

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON
MONDAY, SEPTEMBER 10, 2012, 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 Allan J. Levine, B.Sc., M.A., DPLI
Councillor Glenn J. Nashen

ALSO PRESENT:

Ms. Tanya Abramovitch, City Manager
M^e Jonathan Shecter, City Clerk, acted as Secretary of the meeting

QUESTION PERIOD

The question period started at 8:03 p.m. and finished at 8:24 p.m. Four (4) people asked to speak and they were heard.

1) Maurice Elia

The resident sought particulars regarding the hours that gardeners and construction workers can work within the City to which Mayor Housefather responded that the City Clerk can clarify the exact hours for the resident should he so require. The resident then went on record as stating that gardeners and construction workers should be prohibited from working too early in the morning. The resident then went on record as stating that the City should ban leaf blowers.

2) Rhoda Albert

The resident inquired as to the City's future plans for its snow dump to which Mayor Housefather responded that the area in question will remain a snow dump.

The resident then complained that there is currently gravel at or near the snow dump which took a month to clean up to which Mayor Housefather responded that the dirt was a result of construction and that the City subsequently asked that the developer spray and water the area.

3) Irving Itman

The resident sought an update concerning the Cavendish Extension to which Mayor Housefather responded that this project is an Agglomeration one which also requires provincial funding but that the City has been at the forefront in terms of requesting that it move forward. Mayor Housefather further added that the City will be proactive in inquiring as to whether the Agglomeration has allotted the necessary funds in their upcoming Capital Expenditures Budget to move this project forward.

The resident then commented that Imagination Park was beautifully done and then proceeded to wish those that celebrate *Rosh Hashanah* a Happy and Healthy New Year.

4) Toby Shulman

The resident requested that composting be available city-wide to which Councillor Erdelyi responded that it has been indeed implemented in phases.

The resident then inquired as to whether a large composting bin can be left at the Public Works Yard for residents to access with a key to which Mayor Housefather responded that the City can look in to the matter.

COUNCILLOR GLENN J. NASHEN – PASSING AWAY OF JAMES SHARKEY

Councillor Nashen expressed his sadness regarding the most recent passing away of James Sharkey. He then read the following comments out loud from Mr. Sharkey's former secretary:

“Mr. James Sharkey served the City of Côte Saint-Luc for 36 1/2 years. He started as a policeman in the 60's and eventually had to make a choice between the Police Department or the Fire Department. He chose the latter. He slowly went up the ranks serving as a fireman, then Lieutenant, Captain, Assistant Director and Director of the Fire Department. He also served as Director of Public Security for a few years before his retirement. He is remembered as a very jovial, generous boss, well organized, with strong administrative skills and dedication to his craft.”

MAYOR ANTHONY HOUSEFATHER - PASSING AWAY OF LARRY FREDERICKS

Mayor Housefather offered his condolences to Councillor Cohen and his entire family on the passing away of his father, Larry Fredericks, who had a very long record of participation and volunteerism in Côte Saint-Luc tirelessly serving his community. He was also a well-know journalist and sports columnist.

120901

CONFIRMATION OF THE MINUTES OF THE REGULAR MEETING OF COUNCIL DATED AUGUST 13, 2012

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 August 13, 2012 be and are hereby approved as submitted.”
CARRIED UNANIMOUSLY

120902

CONFIRMATION OF THE MINUTES OF THE SPECIAL MEETING OF COUNCIL DATED AUGUST 27, 2012

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 August 27, 2012 be and are hereby approved as submitted.”
CARRIED UNANIMOUSLY

120903

MONTHLY DEPARTMENTAL REPORTS FOR AUGUST 2012

It was

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

AND RESOLVED:

“THAT the monthly departmental reports submitted for August, 2012 be and are hereby approved as submitted.”
CARRIED UNANIMOUSLY

120904

BY-LAW ENTITLED: “BY-LAW 2395 CREATING THE FEE SCHEDULE FOR THE ELEANOR LONDON CÔTE SAINT-LUC PUBLIC LIBRARY FOR THE SEPTEMBER 2012 TO MARCH 2013 PERIOD” - ADOPTION

