clean snow. He then testified to witnessing snow banks between two to three meter high on or around the premises of the Jewish General Hospital. Mayor Housefather explained to the resident that the City of Côte Saint-Luc cannot take measures to compel the Borough of Côte-des-Neiges – Notre-Dame-de-Grace to properly clear their snow however, he would indeed broach the issue with Mayor Applebaum.

8) Maurice Bergman

The architect representing Hawco advised council that Hawco would like to start building as soon as possible and hoped his requested project would 'move quickly' to which all members of council took note.

081001

**CONFIRMATION OF THE MINUTES OF THE REGULAR MEETING OF  
COUNCIL DATED SEPTEMBER 8, 2008**

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It was

MOVED BY COUNCILLOR MIKE COHEN  
SECONDED BY COUNCILLOR GLENN J. NASHEN

AND RESOLVED:

"THAT the Minutes of the Regular Meeting of Council dated September 8, 2008 be and are hereby approved as submitted."  
CARRIED UNANIMOUSLY

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<sup>1</sup> This police station also serves the Town of Hampstead and the Town of Montreal West.

081002

**CONFIRMATION OF THE MINUTES OF THE SPECIAL MEETING OF COUNCIL  
DATED SEPTEMBER 22, 2008**

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It was

MOVED BY COUNCILLOR MIKE COHEN  
SECONDED BY COUNCILLOR GLENN J. NASHEN

AND RESOLVED:

“THAT the Minutes of the Special Meeting of Council dated September 22, 2008 be and are hereby approved as submitted.”  
CARRIED UNANIMOUSLY

081003

**MONTHLY DEPARTMENTAL REPORTS FOR SEPTEMBER 2008**

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It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR GLENN J. NASHEN

AND RESOLVED:

“THAT the monthly departmental reports for September, 2008 be and are hereby approved as submitted.”  
CARRIED UNANIMOUSLY

081004

**HUMAN RESOURCES – PARKS AND RECREATION DEPARTMENT – HIRING  
OF WHITE AND BLUE COLLAR AUXILIARY EMPLOYEES**

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It was

MOVED BY COUNCILLOR RUTH KOVAC  
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED

“THAT the Côte Saint-Luc City Council approves the hiring of the White and Blue Collar auxiliary employees whose names are listed in the documents entitled “White Collar – Part-Time Employees” dated September 29, 2008 and “Blue Collar – Part-Time Employees” dated October 2, 2008, and that said employees’ term of employment will be as per the respective dates indicated on the aforementioned lists;

THAT Treasurer’s certificate number TC08-0152 dated September 26, 2008 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses.”  
CARRIED UNANIMOUSLY

081005

**HUMAN RESOURCES – ENGINEERING DEPARTMENT – EXTENSION OF  
CONTRACT – TRAFFIC ENGINEER**

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WHEREAS Charles Senekal was hired as a Traffic Engineer, in the Engineering Department, for the period commencing April 16, 2007 and ending April 11, 2008;

WHEREAS the aforementioned Mr. Senekal's contract was further extended until October 11, 2008; and

WHEREAS the City wishes to extend his contract;

It was

MOVED BY COUNCILLOR SAM GOLDBLOOM  
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED

“THAT the Côte Saint-Luc City Council approves the extension of the contract of Charles Senekal as Traffic Engineer, Engineering Department, for a two (2) month period ending December 23, 2008.”

CARRIED UNANIMOUSLY

081006

**HUMAN RESOURCES – FINANCE DEPARTMENT – CHANGE OF STATUS OF  
WHITE COLLAR AUXILIARY EMPLOYEE**

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It was

MOVED BY COUNCILLOR DIDA BERKU  
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED

“THAT the Côte Saint-Luc City Council approves the change of status of Erwin Luden from auxiliary to permanent, effective August 25, 2008.”

CARRIED UNANIMOUSLY

081007

**HUMAN RESOURCES – APPOINTMENT OF MANAGER OF HUMAN  
RESOURCES – MANAGEMENT POSITION**

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It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED

“THAT the Côte Saint-Luc City Council approves the appointment of Michelle Frankel as the Manager of Human Resources (Management permanent position) effective October 6, 2008;

THAT Treasurer's certificate number TC08-0153 dated September 26, 2008 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

081008

**HUMAN RESOURCES – EMERGENCY MEDICAL SERVICES – HIRING OF  
DISPATCHER – WHITE COLLAR, AUXILIARY POSITION**

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It was

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

AND RESOLVED

“THAT the Côte Saint-Luc City Council approves the hiring of Giovanni Cuffaro as a Dispatcher (White Collar, auxiliary position) effective September 23, 2008;

THAT Treasurer’s certificate number TC08-0154 dated September 26, 2008 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

081009

**HUMAN RESOURCES – AMENDMENT TO MANAGEMENT POLICIES AND  
PROCEDURES MANUAL – MANAGEMENT EMPLOYEES GROUP INSURANCE  
PLAN**

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It was

MOVED BY COUNCILLOR MIKE COHEN  
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED

“THAT the Côte Saint-Luc City Council accepts the amendment to the policy and procedure entitled: “Management Employees Group Insurance Plan” (HR MAN-021), as outlined in the City’s Management Policies and Procedures Manual, annexed hereto as Annex A to form an integral part of the minutes.”

