

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON
MONDAY, APRIL 20, 2009, AT 5801 CAVENDISH BOULEVARD,
CÔTE SAINT-LUC, AT 8:00 P.M. (DELAYED UNTIL 9:30 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 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

090401

**EXPRESSION OF CONDOLENCES – FALLEN CANADIAN SOLDIERS IN
AFGHANISTAN**

WHEREAS the Canadian Armed Forces have been called up to serve in Afghanistan in an effort to help restore order and protect the peace as part of a multi-national force;

WHEREAS the brave soldiers of the Canadian Armed Forces are often in harm's way in service to Canada and all Canadians; and

WHEREAS the following soldiers were killed in action in Afghanistan, in the service of our country:

Master Corporal Scott Vernelli	-	March 20, 2009
Corporal Tyler Crooks	-	March 20, 2009
Trooper Corey Hayes	-	March 20, 2009
Trooper Jack Bouthillier	-	March 20, 2009
Trooper Karine Blais	-	April 13, 2009

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

“THAT the City of Côte Saint-Luc extends its deepest sympathies to the family, friends and comrades of the above-named fallen soldiers, and sends a message of support, encouragement and appreciation to our troops serving abroad;

THAT this resolution be sent to the Minister of National Defence, Mr. Peter Mackay who shall transmit a copy of the resolution to the Land Force;

Member of Parliament for Mount-Royal, Mr. Irwin Cotler as well as to the President of the Royal Canadian Legion, Branch 97, Carl Garber;

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

QUESTION PERIOD

The question period started at 9:35 p.m. and finished at 9:50 p.m. Five (5) people asked to speak and they were heard.

1) Myra Shuster

The resident complained of a *heavy-handed* police arrest to which Mayor Housefather responded that if the resident wanted a follow up she should provide more details to him in writing so that he may acquire the particulars and follow-up with the Police Department. He however clarified for the resident the Police do not report to City Council and they are the purview of another level of government.

2) Dr. Bernard Tonchin

The resident requested a minute of silence for the victims of the Holocaust¹ as well as for Jack Cabot, a long-time devoted attendee of Côte Saint-Luc council meetings who recently passed away. Mayor Housefather agreed to the moment of silence and then said moment was observed.

3) Shoshana Neuer

The resident explained to council that as a representative of Hebrew Academy (High School) she recently requested that a fence be erected adjacent to the school to which Mayor Housefather responded that the matter was referred to the Parks and Recreation Committee and the City would return to her with an answer.

4) Marjorie Black

The resident complained of a recent change in *no-parking* restrictions on Trinity to which Mayor Housefather responded that the matter would be taken under advisement and if any signs have been misdirected they would be put back up.

The resident complained of an overly powerful p.a. system used for the Côte Saint-Luc municipal swimming pool to which Mayor Housefather responded that the City can look into the matter to see if anything can be done.

5) Rachel Genziak

The resident inquired as to where Hampstead building permits were kept which were issued during the time that Hampstead was part of the borough to which Mayor Housefather responded that they are presently archived in Hampstead. The resident inquired as to who pays the salary to Agglomeration Council Members to which Mayor Housefather responded that the salaries are paid out by the Agglomeration.

¹ Considering Holocaust Remembrance Day.

090402

**CONFIRMATION OF THE MINUTES OF THE REGULAR MEETING OF
COUNCIL DATED MARCH 16, 2009**

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
March 16, 2009 be and are hereby approved as submitted.”
CARRIED UNANIMOUSLY

090403

**CONFIRMATION OF THE MINUTES OF THE SPECIAL MEETING OF COUNCIL
DATED MARCH 23, 2009**

It was

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

AND RESOLVED:

“THAT the Minutes of the Special Meeting of Council dated
March 23, 2009 be and are hereby approved as submitted.”
CARRIED UNANIMOUSLY

COUNCILLOR ERDELYI DEPARTED FROM THE MEETING.

