

Minutes of the ordinary meeting of the council of the Municipality of the Township of Arundel held in the park of the community hall of the municipal garage this 17th day of August 2021 at 7: 00 pm.

Present and having quorum, were councillors: Elisabeth Gendron-Wood, Jonathan Morgan, Hervey William Howe, Paul Pepin, Dale Rathwell and the mayor Pascale Blais.

Councillor Marc Poirier is absent.

The director general, France Bellefleur and the assistant secretary-treasurer, Carole Brandt are present.

Agenda

1. Establishment of a quorum and opening of the meeting

2. Question period

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4.1 Request for minor variances – 285 Crystal Falls - Roll number 1899-89-7010

5. Request for minor variances

5.1 Request for minor variances – 285 Crystal Falls - Roll number 1899-89-7010

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12. Communication from the mayor to the public

13. Communications from councillors to the public

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1. Establishment of a quorum and opening of the meeting

2. Question period

2021-0106

3. Adoption of the Agenda

It is moved by councillor Hervey William Howe

And carried that the agenda be adopted as presented.

ADOPTED UNANIMOUSLY

4. Consultation on requests for minor variances

4.1 Request for minor variances – 285 Crystal Falls - Roll number 1899-89-7010

The mayor invites the audience to make their comments or their opposition to this request for minor variances.

No questions or comments regarding this request.

No objections were made to this request for minor variances.

5. Request for minor variances

5.1 Request for minor variances – 285 Crystal Falls - Roll number 1899-89-7010

WHEREAS the request for a minor variance filed by the owners of 285, Crystal Falls Road, roll number 1899-89-7010;

WHEREAS the request for a minor variance aims to authorize the construction of a garage having a height of 27 feet 6 ¾ inches while the maximum authorized according to the regulations is 19 feet 7 inches;

WHEREAS the applicants have provided the following arguments in support of their request for a minor variance:

- the height of the garage will be five (5) feet lower than the height of the house (house 32.6 ½ high, garage 27.6 high)
- the architecture and form are similar to the house for better harmonization
- the exterior coverings will be the same as the house, stone and canexel
- the buildings are located 288 feet from the public road, the visual of the garage will be reduced
- building a garage with a lower height will devalue the whole project
- due to COVID, applicants had to wait 4 months to obtain the site plan required for the permit application
- all the materials have already been delivered: trusts, pre-assembled walls, windows, etc... the replacement costs would be exorbitant;
- other files of requests for minor variances were accepted, including one with a 26-foot-high garage

WHEREAS the garage will not be positioned in front of the Crystal Falls Road but rather it is the right-side elevation that will be visible from the road;

WHEREAS that the by-law on minor variances constitutes an exceptional procedure under which council can authorize the carrying out of planned work or the regularization of work in progress or completed, which does not meet all the provisions of the planning by-laws;

WHEREAS the main utility of the minor variance lies in the fact that it is a technique providing solutions to practical problems which cannot be detected in advance in an urban planning regulation;

WHEREAS recent developments in case law in the context of requests for minor variances;

WHEREAS that in the context of the evaluation of a request for a minor variance, the legislator has provided in articles 145.2 and 145.4 of the Act respecting land use planning and development, the four conditions which must be taken into consideration by the municipal council, either:

- ensure compliance with the urban plan
- assess the infringement of the enjoyment by neighboring owners of their property rights
- assess the concept of serious prejudice
- determine the minor nature of the variance;

WHEREAS these four (4) criterias are cumulative and must be scrupulously analyzed;

WHEREAS the municipal council must justify each of the criterias provided for by law;

WHEREAS this request for a minor variance respects the urban plan;

WHEREAS this request for a minor variance and the proposed work does not affect the enjoyment by neighboring owners of their property rights, because the proposed building is located at a good distance from other neighboring properties;

WHEREAS that the minor variance must be granted insofar as the application of the by-law causes serious prejudice to the applicant;

WHEREAS the Court of appeal reiterated that the economic damage that may be suffered by an applicant failing to obtain the minor variance does not constitute a criterion to be considered;

