

Municipality of Morin-Heights

**PROVINCE OF QUEBEC
ARGENTEUIL COUNTY
MRC DES PAYS D'EN-HAUT**

MINUTES

*In case of discrepancy, the French version prevails over the
English translation.*

Minutes of the special meeting of the Municipal council of Morin-Heights, held at Chalet Bellevue at 27, Bellevue, on Monday, November 4th, 2024 at which were present:

Councillor Carole Patenaude
Councillor Louise Cossette
Councillor Peter MacLaurin
Councillor Leigh MacLeod
Councillor Gilles Saulnier
Councillor Claude P. Lemire

Forming quorum under the chairmanship of Mayor Timothy Watchorn.

The Director general, Hugo Lépine, is present.

Council members recognize having been convened in accordance to the provisions of Article 152 and following of the Municipal Code and of Article 10 of By-law (564-2018) regarding the rules governing council sittings.

At 19:00, the Mayor states quorum and Council deliberates on the dossiers listed on the agenda of convening.

411.11.24 OPENING OF THE MEETING AND STATING OF QUORUM

1. Opening of the meeting, stating of quorum and notice of convening
2. Adoption of the agenda
3. Approval of the proposed out-of-court settlement in the dispute between the Municipality and Construction TRB Inc. and Ingémax Inc.
4. Question period
5. Closing the meeting

412.11.24 ADOPTION OF THE AGENDA

It is proposed by Councillor Leigh MacLeod
And unanimously resolved by all Councillors:

TO ADOPT the agenda as presented.

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**413.11.24 APPROVAL OF THE PROPOSED OUT-OF-COURT SETTLEMENT
IN THE DISPUTE BETWEEN THE MUNICIPALITY AND
CONSTRUCTION TRB INC. AND INGÉMAX INC.**

WHEREAS Council authorized the institution of legal proceedings against Construction TRB Inc. and Ingémax Inc. in resolution 320.11.18;

WHEREAS the Municipality has filed a motion to institute proceedings with the Superior Court, file number 700-17-016505-199, against Construction T.R.B. Inc. and Ingémax Inc. for reimbursement of an amount of \$254,607.83 which it claims to have erroneously paid in excess to TRB in connection with the contract for the replacement of the drinking water main, the installation of sanitary sewer pipes on Village Road and related roadwork awarded by resolution 120.05.17 ;

WHEREAS Construction TRB Inc. has filed a motion to institute proceedings in the Superior Court, file number 700-17-016477-191, against the Municipality to claim payment in the amount of \$276,601.07 for additional work and other costs it allegedly incurred in connection with site conditions it claims were unforeseeable under the aforementioned contract;

WHEREAS Construction TRB Inc.'s claim has been amended to include, in its claim against the Municipality, the release of the last 5% of the contractual holdback, specifically \$83,665.87 ;

WHEREAS Construction TRB and Ingémax are contesting the Municipality's claim, Construction TRB claiming that it was entitled to apply this overpayment to its own claim, which would have totalled \$603,339.19 in addition to the above-mentioned amount of \$83,665.87;

WHEREAS Ingémax Inc. has filed a writ of forced intervention in warranty against Construction TRB in Court File 700-17-016505-199 in order that TRB indemnify it against any condemnation that may be pronounced against it in this file;

WHEREAS the Municipality has filed a counterclaim against TRB in the amount of \$254,607.83 in Court File 700-17-016477-191;

WHEREAS on October 17th, 2024, the Municipality, Construction TRB Inc. and Ingémax Inc. entered into negotiations with a view to reaching an out-of-court settlement of all files involving all parties;

CONSIDERING THAT the parties involved have agreed on an out-of-court settlement proposal, namely a transaction and release, without admission of liability on either side, to which Construction TRB Inc. and Ingémax Inc. adhere to;

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WHEREAS the Director general presented to Council the terms and conditions of the proposed settlement and recommends their approval;

WHEREAS Council members have had the opportunity to review the proposed settlement and release;

It is proposed by Councillor Peter MacLaurin
IT IS RESOLVED:

THAT the preamble form an integral part hereof;

TO APPROVE the proposed transaction and release in the following Superior Court files involving the Municipality, Construction TRB Inc. and Ingémax Inc. namely files 700-17-016505-199 and 700-17-016477-191, and all the terms and conditions described therein;

TO AUTHORIZE the Director general, and he is hereby authorized, to sign, for and in the name of the Municipality, the transaction and release approved by Council and in accordance with the terms thereof, in the aforementioned Superior Court files;

QUESTION PERIOD

414.11.24 END OF THE MEETING

The agenda being exhausted, it is proposed by Councillor Claude P. Lemire that the special meeting end, it is 19:06.

*I have approved each and every
resolution in these minutes*

Timothy Watchorn
Mayor

Hugo Lépine
Director general /
Registrar-treasurer

No one person attended the meeting.