CARRIED UNANIMOUSLY

081010

**HUMAN RESOURCES – AMENDMENT TO MANAGEMENT POLICIES AND  
PROCEDURES MANUAL – FLOAT / SICK DAYS**

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It was

MOVED BY COUNCILLOR MIKE COHEN  
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED

“THAT the Côte Saint-Luc City Council accepts the amendment to the policy and procedure entitled: “Float / Sick Days” (HR MAN-025), as outlined in the City’s Management Policies and Procedures Manual, annexed hereto as Annex B to form an integral part of the minutes .”

CARRIED UNANIMOUSLY

081011

**RESOLUTION TO APPROVE THE DISBURSEMENTS FOR THE PERIOD OF  
SEPTEMBER 1, 2008 TO SEPTEMBER 30, 2008**

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It was

MOVED BY COUNCILLOR DIDA BERKU  
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED

“THAT Côte Saint-Luc City Council approves the attached list of disbursements for the period of September 1, 2008 to September 30, 2008 for a total amount of \$2,069,508.86 in Canadian Funds;

THAT Treasurer’s certificate number TC08-0155 dated September 30, 2008 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

081012

**TRANSFER TO QUEBEC MUNICIPALITIES OF A PORTION OF FEDERAL  
GASOLINE EXCISE TAX REVENUES**

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WHEREAS on May 14, 2007, the Côte Saint-Luc City Council adopted its 2006-2007 work schedule;

WHEREAS on December 10, 2007, the Côte Saint-Luc City Council adopted resolution 071213 in which they adopted a modified work schedule for 2006-2007 and a work schedule for 2008-2009;

WHEREAS the Côte Saint-Luc City Council adopted resolution number 080610 on June 16, 2008 authorizing the submission of a modified work schedule of 2006 and 2007, and the modified work schedule of 2008 and 2009;

WHEREAS on September 17, 2008, the City of Côte Saint-Luc received confirmation from the Ministère des Affaires municipales et des Régions (“MAMR”) that the revised work schedule has been accepted;

WHEREAS the City of Côte Saint-Luc subsequently modified the content of the work schedule entitled Appendix III;

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN  
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED:

“THAT the Côte Saint-Luc City Council hereby approves the content and authorizes the submission of the modified work schedule dated October 6, 2008 for 2008 and 2009 hereby annexed to the minutes as Annex A to form an integral part thereof said document entitled: “APPENDIX III – Revised October 6, 2008” comprising of two pages and all other documents required by the Minister of Municipal Affairs and Regions and the department’s Director of infrastructure (Direction des Infrastructures), with a view to obtaining the governmental

contribution confirmed to the municipality in a letter by the Minister of Municipal Affairs and Regions;

THAT the City of Côte Saint-Luc hereby undertakes to inform the Director of infrastructure (Direction des Infrastructures) of the Minister of Municipal Affairs and Regions of any changes made to the work program schedule approved herein.”

CARRIED UNANIMOUSLY

081013

**RESOLUTION FOR EXTERNAL AUDITING SERVICES FOR THE 2008 FISCAL YEAR**

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WHEREAS, section 108 of the *Cities and Towns Act* requires, that the Council appoint an external auditor for not more than three (3) years;

WHEREAS the Côte Saint-Luc City Council appointed Raymond Chabot Grant Thornton as external auditors for the 2006 and 2007 fiscal years, with a renewal option for the 2008 fiscal year;

It was

MOVED BY COUNCILLOR DIDA BERKU  
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT the Côte Saint-Luc City Council hereby appoints Raymond Chabot Grant Thornton as its external auditors for the 2008 fiscal year the whole pursuant to its contract renewal option stipulated within tender A-38-06;

THAT correlatively, the Côte Saint-Luc City Council approves the payment of \$37,000 plus applicable taxes to Raymond Chabot Grant Thornton for 2008 year-end external audit services;

THAT Treasurer’s certificate number TC08-0156 dated September 30, 2008 has been issued by the Treasurer attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

081014

**ORDER OF COUNCIL TO SELL IMMOVABLES DUE TO NON-PAYMENT OF MUNICIPAL TAXES AND/OR TRANSFER DUTIES FOR THE 2007 FISCAL YEAR**

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WHEREAS the Côte Saint-Luc City Council has received the statement of arrears and has examined said statement;

WHEREAS the City Treasurer files said statement at tonight’s regular council meeting held on October 6, 2008;

It was

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

AND RESOLVED:



“THAT subject to Section 512 of the *Cities and Towns Act*, the Côte Saint-Luc City Council orders the City Clerk to sell immovables due to non-payment of municipal taxes / transfer duties for the 2007 fiscal year at public auction at the office of the Council (Council chamber).”

CARRIED UNANIMOUSLY

081015

**PARKS AND RECREATION – PARKS AND RECREATION – SOFTWARE PURCHASE**

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WHEREAS the City of Côte Saint-Luc wishes to obtain a software license for the Parks and Recreation Department;

It was

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

AND RESOLVED:

“THAT the Côte Saint-Luc City Council hereby awards a licensing contract for the installation of software (Activitek) to PG Govern for an amount of \$77,250, plus applicable taxes;

THAT Treasurer’s certificate number TC08-0157 dated October 1, 2008 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses.”