It was

MOVED BY COUNCILLOR SAM GOLDBLOOM
SECONDED BY COUNCILLOR MIKE COHEN

AND RESOLVED:

“THAT By-law entitled: *“By-law 2395 creating the fee schedule for the Eleanor London Côte Saint-Luc Public Library for the September 2012 to March 2013 period”* be and is hereby adopted and numbered 2395.”
CARRIED UNANIMOUSLY

120905

RESOLUTION TO APPROVE THE DISBURSEMENTS FOR THE PERIOD OF AUGUST 1, 2012 TO AUGUST 31, 2012

It was

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

AND RESOLVED

“THAT the Côte Saint-Luc City Council approves the attached list of disbursements for the period of August 1, 2012 to August 31, 2012 for a total amount of \$2,603,597.46 in Canadian Funds;

THAT Treasurer’s certificate No.12-0141 dated September 6, 2012 has been issued by the Assistant City Treasurer attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

**TABLING OF FINANCIAL REPORT AND EXTERNAL AUDITOR'S REPORT
FOR 2011**

This item was deferred to a subsequent meeting.

120906

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

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED

“THAT the Côte Saint-Luc City Council approves the hiring of the White Collar auxiliary employees whose names are listed on the document entitled “Part-Time Employees – White Collars - Hiring”, dated September 5, 2012 and that said employees’ term of employment will be as per the conditions of the collective agreement;

THAT Treasurer’s certificate number 12-0138 dated September 5, 2012 has been issued by the Assistant City Treasurer, attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

120907

**HUMAN RESOURCES – TENDER OF THE U.M.Q. TO RETAIN THE
PROFESSIONAL SERVICES OF A CONSULTANT IN MATTERS OF GROUP
INSURANCE FOR MUNICIPAL EMPLOYEES WITHIN A GROUP**

WHEREAS the City of Côte Saint-Luc has received a proposal from the Union des municipalites du Quebec (“UMQ”) to form, on its behalf and on behalf of several other interested municipalities, a group to retain the professional services of a consultant in matters of group insurance for city employees;

WHEREAS articles 29.9.1 of the Cities and Towns Act and 14.7.1 of the Municipal Code of Quebec allow a municipality to enter into such an agreement with the UMQ;

WHEREAS the City of Côte Saint-Luc wishes to join this group;

WHEREAS in accordance with the law, UMQ will conduct a public tender to award the contract;

WHEREAS UMQ plans to launch the tender in the fall of 2012;

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR MIKE COHEN

AND RESOLVED

“THAT the City of Côte Saint-Luc confirms its membership in the UMQ group in order to retain the professional services of a consultant in matters of group insurance for municipal employees and entrusts the UMQ with the process leading to the awarding of a contract;

THAT the contract will be awarded for a period of one year, renewable each year over a maximum period of five years;

THAT the City of Côte Saint-Luc is committed to providing to the UMQ, within the requisite delays, the information necessary for the tender;

THAT the City of Côte Saint-Luc promises to abide by the terms and conditions herein as if it had entered into an agreement directly with the supplier to whom the contract will be awarded;

THAT the City of Côte Saint-Luc agrees to pay the UMQ management fees of 1% of the total premiums paid by the City of Côte Saint-Luc.”

CARRIED UNANIMOUSLY

120908

APPOINTMENT OF COUNCILLOR STEVEN ERDELYI AS ACTING MAYOR OF THE CITY OF CÔTE SAINT-LUC – OCTOBER 1, 2012 UP TO AND UNTIL DECEMBER 31, 2012

It was

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

AND RESOLVED:

“THAT Councillor Steven Erdelyi is and shall be named Acting Mayor of the City of Côte Saint-Luc, effective October 1, 2012 up to and until December 31, 2012 inclusively, and further that the aforementioned Councillor Erdelyi shall have and may exercise the powers of the Mayor when the said Mayor is absent or unable to perform the duties of his office.”

