



Minutes of the regular meeting of the Municipal Council of the Town of Baie-D'Urfé held according to the law at the Town Hall, ordinary place of meetings, located at 20410 chemin Lakeshore, Baie-D'Urfé, Quebec, on Tuesday, October 13, 2015 at 7:30 p.m.

WERE PRESENT:

Mayor: Maria Tutino

Councillors: Michel Beauchamp
Charles Colomb
Peter Fletcher
Brian Manning
Lynda Phelps
Janet Ryan

ALSO PRESENT: Nathalie Hadida, Director General
Marie-Hélène Bourque, Town Clerk
Alexandra Hobson, Assistant Town Clerk
Stéphane Patenaude, Director of Public Works

A. OPENING OF THE MEETING

The Mayor calls the meeting to order and welcomes the public in attendance.

Unless indicated otherwise, the mayor avails herself of her right not to vote. Unanimous votes are therefore unanimous votes expressed by the councillors.

B. ADOPTION OF THE AGENDA

1. Adoption of the agenda of the regular meeting of the Municipal Council of Tuesday, October 13, 2015.

2015-10-213 It is moved by Councillor Michel Beauchamp, seconded by Councillor Lynda Phelps and UNANIMOUSLY RESOLVED to adopt the agenda of the regular meeting of the Municipal Council of Tuesday, October 13, 2015, as submitted.

C. PUBLIC QUESTION PERIOD

The mayor announces the beginning of the question period.

The 15 persons present are invited to submit their questions to the members of Council. The following topics are discussed:

- Tennis court reconstruction project.
- Tennis Club membership.
- Sound barrier project.
- Sustainability strategies for Baie-D'Urfé.
- Styrochem.

The question period is declared closed at 7:54 p.m.

D. REPORTS ON TOWN ACTIVITIES

1. Commander Sébastien DeMontigny's report, SPVM Station 1.

Exceptionally replacing Commander Sébastien DeMontigny, Lieutenant Pierre Houbart provides a report on the activities of SPVM Station 1 for the month of September 2015.

2. Mayor's report on Town activities for the month of September 2015.

The mayor provides a report on Town activities for the month of September 2015.

3. Councillors' reports on Town activities for the month of September 2015.

There is no report by Councillors on Town activities for the month of September 2015.

4. Director General's report on Town activities for the month of September 2015.

The Director General provides a report on Town activities for the month of September 2015.

E. MINUTES

1. Approval of the minutes of the regular meeting of the Municipal Council held on Tuesday, September 8, 2015 at 7:30 p.m.

2015-10-214 It is moved by Councillor Lynda Phelps and seconded by Councillor Michel Beauchamp to adopt the minutes of the regular meeting of the Municipal Council held on Tuesday, September 8, 2015 at 7:30 p.m.

The motion is put to a vote, and exceptionally, the mayor takes part in the vote:

In favour : Mayor Maria Tutino and Councillors Michel Beauchamp, Charles Colomb, Lynda Phelps and Janet Ryan.

Opposed : Councillors Peter Fletcher and Brian Manning.

MOTION CARRIED.

2. Approval of the minutes of the special meeting of the Municipal Council held on Thursday, September 17, 2015 at 9 a.m.

2015-10-215 It is moved by Councillor Charles Colomb, seconded by Councillor Michel Beauchamp and UNANIMOUSLY RESOLVED to adopt the minutes of the special meeting of the Municipal Council held on Thursday, September 17, 2015 at 9 a.m.

F. CORRESPONDENCE

1. Letter from Bruno St-Jean, on behalf of his client Paul Broccolini, requesting an amendment to the Zoning By-Law regarding the height of fences in front setbacks.

Referred to the Planning Advisory Committee.

2. Letter from Ada Colomb and Anthony Brown requesting the use of the Red Barn and the budgeted funding from the Town in order to host the Baie-D'Urfé Citizens' Association's 2015 Holiday Concert.

Referred to the Administration.

