



**AGENDA  
REGULAR MUNICIPAL COUNCIL MEETING  
OF THE CITY OF WESTMOUNT  
MONDAY, NOVEMBER 15, 2021**

**1. OPENING OF THE MEETING**

The Mayor calls the sitting to order.

Unless otherwise indicated in these minutes, the Mayor avails herself of her privilege provided for in section 328 of the *Cities and Towns Act* (CQLR, chapter C-19) by abstaining from voting.

**2. MAYOR'S AND COUNCILLORS' REPORTS**

**3. FIRST QUESTION PERIOD**

**4. ADOPTION OF THE AGENDA**

**MOVER**

**Councillor Shamie**

**SECONDER**

THAT the agenda of the regular Council sitting of November 15, 2021 be adopted.

**5. CONFIRMATION OF MINUTES**

**MOVER**

**Councillor Shamie**

**SECONDER**

THAT the minutes of the regular Council sitting held on October 4, 2021, as well as minutes of the special Council sitting and of the Demolition Committee sitting held on October 7, 2021, be approved.

**6. REPORTS TO COUNCIL**

**6.1. CORRESPONDENCE**

**Mayor Smith**

No reports are tabled.

**6.2. MINUTES OF THE GENERAL COMMITTEE OF COUNCIL**

**Councillor Shamie**

The minutes of the General Committee meetings of Council held on September 20 and September 27, 2021 are tabled and are available on the City's website.

**6.3. LIST OF DUTIES ON TRANSFERS INVOICES**

**Councillor Kez**

The list of duties on transfers for the month of October 2021 is tabled.

**7. APPOINTMENT OF ACTING MAYORS 2021-2022**

WHEREAS in accordance with the first paragraph of section 56 of the *Cities and Towns Act* (RLRQ, chapter C-19), Council designates, for the period it determines, a Councillor as Acting Mayor.

**MOVER**

**Councillor Peart**

**SECONDER**

THAT Councillor Jeff J. Shamie be appointed Acting Mayor for the months of November and December 2021 as well as January 2022;

THAT Councillor Antonio D'Amico be appointed Acting Mayor for the months of February, March and April 2022;

THAT Councillor Elisabeth Roux be appointed Acting Mayor for the months of May, June and July 2022;

THAT Councillor Conrad Peart be appointed Acting Mayor for the months of August, September and October 2022; and

THAT Councillor Anitra Bostock be appointed Acting Mayor for the months of November and December 2022 as well as January 2023.

**8. TEMPORARY APPOINTMENT - EXECUTIVE ASSISTANT - MAYOR'S OFFICE**

WHEREAS according to section 71 of the *Cities and Towns Act* (CQLR, c. C-19), the council shall appoint by resolution such officers and employees as it deems necessary for the administration of the city, and shall fix their salaries;

WHEREAS on April 1, 2019, the Municipal Council adopted the *Working Conditions and Remuneration of Management Personnel*;

WHEREAS the position of Executive Assistant of the Mayor's Office is temporarily vacant;

WHEREAS the Director of Human Resources recommends the appointment of Ms. Lina Baldun to the position of Executive Assistant of the Mayor's Office.

**MOVER**  
**SECONDER**

**Councillor Shamie**

THAT Ms. Lina Baldun be appointed to the position of Executive Assistant of the Mayor's Office, grade 12, effective October 18, 2021, in accordance with the salary recommendation of the Director of the Human Resources Department as stipulated in decision-making file No. 2021-1391 and according to the terms provided for in the *Working Conditions and Remuneration of Management Personnel*;

THAT Ms. Baldun be subject to a maximum probationary period of twelve (12) months in accordance with the *Working Conditions and Remuneration of Management Personnel*.