CARRIED BY THE MAJORITY OF VOTES WITH COUNCILLOR ALLAN J. LEVINE DISSENTING

081016

**MATERIAL RESOURCES – ROAD RECONFIGURATION CAVENDISH / FLEET – PROFESSIONAL SERVICES**

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WHEREAS the City has made a call for tender, by invitation, for professional services for the specifications, the supervision and the lab work for the road reconfiguration of Cavendish Boulevard and Fleet Road (C-52-08) according to the law and received two (2) conforming bids;

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN  
SECONDED BY COUNCILLOR GLENN J. NASHEN

AND RESOLVED:

“THAT Côte Saint-Luc City Council hereby awards the contract for professional services for the specifications and the supervision and the lab work for the road reconfiguration of Cavendish Boulevard and Fleet Road pursuant to tender number C-52-08, to CIMA, and authorizes payment of \$43,000.00, plus applicable taxes;

THAT Treasurer’s certificate number TC08-0158 dated October 3, 2008 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses.”

CARRIED BY THE MAJORITY OF VOTES WITH COUNCILLORS RUTH KOVAC AND ALLAN J. LEVINE BOTH DISSENTING

081017

**MATERIAL RESOURCES – ROOF WORK FOR THE CHALET AT McDOWELL PARK**

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WHEREAS the City of Côte Saint Luc wishes to repair the roof of the Chalet in McDowell Park;

It was

MOVED BY COUNCILLOR RUTH KOVAC  
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

"THAT the Côte Saint Luc City Council hereby authorizes the expenditure of \$10,300.00, plus applicable taxes, to J Raymond Couvreur Inc. to repair the roof of the chalet at McDowell Park;

THAT Treasurer's certificate number TC08-0159 dated October 3, 2008 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses."

CARRIED BY THE MAJORITY OF VOTES WITH COUNCILLOR ALLAN J. LEVINE DISSENTING

081018

**MATERIAL RESOURCES – INSTALLATION OF CEMENT FLOOR IN LIBRARY BASEMENT – BORROWING OUT OF WORKING FUND**

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WHEREAS the City of Côte Saint Luc wishes to install a cement floor in the basement of the Eleanor London Côte Saint-Luc Public Library;

It was

MOVED BY COUNCILLOR STEVEN ERDELYI  
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

"THAT the Côte Saint-Luc City Council hereby awards a purchasing contract to Les Entreprises Gérard et Daniel Ouellette inc. for an amount of \$15,180.00 plus taxes to install a cement floor in the basement of the Eleanor London Côte Saint-Luc Public Library;

THAT the Council shall provide, every year, out of its general funds, a sum sufficient to repay the loan into the working fund;

THAT the terms of repayment shall not exceed three (3) years;

THAT Treasurer's certificate number TC08-0160 dated October 3, 2008 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses"

CARRIED UNANIMOUSLY

081019

**URBAN PLANNING – SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMS (SPAIP) – 5646 MELLING – CITY OF CÔTE SAINT-LUC**

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It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR GLENN J. NASHEN

AND RESOLVED:

“THAT the site planning and architectural integration programs received August 28, 2008 showing elevations of a front façade extension and the replacement of brick by stone for a detached single-family dwelling on lot 1053269 at 5646 Melling and prepared by Mr. Serge Labrèche, architect, for the Planning Advisory Committee meeting of September 2, 2008 be approved according to the provisions of Chapter 14 of by-law 2217 of the City of Côte Saint-Luc.”

CARRIED UNANIMOUSLY

081020

**URBAN PLANNING – SITE PLANNING AND ARCHITECTURAL INTEGRATION  
PROGRAMS (SPAIP) – 7520 GUELPH – CITY OF CÔTE SAINT-LUC**

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It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR GLENN J. NASHEN

AND RESOLVED:

“THAT the site planning and architectural integration programs received August 27, 2008 showing modifications to the front façade (replacement of brick and the aluminum siding) on lot 1053373 at 7520 Guelph and prepared by the owner for the Planning Advisory Committee meeting of September 2, 2008, be approved according to the provisions of Chapter 14 of by-law 2217 of the City of Côte Saint-Luc on the condition that a stone band along on the front façade and a section on the side must be introduced in order to trace the limits between the different types of materials that will not be replaced.”

CARRIED UNANIMOUSLY

081021

**URBAN PLANNING – SITE PLANNING AND ARCHITECTURAL INTEGRATION  
PROGRAMS (SPAIP) – 7155 CÔTE SAINT-LUC – CITY OF CÔTE SAINT-LUC**

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It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

“THAT the site planning and architectural integration programs received September 11, 2008 showing an exterior sign for a new commerce « The Little Gym » at the Côte Saint-Luc shopping centre on lot 1054268 at 7155 Côte Saint-Luc and prepared by Atelier de L’affichage, contractor for the Planning Advisory Committee meeting of September 2, 2008 be approved according to the provisions of Chapter 14 of by-law 2217 of the City of Côte Saint-Luc.”