090404

MONTHLY DEPARTMENTAL REPORTS FOR MARCH 2009

It was

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

AND RESOLVED:

“THAT the monthly departmental reports for March, 2009 be and are
hereby approved as submitted.”
CARRIED UNANIMOUSLY

090405

**HUMAN RESOURCES — PUBLIC WORKS – HIRING OF BLUE COLLAR
AUXILIARY EMPLOYEES**

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

“THAT the Côte Saint-Luc City Council approves the hiring of employment of the Blue Collar employees whose names are listed in the documents entitled “Part-Time Employees – Blue Collars” dated April 14, 2009 and that said employees’ term of employment will be as per the respective dates indicated on the aforementioned list;

THAT Treasurer’s certificate number TC09-0059 dated April 7, 2009 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

COUNCILLOR MITCHELL BROWNSTEIN LEFT THE MEETING.

090406

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

It was

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

AND RESOLVED:

“THAT the Côte Saint-Luc City Council approves the hiring and end of employment of the White Collar auxiliary employees whose names are listed in the documents entitled “White Collar Auxiliary Employees” dated April 15, 2009, and that said employees’ term of employment will be as per the respective dates indicated on the aforementioned list;

THAT Treasurer’s certificate number TC09-0058 dated April 6, 2009 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

090407

FINANCE – APPROVAL OF THE DISBURSEMENTS FOR THE PERIOD FROM MARCH 1, 2009 TO MARCH 31, 2009

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT the disbursements for the period of March 1, 2009 to March 31, 2009 for a total of \$21,952,934.82 in Canadian Funds are hereby approved;

THAT Treasurer’s certificate number TC09-0063 dated April 14, 2009 has been issued by the Treasurer, attesting to the availability of funds to cover the described expenses;

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

COUNCILLOR MITCHELL BROWNSTEIN RETURNED TO THE MEETING.

090408

**RESOLUTION FOR A SHORTER-TERM FOR THE FINANCING OF LOAN
BY-LAWS**

It was

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

AND RESOLVED:

"THAT Council hereby authorizes the loan of a total amount of \$4,572,000, pursuant to resolution number 070442 and by-law numbers: 2261, 2286, 2287, 2290, 85-5-001 and 85-5-010 in view of permitting the City of Côte Saint-Luc who must issue bonds for a shorter term than the term provided for in the aforementioned loan by-laws for a term of:

5 years (as of May 5th 2009); regarding the annual amortization of capital projected for the 5 years (2010 to 2014), instead of the term prescribed for said amortization for resolution number 070442 and by-law numbers: 2261, 2286, 2287, 2290, 85-5-001 and 85-5-010; and every subsequent issue being for the balance or part of the balance of the loan."

CARRIED UNANIMOUSLY

090409

**ADJUDICATION RESOLUTION TO FINANCE A BOND ISSUE FOLLOWING A
PUBLIC CALL FOR TENDERS**

WHEREAS the City of Côte Saint-Luc intends to issue a series of bonds or one issue per maturity date pursuant to resolution number 070442 and by-law numbers: 2261, 2286, 2287, 2290, 85-5-001 and 85-5-010;

WHEREAS in this regard, the municipality has called for proposals for the sale of a bond issue in the amount of \$4,572,000; dated as of May 5, 2009 by means of the electronic financial information system;

WHEREAS following the call for public tenders the municipality received the detailed quotations below:

▪ **Valeurs Mobilières Banque Laurentienne Inc. RBC Dominion Valeurs Mobilières Inc.**

\$297,000	1,50000 %	2010
\$309,000	2,00000 %	2011
\$322,000	2,55000 %	2012
\$334,000	3,00000 %	2013
\$3,310,000	3,30000 %	2014

Quote Price: \$98,53400

Real Cost: 3,54129 %

▪ **Financière Banque Nationale Inc.**

\$297,000	1,50000 %	2010
\$309,000	1,75000 %	2011
\$322,000	2,45000 %	2012
\$334,000	2,80000 %	2013
\$3,310,000	3,35000 %	2014

Quote Price: \$98,50300 Real Cost: 3,56405 %

▪ **Valeurs Mobilières Desjardins Inc.**

\$297,000	1,50000 %	2010
\$309,000	1,85000 %	2011
\$322,000	2,50000 %	2012
\$334,000	3,00000 %	2013
\$3,310,000	3,35000 %	2014

Quote Price: \$98,18000 Real Cost: 3,66629 %

WHEREAS the abovementioned offer from *Valeurs Mobilières Banque Laurentienne Inc. RBC Dominion Valeurs Mobilières Inc.* is the most advantageous;

