

Minutes of the Council of Beaconsfield

Minutes of the City of Beaconsfield's regular Municipal Council meeting, held at City Hall, 303 Beaconsfield Boulevard, Beaconsfield, Québec, on Monday, December 19, 2022, at 8:00 P.M.

WERE PRESENT:

His Honour the Mayor Georges Bourelle and Councillors Dominique Godin, Martin St-Jean, Robert Mercuri, David Newell, Roger Moss, Peggy Alexopoulos

ALSO PRESENT:

Patrice Boileau, Director General, Nathalie Libersan-Laniel, City Clerk and Director of Public Affairs, Eva Vyncke, Executive Assistant

1. OPENING OF MEETING

His Honour the Mayor calls the meeting to order.

2. AGENDA

2.1 Adoption of the agenda of the City of Beaconsfield's regular Council meeting of December 19, 2022

2022-12-489 It is moved by Councillor Roger Moss, seconded by Councillor Martin St-Jean and UNANIMOUSLY RESOLVED to adopt the agenda of the City of Beaconsfield's regular Council meeting of December 19, 2022, as presented.

5. PUBLIC QUESTION PERIOD

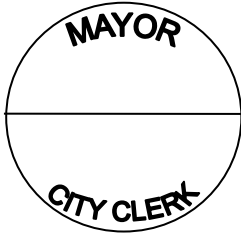
The City Clerk announces the beginning of the public question period.

A resident asks why the program to replace water meters is so expensive at item 40.2 on the agenda. He also asks if the information at item 60.2 regarding the register of statements of donations, marks of hospitality or other advantages received by council members in 2022 is available to the public.

Mr. Patrice Boileau, Director General, indicates that the City needs to correct approximately 500 locations where we are no longer able to read the meter. He explains that the useful life of the meters has been exceeded: 50% of the meters have more than 27 years of wear and the other 50%, have an average of more than 32 years. He adds that the City will use new technology for instant remote meter reading. This technology can also be deployed to other types of City infrastructure such as storm and sanitary sewer networks and allows the City, by the addition of telemetry towers, to measure water levels. The project is planned to be carried out over 4 years. The City Clerk, M^e Nathalie Libersan-Laniel, indicates that in accordance with the Municipal Ethics and Good Conduct Act as well as our Code of Ethics and Good Conduct for elected municipal officers of the City of Beaconsfield, yearly, at the last regular Council sitting in the month of December, the City Clerk tables an extract from the register containing the disclosure statements filed since the last register. Council members are required to file a disclosure statement in writing within 30 days after receiving any gift, hospitality or other benefit not prohibited. The City Clerk confirms that the document is public.

A resident explains that years ago, Council allowed the construction of a 3-story condo complex. He stipulates that from his view the initial project is not a success as it has not yet been completed. He states that the site is an eyesore and often looks abandoned. He asks if the City can get the project completed or make the site more presentable with grass.

Mr. Boileau indicates that the City has issued building permits for these properties. The City's by-laws allow to determine the length of time a building permit is valid, but they do not allow the City to require the work to be done. However, the City does have a responsibility to ensure that its building and nuisance by-laws are respected. He explains that last fall, the City asked the owner to clean up the entire property. The site was



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levelled, piles of material were removed from the site and tall grass was cut. Although visually unappealing, the building structure currently in place is adequately protected, in accordance with the City's by-laws. He confirms that the Urban Planning team is working with the owners to ensure the work is completed in good faith.

A resident understands that item 40.2 is to be completed within a four-year time span, he asks if the loan by-law is to be renewed every year or is the amount for the whole 4-year project. He also asks a question concerning item 40.3 concerning a loan by-law for the Recreation Centre skating rink, he asks if what he sees in the PTI is linked to the loan by-law in question.

Mr. Boileau confirms that the amount is for the whole project, and that it will be completed in steps. He adds that loan by-law includes the PTI project on the renovation and upgrading the standards of the skating rink for one stage of the project.

A resident asks if the water meter readings will be measured remotely like Hydro does. If so, , will there be a way to opt out of this program.

Mr. Boileau indicates that the plan is to accomplish all readings of the meter remotely. He adds that an opting out option has not been considered.

The question period ends at 8:38 p.m.

10. MINUTES

10.1 Adoption of the minutes of the City of Beaconsfield's regular Council meeting of November 21, 2022

2022-12-490 It is moved by Councillor Peggy Alexopoulos, seconded by Councillor Dominique Godin and UNANIMOUSLY RESOLVED to approve the minutes of the City of Beaconsfield's regular Council meeting of November 21, 2022, at 8:00 p.m.