At 8:47 p.m., the meeting is paused in order to allow Commander Sébastien DeMontigny to honour Lieutenant Pierre Houbart.

The meeting resumes at 8:55 p.m.

G. ADMINISTRATION

1. Authorization to sign the agreement between the Town of Baie-D'Urfé and the Baie-D'Urfé Citizens' Association regarding the publishing of the Town newsletter in the News & Views for the period of January 1 to December 31, 2016, in the amount of \$24 500.

2015-10-216 It is moved by Councillor Lynda Phelps, seconded by Councillor Brian Manning and UNANIMOUSLY RESOLVED to authorize Nathalie Hadida, Director General, to sign the agreement between the Town of Baie-D'Urfé and the Baie-D'Urfé Citizens' Association regarding the publishing of the Town newsletter in the News & Views for the period of January 1 to December 31, 2016, in the amount of \$24 500 and to charge this expense as follows:

Source: General Funds

Charge to: 02-190-00-348

A certificate of availability of funds was issued by the Treasurer.

2. Town support of Bill no. 44: *An Act to bolster tobacco control.*

WHEREAS resolutions have been adopted by boroughs and cities in the Province of Quebec to ask the Quebec Government to subject the electronic cigarette to the same restrictions as imposed on

tobacco products, to review the *Tobacco Act* in order to extend the definition of public places and to adopt measures likely to prevent tobacco dependence in youth;

WHEREAS Bill 44 entitled *An Act to bolster tobacco control* was introduced at the National Assembly of Quebec on May 5th, 2015 by the Minister for Rehabilitation, Youth Protection and Public Health, Ms. Lucie Charlebois;

2015-10-217 THEREFORE, it is moved by Councillor Lynda Phelps:

THAT the Town of Baie-D'Urfé recognize that Bill 44 represents a major advancement in the fight for tobacco control;

THAT the Town of Baie-D'Urfé stress its support of the changes such as those subjecting the electronic cigarette to the same restrictions as imposed on tobacco products, those extending the definition of public places where the use of tobacco is prohibited to include restaurant terraces and bars, those prohibiting the sale of flavoured tobacco products and those prohibiting smoking in vehicles in the presence of youth under the age of 16;

THAT a request be made to the Quebec Government to modify Bill 44 so that the prohibition against smoking in public places also apply to children's playgrounds, sport fields and public beaches;

THAT a request be made to the Quebec Government to take on the packaging problem following the example of Australia and eventually Ireland and the United Kingdoms, asking for it to remain neutral; and

THAT a copy of the present resolution be transmitted to the Minister for Rehabilitation, Youth Protection and Public Health, Ms. Lucie Charlebois, and to Mr. Geoffrey Kelley, member of the Quebec National Assembly for Jacques-Cartier.

Prior to the motion being seconded, it is moved by Councillor Peter Fletcher, seconded by Councillor Brian Manning and UNANIMOUSLY RESOLVED to amend the motion in order to remove the second to last paragraph of the motion, which reads as follows:

“THAT a request be made to the Quebec Government to take on the packaging problem following the example of Australia and eventually Ireland and the United Kingdoms, asking for it to remain neutral”

It is subsequently moved by Councillor Brian Manning and seconded by Councillor Lynda Phelps to adopt the motion as amended.

The motion as amended is put to a vote.

In favour : Councillors Peter Fletcher, Brian Manning, Lynda Phelps and Janet Ryan.
Opposed : Councillors Charles Colomb and Michel Beauchamp.

MOTION CARRIED AS AMENDED.

3. Designation of the Director General as the person responsible for the performance evaluation of contractors and suppliers.

2015-10-218 It is moved by Councillor Brian Manning, seconded by Councillor Janet Ryan and UNANIMOUSLY RESOLVED to designate the Town's Director General as the person responsible for the performance evaluation of the contractors and suppliers under paragraph 2.0.1 of section 573 of the Quebec *Cities and Towns Act* (LRQ c. C-19).