WHEREAS that the arguments mentioned in the request, during the hearing of the applicants to the planning advisory Committee and during the public consultation do not make it possible to demonstrate that the applicants are seriously prejudiced and that the municipal council cannot take into account the economic damage suffered by the applicant if the request for a minor variance was not granted;

WHEREAS the excess height of nearly 8 feet over an authorized height of 19 feet 7 inches is considered to be a major variance because it represents a height more than 40% higher than the regulatory height;

WHEREAS when the council must assess whether a variance is minor, there is room for a certain subjectivity but not to the point of substituting the adjective major for that of minor;

WHEREAS that other criterias are added to the analysis of the request for a minor variance: the good faith of the applicants and that the request for minor variances does not increase the risks in terms of safety or public health and does not harm to the quality of the environment or to general well-being, criteria that this application meets;

WHEREAS the municipal council took into account the arguments of the applicants in its analysis;

WHEREAS that although the projected building with the right side elevation visible from the road would be located more than 288 feet from the public road and that the visual impact of a building of regulatory height with the visible right side elevation on the facade will also be reduced and will not devalue the entire project;

WHEREAS the municipal council took into account the arguments of the applicants in its analysis;

WHEREAS that although the projected building with the right-side elevation visible from the road would be located more than 288 feet from the public road and that the visual of the projected building would be reduced, the visual impact of a regulatory building height on the facade, the visible right side elevation will also be reduced and will not devalue the entire project;

WHEREAS the garage will be located at a distance of 76 feet from the main residence and that the visual effect of the difference in heights will be reduced;

WHEREAS landscaping, including tree planting, could be added to the project in order to limit the visual effect unwanted by the applicants;

WHEREAS the global COVID-19 crisis has unfortunately affected the entire population, which has had to face many challenges and wait times;

WHEREAS there are limits to the discretionary power of the council;

WHEREAS the Municipality is limited in the exercise of its discretionary power and cannot accept a minor variance to circumvent the irritating provisions of the regulations, nor to increase financial profitability, nor to settle a dispute between neighbors and nor to use this process as a technique for correcting mistakes or bad decisions made by an owner;

WHEREAS that the council must make an evaluation on a case-by-case basis and that the other files cannot be considered in the decision making;

WHEREAS the applicants have been notified of the date and location of the public meeting at which the request will be assessed by the members of council in order to be able to attend this meeting;

WHEREAS the applicants were heard and were able to make their representations during the planning advisory Committee and during the public consultation held during this meeting;

WHEREAS the Mayor invited the audience to make their comments or their opposition to this request for a minor variance;

WHEREAS that no comments or opposition has been presented with regard to this request for a minor variance;

WHEREAS the recommendation of the planning advisory Committee to refuse this request;

CONSEQUENTLY,

It is moved by councillor Paul Pepin

And carried:

THAT council rejects this request for a minor variance, for the property at 285, Crystal Falls Road concerning the construction of a garage having a height of 27 feet, 6 ³/₄ inches while the maximum height is 19 feet 7 inches, as prescribed in article 8.2.2 of zoning By-law # 112;

THAT the preamble of this resolution be an integral part of this resolution.

REJECTED

Councillors Hervey William Howe, Paul Pepin and Elisabeth Gendron-Wood vote in favour of the resolution.

Councillors Dale Rathwell, Jonathan Morgan and the mayor Pascale Blais vote against the resolution.

6. Approval of the minutes of the previous meeting

2021-0108

6.1 Ordinary meeting of July 13th 2021

TAKE NOTICE that a copy of the minutes was given to each member of the municipal council;

It is moved by councillor Elisabeth Gendron-Wood

And carried to adopt the minutes of the ordinary meeting of council held on July 13th 2021 as presented.