CARRIED UNANIMOUSLY

120909

ADOPTION OF THE ACTIVITY PROGRAMME 2012-2013 AND BUDGET PROGRAM FOR 2012-2013 OF THE CLD CENTRE OUEST/CENTER WEST

WHEREAS the CLD Center West which serves the areas of the Saint-Laurent borough and the City of Côte Saint-Luc, the Town of Hampstead and the Town of Montreal West, has undertaken to provide the City of Montreal with the annual programme which includes the activity programme and the budget programme;

WHEREAS these documents need to be approved by the Saint-Laurent Borough Council and the City of Côte Saint-Luc, the Town of Hampstead and the Town of Montreal West Councils;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED:

"THAT Council hereby adopts as presented, the 2012-2013 annual activity programme of the CLD Center West and the Budget programme for 2012-2013 and, as well, according to article 3.3. of the *palée*."

CARRIED UNANIMOUSLY

120910

AUTHORIZATION FOR THE DIRECTOR OF LEGAL SERVICES OR EITHER OF THE CITY'S GENERAL COUNSEL TO SUBMIT A REQUEST FOR FINANCIAL AID FROM THE LEGAL AID FUND OF THE UNION DES MUNICIPALITÉS DU QUÉBEC (UMQ)

WHEREAS on May 12, 2008, a representative of the City of Côte Saint-Luc's Urban Planning Department inspected an apartment ("the Apartment") in the City and declared it unsanitary (insalubre);

WHEREAS subsequently, the City, in order to correctly apply its by-law governing the aforescribed subject-matter, incurred costs ("the Costs") to sanitize the aforementioned apartment;

WHEREAS the City instituted solidary proceedings bearing court number: 500-22183186116 ("the Proceedings") against the Owner, tenant and occupant to recover the costs it incurred;

WHEREAS the Proceedings contain many important questions of municipal law and policy which merit consideration ("Questions");

WHEREAS the Union des municipalités du Québec ("UMQ") provides subsidies when Proceedings contain Questions;

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

"THAT the preamble of this resolution shall form an integral part thereof as if cited hereinafter at length;

THAT the Côte Saint-Luc City Council ("Council") hereby authorizes the Director of Claims and Litigation or either of the City's General Counsel to submit a request for the maximum allowable subsidy in light of the Proceedings instituted and the Questions raised;

THAT the Director of Claims and Litigation or either of the City's General Counsel may sign any document to give effect to the foregoing. "

CARRIED UNANIMOUSLY

120911

AUTHORIZATION TO PARTIALLY REDUCE AN IRREVOCABLE LETTER OF CREDIT ISSUED BY OTERA CAPITAL IN ORDER TO SECURE THE RE-DEVELOPMENT OF LAND DEMOLISHED

WHEREAS, pursuant to by-law 2345 governing the demolition of buildings, on October 4, 2010, the City of Côte Saint-Luc ("the City") received an irrevocable letter of credit ("Letter"), given by Otera Capital issued by the Scotiabank and in

favour of the City of Côte Saint-Luc, said Letter annexed herewith as Annex A to form an integral part of this resolution;

WHEREAS the Letter was issued for an amount of 3.5 million dollars to secure the completion of various phases of the Cavendish Mall redevelopment project, including, but not limited to, the sale of lots destined and zoned for single-family homes;

WHEREAS on June 27, 2012, the City requested that the Letter be renewed for its full value;

WHEREAS the City subsequently received a request to partially reduce the letter of credit pursuant to by-law 2345 and granted said request agreeing to reduce said Letter by \$510,601 the whole as is more amply delineated within resolution 120813;

WHEREAS, pursuant to by-law 2345 and in consideration of the subsequent sale of an additional seventeen (17) lots - as described by the Deed of Sale ("the Deed") drafted by Notary Sheldon Merling, dated August 14, 2012 under minute number 38,706 and published at Montreal under the number 19 336 643 annexed herewith as Annex B to form an integral part of this resolution - a further partial reduction in the Letter is possible;

WHEREAS the City now wishes to partially further reduce the value of the Letter by \$667,709 representing \$39,277 multiplied by the seventeen (17) lots sold;

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

"THAT the preamble of this resolution forms an integral thereof as if cited hereinafter at length;