4. Notice of motion – By-law no. 1102-1 amending By-law no. 1102, the Code of Ethics and Good Conduct of Elected Officers of the Town of Baie-D'Urfé, in order to provide for additional restrictions on the use or communication of confidential information.

Councillor Janet Ryan gives notice of motion that Council intends to present and adopt, at a subsequent council meeting, *By-law no. 1102-1 amending By-law no. 1102, the Code of Ethics and Good Conduct of Elected Officers of the Town of Baie-D'Urfé, in order to provide for additional restrictions on the use or communication of confidential information.* The purpose of this amendment is to prevent the use of personal or confidential information for any purpose other than that for which it was collected without the prior consent of the person or persons to whom the information relates.

H. PARKS, RECREATION AND ENVIRONMENT

I. PUBLIC SECURITY AND TRAFFIC

1. Tabling of the report on the activities of the Citizens on Patrol for the month of September 2015.

2015-10-219 It is moved by Councillor Lynda Phelps, seconded by Councillor Michel Beauchamp and UNANIMOUSLY RESOLVED to table the report on the activities of the Citizens on Patrol for the month of September 2015.

2. Tabling of the report on the activities of Sauvetage Baie-D’Urfé Rescue for the month of September 2015.

2015-10-220 It is moved by Councillor Lynda Phelps, seconded by Councillor Brian Manning and UNANIMOUSLY RESOLVED to table the report on the activities of Sauvetage Baie-D’Urfé Rescue for the month of September 2015.

3. Tabling of the report on the activities of Unit 8 of the Canadian Coast Guard Auxiliary (Quebec) Inc. for the month of September 2015.

2015-10-221 It is moved by Councillor Lynda Phelps, seconded by Councillor Janet Ryan and UNANIMOUSLY RESOLVED to table the report on the activities of Unit 8 of the Canadian Coast Guard Auxiliary (Quebec) Inc. for the month of September 2015.

J. PUBLIC WORKS AND TOWN INFRASTRUCTURES

1. Resolution amendment - Quebec government gas tax funding program (TECQ) for the years 2014 to 2018.

WHEREAS Council previously adopted resolution no. 2015-09-197 regarding the Quebec government gas tax funding program (TECQ) for the years 2014 to 2018;

WHEREAS this resolution should also have provided for the work schedule’s real incurred costs and eligible expenditure forecasts;

2015-10-222 THEREFORE, it is moved by Councillor Michel Beauchamp, seconded by Councillor Brian Manning and UNANIMOUSLY RESOLVED to amend resolution no. 2015-09-197 in order to add the following commitment from the Town of Baie-D’Urfé with regard to the Quebec government gas tax funding program (TECQ) for the years 2014 to 2018:

THAT the Town of Baie-D’Urfé hereby certifies that the attached work schedule contains real incurred costs and reflects eligible expenditure forecasts until March 31, 2016.

2. Contract award - Compass Minerals Canada Corp. for an amount not exceeding \$66 018.65 (taxes included) for the supply and delivery of up to 750 metric tons of road salt for the 2015-2016 winter season.

WHEREAS the City of Montreal issued a public call for tenders (no. 15-14422) on June 3, 2015, for the purpose of awarding a contract for the supply and delivery of road salt for the 2015-2016 winter season;

WHEREAS this call for tenders was conducted on behalf of a group of Montreal boroughs and demerged municipalities, including the Town of Baie-D’Urfé;

2015-10-223 THEREFORE, it is moved by Councillor Brian Manning, seconded by Councillor Charles Colomb and UNANIMOUSLY RESOLVED to award the contract to Compass Minerals Canada Corp. for an amount not exceeding \$66 018.65 (taxes included) for the supply and delivery of up to 750 metric tons of road salt for the 2015-2016 winter season and to charge this expense as follows:

Source: General Funds
Charge to: 02-330-00-626

A certificate of availability of funds was issued by the Treasurer.