ADOPTED UNANIMOUSLY

7. Notice of motion and by-law

7.1 Notice of motion - By-law # 264 modifying by-law # 177 establishing the remuneration of electoral staff

IN CONFORMITY WITH article 445 of the *Municipal Code of Quebec*, the mayor Pascale Blais gives a notice of motion of the presentation, at a future council meeting, of a by-law amending by-law # 177 establishing the remuneration of electoral staff;

IN CONFORMITY with article 445 of the *Municipal Code of Quebec*, copies of the draft by-law are made available to the public during this current council meeting;

IN CONFORMITY with article 445 of the *Municipal Code of Quebec*, the Municipality's person in charge of access to documents will issue a copy of the draft by-law to any person who requests it within two (2) calendar days preceding the holding of the session at which it will be adopted;

IN CONFORMITY with Article 445 of the *Municipal Code of Quebec*, the director general mentions that the costs associated with the implementation of this by-law are provided for in the 2021 annual budget.

The mayor Pascale Blais presents the by-law project.

7.2 Filing - By-law # 264 modifying by-law # 177 establishing the remuneration of electoral staff

By-law project # 264 modifying by-law # 177 establishing the remuneration of electoral staff has been filed.

8. Financial and administrative management

2021-0109

8.1 List of accounts payable as of July 31st 2021

It is moved by councillor Paul Pepin and carried to approve the list of bills to pay as presented:

ARLPHL (annual fees)	100.00 \$
Bell Canada (fax)	90.24 \$
Bell Mobilité (cell voirie)	137.28 \$
Charron Paul, Boyer Denise (reimb.taxes)	178.59 \$
Énergies Sonic Inc.* (gas and diesel)	2 856.01 \$
Équipe Laurence (engineer)	5 603.61 \$
Équipements Médi-Sécur Inc* (medical supplies)	225.62 \$
Fournitures de bureau Denis* (stationary)	340.04 \$
FQM Assurances (accident ins.FR)	817.50 \$
Groupe ABS Inc.* (professional services)	4 985.47 \$
Guertin Guillaume (day camp program)	500.00 \$
Hydro Québec (electricity)	364.46 \$
Imprimerie Léonard Inc.* (lettering)	325.38 \$
Jardins de Julie Grégoire* (flower bed, weeding)	673.75 \$
Juteau Ruel (copies)	278.59 \$
La Capitale (group insurance)	3 130.12 \$
Local 4852 – SCFP	840.81 \$
Location Alary (grader)	4 024.13 \$
Les Trotteurs du Nord* (Canada Day)	417.00 \$
Marc Marier (dog control)	150.00 \$
Matériaux McLaughlin* (materials)	9.18 \$
MEDIAL – FQM Mutuelle (2 nd pay. 2021 and ajust.2020)	1 260.62 \$
Morin Stéphanie (day camp program)	500.00 \$
Municipalité d'Amherst (tech. Loisir 2021)	5 925.22 \$
Outils Mont-Tremblant Inc.* (security clothing)	206.91 \$
Pompage sanitaire 2000 (Canada Day)	333.43 \$
RINOL (quote-part 4th payment)	22 223.00 \$
Services d'entretien St-Jovite (10 wheeler)	354.12 \$
Service d'entretien ménager M.C. (maintenance)	908.30 \$
Shaw Direct (music pavillion)	39.30 \$
Solutia Telecom* (purchase cell)	512.68 \$
Visa Desjardins* (zoom)	83.94 \$
Salaries and employer contributions	50 440.45 \$
Bank fees	82.08 \$

* Report in virtue of by-law # 171 delegation of power

That the municipal council acknowledges receipt of the report in virtue of by-law # 171 delegating power for the period of the month of July 2021, transmitted August 13th 2021.

I, the undersigned, director general secretary treasurer, certify that the Municipality of the Township of Arundel has the necessary available funds for the expenses listed above.