30. FINANCE AND TREASURY

30.1 Approval of the list of accounts payable as of December 19, 2022, and of the list of pre-authorized payments for the period of November 10, 2022, to November 20, 2022, and for the period of November 22, 2022, to December 7, 2022, for a total disbursement of \$2,299,373.57

2022-12-491 CONSIDERING the lists submitted by the Treasurer regarding the payment of expenses for financial and investment activities;

It is moved by Councillor Robert Mercuri, seconded by Councillor Roger Moss and UNANIMOUSLY RESOLVED:

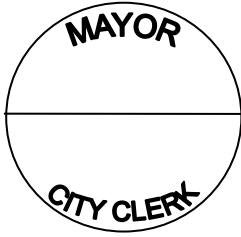
To approve the list of accounts payable as of December 19, 2022, regarding expenses for financial and investment activities totalling \$668,674.38; and

To approve the list of pre-authorized payments from November 10, 2022, to November 20, 2022, and for the period of November 22, 2022, to December 7, 2022, totalling \$1,190,253.45 and electronic payments, for the same period, of salaries paid to municipal employees, bank fees and the debt service, totalling \$440,445.74; and

That all these disbursements totalling \$2,299,373.57 be drawn from the City's bank account at Royal Bank of Canada, Beaconsfield branch.

30.2 Interaccount transfer of \$1,500,000 for the disbursement of certain capital expenses in 2022

2022-12-492 CONSIDERING the extra-budgetary credits available for the fiscal year 2022;



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It is moved by Councillor Dominique Godin, seconded by Councillor Peggy Alexopoulos and UNANIMOUSLY RESOLVED to appropriate, in 2022, the amount of \$1,500,000 to reimburse the Working Fund:

- \$1,500,000 for the acquisitions made in 2022.

- 30.3 Transfers between financial reserves and cancellation of a reserve (upon recommendation of the Finance Committee)
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- 2022-12-493 CONSIDERING the recommendation by the Finance Committee to approve transfers between financial reserves;

It is moved by Councillor Dominique Godin, seconded by Councillor Roger Moss and UNANIMOUSLY RESOLVED that Council proceed as follows:

- Transfer of \$105,500 from the reserve for Angell Woods to the balance budget reserve;
- Transfer of \$500,000 from the reserve for winter conditions to the reserve for professional services;
- Cancellation of the winter conditions reserve.

- 30.4 Authorization to proceed with budgetary transfers
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- 2022-12-494 CONSIDERING section 13 of By-law BEAC-029 entitled "By-law regarding budget control and monitoring";

It is moved by Councillor Roger Moss, seconded by Councillor Dominique Godin and UNANIMOUSLY RESOLVED to authorize the Treasurer to proceed with the budgetary transfers proposed for 2022.

- 30.5 Approval of a \$150 contribution to Lakeshore Light Opera Inc. for the year 2023
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- 2022-12-495 It is moved by Councillor Peggy Alexopoulos, seconded by Councillor Martin St-Jean and UNANIMOUSLY RESOLVED to approve a \$150 contribution to Lakeshore Light Opera Inc. for the year 2023; and

To authorize the Finance and Treasury Department to charge the expense to budget code 02-731-10-992.

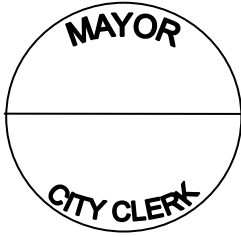
40. BY-LAWS

- 40.1 Filing and notice of motion of Draft By-law BEAC-148 entitled "By-law authorizing a loan of \$3,200,972 for the structural rehabilitation work of sanitary sewer pipes for various streets, for the structural rehabilitation work of water mains for various streets and the connection of the water main on City Lane towards Celtic"
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- 2022-12-496 Councillor Robert Mercuri files Draft By-law BEAC-148 entitled "By-law authorizing a loan of \$3,200,972 for the structural rehabilitation work of sanitary sewer pipes for various streets, for the structural rehabilitation work of water mains for various streets and the connection of the water main on City Lane towards Celtic" and gives notice of motion of intent to submit for adoption at a subsequent meeting of Council, the said draft, in compliance with the *Cities and Towns Act*.

- 40.2 Filing and notice of motion of Draft By-law BEAC-149 entitled "By-law authorizing a loan of \$4,365,448 for the water meter replacement program"
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- 2022-12-497 Councillor Martin St-Jean files Draft By-law BEAC-149 entitled "By-law authorizing a loan of \$4,365,448 for the water meter replacement program" and gives notice of motion of intent to submit for adoption at a subsequent meeting of Council, the said draft, in compliance with the *Cities and Towns Act*.