K. TOWN PLANNING

1. Tabling of the minutes of the Planning Advisory Committee meeting held on Wednesday, August 19, 2015 at 8:30 a.m.

2015-10-224 It is moved by Councillor Janet Ryan, seconded by Councillor Lynda Phelps and UNANIMOUSLY RESOLVED to table the minutes of the Planning Advisory Committee meeting held on Wednesday, August 19, 2015 at 8:30 a.m.

2. Tabling of the minutes of the Planning Advisory Committee meeting held on Wednesday, September 16, 2015 at 8:30 a.m.

2015-10-225 It is moved by Councillor Janet Ryan, seconded by Councillor Brian Manning and UNANIMOUSLY RESOLVED to table the minutes of the Planning Advisory Committee meeting held on Wednesday, September 16, 2015 at 8:30 a.m.

3. Adoption of By-law no. 875-110 amending Zoning By-law no. 875, as already amended, in order to allow for a greater total surface area for supplementary signs displayed along the Trans-Canada Highway in Zone I-50.

2015-10-226 It is moved by Councillor Janet Ryan, seconded by Councillor Charles Colomb and UNANIMOUSLY RESOLVED:

TO dispense with the reading of by-law no. 875-110, as Council declares having read it; and

TO adopt *By-law no. 875-110 amending Zoning By-law no. 875, as already amended, in order to allow for a greater total surface area for supplementary signs displayed along the Trans-Canada Highway in Zone I-50.*

4. Adoption of By-law no. 875-111 amending Zoning By-law no. 875, as already amended, in order to modify the provision establishing the maximum height for a retaining wall located on the boundary of two lots situated on a slope.

2015-10-227 It is moved by Councillor Janet Ryan and seconded by Councillor Lynda Phelps:

TO dispense with the reading of by-law no. 875-111, as Council declares having read it; and

TO adopt *By-law no. 875-111 amending Zoning By-law no. 875, as already amended, in order to modify the provision establishing the maximum height for a retaining wall located on the boundary of two lots situated on a slope.*

The motion is put to a vote, and exceptionally, the mayor takes part in the vote:

In favour : Mayor Maria Tutino and Councillors Michel Beauchamp, Lynda Phelps and Janet Ryan.

Opposed : Councillors Charles Colomb, Peter Fletcher and Brian Manning.

MOTION CARRIED.

5. Adoption of By-law no. 961-4 amending By-law no. 961 on Minor Exemptions of the Town of Baie-D'Urfé, as already amended, in order to allow a minor exemption in the case of a non-conformity of a set-back resulting from a cadastral reform.

2015-10-228 It is moved by Councillor Janet Ryan, seconded by Councillor Charles Colomb and UNANIMOUSLY RESOLVED:

TO dispense with the reading of by-law no. 961-4, as Council declares having read it; and

TO adopt *By-law no. 961-4 amending By-law no. 961 on Minor Exemptions of the Town of Baie-D'Urfé, as already amended, in order to allow a minor exemption in the case of a non-conformity of a set-back resulting from a cadastral reform.*

6. Adoption of By-law no. 969-9 amending Nuisance By-law no. 969, as already amended, in order to prohibit access to fenced areas on Town property outside of opening hours.

2015-10-229 It is moved by Councillor Janet Ryan, seconded by Councillor Lynda Phelps and UNANIMOUSLY RESOLVED:

TO dispense with the reading of by-law no. 969-9, as Council declares having read it; and

TO adopt *By-law no. 969-9 amending Nuisance By-law no. 969, as already amended, in order to prohibit access to fenced areas on Town property outside of opening hours.*

7. Request to the Minister of Municipal Affairs and Land Occupancy for an extension of delay for the adoption of the amendments to be made to the Baie-D’Urfé’s Planning By-laws and Planning Program in accordance with the Development Plan of the Montreal Agglomeration (Schéma).