WHEREAS The Canadian Depository for Securities Limited (CDS) shall be acting as registrar for the book based system, bondholding officer and paying officer in charge of the transactions for the members, the Council authorizes CDS to act as its fiscal authenticator agent, as described in the memorandum of understanding with the Minister of Municipal Affairs and Regions and CDS;

WHEREAS The Canadian Depository for Securities Limited (CDS) will perform fund transfers in accordance with legal requirements regarding bonds; in this regard, the Council authorises the Mayor and the Treasurer to sign the document required by the Canadian Banking System entitled: "Authorization for a Business Pre-Authorized Debit Plan";

It was

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

AND RESOLVED:

"THAT the bond issue of the City of Côte Saint-Luc in the amount of \$4,572,000 be adjudicated to *Valeurs Mobilières Banque Laurentienne Inc. RBC Dominion Valeurs Mobilières Inc.*;

THAT a request be made to said dealer-manager to mandate the Canadian Depository for Securities Limited (CDS) to register this issue in the book based system;

THAT Mayor Anthony Housefather and Treasurer Angelo Marino be authorized to sign the bonds covered by this issue or one bond per maturity date."
CARRIED UNANIMOUSLY

090410

**RESOLUTION FOR CONCORDANCE OF THE FINANCING OF THE LOAN
BY-LAWS**

WHEREAS the City of Côte Saint-Luc intends to issue a series of bonds, or one issue per maturity date, for an amount of \$4,572,000, pursuant to the following resolution number and loan by-law numbers and for the amounts indicated against each one:

Resolution / Loan by-laws		in the amount of
Resolution #070442	\$	2,103,875
By-law #2261	\$	120,000
By-law #2286	\$	120,000
By-law #2287	\$	1,411,000
By-law #2290	\$	200,000
By-law #85-05-001	\$	570,780
By-law #85-05-010	\$	46,345

WHEREAS, for the purpose of the said issue, it is necessary to modify the by-laws pursuant to which these bonds are issued;

It was

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

AND RESOLVED:

"THAT the above-mentioned loan by-laws and resolution number be amended, if necessary, to comply with what is stipulated below regarding the previously determined number of bonds related to the said by-laws in the issue of \$4,572,000;

THAT the bonds or one bond per maturity date be dated May 5, 2009;

THAT these bonds be registered in the name of The Canadian Depository for Securities Limited (CDS) and filed with it;

THAT CDS shall act in the name of its members as a registrar for the book-based system, bondholding officer and paying officer in charge of the transactions for the members as described in the agreement protocol duly signed by the Minister of Municipal Affairs and Regions and CDS;

THAT to make the payments to the members by electronic funds transfers, The Canadian Depository for Securities Limited (CDS) is authorized to make direct withdrawals to pay off the principle and interest in the account in the following financial institution:

Royal Bank of Canada
5755 Cavendish Blvd.
Côte Saint-Luc, Quebec
H4W 2X8

THAT the interest is payable semi annually, on May 5th and November 5th of every year;

THAT the bonds shall not be redeemable before maturity; however, they may be redeemed with the consent of the holders in accordance with the *Act Regarding Municipal Debts and Loans* (R.S.Q., ch. D-7, art. 17);

THAT the bonds shall be signed by the Mayor and the Treasurer;

THAT the municipality, as entitled by law, has mandated CDS to act as its fiscal authenticator agent and the bonds will only become valid once they have been authenticated.”

CARRIED UNANIMOUSLY

090411

LOAN BY-LAW 2305 ENTITLED: “BY-LAW AUTHORIZING A LOAN OF \$1,500,000 FOR THE RESURFACING OF VARIOUS ROADS AND THE REPLACEMENT OF VARIOUS SIDEWALK SECTIONS” - ADOPTION

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT By-law authorizing a loan of \$1,500,000 for the resurfacing of various roads and the replacement of various sidewalk sections is hereby adopted and numbered 2305;

THAT said loan by-law is subject to the approval of the Minister of Municipal Affairs and Regions;

THAT financing for said by-law shall not exceed fifteen (15) years;

THAT said by-law shall be authorized to have an object in general terms;

THAT funds for the expenses incurred for the project in the said entitled By-law shall be extracted from loan By-law number 2305.”

