



Town of Amherst
Committee of the Whole

Date: **Monday, March 20, 2023**
Time: **4:00 pm**
Location: **Council Chambers, Town Hall**

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6. In Camera

6.1 Approval of In Camera Agenda

6.2 Approval of In Camera Minutes

6.3 MGA 22(2)(c) - personnel matters

6.4 MGA 22(2)(c) - personnel matters

6.5 MGA 22(2)(c) - personnel matters

6.6 MGA 22(2)(c) - personnel matters

6.7 MGA 22(2)(c) - personnel matters

6.8 MGA 22(2)(c) - personnel matters

6.9 MGA 22(2)(c) - personnel matters

6.10 MGA 22(2)(c) - personnel matters

6.11 MGA 22(2)(a) - acquisition, sale, lease and security of municipal property

6.12 MGA 22(2)(e) - contract negotiations

6.13 MGA 22(2)(e) - contract negotiations

7. Adjournment



Town of Amherst
Committee of the Whole
Monday, March 20, 2023

Consent Agenda

MOTION:

That Council approve the following items as part of the consent agenda:

- 1.3 Approval of Minutes**
- 3.14 Request to Present**
- 4.1 Nova Scotia Power Community Reliability Tie Update**
- 4.5 Policy/Bylaw Review Update**
- 4.6 Cumberland Business Connector Report**
- 4.9 Planning Applications Update**
- 5.1 Community Living Report**
- 5.3 Financial Services Report**
- 5.4 Fire Services Report**
- 5.5 HR and Customer Service Report**
- 5.6 Operations Report**
- 5.7 Planning & Strategic Initiatives Report**
- 5.8 Police Services**

**Amherst Town Council
Committee of the Whole
Minutes**

Date: February 21, 2023
Time: 4:00 pm
Location: Council Chambers, Town Hall

Members Present Mayor David Kogon
Deputy Mayor Leon Landry
Councillor Hal Davidson
Councillor Lisa Emery
Councillor Dale Fawthrop

Members Absent Councillor George Baker

Staff Present Jason MacDonald, Chief Administrative Officer
Dwayne Pike, Chief, Police Services
Greg Jones, Director, Fire Services
Aaron Bourgeois, Director, Operations
Andrew Fisher, Director, Planning & Strategic Initiatives
Sarah Wilson, Director, Finance
Sharon Bristol, Director, Community Living
Krista Crossman, Director, HR & Customer Services
Kim Jones, Director, Corporate Communications/Clerk
Tom McCoag, Corporate Communications Officer
Jeff Bacon, Business Development Officer
Natalie LeBlanc, Deputy Clerk

1. Call to Order

Mayor Kogon called the meeting to order at 4:00 p.m.

1.1 Approval of Agenda

Moved By Deputy Mayor Landry

Seconded By Councillor Emery

That the agenda be approved with the addition of 3.8 L.A. Animal Shelter Request to Present, to be added to the consent agenda.

MOTION CARRIED

1.2 Approval of the Consent Agenda

Moved By Councillor Fawthrop

Seconded By Councillor Davidson

That the consent agenda be approved with the removal of 3.6, 4.3, 4.4, 4.7, 5.4 and 5.7, as well as the addition of 3.8

MOTION CARRIED

1.3 Approval of Minutes

1.3.1 January 16, 2023

The following motion was approved as part of the consent agenda:

Moved By Councillor Fawthrop

Seconded By Councillor Davidson

That the minutes of the January 16, 2023 Committee of the Whole meeting be approved as included in the agenda package.

MOTION CARRIED

2. Presentations

2.1 Queen Jubilee Medal Recipient Fire Chief Greg Jones

Mayor Kogon presented Fire Chief Greg Jones with the Queen Jubilee Medal.

2.2 Cumberland Public Libraries

Library Director Denise Corey presented on behalf of the Cumberland Public Library.

3. Council Direction Requests

3.1 Community Support Grants Policy

Moved By Councillor Emery

Seconded By Councillor Fawthrop

That Council refer the Community Supports Grants Policy with the amendments discussed to the February Council meeting for approval.

MOTION CARRIED

3.2 Community Arts Council Committee Policy

The following motion was approved as part of the consent agenda:

Moved By Councillor Fawthrop

Seconded By Councillor Davidson

That Council forward the Community Arts Council Committee Policy to the February Council meeting for repeal.

MOTION CARRIED

3.3 Covid 19 Property Tax Financing Program Policy

The following motion was approved as part of the consent agenda:

Moved By Councillor Fawthrop

Seconded By Councillor Davidson

That Council refer the COVID-19 Property Tax Financing Program Policy to the February Council meeting to be repealed as the payment term relating to this policy ended in January 2023.