CARRIED UNANIMOUSLY

081022

**URBAN PLANNING – SITE PLANNING AND ARCHITECTURAL INTEGRATION  
PROGRAMS (SPAIP) – 6521 MERTON – CITY OF CÔTE SAINT-LUC**

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WHEREAS the owner for 6521 Merton (“the Owner”) has submitted revised plans for his immovable;

WHEREAS according to article 145.20 of *An Act respecting land use planning and development*, R.S.Q., chapter A-19.1,

*“The council may, in addition, require as a condition of approval of the plans that the owner.....furnish financial guaranties.”*

WHEREAS it is expedient for Council to request said monetary guaranties in light of the evidence *inter alia*:

- the delays in construction;
- many complaints from neighbours;
- the manner in which the immovable has been constructed including, but not limited to, attempting to renovate the immovable and subsequently demolishing it;
- pleading guilty to fourteen (14) Notices of Infraction, thirteen (13) of which were making modifications contrary to approved plans and performing work without a permit and the fourteenth being ‘entrave à un fonctionnaire’; and
- the halting of construction by the Commission de la Construction du Québec due to lack of competence by the onsite contractors;

WHEREAS it is expedient to request that the Owner of 6521 Merton furnish the City with a monetary guarantee for an amount of \$50,000.00 in view of said Owner completing construction of his immovable by December 15, 2008 (“the Period”) failing which, said owner forfeits the aforementioned monetary guarantee;

WHEREAS the aforementioned monetary guarantee shall be one of the following:

- (i) a letter of credit from a bank;
- (ii) cash;
- (iii) a certified cheque; or
- (iv) a surety bond

WHEREAS the aforesaid completion of the construction will be deemed duly executed upon receipt by the City, within the Period, of a certificate of completion of work issued by an architect mandated by the City at the owner’s cost and stating that the following works, which are the **exterior works hereinafter listed**, have been duly executed and fully carried out and completed in accordance with the plans hereby approved by council and with the plans approved by Council on April 10, 2006 with regard to the construction components that are not modified by the plans hereby approved:

- (b) the construction of the following material components forming the exterior of the house :
  - (i) the completion of all the material components forming the exterior facing of the house;
  - (ii) the completion of all the material components forming the roof (namely the fascia, boxed eave, cornice, rake);
  - (iii) the completion of all the material components forming the windows and doors of the house;

- (c) the removal of the fence, retaining wall and patio on the lateral side of the property that is encroaching on the City's land, the levelling of the City's land and the relocation of the fence onto the Owner's property;
- (d) the completion of the paving of all the driveways, patios, balconies and pedestrian lanes located on the Owner's property;
- (e) the complete landscaping of the land and planting of trees and bushes on the land and completion of all the components of the swimming pool and patio;

It was

MOVED BY COUNCILLOR DIDA BERKU  
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

"THAT the site planning and architectural integration programs received September 23, 2008 showing modifications to the single-family detached dwelling on lot 1560667 at 6521 Merton, prepared by Mr. Daniel Hazan, representing the Fiducie Familiale Mazal Hazan (the Owner on title of the property) for the Planning Advisory Committee meeting of September 25, 2008, be approved according to the provisions of Chapter 14 of by-law 2217 of the City of Côte Saint-Luc;

THAT said approval is strictly conditional upon

- (a) receiving a monetary guarantee - in the amount of \$50,000 - compelling the Owner of 6521 Merton to complete the aforesaid construction works - within ten (10) days from the date of the adoption of this resolution, said guarantee to be in one of the following forms:
  - (i) a letter of credit from a bank;
  - (ii) cash;
  - (iii) a certified cheque; or
  - (iv) a surety bond
- (b) the construction of the following material components forming the exterior of the house :
  - (i) the completion of all the material components forming the exterior facing of the house;
  - (ii) the completion of all the material components forming the roof (namely the fascia, boxed eave, cornice, rake);
  - (iii) the completion of all the material components forming the windows and doors of the house;
- (c) the removal of the fence, retaining wall and patio on the lateral side of the property that is encroaching on the City's land, the levelling of the City's land and the relocation of the fence onto the Owner's property;
- (d) the completion of the paving of all the driveways, patios, balconies and pedestrian lanes located on the Owner's property;

- (e) the complete landscaping of the land and planting of trees and bushes on the land and completion of all the components of the swimming pool and patio;
- (f) completing all of the aforesaid construction prior to December 15, 2008 failing which, said owner forfeits the aforementioned monetary guarantee.”

CARRIED UNANIMOUSLY

081023

**URBAN PLANNING – MINOR EXEMPTION – 5511 RANDALL –  
CÔTE SAINT-LUC**

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It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR MIKE COHEN

AND RESOLVED:

“THAT as recommended by the Planning Advisory Committee and in accordance with the provisions of by-law G18-0005, the request for a Minor Exemption regarding the property located at 5511 Randall, Lot 1560608, be and is hereby approved, the whole as more amply delineated hereunder:

The minor exemption request is to allow for a proposed single-family detached dwelling – pursuant to a demolition of the existing dwelling – to have the length of an interior tandem garage be 35’-6” instead of the minimum of 40’-0”. The foregoing in accordance with the provisions of Zoning by-law 2217, including, but not limited to, article 7-5-1.”

CARRIED UNANIMOUSLY

081024

**URBAN PLANNING – MINOR EXEMPTION – 8103 McCUBBIN –  
CÔTE SAINT-LUC**

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It was

MOVED BY COUNCILLOR STEVEN ERDELYI  
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

“THAT as recommended by the Planning Advisory Committee and in accordance with the provisions of by-law G18-0005, the request for a Minor Exemption regarding the property located at 8103 McCubbin, Lot 1561428, be and is hereby approved, the whole as more amply delineated hereunder:

The minor exemption request is to allow:

- 1) a lateral extension to a detached single-family dwelling to be located at 14’-9” (facing McCubbin) from the front property line instead of the minimum of 15’-0” from said line in accordance with the provisions of Zoning By-law 2217, including, but not limited to, Annex “B” (zone RU-13);
- 2) the side exterior corners of the said lateral extension to be located from the secondary front land line at 12’-7” and 14’-4” respectively (facing Smart) instead of 12’-9” and 14’-5” for a secondary front setback in

accordance with the provisions of the Zoning By-law 2217, including, but not limited to, Annex "B" (zone RU-13) as well minor exemption 2007-20 already awarded"

CARRIED UNANIMOUSLY

081025

**APPROVAL OF THE NEW PROPOSED IMMOVABLE (INSTEAD OF THE INITIAL PROPOSED IMMOVABLE) TO BE CONSTRUCTED SUBSEQUENT TO THE DEMOLITION OF THE HOME LOCATED AT 5511 RANDALL AVENUE**

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WHEREAS on November 12, 2007 the Demolition Committee of the City of Côte Saint-Luc granted a Certificate of Authorization for the demolition of 5511 Randall Avenue;

WHEREAS the Demolition Committee reviewed the proposed immovable/detached single-family home to replace the one to be demolished and found it acceptable;

WHEREAS since the decision granting the certificate of authorization to demolish, the applicants wish to build a different design of a detached single-family home;

WHEREAS the drawings and elevations of the newly proposed detached single-family home have been reviewed by the Planning Advisory Committee at its meeting held on September 2, 2008 and said Committee recommended approving said new home;

WHEREAS the Demolition Committee (council) agrees with the Planning Advisory Committee's recommendation;

WHEREAS the prospectus for the new proposed detached single-family home have been exhibited in front of the property located at 5511 Randall Avenue and the City has received no objections from any surrounding neighbours;

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

"THAT pursuant to a Certificate of Authorization granted for the demolition of 5511 Randall Avenue, the City of Côte Saint-Luc's Demolition Committee (council) hereby approves the revised prospectus of the detached single-family home as more amply appears from the elevations and drawings dated August 26, 2008 and produced by Jadco Inc.;

THAT said prospectus shall replace the initial prospectus submitted."  
CARRIED UNANIMOUSLY

081026

**DECISION OF THE DEMOLITION COMMITTEE RENDERED ON OCTOBER 6, 2008 ON THE REQUEST FOR THE DEMOLITION OF THE HOME LOCATED AT 5554 BORDEN SITUATED ON CADASTRAL LOT NUMBER 1560587**

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WHEREAS the Demolition Committee of the City of Côte Saint-Luc has carefully considered the application for a permit for the demolition of 5554 Borden said application filed by Mr. Avi Levy;

WHEREAS the Demolition Committee has reviewed all submissions related to the said application;

WHEREAS the evaluation of the existing building has been determined at \$123,600.00;

WHEREAS the applicants intend to use the land located at 5554 Borden to build a new home and have thus submitted preliminary architectural drawings;

WHEREAS the City Council has viewed the preliminary drawings and deemed them to conform to the City of Côte Saint-Luc's by-laws;

WHEREAS no evidence has been presented to demonstrate that the proposed demolition would cause disruptions to the neighbourhood that are any greater than the normal inconveniences associated with such a demolition;

WHEREAS no evidence has been presented that the proposed demolition would cause any other undue prejudice to the neighbours;

WHEREAS the City of Côte Saint-Luc received no objections regarding the proposed demolition;

WHEREAS the proposed new dwelling fits well into the streetscape as well as into the surrounding neighbourhood;

WHEREAS all of the procedures established by the City of Côte Saint-Luc have been met when considering the present application;

FOR ALL OF THE FOREGOING REASONS,

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

"THAT the City of Côte Saint-Luc's Demolition Committee:

- GRANTS the Certificate of Authorization for the demolition of the home located at 5554 Borden situated on cadastral lot number 1560587;
- APPROVES the prospectus for a new proposed immovable provided that the final drawings are approved by the City Council;

THAT the granting of the said demolition and approval of the said prospectus are contingent upon the following conditions:

- the applicant's contractors furnish the City of Côte Saint-Luc with proof of insurance which is satisfactory to the City;
- the necessary monetary guarantee be obtained pursuant to by-law 2235 within the thirty (30) days following the date of this decision;
- construction delays be one year from the time the permit for the new immovable is issued pursuant to article 4-10 of by-law 2088 being the Consolidated Building by-law of the City of Côte Saint-Luc. "

CARRIED UNANIMOUSLY



WHEREAS the owner of 5570 Borden ("the Property) requested to fell ("Fell) two (2) trees, one located in the front yard and one located in the rear yard of the property;

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

"THAT Council hereby requires that the two (2) trees to be Felled be replaced by two (2) trees with a diameter of 2 inches the whole pursuant to the terms and conditions of article 11-7-1 *et al.* of Zoning By-law No. 2217;

THAT at least one (1) of the two (2) trees to be planted must be planted on the Property."

CARRIED UNANIMOUSLY

081028

**URBAN PLANNING – 5783 PALMER – REPLACEMENT TREES**

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WHEREAS the owner of 5783 Palmer ("the Property) illegally felled ("Felled) one (1) tree located in the front yard of the property without first having obtained a certificate of authorization;

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

"THAT Council hereby requires that the one (1) tree illegally Felled be replaced by three (3) trees with a diameter of 2 inches the whole pursuant to the terms and conditions of article 11-7 of Zoning By-law No. 2217 of the City of Côte Saint-Luc;

THAT at least one (1) of the three (3) trees to be planted must be planted on the Property;

THAT over and above any penal proceedings which may be instituted, Council hereby authorizes the Director of Legal Services and City Clerk, the director of Urban Planning and the Urban Planning Coordinator to institute any legal proceedings or legal measures before a court of competent jurisdiction concerning the foregoing matter."