CARRIED UNANIMOUSLY

090412

LOAN BY-LAW 2306 ENTITLED: “BY-LAW AUTHORIZING A LOAN OF \$200,000 TO FINANCE THE COSTS OF THE RENOVATION OF THE BUILDING ENVELOPES OF THE CITY HALL LOCATED AT 5801 CAVENDISH BOULEVARD AND THE ELEANOR LONDON CÔTE SAINT-LUC PUBLIC LIBRARY LOCATED AT 5851 CAVENDISH BOULEVARD” - ADOPTION

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT By-law authorizing a loan of \$200,000 for the financing of the costs of the renovation of the building envelopes of the City Hall located at 5801 Cavendish Boulevard and the Eleanor London Côte Saint-Luc Public Library located at 5851 Cavendish Boulevard is hereby adopted and numbered 2306;

THAT said loan by-law is subject to the approval of the Minister of Municipal Affairs and Regions;

THAT financing for said by-law shall not exceed fifteen (15) years;

THAT said by-law shall be authorized to have an object in general terms;

THAT funds for the expenses incurred for the project in the said entitled By-law shall be extracted from loan By-law number 2306.”
CARRIED UNANIMOUSLY

090413

**RESOLUTION RE: APPROVAL OF THE MUNICIPAL COUNCIL CONCERNING
THE DIVISION OF THE SUPPLEMENTAL PENSION PLAN FOR THE
EMPLOYEES OF THE CITY OF CÔTE SAINT-LUC**

This item was deferred to a subsequent meeting.

090414

**RESOLUTION APPOINTING EXTERNAL AUDITORS FOR THE 2008 AUDIT OF
THE SUPPLEMENTAL PENSION PLAN FOR THE EMPLOYEES OF THE CITY
OF CÔTE SAINT-LUC**

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED

“THAT the Côte Saint-Luc City Council appoints BDO Dunwoody as external auditors for the Pension Plan and hereby approves the corresponding expenses of \$9,300, plus applicable taxes, for the 2008 fiscal year.”
CARRIED UNANIMOUSLY

090415

**TABLING OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDING
DECEMBER 31, 2008**

The City Clerk confirmed that the financial statements for year-ending December 31, 2008 were tabled at tonight’s council meeting by the City Treasurer.

090416

BORROWING FROM THE WORKING FUND FOR CAPITAL EXPENDITURES

WHEREAS the Côte Saint-Luc City Council created a working fund on April 16, 2007 under by-law number 2256;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MIKE COHEN

AND RESOLVED:

“THAT the Côte Saint-Luc City Council authorizes the borrowing of an amount of \$80,000 from the working fund to purchase computer equipment;

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 five (5) years.”
CARRIED UNANIMOUSLY

090417

NOTICE OF MOTION – LOAN BY-LAW 2307 TO BE ENTITLED: “BY-LAW AUTHORIZING A LOAN OF \$950,000 FOR THE UPGRADE OF VARIOUS PARKS AND PLAYGROUND FACILITIES”

Councillor Ruth Kovac gave notice of motion that loan By-law 2307 to be entitled: “*By-law authorizing a loan of \$950,000 for the upgrade of various parks and playground facilities*” will be presented at a later meeting for adoption.

090418

RESOLUTION TO WAIVE THE READING OF LOAN BY-LAW 2307 TO BE ENTITLED: “BY-LAW AUTHORIZING A LOAN OF \$950,000 FOR THE UPGRADE OF VARIOUS PARKS AND PLAYGROUND FACILITIES”

WHEREAS, the above captioned Loan By-law was given to members of Council on April 17, 2009;

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 ALLAN J. LEVINE

AND RESOLVED:

“THAT the Council of the City of Côte Saint-Luc unanimously waives the reading of Loan By-law 2307 to be entitled: “*By-law authorizing a loan of \$950,000 for the upgrade of various parks and playground facilities*” when it will be presented for adoption, the whole in accordance with the law.”