MOTION CARRIED

3.4 Downtown Business Advisory Committee Policy

The following motion was approved as part of the consent agenda:

Moved By Councillor Fawthrop

Seconded By Councillor Davidson

That Council forward the repeal of the Downtown Business Advisory Committee Policy 10350-23 to the February Council meeting.

MOTION CARRIED

3.5 Recognition of Local Businesses

Moved By Deputy Mayor Landry

Seconded By Councillor Fawthrop

That at the March 2023 Committee of the Whole, staff bring back a discussion paper for further consideration on the feasibility of hosting a gala event to recognize the businesses in the Town of Amherst, and further that this include consulting with the Amherst and Area Chamber of Commerce, Amherst Downtown Business Association, and/or any other organizations deemed appropriate by staff.

MOTION CARRIED

3.6 Request to Present
Moved By Councillor Davidson
Seconded By Councillor Emery
That staff be directed to contact the Royal Canadian Legion, Branch 10, to make a presentation to Council.

MOTION CARRIED

3.7 55+ Summer Games
Moved By Councillor Fawthrop
Seconded By Councillor Davidson
That the Community Living department forward the notice of intent to submit a bid and begin the recruitment process of a steering committee to include Town staff, member(s) of Town Council, and members of the public (examples may include 55+ Club, sporting associations, service clubs etc.).

MOTION CARRIED

3.8 Request to Present
The following motion was approved as part of the consent agenda:
Moved By Councillor Fawthrop
Seconded By Councillor Davidson
That staff be directed to contact the L.A. Animal Shelter to make a presentation to council.

MOTION CARRIED

4. Information Items

4.1 Isthmus of Chignecto Correspondence
Information item only; approved as part of the consent agenda.

4.2 Cumberland County Youth Development Center
Information item only; approved as part of the consent agenda.

4.3 Hotel Marketing Levy
Councillor Emery asked if the Wandlyn Inn and Airbnbs had been contacted. The Business Development Officer responded that the Wandlyn Inn is in the County, and that Airbnbs are challenging to trace.

Councillor Davidson asked if they could be provided with data regarding the number of stays.

Staff advised that the Municipality of Cumberland's Council have instructed their staff to engage the Town of Amherst and industry partners to discuss what a regional levy could look like. Town of Amherst staff were advised that these discussions will commence once economic development positions in the County have been filled.

4.4 CAO Task Report
The CAO will arrange a meeting with Council and staff to determine agenda items to be discussed at a future meeting with Municipality of Cumberland representatives.

4.5 Town of Amherst Facebook Page
Information item only; approved as part of the consent agenda.

4.6 Strategic Priorities Update
Information item only; approved as part of the consent agenda.

4.7 Cornerstone Funding Update
Information item; no further direction given.

5. **Monthly Reports**
Moved By Councillor Fawthrop
Seconded By Councillor Davidson
That the following monthly reports be approved as part of the consent agenda:
- 5.1 **Community Living**
 - 5.2 **Corporate Communications**
 - 5.3 **Financial Services**
 - 5.5 **HR and Customer Service**
 - 5.6 **Operations**
 - 5.8 **Police Services**
 - 5.9 **Police Services**
 - 5.10 **Solid Waste Education and Enforcement**

MOTION CARRIED

5.4 **Fire Services**

Councillor Emery noted that the Fire Department will be celebrating their 140-year anniversary this year, and asked if there is a specific date. Chief Jones replied they have conflicting information on this at this time, however they are working to confirm the date and he will provide more details further to this hopefully at the next meeting.

5.7 **Planning & Strategic Initiatives**

Councillor Emery noted the information provided in the report regarding the date, time and place for Meet the Candidates event was incorrect. The event actually took place on Sunday, February 5th via Zoom. The Amherst and Area Chamber of Commerce uploaded the videos to youtube with a link via their Facebook page that day, with CFTA replaying the event on February 7th and February 9th.

6. **In Camera**
Moved By Councillor Fawthrop
Seconded By Councillor Emery
That the Committee move to an In Camera session.

MOTION CARRIED

7. **Adjournment**
Moved By Deputy Mayor Landry
Seconded By Councillor Emery
That the meeting be adjourned.