France Bellefleur, CPA, CA
Director general

ADOPTED UNANIMOUSLY

2021-0110

8.2 Budgetary transfers

WHEREAS it is necessary to make some modifications to the current budget, with the aim of encouraging better monitoring of expenditures and reallocating certain budgets;

It is moved by councillor Jonathan Morgan

And carried that council authorizes the following budgetary transfers:

From (credit) (-):

02-230-00-141	Regular salary – Civil security	210\$
02-320-00-141	Regular salary – voirie	2 000\$
02-320-00-200	Social charges – voirie	900\$

To (debit) (+) :

02-230-00-522	Maintenance and repair – building	210\$
02-701-30-141	Regular salaries – rink	2 000\$
02-701-30-200	Social charges – rink	900\$

ADOPTED UNANIMOUSLY

2021-0111

8.3 Change of the place of the council meeting of September 21st 2021

WHEREAS from May 28th 2021, municipalities in yellow or green zones must allow the presence of the public during council meetings if compliance with the health measures provided for by decree 689 2020, including that of maintaining regulatory distancing between those present is possible;

WHEREAS the municipality is not able to accept the presence of the public in the municipal hall located at the town hall while respecting the sanitary measures provided for by decree 689-2020;

WHEREAS the Arundel Elementary School is not available during the summer period;

WHEREAS the wish of council to hold a council meeting in the presence of the public;

CONSEQUENTLY,

It is moved by councillor Jonathan Morgan

And carried:

THAT the regular council meeting of September 21st 2021 at 7 p.m. will be held outside, in the park of the community hall of the municipal garage, located at 60 Morrison Road, if the municipality is in the yellow or green zone in compliance with the health conditions rules in force at the time of the session.

THAT if the municipality is in the orange or red zone, the regular council meeting of September 21st, 2021 will take place in closed session and the members of the council and the municipal officers will be able to participate by teleconference with a recording and an audio publication on the website of the municipality.

ADOPTED UNANIMOUSLY

2021-0112

8.4 Change of the place, date and time of the council meeting in October 2021

WHEREAS that from May 28th, 2021, municipalities in yellow or green zones must allow the presence of the public during council meetings if compliance with the health measures provided for by decree 689 2020, including that of maintaining regulatory distancing between people present is possible;

WHEREAS the municipality is not able to accept the presence of the public in the municipal hall located at the town hall while respecting the sanitary measures provided for by decree 689-2020;

WHEREAS under article 148 of the *Municipal Code of Quebec*, the council of a municipality must hold an ordinary meeting at least once a month;

WHEREAS the electoral calendar has been modified and that the submission of nominations ends on October 1st, 2021 at 4:30 pm;

CONSEQUENTLY,

It is moved by councillor Hervey William Howe

And carried:

THAT the regular council meeting for the month of October 2021 will be held on October 1st, 2021 at 8:00 a.m. in camera and council members and municipal officers will be able to participate by teleconference with a recording and an audio publication on the website of the municipality and this, if the sanitary measures require it;

THAT in the event that the sanitary measures are lifted, the regular meeting of October 1st, 2021 will be held at the town hall.

ADOPTED IN MAJORITY

Councillor Dale Rathwell votes against the resolution.

Councillors Hervey William Howe, Paul Pepin, Jonathan Morgan and Elisabeth Gendron-Wood vote in favor of the resolution.

2021-0113

8.5 Acceptance of Amyot Gélinas' service offer

WHEREAS the municipality must catch up with some administrative backlog following the absence of the director general and the vacancy for nearly six (6) months of the position of the building and environment inspector;

WHEREAS the municipality must take the means to meet its legal obligations;

CONSEQUENTLY,

It is moved by councillor Jonathan Morgan

And carried that council accept the offer of service received from the firm Amyot Gélinas.

ADOPTED UNANIMOUSLY

2021-0114

8.6 Annual convention - Federation of Quebec municipalities

WHEREAS the Quebec Federation of Municipalities is organizing its annual convention from September 30th to October 2nd, 2021;

WHEREAS it is important to participate in it in order to gather relevant information for the municipality and to meet the decision-makers of the municipal world;

CONSEQUENTLY,

It is moved by councillor Paul Pepin

And carried that council authorizes councillor Elisabeth Gendron-Wood to participate at the annual convention 2021 and to reimburse her for expenses incurred upon presentation of supporting documents.