CARRIED UNANIMOUSLY

081029

**URBAN PLANNING – 5785 RAND – REPLACEMENT TREES**

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WHEREAS the owner of 5785 Rand ("the Property) requested to fell ("Fell) two (2) tree(s) located in front yard of the property;

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

“THAT Council hereby requires that the two (2) trees to be Felled be replaced by two (2) trees with a diameter of 2 inches the whole pursuant to the terms and conditions of article 11-7-1 *et al.* of Zoning By-law No. 2217;

THAT at least one (1) of the two (2) trees to be planted must be planted on the Property.”

CARRIED UNANIMOUSLY

081030

**URBAN PLANNING – 6820 NEWTON – REPLACEMENT TREES**

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WHEREAS the owner of 6820 Newton (“the Property) requested to fell (“Fell) one (1) tree located in rear yard of the property;

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

“THAT Council hereby requires that the one (1) tree to be Felled be replaced by four (4) trees with a diameter of 2 inches the whole pursuant to the terms and conditions of article 11-7-1 *et al.* of Zoning By-law No. 2217;

THAT at least one (1) of the four (4) trees to be planted must be planted on the Property.”

CARRIED BY THE MAJORITY OF VOTES WITH COUNCILLORS SAM GOLDBLOOM, MIKE COHEN AND RUTH KOVAC ALL DISSENTING

081031

**URBAN PLANNING – 6815 ASHKELON – REPLACEMENT TREES**

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WHEREAS the owner of 6815 Ashkelon (“the Property) requested to fell (“Fell) three (3) trees located in front yard of the property.

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

“THAT Council hereby requires that the three (3) trees to be Felled be replaced by three (3) trees with a diameter of 2 inches the whole pursuant to the terms and conditions of article 11-7-1 *et al.* of Zoning By-law No. 2217;

THAT at least one (1) of the three (3) trees to be planted must be planted on the Property.”

CARRIED BY THE MAJORITY OF VOTES WITH COUNCILLORS SAM GOLDBLOOM, MIKE COHEN AND RUTH KOVAC DISSENTING

081032

**URBAN PLANNING – 5618 McMURRAY – REPLACEMENT TREES**

WHEREAS the owner of 5618 McMurray (“the Property) partially felled (“Felled) one (1) tree located in the rear yard of the property without first having obtained a certificate of authorization;

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

“THAT Council hereby requires that the one (1) tree partially Felled be replaced by one (1) tree with a diameter of 2 inches the whole pursuant to the terms and conditions of article 11-7 of Zoning By-law No. 2217 of the City of Côte Saint-Luc;

THAT the tree to be planted must be planted on the Property;

THAT over and above any penal proceedings which may be instituted, Council hereby authorizes the Director of Legal Services and City Clerk, the director of Urban Planning and the Urban Planning Coordinator to institute any legal proceedings or legal measures before a court of competent jurisdiction concerning the foregoing matter.”

CARRIED UNANIMOUSLY

081033A

**URBAN PLANNING – 636 HUDSON – REPLACEMENT TREES –  
DELIBERATIONS AND PROPOSED AMENDMENT TO NUMBER OF  
REPLACEMENT TREES**

Councillor Sam Goldbloom requested that council amend the proposed resolution to modify the number of replacement trees from ‘2’ to ‘1’.

Mayor Housefather then declared the amendment receivable.

It was

MOVED BY COUNCILLOR SAM GOLDBLOOM  
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT the number of replacement trees required for the property situated at 636 Hudson be modified from ‘2’ to ‘1’.”

MAYOR HOUSEFATHER THEN CALLED FOR A VOTE.

MEMBERS OF COUNCIL THEN VOTED.

VOTED IN FAVOUR OF THE AMENDMENT:

Councillor Sam Goldbloom  
Councillor Ruth Kovac  
Councillor Mike Cohen  
Councillor Mitchell Brownstein

VOTED AGAINST THE AMENDMENT:

Mayor Anthony Housefather  
Councillor Dida Berku  
Councillor Glenn J. Nashen  
Councillor Allan J. Levine  
Councillor Steven Erdelyi

THE AMENDMENT WAS THEN DEFEATED BY A VOTE OF 5-4.

MEMBERS OF COUNCIL THEN RETURNED TO THE ORIGINAL PROPOSED RESOLUTION

081033B

**URBAN PLANNING – 636 HUDSON – REPLACEMENT TREES**

WHEREAS the owner of 636 Hudson (“the Property) requested to fell (“Fell) one (1) tree(s) located in front of the property;

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE  
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

“THAT Council hereby requires that the one (1) tree to be Felled be replaced by two (2) trees with a diameter of 2 inches the whole pursuant to the terms and conditions of article 11-7-1 *et al.* of Zoning By-law No. 2217;

THAT at least one (1) of the two (2) trees to be planted must be planted on the Property.”

CARRIED BY THE MAJORITY OF VOTES WITH COUNCILLORS RUTH KOVAC, SAM GOLDBLOOM AND MIKE COHEN ALL DISSENTING

081034

**NOTICE OF MOTION – BY-LAW 2302 TO BE ENTITLED: “BY-LAW TO REGULATE THE COLLECTION AND DISPOSAL OF WASTE MATERIALS”**

Councillor Dida Berku gave notice of motion that By-Law 2302 to be entitled: “By-law to regulate the collection and disposal of waste materials” will be presented at a later meeting for adoption.