Kimberlee Jones
Municipal Clerk

David Kogon, MD
Mayor

**Town of Amherst
Capital Budget
Minutes**

Date: February 22, 2023
Time: 12:00 pm
Location: Council Chambers, Town Hall

Members Present
Mayor David Kogon
Deputy Mayor Leon Landry
Councillor George Baker
Councillor Hal Davidson
Councillor Lisa Emery
Councillor Dale Fawthrop

Staff Present
Jason MacDonald, Chief Administrative Officer
Dwayne Pike, Chief, Police Services
Greg Jones, Director, Fire Services
Aaron Bourgeois, Director, Operations
Andrew Fisher, Director, Planning & Strategic Initiatives
Sarah Wilson, Director, Finance
Sharon Bristol, Director, Community Living
Krista Crossman, Director, HR & Customer Services
Kim Jones, Director, Corporate Communications
Tom McCoag, Corporate Communications Officer
Natalie LeBlanc, Municipal Clerk

Mayor Kogon called the meeting to order.

The CAO gave opening remarks and explained the process, noting the difference between capital and operating budgets.

1. 2023-24 Capital Budget

2. Water

3. Equipment

4. Buildings/Land

5. Operations

Councillor Fawthrop would like upper Church Street by the Cemetery to be considered for paving.

Deputy Mayor Landry added that Anson Avenue is deteriorating as well, he would also like this looked at and considered in this year's capital budget. Councillor Emery agreed.

Further to the replacement of the tactile crosswalk plates, Councillor Fawthrop would like staff to investigate if there are any government grants to make accessibility improvements.

6. Fire

7. Police

8. Recreation

The general consensus was to hold off on the Stadium Elevator Modernization at this time. Councillor Davidson suggested that instead perhaps the main floor viewing area could be raised to allow for better viewing. Deputy Mayor Landry would like to see the Accessibility Committee consulted regarding this.

9. Capital Years 2-5

10. Vehicle / Equipment Replacement Plan

11. Rating Factors

11.1 Model for Determining Street Treatment

11.2 PASER Street Ratings and Sidewalk Ratings

11.3 Maps

12. Reserve Balances

Moved by Councillor Davidson

Seconded by Deputy Mayor Landry

To remove the foot bridge from the capital reserves and make it part of the Active Transportation Plan review, with funding to come from the operating budget.

13. Policies

13.1 Debt Management Policy

13.2 Budget Management Policy

13.3 Capital Investment Plan (CIP) Framework Policy

13.4 Sidewalk Inspection and Maintenance Policy

13.5 Street Inspection and Maintenance Policy

13.6 Street Rating System Policy

Moved by Councillor Davidson

Seconded by Deputy Mayor Landry

To refer approval of the capital budget to the February 27, 2023 regular meeting of Council.

Motion Carried

Moved by Deputy Mayor Landry

Seconded by Councillor Fawthrop

To adjourn the meeting.

Motion Carried

Natalie LeBlanc
Municipal Clerk

David Kogon, MD
Mayor



2023 Campaign for a New Shelter



Introduction: The Lillian Allbon Animal Shelter



The Lillian Allbon Animal Shelter has been in operation since 1987.

The shelter follows no-kill principles, aiming to find a loving home for cats and dogs.

Located at 798 Smith Road, the shelter provides an essential service to residents of the Town of Amherst and other communities in Cumberland County.

The Purpose of this Meeting



After many years of successful operation from its current location, we are in need of a new facility to ensure the LA Animal Shelter continues to serve the communities of Cumberland County into the future.

We are aiming to begin construction of a new building in April of 2024. This capital campaign will be a testament to the generosity of our community, and the leadership of our municipal partners.

The construction of the new shelter will cost approximately \$1.1 million. The LA Animal Shelter has committed \$200,000 of its own reserves to this project. We are seeking a contribution of \$150,000 from the Town of Amherst as well as the Municipality of Cumberland.

The LA Animal Shelter: Quick Facts



- The LA Animal Shelter relies on donations from the public, fundraising efforts, government partnerships, and adoption fees;
- In 2022 we adopted out 454 cats and dogs;
- The LA Animal Shelter is on sound financial footing, with healthy operating and capital reserves. The Shelter has allocated \$200,000 to this capital campaign;
- We currently employ two full time staff;
- Our team is supported by dozens of volunteers from our community.

The LA Animal Shelter: Operational Success



The shelter has been operating independently since 1987, with annual surpluses most years. We expect operating and maintenance costs to decrease in the new building.



Benefits to the Community



Beyond the important work we do for animals, the LA Animal Shelter impacts residents of Amherst and area in many ways.

- Supports Canine Control in Cumberland County, providing value to taxpayers;
- Volunteer opportunities for seniors, as well as all community members;
- Volunteer opportunities for local students requiring credits for volunteerism;
- Helping families in situations such as relocating to a home that doesn't allow pets, a death in the family, families that fall on hard times, medical issues, and the list can go on.