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40.3 Filing and notice of motion of Draft By-law BEAC-150 entitled "By-law authorizing a loan of \$5,063,121 for the renovation and upgrading of the Recreation Centre - skating rink section, equipments and structure"

2022-12-498 Councillor Dominique Godin files Draft By-law BEAC-150 entitled "By-law authorizing a loan of \$5,063,121 for the renovation and upgrading of the Recreation Centre - skating rink section, equipments and structure" and gives notice of motion of intent to submit for adoption at a subsequent meeting of Council, the said draft, in compliance with the *Cities and Towns Act*.

40.4 Adoption of By-law BEAC-117-4 entitled "By-law modifying By-law BEAC-117 concerning the rate of transfer duties applicable to transfers with a basis of imposition exceeding \$532,300 in order to modify the applicable rate and index the basis of imposition to \$552,300"

2022-12-499 The City Clerk mentions the by-law's object, and where applicable, the differences between the draft by-law that was filed and the by-law being submitted for passing, the expenditure, the mode of financing, payment and repayment of the expenditure;

It is moved by Councillor Roger Moss, seconded by Councillor Robert Mercuri and UNANIMOUSLY RESOLVED to adopt By-law BEAC-117-4 entitled "By-law modifying By-law BEAC-117 concerning the rate of transfer duties applicable to transfers with a basis of imposition exceeding \$532,300 in order to modify the applicable rate and index the basis of imposition to \$552,300".

40.5 Adoption of By-law BEAC-146 entitled "By law on tariffs - January 2023"

2022-12-500 The City Clerk mentions the by-law's object, and where applicable, the differences between the draft by-law that was filed and the by-law being submitted for passing, the expenditure, the mode of financing, payment and repayment of the expenditure;

It is moved by Councillor Peggy Alexopoulos, seconded by Councillor Roger Moss and UNANIMOUSLY RESOLVED to adopt By-law BEAC-146 entitled "By law on tariffs - January 2023".

40.6 Adoption of By-law BEAC-147 entitled "By-law concerning taxes of the City of Beaconsfield for the fiscal year 2023"

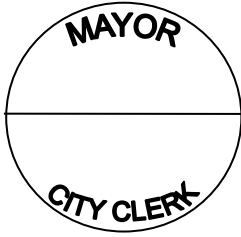
2022-12-501 The City Clerk mentions the by-law's object, and where applicable, the differences between the draft by-law that was filed and the by-law being submitted for passing, the expenditure, the mode of financing, payment and repayment of the expenditure;

It is moved by Councillor Robert Mercuri, seconded by Councillor Peggy Alexopoulos and UNANIMOUSLY RESOLVED to adopt By-law BEAC-147 entitled "By-law concerning taxes of the City of Beaconsfield for the fiscal year 2023".

40.7 Adoption of By-law 640-35 entitled "By-law to amend By-law 640 regarding the supply of water and the levying of a water tax"

2022-12-502 The City Clerk mentions the by-law's object, and where applicable, the differences between the draft by-law that was filed and the by-law being submitted for passing, the expenditure, the mode of financing, payment and repayment of the expenditure;

It is moved by Councillor Dominique Godin, seconded by Councillor Robert Mercuri and UNANIMOUSLY RESOLVED to adopt By-law 640-35 entitled "By-law to amend By-law 640 regarding the supply of water and the levying of a water tax".



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45. URBAN PLANNING

- 45.1 Request for the approval of the Site Planning and Architectural Integration Programme (SPAIP) relating to a building permit application for a new main building located at 372 Chantilly
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2022-12-503 CONSIDERING THAT a building permit application was filed for a new main building located at 372 Chantilly;

CONSIDERING THAT By-law BEAC-098 regarding Site Planning and Architectural Integration Programmes (SPAIP) indicates objectives and criteria to fulfill for this type of permit application;

CONSIDERING THAT the Planning Advisory Committee has considered the plans and documents accompanying the building permit application at the November 29, 2022, meeting and is of the opinion that the applicable objectives and criteria are respected;

CONSIDERING the Planning Advisory Committee's recommendation to APPROVE the SPAIP relating to a building permit application for a new main building located at 372 Chantilly;

It is moved by Councillor David Newell, seconded by Councillor Martin St-Jean and UNANIMOUSLY RESOLVED to APPROVE the SPAIP relating to a building permit application for a new main building located at 372 Chantilly.