**9. GIVING TUESDAY - SUPPORT FROM THE CITY OF WESTMOUNT**

WHEREAS after Black Friday and Cyber Monday comes Giving Tuesday, a global day of giving that encourages activities in support of charities and non-profit organizations;

WHEREAS Giving Tuesday was established in New York City in 2012 by the United Nations Foundation in partnership with local community-based organizations to celebrate philanthropy and volunteering;

WHEREAS Giving Tuesday is now celebrated by more than 7,000 Canadian charities as the "opening day of the holiday giving season";

WHEREAS Giving Tuesday is an opportunity to encourage residents to help others throughout the holiday season and throughout the year;

WHEREAS the City of Westmount wishes to encourage its residents to support charities within its territory

**MOVER**  
**SECONDER**

**Councillor Gallery**

THAT the City of Westmount support the Giving Tuesday initiative that will take place on Tuesday, November 30, 2021, and invite all residents to participate.

**10. TERMS AND CONDITIONS FOR THE PAYMENT OF THE GOVERNMENT CONTRIBUTION UNDER THE GAS TAX AND QUÉBEC CONTRIBUTION PROGRAMME (TECQ) FOR THE YEARS 2019 TO 2023**

WHEREAS the City has examined the Guide relatif aux modalités de versement de la contribution gouvernementale dans le cadre du programme de la taxe sur l'essence et de la contribution du Québec (TECQ) pour les années 2019 à 2023 and its annexes;

WHEREAS the City must comply with the terms and conditions of this guide that apply in its situation in order to receive the governmental financial assistance which was confirmed in a letter from *La Ministre des Affaires municipales et de l'Habitation* to that effect.

**MOVER**  
**SECONDER**

**Councillor Kez**

THAT the City of Westmount commit to complying with the terms and conditions of the *Guide relatif aux modalités de versement de la contribution gouvernementale dans le cadre du programme de la taxe sur l'essence et de la contribution du Québec (TECQ) pour les années 2019 à 2023* that apply in its case;

THAT the City of Westmount commit to being the sole body in charge and to release the governments of Canada and Québec, as well as their ministers, senior officials, employees and agents, of any responsibility relating to claims, requirements, losses, damages, and costs of any kind based on an injury inflicted to a person, the death of this person, any damages done to property or the loss of property attributable to a deliberate or careless act ensuing directly or indirectly from the investments made through the financial assistance obtained under the 2019-2023 TECQ program;

THAT the City of Westmount approve the content and authorize the transmission of the schedule of works No 2 attached herewith to the *Ministère des Affaires municipales et de l'Habitation* and of all other documents required by the Ministère, in order to receive the government contribution which was confirmed in a letter of the *Ministère des Affaires municipales et de l'Habitation* to that effect;

THAT the City of Westmount commit to achieving the minimum capital work imposed to him for the entire five year program;

THAT the City of Westmount commit to informing the *Ministère des Affaires municipales et de l'Habitation* of any modification made to the schedule of works approved under the present resolution;

THAT the City of Westmount hereby certify that, as per this resolution, the schedule of work No 2 attached herewith includes the true expenditures incurred.

**11. RATIFICATION OF AN EXPROPRIATION INDEMNITY AGREEMENT - LOTS  
5 064 111, 6 157 481, 4 779 659, AND 6 157 479**

WHEREAS the *Procureur général du Québec*, acting on behalf of the *Ministre des Transports du Québec* (hereinafter "MTQ"), expropriated properties owned by the City of Westmount (hereinafter "the City");

WHEREAS the City challenged the MTQ's assessment of the value of the indemnities before the *Tribunal administratif du Québec, section des affaires immobilières* (SAI-M-179472-1012, SAI-M-181888-1103, SAI-M-264184-1708, and SAI-M-264182-1708), as well as instituted proceedings before the *Cour supérieure* (CSQ: 500-17-098460-176) which led to an agreement on the transfer of ownership of the expropriated parcels;

WHEREAS an agreement has been reached with the MTQ with respect to the real estate compensation to be paid to the City for lots 5 064 111, 4 779 659, 6 157 481, and 6 157 479, concerning the Public Works' yard and Hydro-Westmount lots, a portion of Bethune Street, and a portion of Hallowell Street;

WHEREAS this agreement provides for the payment of a sum of \$183,245, plus legal interest, as real estate compensation for these expropriated parcels;

WHEREAS this agreement excludes the reimbursement of expert fees and will not limit such reimbursement in any way;