Benefits to the Community: Canine Control



The LA Animal Shelter supports Canine Control in Cumberland County. Some of our services to the community include:

- Taking in dangerous animals;
- Sheltering pets during emergency situations, such as a house or apartment fire;
- Quarantining dogs for the mandatory period of time for rabies testing;
- Holding dogs that were at large until their owners can pick them up;

Our Programs – The SafePet Program



The SafePet Program is a partnership between Autumn House, Amherst Veterinary Hospital, and the Lillian Allbon Animal Shelter. The program assists women who may be delaying their decision to leave an abusive partner because they cannot take their pets with them to Autumn House. Pet foster parents provide the life changing service of temporary care and shelter for the pets so the women and families at risk of abuse can stay in safety at Autumn House.

Nearly 50% of women will delay leaving an abusive partner out of concern for their pets. Almost two-thirds said their partner had abused or even killed a pet.

–OSPCA 1998

Our Programs – Mama’s Last Litter Program



Lillian Allbon Animal Shelter
MAMAS LAST LITTER PROGRAM



Over the last decade the LA Animal Shelter has been operating our “Mama's Last Litter Program” as part of our ethical approach to reducing the number of homeless dogs and cats in our region.

Through our program, we have been committed to help reduce pet overpopulation, prevent unplanned litters, and ensure every animal has a home in our local and surrounding communities.

This program has been particularly beneficial to Cumberland County families who encounter financial challenges, and are unable to spay their pets.

The Condition of our Existing Shelter



The LA Animal Shelter has operated successfully from its current location for many years, despite the limitations of our old building. We are now facing the reality that the building will require substantial and ongoing upgrades in order to meet the standards required of us.

To ensure the viability of the shelter for the next generation, we have no choice but to undertake this ambitious project to construct a new building.

The Condition of our Existing Shelter



When our current location was opened, it was not purpose-built to be an animal shelter. Key issues we face in the existing facility are:

- The building is not efficient, and we face rising costs of heating and cooling the facility.
- The facility does not meet accessibility standards for a community based organization.
- The site's low elevation will result in flooding issues in the future.
- Poor ventilation has resulted in airborne illnesses spreading among the dozens of animals in our care. This results in thousands of dollars of avoidable veterinary expenses.
- Patchwork drier ventilation and plumbing has resulted in increasingly frequent maintenance issues.
- Moisture and mould issues are now pervasive in the building.
- Unfinished concrete thresholds in the dog kennels have rendered the pass-through doors to the outside areas too dangerous for larger dogs to use.

The Condition of our Existing Shelter



Main Entrance to the Shelter is exposed to the elements and not accessible.



Furnace room is the central area for laundry, veterinary care and animal washing stations.

The Condition of our Existing Shelter



Interior walls showing degraded, exposed insulation and exposed wiring.



Crumbling interior walls and foundation

The Condition of our Existing Shelter



Many of our kennels have pass-through doors which allow dogs to access the outdoors. Four out of the fifteen are unusable due to sharp metal and unfinished concrete.

- Safety of dogs
- Only one kennel has a door large enough with finished concrete to allow a large breed dog to pass through safely.
- In the winter these doors allow cold air into the kennels and into the building. These issues contribute to our operating costs.

The Condition of our Existing Shelter



Exposed plumbing is evident throughout the building, as additional facilities have been added or repaired over the years.

Our Vision for the New Shelter



The Lillian Allbon Animal Shelter is planning to build a new building in April of 2024!

The new shelter facility has been carefully designed to serve the needs of our organization for decades to come. With a focus on simplicity and efficiency, we have designed the building and grounds to provide a safe, clean and efficient space for our staff as well as the animals in our care.

The footprint of the new building is about 4,000 square feet, with about 500 square feet of outdoor kennel space .

This one storey building will be large enough to meet the needs of our shelter, without any excess that would increase the cost of the project.

Our Vision for a New Shelter



The footprint of the building will be approximately 4,000 square feet, constructed on the existing property. 24

Our Vision for a New Shelter: Key Improvements



Major improvements include upgrades that will enhance the quality of life for the animals in our care, as well as increase the efficiency of our operations. Highlights of these upgrades include:

- Specialized ventilation to improve air quality and reduce the transmission of airborne disease;
- Rooms to properly quarantine sick animals, which will prevent the spread of disease and reduce veterinary costs substantially;
- Hybrid indoor/outdoor living areas for the cats and dogs;
- Space for families to better interact with animals before adoption;
- Rooms for intake, veterinary care, pregnant animals, laundry facilities, and grooming;
- Kennels and stalls made with easy-to-clean materials, with proper drainage in each unit;
- Necessary staff space for lunch, breaks and meetings;
- An outdoor space which provides the community an opportunity to engage with our animals, volunteer, while spending time outdoors;
- The facility will be accessible and safe for all volunteers and visitors.