- 45.2 Request for the approval of the Site Planning and Architectural Integration Programme (SPAIP) relating to a building permit application for the extension of the main building located at 18 Lakeshore
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2022-12-504 CONSIDERING THAT a building permit application was filed for the extension of a main building located at 18 Lakeshore;

CONSIDERING THAT By-law BEAC-098 regarding Site Planning and Architectural Integration Programmes (SPAIP) indicates objectives and criteria to fulfill for this type of permit application;

CONSIDERING THAT the Planning Advisory Committee has considered the plans and documents accompanying the building permit application at the November 29, 2022, meeting and is of the opinion that the objective to propose sustainable, quality architecture is not respected because the criteria on (1) apparent blank walls, which can be viewed from the street are to be avoided and (2) the exterior cladding materials are durable, with sober colours and compatible with the surrounding buildings are not fulfilled;

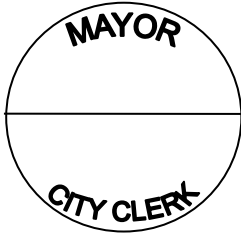
CONSIDERING the Planning Advisory Committee's recommendation to REFUSE the SPAIP relating to a building permit application for the extension of the main building located at 18 Lakeshore;

It is moved by Councillor David Newell, seconded by Councillor Robert Mercuri and UNANIMOUSLY RESOLVED to REFUSE the SPAIP relating to a building permit application for the extension of the main building located at 18 Lakeshore.

- 45.3 Request for the approval of the Site Planning and Architectural Integration Programme (SPAIP) relating to a building permit application for the extension of the main building located at 160 Shannon Park
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2022-12-505 CONSIDERING THAT a building permit application was filed for the extension of a main building located at 160 Shannon Park;

CONSIDERING THAT By-law BEAC-098 regarding Site Planning and Architectural Integration Programmes (SPAIP) indicates objectives and criteria to fulfill for this type of permit application;



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CONSIDERING THAT the Planning Advisory Committee has considered the plans and documents accompanying the building permit application at the November 29, 2022, meeting and is of the opinion that the objective to propose sustainable, quality architecture is not respected because the criterion on the exterior cladding materials and architectural components matching together in form, texture and colour is not fulfilled;

WHEREAS to comply with these objectives and criteria, the applicant should add the white outline framing the garage doors on the main elevation (A04) as shown on the 3D rendering of the plans submitted;

WHEREAS new plans were submitted on the December 12, 2022, which, according to the Planning Advisory Committee, meet the objectives and criteria to be respected;

CONSIDERING the Planning Advisory Committee's recommendation to APPROVE the SPAIP relating to a building permit application for the extension of the main building located at 160 Shannon Park;

WHEREAS Council has taken note of the recommendation of the Planning Advisory Committee;

WHEREAS the preamble is an integral part of this resolution;

It is moved by Councillor David Newell, seconded by Councillor Roger Moss and UNANIMOUSLY RESOLVED to APPROVE the SPAIP relating to a building permit application for the extension of the main building located at 160 Shannon Park, according to the plans filed on December 12, 2022.

- 45.4 Request for the approval of the Site Planning and Architectural Integration Programme (SPAIP) relating to a building permit application for the extension of the main building located at 212 Stonehenge

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- 2022-12-506 CONSIDERING THAT a building permit application was filed for the extension of a main building located at 212 Stonehenge;

CONSIDERING THAT By-law BEAC-098 regarding Site Planning and Architectural Integration Programmes (SPAIP) indicates objectives and criteria to fulfill for this type of permit application;

CONSIDERING THAT the Planning Advisory Committee has considered the plans and documents accompanying the building permit application at the November 29, 2022, meeting and is of the opinion that the objective to propose sustainable, quality architecture is not respected because the criterion on the exterior cladding materials and architectural components matching together in form, texture and colour is not fulfilled;

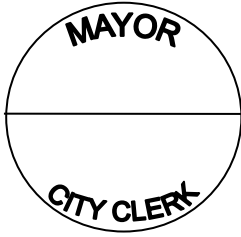
CONSIDERING the Planning Advisory Committee's recommendation to REFUSE the SPAIP relating to a building permit application for the extension of the main building located at 212 Stonehenge;

It is moved by Councillor David Newell, seconded by Councillor Martin St-Jean and UNANIMOUSLY RESOLVED to REFUSE the SPAIP relating to a building permit application for the extension of the main building located at 212 Stonehenge.