ADOPTED UNANIMOUSLY

9. Public work

2021-0115

9.1 Repair work on the P-00331 - Chemin de la Montagne bridge

WHEREAS certain elements of the P-00331 bridge located on de la Montagne Road are the responsibility of the municipality;

WHEREAS the general inspection report of elements under the jurisdiction of the municipality on this infrastructure carried out by the Quebec Ministry of Transport revealed that certain work must be carried out by the municipality;

WHEREAS the Municipality must proceed with the decking of the running surface of the P-00331 bridge;

CONSEQUENTLY,

It is moved by councillor Hervey William Howe

And carried to authorize the repair work on the P-00331 bridge for a maximum amount of \$ 6,000 plus applicable taxes and that this expense be taken out of the accumulated surplus.

ADOPTED UNANIMOUSLY

10. Urbanism and environmental hygiene

2021-0116

10.1 Reimbursement of the cost of fixed assets - Composting site - RIDR - Financial reserve to finance investment and operating expenses related to the establishment of the collection of organic materials

WHEREAS the Municipality has indicated its intention to partner in a relative agreement for the RIDR organic waste composting site by resolution 2020-0114;

WHEREAS an amount of \$ 3,054 must be paid to reimburse the cost of the composting site's fixed assets;

CONSEQUENTLY,

It is moved by councillor Elisabeth Gendron-Wood

And carried that council authorizes the reimbursement of the cost of the fixed assets relating to the composting site in a single unique payment and that the amount of this expense be taken from the financial reserve to finance the investment and operating expenses related to the establishment of the collection of organic materials.

ADOPTED UNANIMOUSLY

11. Loisirs and culture

2021-0117

11.1 Request for financial aid – Loisirs Arundel – Year 2021

WHEREAS Loisirs Arundel is an organization active in the community and the municipality wishes to provide financial assistance to support it in the development of leisure in Arundel;

WHEREAS Loisirs Arundel offers the population several activities throughout the year including access to cross-country ski and snowshoe

trails during the winter season, concerts, entertainment during summer market days as well as the Arundel art exhibition;

WHEREAS Loisirs Arundel has requested the assistance of the municipality in order to offer young people the opportunity to participate in a free junior golf camp during the summer season;

CONSEQUENTLY,

It is moved by councillor Paul Pepin

And carried that the municipality grant a sum of \$ 4,075 as financial assistance for all of its activities for the year 2021.

ADOPTED UNANIMOUSLY

2021-0118

11.2 Request for financial aid – Arundel’s public market

WHEREAS the Arundel public Market has obtained a subsidy for the purchase of tents and requests financial support from the municipality for this project;

WHEREAS the Arundel public Market attracts nearly 500 visitors per week and they appreciate the experience and proximity to the market during the summer season;

CONSEQUENTLY,

It is moved by the mayor Pascale Blais

And carried that the municipality grant a sum of \$ 1,500 as financial assistance in the project to acquire tents for the year 2021.

ADOPTED UNANIMOUSLY

2021-0119

11.3 Request for financial aid – Laurentian Regional High School – Annual golf tournament 2021

WHEREAS Laurentian Regional High School will hold its annual golf tournament in September 2021 to raise funds that will be used to subsidize various extracurricular activities, such as rugby, soccer, hockey, basketball, swimming, physical training, music lessons, homework club and drama club;

WHEREAS these activities will have a positive impact on the presence of students at school as well as on their academic performance;

WHEREAS the sums collected help to pay the costs for these activities as well as the additional costs related to transportation;

CONSEQUENTLY,

It is moved by councillor Dale Rathwell

And carried to provide a grant of \$100 to the Laurentian Regional High School for its 2021 annual golf tournament to help fund and maintain its extracurricular activities.

ADOPTED UNANIMOUSLY

2021-0120

Termination of the meeting

It is moved by councillor Hervey William Howe and carried that the meeting be terminated at 9:11 p.m.

ADOPTED UNANIMOUSLY

Pascale Blais, LL. B., B.A.
Mayor

France Bellefleur, CPA, CA
Director general