WHEREAS the transaction and release with respect to these lots shall include a provision to preserve the rights of the *Procureur général du Québec* with respect to possible damages caused by groundwater contamination of the expropriated parcels, if any;

WHEREAS the lots on Selby Street (Lots 5 038 195 and 5 038 196) and the land on Lenoir Street (Lot 4 145 232) are not covered by this agreement;

WHEREAS an agreement has been reached with respect to a portion of the City's incidental claim, namely, compensation for the costs of the initial relocation of the Hydro Westmount transformers and the travel required to access the transformers and equipment temporarily stored on MTQ land owned by the City, totalling \$44,853 plus legal interest;

WHEREAS the agreement does not address the other elements of the City's claim for incidental compensation in the above-mentioned expropriation cases;

WHEREAS the agreement negotiated by the lawyers representing the City and the Director of Engineering Services, Ms. Elisa Gaetano, has been accepted by the MTQ.

**MOVER**

**Councillor Bostock**

**SECONDER**

THAT the City of Westmount ratify the partial agreement negotiated by its lawyers and the Director of the Engineering Department, Ms. Elisa Gaetano;

THAT the Director of Legal Services of the City, or the Assistant Director of Legal Services, be authorized to sign all documents that may be required to give full effect to the agreement reached, including any transaction and any notarized act.

## **12. COST SHARING - SOIL CHARACTERIZATION STUDY – STM**

WHEREAS a litigation is in progress with the *Société de transport de Montréal* in the court file C.S. 500-05-029797-972;

WHEREAS it is in the interest of the City of Westmount that the expertise on the characterization of the soils of the land in dispute be done jointly with the *Société de transport de Montréal*;

WHEREAS an amount of \$146,046.25 is provided in the City of Westmount's book for these studies.

**MOVER**

**Councillor Gallery**

**SECONDER**

TO AUTHORIZE the payment of a maximum expenditure of \$122,301.66, plus applicable net taxes, as the City of Westmount's contribution to the characterization work.

**13. NOTICE OF MOTION - BY-LAW 1582 TO FURTHER AMEND BY-LAW 1507 ON THE DELEGATION OF POWERS TO CERTAIN OFFICERS OF THE CITY OF WESTMOUNT**

**NOTICE OF MOTION**

Councillor Shamie to give notice of the intention to submit for adoption at a subsequent meeting of Council, By-law No. 1582 entitled *By-law 1582 to further amend By-law 1507 on the delegation of powers to certain officers of the City of Westmount.*

**OBJECT**

The object of this by-law is to amend the definition of "Director General" and to add the definition of "Assistant Director General".

The object of this by-law is also to modify certain powers delegated to the Director General and to specify the powers delegated to the Assistant Directors General.

A copy of the draft by-law is tabled and available for public consultation.

**14. ADOPTION OF A SECOND DRAFT - BY-LAW 1578 TO FURTHER AMEND ZONING BY-LAW 1303 - CREATION OF COMMERCIAL ZONES ON SAINTE-CATHERINE STREET WEST**

**Substitute City Clerk**

The Substitute City Clerk to report that all formalities required for dispensing with the reading of this by-law have been observed and that copies of the by-law have been remitted to all members of Council and are available for public reference.

**OBJECT**

The Substitute City Clerk to explain that the object of this by-law is to:

- amend the zoning map to create Zone C4-32-03 from Zones R9-32-01 and R4-32-03 (which disappears);
- amend the zoning map to create Zone C4-34-15 from Zones R4-34-12 and C1-34-11;
- adopt the use tables and physical-spatial specification tables for these two new zones, to allow a wide range of office and commercial uses with minimal changes to maximum permitted heights and density.

A copy of the draft by-law is tabled and available for public consultation.

**Mayor Smith**

**Declaration by each member of Council present that he or she has read the by-law and that reading is waived thereof.**

**MOVER**

**Councillor Gallery**

**SECONDER**

THAT the second draft of By-law No. 1578 entitled *By-law to further amend Zoning By-law 1303 - Creation of commercial zones on Sainte-Catherine Street West* be adopted.

**15. NEW BUSINESS**

**16. SECOND QUESTION PERIOD**

**17. CLOSING OF THE SITTING**