- 45.5 Request for the approval of the Site Planning and Architectural Integration Programme (SPAIP) relating to a building permit application for the modification of the facade of a main building located at 273 Shore

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- 2022-12-507 CONSIDERING THAT a building permit application was filed for the modification of the facade of a main building located at 273 Shore;

CONSIDERING THAT By-law BEAC-098 regarding Site Planning and Architectural Integration Programmes (SPAIP) indicates objectives and criteria to fulfill for this type of permit application;



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CONSIDERING THAT the Planning Advisory Committee has considered the plans and documents accompanying the building permit application at the November 29, 2022, meeting and is of the opinion that the applicable objectives and criteria are respected;

CONSIDERING the Planning Advisory Committee's recommendation to APPROVE the SPAIP relating to the building permit application for the modification of the facade of a main building located at 273 Shore;

It is moved by Councillor David Newell, seconded by Councillor Martin St-Jean and UNANIMOUSLY RESOLVED to APPROVE the SPAIP relating to the building permit application for the modification of the facade of a main building located at 273 Shore.

- 45.6 Request for the approval of the Site Planning and Architectural Integration Programme (SPAIP) relating to a building permit application to modify the already approved plan at 5 Windsor

2022-12-508 CONSIDERING THAT on December 26, 2022, Council adopted resolution 2022-09-376 approving the site planning and architectural integration programme for a building permit application at 5 Windsor;

CONSIDERING THAT after the resolution was adopted, an application to modify the approved plan was filed;

CONSIDERING THAT this modification application must respect the applicable objectives and criteria included in By-law BEAC-098 on Site Planning and Architectural Integration Programmes (SPAIP);

CONSIDERING THAT the Planning Advisory Committee has considered the plans and documents accompanying the building permit application at the November 29, 2022, meeting and is of the opinion that the applicable objectives and criteria are respected;

CONSIDERING the Planning Advisory Committee's recommendation to APPROVE the SPAIP relating to a building permit application to modify the already approved plan at 5 Windsor;

It is moved by Councillor David Newell, seconded by Councillor Dominique Godin and UNANIMOUSLY RESOLVED to APPROVE the SPAIP relating to a building permit application to modify the already approved plan at 5 Windsor.

- 45.7 Request for the approval of the Site Planning and Architectural Integration Programme (SPAIP) relating to a building permit application to modify the already approved plan at 89 Jasper

2022-12-509 CONSIDERING THAT on February 28, 2022, Council adopted resolution 2022-02-050 approving the site planning and architectural integration programme for a building permit application at 89 Jasper;

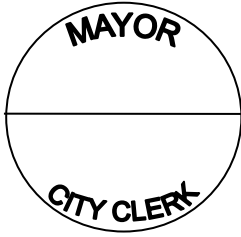
CONSIDERING THAT after the resolution was adopted, an application to modify the approved plan was filed;

CONSIDERING THAT this modification application must respect the applicable objectives and criteria included in By-law BEAC-098 on Site Planning and Architectural Integration Programmes (SPAIP);

CONSIDERING THAT the Planning Advisory Committee has considered the plans and documents accompanying the building permit application at the November 29, 2022, meeting and is of the opinion that the applicable objectives and criteria are respected;

CONSIDERING the Planning Advisory Committee's recommendation to APPROVE the SPAIP relating to a building permit application to modify the already approved plan at 89 Jasper;

It is moved by Councillor David Newell, seconded by Councillor Robert Mercuri and UNANIMOUSLY RESOLVED to APPROVE the SPAIP



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relating to a building permit application to modify the already approved plan at 89 Jasper.

- 45.8 Request for the approval of the Site Planning and Architectural Integration Programme (SPAIP) relating to a building permit application to modify the already approved plan at 97 Kirkwood
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- 2022-12-510 CONSIDERING THAT on March 22, 2021, Council adopted resolution 2021-03-095 approving the site planning and architectural integration programme for a building permit application at 97 Kirkwood;

CONSIDERING THAT after the resolution was adopted, an application to modify the approved plan was filed;

CONSIDERING THAT this modification application must respect the applicable objectives and criteria included in By-law BEAC-098 on Site Planning and Architectural Integration Programmes (SPAIP);

CONSIDERING THAT the Planning Advisory Committee has considered the plans and documents accompanying the building permit application at the November 29, 2022, meeting and is of the opinion that the applicable objectives and criteria are respected;

CONSIDERING the Planning Advisory Committee's recommendation to APPROVE the SPAIP relating to a building permit application to modify the already approved plan at 97 Kirkwood;

It is moved by Councillor David Newell, seconded by Councillor Robert Mercuri and UNANIMOUSLY RESOLVED to APPROVE the SPAIP relating to a building permit application to modify the already approved plan at 97 Kirkwood.