Our Vision for a New Shelter



The new building and grounds will welcome volunteers, families, and children to interact with animals and learn about the important work of the animal shelter.

The grounds will be a gathering place for the community, allowing members of the community to walk the trails with the animals, and children can spend time outdoors on our beautiful grounds.

We envision a space where schools can organize class trips to our new shelter, providing kids with the opportunity to interact with animals and learn the responsibility of caring for others and volunteering in their community.

Timeline and Fundraising Objectives



- Our plan is to commence construction in April 2024. This will allow enough time to reach critical mass in our capital campaign.
- Our goal is raise a total of \$900,000 in addition to the \$200,000 allotted from the LA Animal Shelter's reserves.
- Our three phased plan includes:
 - A leadership contribution from the Town of Amherst and the Municipality of Cumberland;
 - A major gift campaign focused on large donors and Foundations;
 - Community fundraising.

The Lillian Allbon Animal Shelter



QUESTIONS?



Lillian Allbon Animal Shelter
798 Smith Road
Upper Nappan, NS
B4H 3Y4

(902) 661-7297

2023 Campaign for a New Shelter



An Introduction

The Lillian Allbon Animal Shelter has been active in Cumberland County since 1987, providing a necessary service to our community. The time has come to replace our facility, and we are seeking your support to make this project a reality.

We have been operating from our current building for many years. When our current location was opened, it was not purpose-built to be an animal shelter. Not only have we outgrown the facility; the building is not efficient, and we are running into costly issues concerning ventilation, mould, and increasing operating costs and repairs.

Our organization has been very successful as an independent animal shelter. The LA Animal Shelter has earned a reputation for care and dedication in Cumberland County and beyond. Adopting out hundreds of animals every year, caring for abused and sick animals, and engaging with the community are all part of our mission.

The immediate benefit of this new building will be a reduction in operating costs. Our poorly ventilated facility has resulted in airborne illnesses spreading among the dozens of animals in our care, which is detrimental to the health of the animals and results in very high veterinary bills. The more efficient building will also reduce the cost of heating and cooling. In our final design we intend to include solar power, which will increase efficiency, reduce our carbon footprint, and provide a long-term renewable power source.

After years of patches and Band-Aids, we are excited to unveil our vision for a new facility.

We are taking on the ambitious goal of building a new shelter that will not only reap immediate benefits to our animals and staff, but also create a gathering place for families in our community to interact with animals, spend time outdoors, and volunteer their time.

We invite you to learn more about the Lillian Allbon Animal Shelter, and our project to ensure that its important service to our community continues into the next generation.

Our vision is to build a new facility worthy of the animals we protect and the community we serve.

With your help, we will make this vision a reality.



About The Lillian Allbon Animal Shelter



The LA Animal Shelter is an independent shelter that proudly follows no-kill principles and believes that all animals are deserving of a second chance and a loving home. Our shelter provides a warm, nurturing surrounding for stray, neglected, sick and surrendered dogs and cats in Cumberland County and surrounding areas.