THAT the Côte Saint-Luc City Council ("Council") hereby authorizes a further partial reduction in the 3.5 million dollar (\$3,500,000) Letter; for an amount of \$667,709 representing \$39,277 multiplied by the seventeen (17) lots sold the whole subject to the City reacquiring the corresponding monetary guarantee amount for any lot within the Deed for which the resolatory clause within the Deed will be invoked the whole subject to the fulfillment of the condition of the signature of the letter prepared by M^e Jon Robinson annexed herewith as Annex C to form an integral part of this resolution;

THAT Council hereby further authorizes that the Director of Claims and Litigation or either of the City's General Counsel to draft or to sign any document giving effect to the foregoing."

CARRIED BY THE MAJORITY OF VOTES WITH COUNCILLOR STEVEN ERDELYI DISSENTING

COUNCILLOR ALLAN J. LEVINE THEN WENT ON RECORD AS STATING THAT THE 17 LOTS WERE SOLD FOR \$6,951,887.28

120912

AUTHORIZATION TO PARTICIPATE IN GROUP PURCHASES WITH THE VILLE DE MONTRÉAL

WHEREAS according to Section 29.5 of the *Cities and Towns Act*, a municipality may enter into an agreement with another municipality, in order to call for tenders for the purpose of awarding contracts;

It was

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

AND RESOLVED:

“THAT the Director of Public Safety is appointed to serve as the representative for the City of Côte Saint-Luc (“City”) for group purchasing projects with the *Ville de Montréal* and participate in expert committees in charge of identifying the needs of the City and the other participating municipalities related to:

- a) radio-communications equipment and infrastructure; and
- b) electronic parking ticket hardware and software.

THAT the City Council is required to approve any actual group tender related to these matters and the associated expenditures.”

CARRIED UNANIMOUSLY

120913

**AWARDING OF A CONTRACT FOR THE SCARIFICATION OF MACDONALD
(CONTRACTOR C-21-12) – “PHASE 1”**

WHEREAS the City of Côte Saint-Luc (“City”) issued a public call for tender (C-21-12) for contractor services for the scarification of MacDonald Avenue between Dupuis and Isabella (Phase 1) in 2012, and between Isabella and Queen Mary (Phase 2) in 2013, and received 5 bids;

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

“THAT the City awards, at this time, a contract for Phase 1 only, to the lowest conforming bidder, namely, Les Entreprises Canbec Inc., for contractor services to be executed in 2012 in connection with the scarification of MacDonald Avenue between Dupuis and Isabella, in accordance with City Tender numbered C-21-12, for a maximum amount of \$333,887.50, plus up to 55% of the \$55,000 contingency (i.e., \$30,250), totaling a maximum amount of \$364,137.50, plus applicable taxes, subject to the City’s right to change the quantities and the price being amended accordingly;

THAT this contract forms part of an inter-municipal agreement between the City and the City of Montreal, Borough of Côte-des-Neiges – Notre Dame de Grâce (“Borough”) whereby the Borough will reimburse the City for its agreed share of the costs;

THAT a decision with respect to Phase 2 shall be deferred to a later time;

THAT the Assistant City Treasurer has issued Treasurer’s Certificate TC 12-0139 on September 5, 2012 attesting to the availability of funds to cover the portion of the described expenses for Phase 1.”

CARRIED UNANIMOUSLY

120914

**AWARDING OF ADDITIONAL WORK TO TGA MONTREAL INC. – SIDEWALK
RECONSTRUCTION PROJECT (ENG 2012-03)**

WHEREAS the City of Côte Saint-Luc (“City”) issued a public call for tender (C-08-12) for sidewalk reconstruction and/or repair and, pursuant to Council Resolution 120434 adopted on April 16, 2012, the City awarded the contract to TGA Montreal Inc. (the lowest conforming bidder) for 600 linear meters of sidewalk for the (contract) price of \$165,530.00, plus applicable taxes;

WHEREAS it is in the best interests of the City that Council hereby approves and ratifies the additional work of approximately 65 additional linear meters of sidewalk, for the sum of \$19,510.14, plus applicable taxes;

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT Council hereby approves and ratifies the additional work of approximately 65 additional linear meters of sidewalk, for the sum of \$19,510.14, plus applicable taxes;

THAT the Assistant City Treasurer has issued Treasurer’s Certificate TC 12-0140 on September 5, 2012 attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

120915

**AWARDING OF THE NEW FIVE (5) YEAR CONTRACT – WATER AND SEWER
SYSTEM MANAGEMENT**

This item was deferred to a subsequent meeting.