CARRIED UNANIMOUSLY

090419

PARKS AND RECREATION – PROFESSIONAL SERVICES FOR DONALD FLETCHER PARK

WHEREAS the City of Côte Saint-Luc (“City”) wishes to have Donald Fletcher Park redesigned by a landscape architect for the purposes of carrying out renovations;

WHEREAS the City has obtained quotations (Q-11-09) according to the City’s purchasing procedure for the above-mentioned services;

WHEREAS the lowest conforming quotation submitted was from *Planex Consultants Inc.*;

It was

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

AND RESOLVED:

“THAT the City of Côte Saint-Luc Council hereby awards a contract for the professional services to prepare plans and specifications for Donald Fletcher Park to *Planex Consultants Inc.* in the amount of \$15,000 (plus applicable taxes);

THAT a Treasurer’s certificate shall be issued by the City Treasurer upon MAMROT approval of the by-law attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

090420

MATERIAL RESOURCES – ROAD RESURFACING – PROFESSIONAL SERVICES

WHEREAS the City of Côte Saint-Luc (“City”) wishes to obtain professional services for road resurfacing;

WHEREAS the City has made a public call for tender (C-09-09) according to the law for the above-mentioned services and received five bids;

WHEREAS the lowest conforming bidder was Roche Ingénieurs-Conseils Ltée;

WHEREAS the City wishes to spend five percent of the amount of the loan by-law prior to its coming into force in accordance with section 544.1 of the *Cities and Towns Act*;

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT Côte Saint-Luc City Council authorizes the expense of \$23,000.00, plus applicable taxes, payable to Roche Ingénieurs-Conseils Ltée for professional services to prepare preliminary plans and plans and specifications for tender documents for road resurfacing, the whole pursuant to tender number C-09-09;

THAT Treasurer’s certificate number TC09-0064 dated April 14, 2009 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

090421

AUTHORIZATION TO ACCEPT TRANSFER OF LOTS 2 800 958 AND 2 800 995 AND TRANSFER OF LOT 2 800 997 FROM GLADD DEVELOPMENT LIMITÉE

WHEREAS on February 6, 2003 the City of Montreal signed a deed of sale (“Deed”) in favour of Gladd Development Limitée (“Gladd”);

WHEREAS on January 1, 2006 the City of Côte Saint-Luc (the “City”) officially demerged from the City of Montreal thus being subrogated into its rights pursuant to the Deed;

WHEREAS the City and Gladd mutually wish to execute their concurrent obligations pursuant to the Deed *inter alia*, Gladd’s undertaking to transfer lots 2 800 958 and 2 800 995 and Gladd’s undertaking to cede lot 2 800 997 in exchange for which the City shall discharge Gladd for a balance of sale;

It was

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

AND RESOLVED:

“THAT the preamble of this resolution and the definitions contained therein shall form an integral part of this resolution as if cited hereinafter at length;

THAT the Côte Saint-Luc City Council hereby authorizes the City to accept the transfer of lots 2 800 958 and 2 800 995 from Gladd to be designated as City streets;

THAT the City further accepts the cession of lot 2 800 997 from Gladd in exchange for which the City hereby discharges Gladd for the balance of sale (solde de prix) the whole as more amply defined in the Deed between the City of Montreal and Gladd, executed before Notary Philip Friedman on February 6, 2003 under the number 8055 of his minutes and inscribed at Montreal under the number 10 257 098;

THAT the City mandates Philip Friedman, Notary, to prepare any document to give effect to the foregoing, subject to the following conditions:

- that costs for the preparation and publication of any notarial document as well as any and all other associated costs (without exception) not be borne by the City;
- that the City has the right to review and approve the contents of any document giving effect to the foregoing;

THAT any of the following be and are hereby authorized on behalf of the City to sign any document giving effect to the foregoing:

- (M^e) Mayor Anthony Housefather, B.C.L., L.L.B, M.B.A.;
- (M^e) Councillor Dida Berku, B.C.L.
- (M^e) Councillor Mitchell Brownstein, B. Comm., B.C.L., L.L.B.
- Director of Legal Services and City Clerk
- Legal Counsel, Human Resources Department
- Director of the Material Resources Department and Contract Lawyer.”