WHEREAS the Town of Baie-D’Urfé (the “Town”) is part of the Urban Agglomeration of Montreal;

WHEREAS on April 1st, 2015, an amended version of the Development Plan of the Montreal Agglomeration (“Schéma”) came into force;

WHEREAS, according to section 58 of the *Act Respecting Land Use Planning and Development*, the Town must adopt any necessary concordance by-law within six months after the coming into force of an amended version of the *Schéma*, and, in this case, no later than October 1st, 2015;

WHEREAS a concordance by-law corresponds to any planning by-law or amendment to a planning by-law that is needed to take account of the amendment of the *Schéma*;

WHEREAS all the concordance by-laws must be submitted to and approved by the Montreal Agglomeration;

WHEREAS the Town has submitted its draft concordance by-laws to the Montreal Agglomeration in early August 2015 and the two parties are still discussing the required amendments;

WHEREAS, considering the ongoing process, it will be impossible to adopt concordance by-laws within the prescribed period, meaning before October 1st, 2015;

WHEREAS according to section 239 of the *Act Respecting Land Use Planning and Development*, the Town can ask the Minister of Municipal Affairs and Land Occupancy for an extension of time in order to properly complete the concordance process;

2015-10-230 THEREFORE, it is moved by Councillor Janet Ryan and seconded by Councillor Charles Colomb to request an additional period of 12 months to the Minister of Municipal Affairs and Land Occupancy, that is until October 1st, 2016, to adopt the concordance by-laws needed to ensure compliance of the Planning Program and the Planning By-laws of the Town of Baie-D’Urfé to the *Schéma*.

Exceptionally the mayor takes part in the vote and it is UNANIMOUSLY RESOLVED to adopt the motion.

L. CITIZEN SERVICES AND COMMUNITY AFFAIRS

1. Financial contribution to the Baie-D’Urfé Curling Club in the amount of \$16 000 for lighting of the ice shed at the Curling Club.

2015-10-231 It is moved by Councillor Lynda Phelps, seconded by Councillor Brian Manning and UNANIMOUSLY RESOLVED:

TO transfer the sum of \$16 000 from the non-affected surplus (account no. 55-991-00-000) to account no. 02-702-99-970 for lighting of the ice shed at the Curling Club; and

TO grant a financial contribution to the Baie-D’Urfé Curling Club in the amount of \$16 000 for lighting of the ice shed at the Curling Club and to charge this expense as follows:

Source: General Funds
Charge to: 02-702-99-970

A certificate of availability of funds was issued by the Treasurer.

2. Purchase of two tickets in the amount of \$1 200 for the West Island Palliative Care Residence’s 17th Annual Valentine’s Ball.

2015-10-232 It is moved by Councillor Lynda Phelps, seconded by Councillor Brian Manning and UNANIMOUSLY RESOLVED to purchase two tickets in the amount of \$1 200 for the West Island Palliative Care Residence’s 17th Annual Valentine’s Ball and to charge this expense as follows:

Source: Public Relations
Charge to: 02-110-00-491

A certificate of availability of funds was issued by the Treasurer.

3. Financial contribution to the Baie-D'Urfé Citizens' Association for the 2015 Holiday Concert and Festivities in the amount of \$1 500.

2015-10-233 It is moved by Councillor Lynda Phelps, seconded by Councillor Brian Manning and UNANIMOUSLY RESOLVED to grant a financial contribution to the Baie-D'Urfé Citizens' Association for the 2015 Holiday Concert and Festivities in the amount of \$1 500 and to charge this expense as follows:

Source: General Funds
Charge to: 02-702-91-970

A certificate of availability of funds was issued by the Treasurer.

M. FINANCE

1. Approval of the list of expenses for the month of September 2015.

2015-10-234 It is moved by Councillor Janet Ryan, seconded by Councillor Charles Colomb and UNANIMOUSLY RESOLVED to approve the list of expenses for the month of September 2015 in the amount of \$300 721.73.

N. CLOSING OF MEETING

2015-10-235 At 10:23 p.m., it is moved by Councillor Peter Fletcher, seconded by Councillor Charles Colomb and UNANIMOUSLY RESOLVED to close the meeting.

Mayor

Town Clerk