081035

**RESOLUTION TO WAIVE THE READING OF BY-LAW 2302 TO BE ENTITLED: “BY-LAW TO REGULATE THE COLLECTION AND DISPOSAL OF WASTE MATERIALS”**

WHEREAS, the above captioned by-law was given to members of Council on Thursday, October 2, 2008;

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 STEVEN ERDELYI

AND RESOLVED:

“THAT the Council of the City of Côte Saint-Luc unanimously waives the reading of By-Law 2302 to be entitled: “By-law to regulate the collection and disposal of waste materials” when it will be presented for adoption, the whole in accordance with the law.”

CARRIED UNANIMOUSLY

081036

**INTERMUNICIPAL AGREEMENT – AUTHORIZATION BY THE CITY OF CÔTE SAINT-LUC TO ALLOW THE TOWN OF HAMPSTEAD TO MAKE USE OF ITS SNOW DUMP LOCATED AT THE INTERSECTION OF KILDARE ROAD AND MARC CHAGALL AVENUE**

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This item was deferred to a later time within the council meeting.

081037

**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**

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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 of, *inter alia*, 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 October 28, 2008 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 MIKE COHEN

AND RESOLVED:

“THAT Council take the following stance in view of the Agglomeration Council meeting to be held on October 28, 2008 as follows:

- to authorize the Mayor or his duly authorized replacement 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 October 28, 2008 based on the information to be presented during those meetings.”

CARRIED UNANIMOUSLY

## **SECOND QUESTION PERIOD**

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The Second question period started at 10:23 p.m. and finished at 10:33 p.m. Three (3) people asked to speak and they were heard.

1) Dr. Bernard Tonchin

The resident criticized his fellow residents whose property neighbours 6521 Merton as they were absent when council adjudicated upon the Site Plan request for this property.

The resident called upon council to be lenient in terms of allowing his fellow residents to fell trees when said trees are dying or causing damage to their property.

The resident then called upon his fellow residents to put lids on their garbage cans when they put their garbage out for collection.

2) Alex Davis

The resident inquired as to the (contractual) mechanism the City employed to hire its auditors for the 2008 fiscal year to which Mayor Housefather responded that the City exercised its contractual option to hire its auditors - pursuant to a two year contract, plus an option - adopted in 2006.

The resident requested that the City plant as many trees as possible and opined that not rigorously applying the City's chapter of its zoning by-law governing tree protection was 'mean-spirited'. Councillor Kovac then responded that in her view, the opposite was true. She explained that being too draconian with residents who wish to fell their own private trees and being too onerous concerning the costs to replant said trees was unfair. She then added that in her view, applying the by-law of the City's chapter of its zoning by-law concerning tree protection non-severely was not in the spirit of being mean.

3) Eric Berman

The resident reiterated his request to compel his neighbours to properly level their lands and set up drainage.

081038

## **APPROVAL TO RECESS THE MEETING**

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It was

MOVED BY COUNCILLOR RUTH KOVAC  
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

“THAT Council hereby authorizes the Mayor to declare the Meeting in recess.”

CARRIED UNANIMOUSLY

**AT 10:33 P.M. MAYOR HOUSEFATHER DECLARED THE MEETING IN RECESS.**

**AT 10:40 P.M. MAYOR HOUSEFATHER RE-OPENED THE MEETING.**

081039

**INTERMUNICIPAL AGREEMENT - AUTHORIZATION BY THE CITY OF CÔTE SAINT-LUC TO ALLOW THE TOWN OF HAMPSTEAD TO MAKE USE OF ITS SNOW DUMP LOCATED AT THE INTERSECTION OF KILDARE ROAD AND MARC CHAGALL AVENUE**

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WHEREAS for the winter season of 2007-2008, between November 1, 2007 and March 31, 2008, the City of Côte Saint-Luc and the Town of Hampstead entered into an agreement the object of which was to allow the Town of Hampstead to dump snow at the snow dump located at the intersection of Kildare Road and Marc Chagall Avenue said snow dump owned and operated by the City of Côte Saint-Luc;

WHEREAS clause 2.2 of said agreement states that,

“The parties agree that following the Term of the Agreement, they shall meet and determine whether they wish to enter into an agreement to allow Hampstead to dump Snow in the Dump during the winter of 2008-2009. Both parties agree to discuss such new agreement in good faith however neither party shall have any obligation to enter into a new agreement.”

WHEREAS The City of Côte Saint-Luc and the Town of Hampstead have met and wish to avail themselves of the right to enter into another agreement of the same nature as the one in force last year and implement said agreement as per the requirements of the law; and

WHEREAS the Object of this agreement is to allow The Town of Hampstead to dump snow at the snow dump located at the intersection of Kildare Road and Marc Chagall Avenue said snow dump owned and operated by the City of Côte Saint-Luc;

It was

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

AND RESOLVED:

“THAT the Côte Saint-Luc City Council hereby authorizes the signature of an agreement (“Agreement”) to allow The Town of Hampstead to dump snow at the snow dump located at the intersection of Kildare Road and Marc Chagall Avenue;

THAT the Terms and Conditions of the aforementioned Agreement are set out in a document entitled, "Agreement for the Dumping of Snow ("Agreement") with an Effective Date of November 1, 2008" said Agreement comprising three (3)

pages and annexed hereto as Annex A to form an integral part of the Minutes to avail herein as if quoted hereinafter at length;

THAT said Agreement shall commence November 1, 2008 and terminate on March 31, 2009;

THAT the City Manager be and is hereby authorized to sign the said Agreement on behalf of the City of Côte Saint-Luc.”