CARRIED UNANIMOUSLY

090422

**MANDATE TO THE DIRECTOR OF LEGAL SERVICES TO DEFEND THE CITY
AGAINST THE MOTION INSTITUTED BY INTACT ASSURANCES**

WHEREAS precisely on March 30, 2009 at 2:46 p.m., the City of Côte Saint-Luc ("the City") was served with a Motion to institute proceedings ("the Motion") by Intact Assurance ("Plaintiff") for alleged damages that allegedly occurred to their alleged insured allegedly on or about September 14, 2008;

WHEREAS the City is not liable, as the motion is not only baseless both in fact and law but is prescribed;

WHEREAS the City wishes to mandate the Director of Legal Services and City Clerk ("the Director") to defend the City against the Motion;

It was

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

AND RESOLVED:

"THAT the preamble of this resolution and the definitions contained therein shall form an integral part of this resolution as if cited hereinafter at length;

THAT Council hereby mandates the Director to defend the City's legal interests against the Motion said mandate to include, but not be limited to:

- the filing of an appearance;
- the joint filing of a case management document with Plaintiff's attorney;
- the filing of any preliminary motions deemed expedient including, but not limited to, a motion to dismiss the Motion;
- the filing of a defense and cross-suit;
- the filing of a response to Plaintiff's answer;
- the filing of Inscription for hearing;
- any necessary appeals on interlocutory or final judgments

THAT Council hereby approves any and all judicial fees as defined by the Code of Civil Procedure, including, but not limited to, \$17.00 in bailiff fees and \$68.00 in Judicial Stamps as well as all applicable taxes;

THAT Treasurer's certificate number TC09-0060 dated April 8, 2009 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

090423

MANDATE TO FASKEN MARTINEAU DUMOULIN LLP TO INSTITUTE LEGAL PROCEEDINGS AGAINST THE OWNER OF 6521 MERTON

WHEREAS for the past four (4) years the owners/trustees ("the Owners") of the immovable located at 6521 Merton Road ("the Property") were performing illegal construction works ("the Contraventions") on the Property located in the City of Côte Saint-Luc ("the City");

WHEREAS despite every effort expended by the City to prevent the Contraventions committed by the Owners on the Property, said Owners refused and/or neglected to comply;

WHEREAS the City had no other alternative to prepare injunctive proceedings ("the Proceedings") all members of council being aware that the Proceedings were being prepared;

WHEREAS subsequent to the preparation of the Proceedings, the Owners ceased committing the Contraventions and undertook to finally comply with City by-laws when carrying out work on the Property;

WHEREAS the firm of Fasken Martineau DuMoulin LLP prepared the Proceedings;

It was

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

AND RESOLVED:

"THAT the preamble of this resolution and the definitions contained therein shall form an integral part of this resolution as cited hereinafter at length;

THAT Council ratifies the mandate awarded to Fasken Martineau DuMoulin LLP to institute any and all Proceedings against the current Owners of 6521 Merton, said Proceedings including, but not limited to:

- the demolition of the immovable situated at 6521 Merton in whole or in part;
- any and all injunctive relief to:
 - prevent, *inter alia*, any illegal construction; or
 - remove, *inter alia*, any non-conforming construction;
 - order the immovable situated at 6521 Merton locked; or
- any and all actions in account for any and all unpaid invoices;
- any relevant motions including, but not limited to:
 - contempt of court;

THAT council hereby approved a maximum expense up to \$10,000, plus all applicable taxes, to perform said mandate;

THAT Treasurer's certificate number TC08-0074 dated May 5, 2008 be and is hereby replaced with Treasurer's certificate number TC09-0061 dated April 8, 2009 which has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

COUNCILLOR ERDELYI RETURNED TO THE MEETING.

090424

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 *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 in May 2009 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 in May 2009 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 in May 2009 based on the information to be presented during those meetings.”

CARRIED UNANIMOUSLY

SECOND QUESTION PERIOD

The Second question period started at 10:40 p.m. and finished at 10:42 p.m. One (1) person asked to speak and they were heard.

1) Dr. Bernard Tonchin

The resident stated that he was taken aback by his fellow resident's (Myra Shuster) complaint regarding an alleged *heavy-handed* police arrest for which Mayor Housefather reiterated that he would look into it (assuming that the resident who complained would furnish him with precise enough details).

090425

APPROVAL OF THE ADJOURNMENT OF THE MEETING

It was

MOVED BY COUNCILLOR SAM GOLDBLOOM
SECONDED BY COUNCILLOR GLENN J. NASHEN

AND RESOLVED:

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

CARRIED UNANIMOUSLY

**AT 10:42 P.M. MAYOR HOUSEFATHER DECLARED THE MEETING
ADJOURNED.**

ANTHONY HOUSEFATHER
MAYOR

JONATHAN SHECTER
DIRECTOR OF LEGAL SERVICES
AND CITY CLERK