- 45.9 Request for the approval of the Site Planning and Architectural Integration Programme (SPAIP) relating to a building permit application to modify the already approved plan at 101 Kirkwood
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- 2022-12-511 CONSIDERING THAT on April 20, 2020, Council adopted resolution 2020-04-126 approving the site planning and architectural integration programme for a building permit application at 101 Kirkwood;

CONSIDERING THAT after the resolution was adopted, an application to modify the approved plan was filed;

CONSIDERING THAT this modification application must respect the applicable objectives and criteria included in By-law BEAC-098 on Site Planning and Architectural Integration Programmes (SPAIP);

CONSIDERING THAT the Planning Advisory Committee has considered the plans and documents accompanying the permit application at the November 29, 2022, meeting and is of the opinion that the objective to propose sustainable, quality architecture is not respected because the criterion on the exterior cladding materials and architectural components matching together in form, texture and colour is not fulfilled;

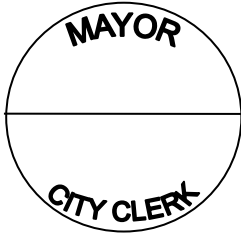
WHEREAS to comply with these objectives and criteria, the applicant should keep the existing roofing material (asphalt shingles), as it is now;

WHEREAS new plans to comply with these objectives and criteria, according to the Planning Advisory Committee, were not submitted.

CONSIDERING the Planning Advisory Committee's recommendation to REFUSE the SPAIP relating to a building permit application to modify the already approved plan at 101 Kirkwood;

WHEREAS Council has taken note of the recommendation of the Planning Advisory Committee;

WHEREAS the preamble is an integral part of this resolution;



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It is moved by Councillor David Newell, seconded by Councillor Robert Mercuri and UNANIMOUSLY RESOLVED to REFUSE the SPAIP relating to a building permit application to modify the already approved plan located plans at 101 Kirkwood.

50. HUMAN RESOURCES

50.1 Confirmation of permanency for the position of Contremaître

2022-12-512 It is moved by Councillor Martin St-Jean, seconded by Councillor Dominique Godin and UNANIMOUSLY RESOLVED that Jean-Philippe Parisien's permanent status be confirmed as Contremaître following a 12-month evaluation period.

50.2 Suspension of an employee

2022-12-513 It is moved by Councillor Roger Moss, seconded by Councillor Martin St-Jean and UNANIMOUSLY RESOLVED that employee bearing number 75120896 be suspended for a duration of 2 days without pay.

50.3 Signature of a letter of agreement 2022-001 between the City of Beaconsfield and the Syndicat des cols bleus regroupés de Montréal, Section locale 301

2022-12-514 It is moved by Councillor Dominique Godin, seconded by Councillor Robert Mercuri and UNANIMOUSLY RESOLVED to approve the signature of a letter of agreement 2022-001 between the City of Beaconsfield and the Syndicat des cols bleus regroupés de Montréal, Section locale 301.

51. APPOINTMENT OF ELECTED OFFICIALS

51.1 Appointment of Acting Mayor for the months of January, February, March and April 2023

2022-12-515 It is moved by Councillor Peggy Alexopoulos, seconded by Councillor Roger Moss and UNANIMOUSLY RESOLVED to designate Councillor David Newell as Acting Mayor for the months of January, February, March and April 2023.

53. COMMITTEES

53.1 Minutes of the Planning Advisory Committee meeting of November 29, 2022

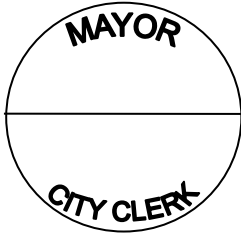
2022-12-516 It is moved by Councillor David Newell, seconded by Councillor Dominique Godin and UNANIMOUSLY RESOLVED that Council take act of the minutes of the Planning Advisory Committee meeting of November 29, 2022.

53.2 Deposit of the minutes of the Environmental Advisory Committee meeting of December 6, 2022

2022-12-517 Council takes note of the deposit of the minutes of the Environmental Advisory Committee meeting of December 6, 2022.

53.3 Renewal of the mandate of members of the Age-Friendly Municipality Review Committee (AFM)

2022-12-518 It is moved by Councillor Peggy Alexopoulos, seconded by Councillor Roger Moss and UNANIMOUSLY RESOLVED to approve the renewal of the mandates of Virginia Bell, John Gradwell, Raimo Heyduck and Leona Kemp as members of the Age-Friendly Municipality Review Committee (AFM), effective as of December 19, 2022, for a one (1) year period.