120916

**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 agglomeration council meetings may be held in October 2012 for which members of the municipal council shall establish the stance that it wishes to take;

It was

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

AND RESOLVED

"THAT Council take the following stance in view of any Agglomeration Council meetings to be held in October 2012 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 meetings to be held in October 2012 based on the information to be presented during those meetings."

CARRIED UNANIMOUSLY

120917

**OTHER BUSINESS - NOTICE OF MOTION – BY-LAW 2394 TO BE ENTITLED:
"BY-LAW TO REGULATE THE LICENSING OF CATS"**

Councillor Mike Cohen gave Notice of Motion that By-Law 2394 to be entitled: "By-law to regulate the licensing of cats" will be presented at a later meeting for adoption.

120918

**OTHER BUSINESS – COUNCILLOR ALLAN J. LEVINE – OFFICIATING A
MARRIAGE**

Councillor Allan J. Levine advised the public that he recently officiated a marriage.

120919

**OTHER BUSINESS - NOTICE OF MOTION AND TABLING OF DRAFT BY-LAW –
BY-LAW 2393 TO BE ENTITLED: "BY-LAW 2393 ADOPTING A CODE OF
ETHICS AND GOOD CONDUCT FOR THE EMPLOYEES OF THE CITY OF CÔTE
SAINT-LUC"**

Councillor Dida Berku gave Notice of Motion that By-Law 2393 to be entitled: "By-law 2393 adopting a code of ethics and good conduct for the employees of the City of Côte Saint-Luc" will be presented at a later meeting for adoption.

Councillor Berku then proceeded to table the Draft By-law to be entitled: "By-law 2393 adopting a code of ethics and good conduct for the employees of the City of Côte Saint-Luc".

120920

OTHER BUSINESS - RESOLUTION TO WAIVE THE READING OF BY-LAW 2393 TO BE ENTITLED: "BY-LAW 2393 ADOPTING A CODE OF ETHICS AND GOOD CONDUCT FOR THE EMPLOYEES OF THE CITY OF CÔTE SAINT-LUC"

WHEREAS, the above captioned by-law was given to members of Council on August 21, 2012;

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 By-Law 2393 to be entitled: "By-law 2393 adopting a code of ethics and good conduct for the employees of the City of Côte Saint-Luc" when it will be presented for adoption, the whole in accordance with the law."

CARRIED UNANIMOUSLY

SECOND QUESTION PERIOD

The second question period started at 9:05 p.m. and finished at 9:10 p.m. Two (2) people asked to speak and they were heard.

1) Irving Itman

The resident sought particulars on why the CLD would pay for a feasibility study for a shuttle bus service instead of the STM to which Councillor Berku responded that the purpose of the study is to make a case to the STM as to why this service would be necessary so that they have hard evidence to consider this recommendation.

The resident sought particulars regarding the financial details of the most recent transaction by and between 4527038 Canada Inc. and 92648476 Quebec Inc. for the purchase of 17 lots to which Mayor Housefather responded that this is a private transaction between two private legal entities.

The resident then requested the definition of the word scarification to which Councillor Erdelyi succinctly responded.

2) Rhoda Albert

The resident requested that a pot hole on Marc Chagall be repaired to which Mayor Housefather responded that the City can look in to it tomorrow.

The resident then went on record as stating that the chairs used by the audience need to be reupholstered as they are uncomfortable.

120921

APPROVAL OF THE ADJOURNMENT OF THE MEETING

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

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

CARRIED UNANIMOUSLY

**AT 9:10 P.M. MAYOR HOUSEFATHER DECLARED THE MEETING
ADJOURNED.**

ANTHONY HOUSEFATHER
MAYOR

JONATHAN SHECTER
CITY CLERK