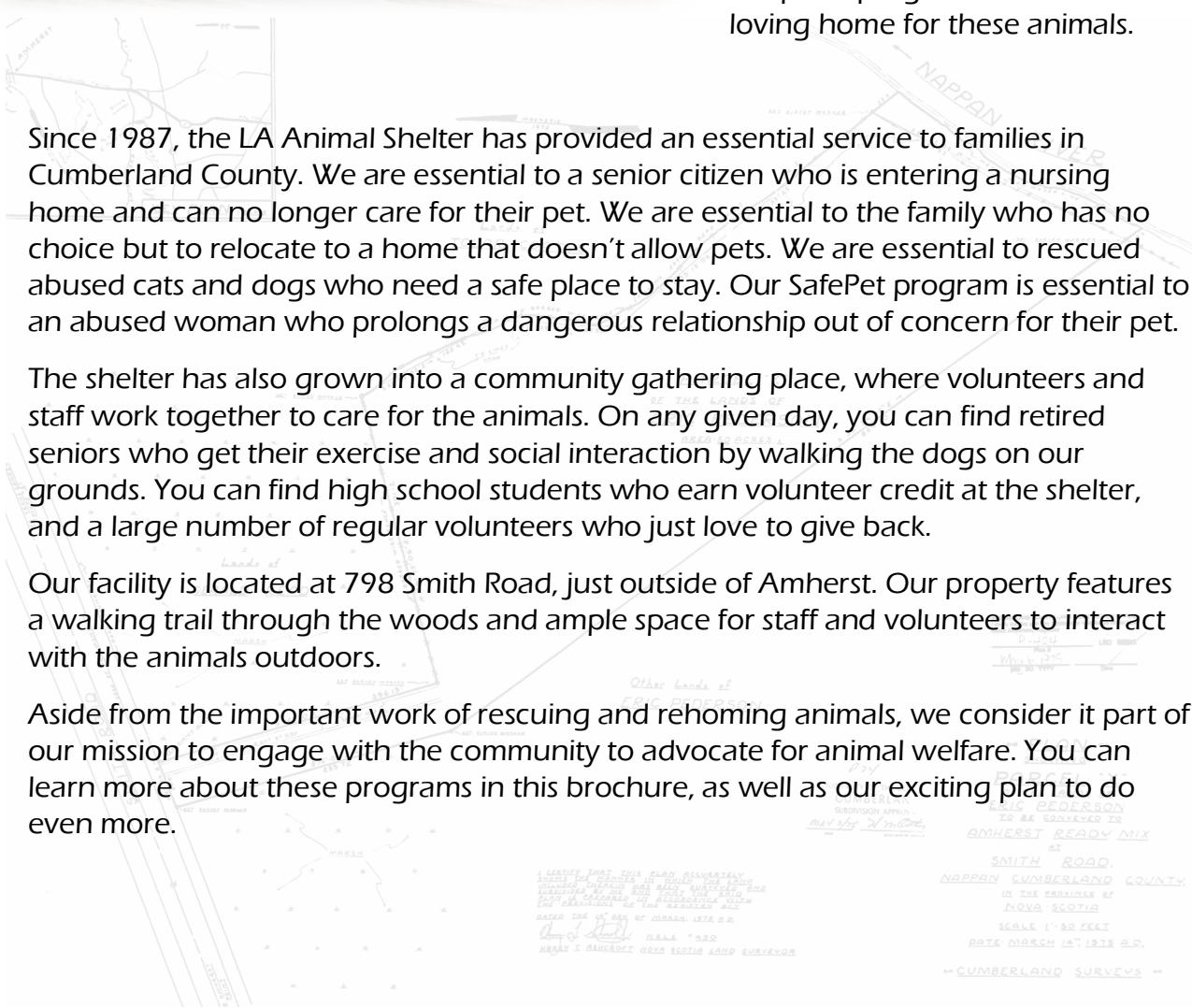
Our mission is to rescue dogs and cats to provide them with the care they need. We operate an adoption program that finds a loving home for these animals.

Since 1987, the LA Animal Shelter has provided an essential service to families in Cumberland County. We are essential to a senior citizen who is entering a nursing home and can no longer care for their pet. We are essential to the family who has no choice but to relocate to a home that doesn't allow pets. We are essential to rescued abused cats and dogs who need a safe place to stay. Our SafePet program is essential to an abused woman who prolongs a dangerous relationship out of concern for their pet.

The shelter has also grown into a community gathering place, where volunteers and staff work together to care for the animals. On any given day, you can find retired seniors who get their exercise and social interaction by walking the dogs on our grounds. You can find high school students who earn volunteer credit at the shelter, and a large number of regular volunteers who just love to give back.

Our facility is located at 798 Smith Road, just outside of Amherst. Our property features a walking trail through the woods and ample space for staff and volunteers to interact with the animals outdoors.

Aside from the important work of rescuing and rehoming animals, we consider it part of our mission to engage with the community to advocate for animal welfare. You can learn more about these programs in this brochure, as well as our exciting plan to do even more.



Quick Facts

- To sustain our operation, The LA Animal Shelter relies on donations from the public, fundraising efforts, government partnerships, and adoption fees;
- In 2022 we adopted out 454 cats and dogs;
- The LA Animal Shelter is on sound financial footing, with healthy operating and capital reserves. The Shelter has allocated \$200,000 to this capital campaign, providing an amazing head start to build our new shelter!
- We currently employ two full time staff and several part-time employees. Our team is supported by dozens of volunteers from our community;
- The LA Animal Shelter’s normal fundraising activities include a Spring Tea, Annual Yard Sale, raffles, calendar, and weekly online auctions;
- We operate important community programs such as our *SafePet Program*, the *Working Cat Program* and *Mama’s Last Litter Program*, which we have described in more detail in the following pages.
- The shelter has been operating independently since 1987, with annual surpluses most years.

The last three years of financial results are as follows:



Why Support this Project?

The LA Animal Shelter has operated successfully from its current location for many years, despite the limitations of our old building. We are now facing the reality that the building will require substantial and ongoing upgrades in order to meet the standards required to be safe for staff and our animals.