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53.4 Renewal of the mandates of members of the Environmental Advisory Committee

2022-12-519 It is moved by Councillor Roger Moss, seconded by Councillor Robert Mercuri and UNANIMOUSLY RESOLVED to approve the renewal of the mandates of Mark Cartile, Glen Choma, Robert Costain, Marianne Déry, Renée Wilson as members of the Environmental Advisory Committee as of December 19, 2022, for a one (1) year term.

60. GENERAL

60.1 Deposit of the statements of pecuniary interests of Council members

2022-12-520 WHEREAS in accordance with sections 357 and following of *An Act respecting elections and referendums in municipalities*, every member of Council must, within 60 days of the declaration of their election or within 60 days after the anniversary of the declaration of their election, file at a Council meeting a written statement of their pecuniary interests in immovables located in the territory of the municipality and of the Communauté métropolitaine de Montréal and in legal persons, partnerships and businesses likely to make transactions with the municipality or any municipal body of which they are a member;

THEREFORE, Council takes note that the statements of pecuniary interests of Mayor Georges Bourelle and of Councillors Dominique Godin, Martin St-Jean, Robert Mercuri, David Newell, Roger Moss and Peggy Alexopoulos have been accepted as presented, in accordance with *An Act respecting elections and referendums in municipalities*.

60.2 Deposit of the register of statements of donations, marks of hospitality or other advantages received by Council members in 2022

2022-12-521 Council takes note of the deposit of the extract of the register of statements of donations, marks of hospitality or other advantages received by Council members in 2022.

60.3 Deposit of Audit d'optimisation des ressources – gestion des actifs (VOR) report for 2021

2022-12-522 Council takes note of the Deposit of Audit d'optimisation des ressources – gestion des actifs (VOR) report for 2021 prepared par Raymond Chabot Grant Thornton, dated November 30, 2022.

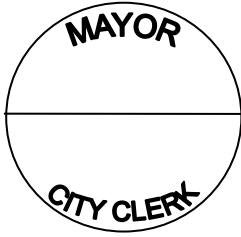
60.4 Mandate given to Bélanger Sauvé law firm to represent the City of Beaconsfield's interests regarding the responsibility for the maintenance costs of the Westcroft overpass located in Beaconsfield

2022-12-523 WHEREAS the "Ministère des transports" (MTQ) informed the City of Beaconsfield in 2001 that the management of the Westcroft overpass, located at Highway 20 and Beaconsfield High School, fell under the City's jurisdiction, which implies for the City the duty to assume the maintenance costs of the non-structural parts of the overpass;

WHEREAS no order-in-council published by the Government of Quebec since 1993 ("Ryan Reform") mentions that the Westcroft overpass falls under the management of the City of Beaconsfield;

WHEREAS the 1993 "guide de voirie" published by the MTQ suggests a specific treatment to overpasses which takes into account the authority responsible for their management prior to April 1, 1993;

CONSIDERING Order 116688 of 1965 of the Canadian Transportation Agency which specifies that maintenance costs will be partly borne by the railway companies and partly borne by the "Ministère de la Voirie", thus confirming that the MTQ was the authority responsible for the overpass before 1993 and that maintenance fell under their responsibility and still



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does;

WHEREAS the City is of the opinion that the Westcroft overpass was under the exclusive authority of the MTQ before April 1, 1993, and that its maintenance is still its responsibility;

WHEREAS the City has informed the MTQ through its legal advisor that it does not intend to assume the maintenance costs of the Westcroft overpass;

WHEREAS the MTQ is of the opinion that the Westcroft overpass is part of the municipal network of the City of Beaconsfield that it was under the exclusive responsibility of the City of Beaconsfield prior to April 1, 1993, and that responsibility for maintenance cannot therefore be attributed to the MTQ;

CONSIDERING this discrepancy in the interpretations as well as the considerable investment that the maintenance costs of the Westcroft overpass represent for the City of Beaconsfield;

It is moved by Councillor Robert Mercuri, seconded by Councillor Peggy Alexopoulos and UNANIMOUSLY RESOLVED to mandate the law firm Bélanger Sauvé to represent the City of Beaconsfield, for the amount of \$10,000 to be refined, in legal proceedings in order to ask the court to attribute the maintenance costs of the Westcroft overpass to the MTQ.