CARRIED BY THE MAJORITY OF VOTES WITH COUNCILLORS ALLAN J. LEVINE, MIKE COHEN AND STEVEN ERDELYI ALL DISSENTING.

Councillor Levine then went on record as opposing the adoption of this resolution for the following reasons:

- 1) The allowing of additional snow-clearing vehicles from the Town of Hampstead to circulate and dump snow on Côte Saint-Luc territory poses a danger to residents of the area;
- 2) The allowing of additional snow-clearing vehicles from the Town of Hampstead to circulate and dump snow on Côte Saint-Luc territory poses a danger to Bialik students whose school is in the immediate vicinity of the snow dump;
- 3) The allowing of snow-clearing vehicles from the Town of Hampstead to liberally circulate on City of Côte Saint-Luc streets – in view of trucking snow to dump it - risks causing damages to adjoining roads of the snow dump;
- 4) Considering the environmental norms referring to the height of a snow dump: the allowing of the Town of Hampstead to dump snow within the Côte Saint-Luc snow dump could present a severe challenge to the City of Côte Saint-Luc to respect the said norms given that additional snow adds to the height of said snow dump;
- 5) The fees the City of Côte Saint-Luc received from the Town of Hampstead to dump snow in the Côte Saint-Luc Snow Dump paled in comparison to the real costs which the City of Côte Saint-Luc incurred by having extra snow dumped on its territory.

Councillor Kovac then wished to go on record as explaining why she supported the resolution for the following reasons:

- 1) During the years where the City of Côte Saint-Luc was formerly part of the City of Montreal, Borough of Côte Saint-Luc-Hampstead-Montreal West, the territory of Hampstead was dumping snow in that snow dump without incident;
- 2) The quantity of Côte Saint-Luc snow-removal trucks circulating on City streets far outnumber the quantity of Hampstead snow-removal trucks circulating on City streets and moreover, the quantity of Hampstead snow removal trucks which circulate on City streets is minimal;
- 3) City streets are made to withstand the weight of trucks;
- 4) The fees which the City of Côte Saint-Luc received from the Town of Hampstead to dump snow on its territories far offset the costs the City of Côte Saint-Luc incurred to diminish the height of its snow dump;
- 5) It behoves the City of Côte Saint-Luc to be good neighbours with its neighbouring municipality, the Town of Hampstead;
- 6) When the height of the snow dump was becoming too excessive to withstand both City of Côte Saint-Luc and Town of Hampstead snow – in light of the force majeure amount of snow which fell last winter - the City of Côte Saint-Luc precluded the Town of Hampstead from further dumping snow on its territory and moreover, the Town of Hampstead acceded to the City of Côte Saint-Luc’s request without protest.



Councillor Nashen then went on record stating that route taken by Town of Hampstead trucks does not pose a danger to neighbouring residents or Bialik students.

Councillor Brownstein went on record requesting that Public Works Director David Tordjman should be aware of the route taken by the snow-removal trucks of the Town of Hampstead.

Councillor Erdelyi went on record being against the resolution as last winter, far more snow fell than anticipated and given the philosophy he ascribes to of *safety first*, it would be an *unnecessary extra burden* to allow the Town of Hampstead to dump snow within the City of Côte Saint-Luc snow dump.

Councillor Cohen went on record as reminding the public that in previous years, he indeed voted in favour of the aforementioned resolution. However, in light of the time it took for the snow in the snow dump to melt – said snow being present for an entire summer – and in light of the complaints he received this summer concerning the aesthetic displeasure of the snow dump – he is prevented from voting in favour of the resolution this year. Therefore, he explained, he must vote against said resolution.

081040

**AUTHORIZATION TO SETTLE A CLAIM WITH LOMBARD CANADA FOR DAMAGES CAUSED BY C.M.S.**

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WHEREAS on or about December 3, 2007, C.M.S. Entrepreneurs Généraux Inc ("C.M.S.") damaged City of Côte Saint-Luc ('City') property, namely, a lamp post on Kildare and Einstein;

WHEREAS on or about March 7, 2008 the City invoiced C.M.S., as more amply set out in invoice number 2008-000025, for an amount of \$6,336.06;

WHEREAS Lombard Canada Inc. - C.M.S.'s insurer who are subrogated into their rights and obligations - has tendered an offer of \$6,139.66 which the City wishes to accept;

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN  
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

"THAT Council hereby authorizes the Director of Legal Services to settle a claim, for an amount of \$6,139.66, with Lombard Canada Inc., for damages caused by C.M.S. (its insured) to the City's lamp post on Kildare and Einstein;

THAT the Director of Legal Services and City Clerk be hereby authorized to sign any document to give effect to the foregoing."

CARRIED UNANIMOUSLY

**AT 10:50 P.M. MAYOR HOUSEFATHER DECLARED THE MEETING CLOSED.**

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ANTHONY HOUSEFATHER  
MAYOR

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JONATHAN SHECTER  
DIRECTOR OF LEGAL SERVICES  
AND CITY CLERK