To ensure the viability of the shelter for the next generation, we have no choice but to undertake this ambitious project to construct a new building.

The following are selected photos of our current building.

To ensure we *have* an animal shelter, we must build this new facility.



The main entrance to the LA Animal Shelter is exposed to the elements and not accessible



Furnace room and central area for laundry and animal washing stations



Poorly insulated Interior walls



Interior walls



Many of our kennels have pass-through doors which allow dogs to access the outdoors.

Unfinished concrete cuts and scrapes larger dogs, any many animals are too large to fit through the doors.

Only one kennel has a door large enough with finished concrete to allow a big dog to pass through safely.

In the winter these doors allow freezing cold air into the building, contributing to our operating costs.



Exposed plumbing is evident throughout the building, as additional facilities have been added or repaired over the years.

Our Vision for the New Shelter

The new shelter facility has been carefully designed to serve the needs of our organization for decades to come. With a focus on simplicity and efficiency, we have designed the building and grounds to provide a safe, clean and efficient space for our staff as well as the animals in our care.

The footprint of the new building is about 4,000 square feet, with about 500 square feet of outdoor kennel space under the roof.

This one storey building will be large enough to meet the needs of our shelter, without any excess that would increase the cost of the project.



This rendering shows some of the key features of our building design. The new shelter will feature a covered entrance for protection from the elements for animal intake, a small garage, and indoor/outdoor kennels for dogs.

Major improvements include upgrades that will enhance the quality of life for the animals in our care, as well as increase the efficiency of our operations. Highlights of these upgrades include:

- Facilities to properly quarantine sick animals, which will prevent the spread of disease and reduce veterinary costs;
- The facility will be accessible and safe for all volunteers and visitors;
- Accessibility will be greatly improved, so we can welcome all volunteers and visitors to the shelter;
- Hybrid indoor/outdoor living areas for the cats and dogs;
- Space for families to better interact with animals before adoption, as well as dedicated rooms for intake, veterinary care, pregnant animals, laundry facilities, and grooming.
- Kennels and stalls made with easy-to-clean materials, with proper drainage in each unit;
- Improved ventilation to improve air quality and reduce the transmission of airborne disease;
- Modest but necessary staff space for breaks, lunch and meetings;
- A welcoming outdoor space on our existing property, which provides the community an opportunity to engage with our animals, volunteer, and spend time outdoors;

Community Engagement and Programs



The new building and grounds will welcome volunteers, families, and children to interact with animals and learn about the important work of the animal shelter.

The grounds will be a gathering place for the community, allowing members of the community to walk the trails with the animals, and children can spend time outdoors on our beautiful grounds.

We envision a space where schools can organize class trips to our new shelter, providing kids with the opportunity to interact with animals and learn the responsibility of caring for others and volunteering in their community.

Cumberland SafePet Program

The SafePet Program is a partnership between Autumn House, Amherst Veterinary Hospital, and the Lillian Allbon Animal Shelter. The program assists women who may be delaying their decision to leave an abusive partner because they cannot take their pets with them to Autumn House. Pet foster parents provide the life changing service of temporary care and shelter for the pets so the women and families at risk of abuse can stay in safety at Autumn House.



Amherst Veterinary
Hospital



Nearly 50% of women will delay leaving an abusive partner out of concern for their pets. Almost two-thirds said their partner had abused or even killed a pet.

—OSPCA 1998

Mama's Last Litter Program

Over the last decade the LA Animal Shelter has been operating our "Mama's Last Litter Program" as part of our ethical approach to reducing the number of homeless dogs and cats in our region.

Through our program, we have been committed to help reduce pet overpopulation, prevent unplanned litters, and ensure every animal has a home in our local and surrounding communities.

This program has been particularly beneficial to Cumberland County families who encounter financial challenges, and are unable to spay their pets.



Working Cat Program

The LA Animal Shelter take in cats and kittens from all walks of life. Most are great adoption candidates, and we are able to find fantastic homes for them. However, there are cats who come through our doors who are feral or semi-feral. They are not adoptable as loving house cats and can't be released due to food insecurities and lack of housing. These cats enter our working cat program!



The cats are spayed or neutered, and vetted so they will not contribute to overpopulation. These cats will never be cuddly, loving house pets but the working cats program gives these cats a chance to live life the best way they can with consistent food, shelter and water. Every barn needs a cat or two on duty!

With this program we find homes for all our cats who otherwise wouldn't have a safe place to call home.

Cost and Funding:

The construction of the facility will be a testament to the generosity of our community. The cost of the project will be approximately \$1.1 million.