- 60.5 Mandate given to Bélanger Sauvé law firm to represent the City of Beaconsfield's interests regarding the judicial cancellation of an extinct resolutive clause affecting lots of the City of Beaconsfield

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- 2022-12-524 WHEREAS in a deed of transfer published in 1993 under number 4615123 at the registry office of the registration division of Montreal, the Ministère des transports (MTQ) transferred several lots free of charge to the City of Beaconsfield;

WHEREAS this transfer is subject to a resolutive clause providing that the City must use the lots thus transferred for the purposes of its road network, greenery and relaxation areas;

WHEREAS the City wishes to use certain parts of these lots, still encumbered with a resolutive clause in the Land Registry, for municipal purposes;

WHEREAS the City has asked the MTQ to lift the resolutive clause, but that the latter is asking for a sum of nearly one million dollars in return;

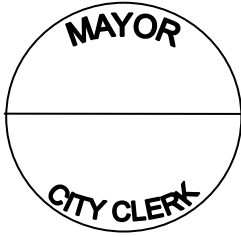
WHEREAS, since 1993, the City has always used the said parts of lots for the exclusive purposes of leaf deposit with a single strip of lot being left in its natural state and not being used;

WHEREAS the extinctive prescription period applicable to the resolutive recourse is 10 years and that it runs from the non-compliance or violation of the condition;

WHEREAS the City and its legal advisor are of the opinion that the resolutive clause is therefore prescribed, and this, since January 2004, for the portion used for the exclusive purposes of leaf deposit;

WHEREAS the City wishes to address the court in order to obtain the judicial cancellation of this right in accordance with sections 3057 and following of the *Civil Code of Quebec*;

It is moved by Councillor Martin St-Jean, seconded by Councillor Dominique Godin and UNANIMOUSLY RESOLVED to mandate the law firm Bélanger Sauvé to represent the City of Beaconsfield, for the amount of \$10,000 to be refined, in the legal proceedings in order to obtain the judicial cancellation of the termination clause described above, in accordance with sections 3057 and following of the *Civil Code of Quebec*.



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- 60.6 Mandate given to Bélanger Sauv  law firm to represent the City of Beaconsfield's interests regarding the private property located at 5 Windsor Place
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- 2022-12-525 CONSIDERING THAT a subdivision permit application was submitted on April 6, 2022, for the property located at 5, Place Windsor, for the purpose of subdividing the land into two lots;

CONSIDERING that the park fees of \$138,000 established by resolution 2022-10-428, in compliance with By-law BEAC-128 concerning contributions for the establishment, maintenance and improvement of parks, playgrounds and natural areas on the territory of the City of Beaconsfield, which this by-law provides that one of the conditions for the issuance of a subdivision permit for the subdivision of a lot having the effect of increasing the number of lots is the payment of a monetary contribution of 10% of the value of the lot, have been paid by the owner and that the subdivision permit was issued on October 27, 2022;

CONSIDERING section 117.7 of the *Act respecting land use planning and development* which provides that the owner may contest the value established by the assessor before the Tribunal administratif du Quebec and that this contestation does not exempt the owner from paying the amount established by the assessor;

CONSIDERING an application was filed with the TAQ by the owner and served on the City on December 9, 2022;

It is moved by Councillor Peggy Alexopoulos, seconded by Councillor Robert Mercuri and UNANIMOUSLY RESOLVED to mandate B langer Sauv  law firm to represent the City of Beaconsfield, for the amount of \$5,000 to be defined, in the legal proceedings regarding the motion filed with the Tribunal administratif du Qu bec by the owners of 5 Windsor Place.

70. AGGLOMERATION COUNCIL

- 70.1 Mayor's report on the decisions made by the Agglomeration Council at its meeting of November 24, 2022
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- 2022-12-526 His Honour the Mayor files a document entitled " tude publique Budget 2023 PDI 2023-2032, Rapport et recommandations" by the Commission des finances of the Agglomeration. He underlines the Minority report filed by the ASM which criticizes the budget.

80. DIRECTORS REPORTS

- 80.1 Deposit of the Directors reports
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- 2022-12-527 Are received and accepted for information purposes:

Urban Planning Department's building report for November 2022;
DDO dispatch centre's report for October 2022;
Municipal Patrol's monthly report for October and November 2022;
Report on the impact of teleworking on GHG emissions;
Report on live and deferred viewing of Council meetings via webcast.

90. NEW BUSINESS
Nil.

95. CLOSING OF MEETING
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It is moved by Councillor Roger Moss, seconded by Councillor Martin St-Jean and UNANIMOUSLY RESOLVED to close the regular meeting at 8:57 p.m.