We need donations and capital commitments to complete this important project. We have very successfully operated the shelter independently for decades. We have strong operational cash flow from our adoption program and regular fundraising. The shelter has posted annual surpluses for many years, and the new facility will only decrease the shelter's operating costs.

At the launch of this capital campaign, we are excited to report the following:

- The LA Animal Shelter has allocated \$200,000 from previous fundraising efforts to be the seed money for this capital campaign.
- We are pursuing a number of grants and government programs.
- Our fundraising team is planning a number of large fundraising activities to engage the community and seek private donations.
- We have secured a number of in-kind commitments to assist with the cost of materials in the construction of the building.

Most importantly, we are seeking leadership donations from people like you to make our vision a reality.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Sharon Bristol, Director, Community Living

DATE: March 20, 2023

SUBJECT: *Requests for Proclamations and Flag Raising Ceremonies Policy*

ORIGIN: The Town of Amherst has been undergoing a systematic review of its policies to determine any need for update, repeal or revisions.

LEGISLATIVE AUTHORITY: MGA 47 (1) The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

RECOMMENDATION: The Inclusion, Diversity and Equity Committee is recommending that Council forward the amended Request for Proclamations and Flag Raising Ceremonies Policy without the stipulation that "Flags to honor Acadian Day on August 15th, and Indigenous Peoples Day on June 21st will not require formal requests" to the March 27, 2023 meeting of Council for approval.

BACKGROUND: The following motion was passed at the November Committee of the Whole

Moved By Deputy Mayor Landry Seconded By Councillor Davidson
That Council forward the proposed amendments to the Requests for Proclamations and Flag Raising Ceremonies Policy #10350-14 to the Inclusion, Diversity and Equity Committee for review.

DISCUSSION: The Inclusion, Diversity and Equity Committee met on March 2, 2023 to review the proposed amendments to the policy. They felt strongly that by singling out two groups (Acadian and Indigenous) who would not have to follow the process as stated in the proposed amendments to the revised draft policy, that this in effect is not inclusive and equitable to all groups, and that all groups should have to apply. Also wording around the flown flags conditions was requested to be changed to make it more understandable, as noted in the attached amended policy. The Committee passed the following motion:

That the policy be amended to remove the line: "Flags to honor Acadian Day on the August 15th, and Indigenous Peoples Day on June 21st will not require formal requests", requiring that all peoples will need to request their own Flag Raising, and further that staff take steps to better educate the public on how to request a Flag Raising.





COMMITTEE OF THE WHOLE

CDR# 2023022

Date: March 20, 2023

FINANCIAL IMPLICATIONS: None.

SOCIAL JUSTICE IMPLICATIONS: Community groups and individuals will have inclusive and equitable access to this policy.

ENVIRONMENTAL IMPLICATIONS: None

COMMUNITY ENGAGEMENT: Continued engagement with our community at large to ensure everyone is aware of the process to have proclamations and flag raisings conducted in the town.

ALTERNATIVES:

- 1 Send back to committee for further assessment
- 2 Defer to next month

ATTACHMENTS:

1. Proposed Amended Requests for Proclamations and Flag Raising Ceremonies Policy as recommended by the IDE Committee
2. Requests for Proclamations and Flag Raising Ceremonies Policy with proposed amendments November COW

Report prepared by: Sharon Bristol
Report and Financial approved by:



TITLE: Requests for Proclamations and Flag Raising Ceremonies
SECTION: All Town Departments
POLICY NO: 10350-14

APPROVAL DATE:

CAO Signature: _____

PURPOSE

To set out the Policy of the Town in regard to requests from groups and organizations to have proclamations signed and to have flag raising ceremonies in an inclusive and equitable manner.

POLICY STATEMENT:

Proclamations

Proclamations will only be made in support of specific community events or activities in or around the Town at the request of the organizing group. Requests are to be made in writing to the CAO at least one week in advance of the date of the proposed proclamation, and must include the proposed proclamation. Proclamations must be approved by the CAO, with the provision that, at their discretion, they may submit the proclamation to Council for approval.

Flag Raising Ceremonies

Flags will only be placed on a Town owned flag pole at the intersection of Church and Albion Streets, in front of the Cumberland YMCA in support of specific community events or activities in or around the Town at the request of the organizing group. The maximum duration of any individual flag display will be five days, and requesting organizations must pick up their flags once that period is over. Requests are to be made in writing to the CAO at least one week in advance of the date of the proposed flag raising. Flag raisings must be approved by the CAO, with the provision that, at their discretion, they may submit the request to Council for approval.

In general, it shall be the policy of Council to only approve requests under the following circumstances:

- a) The message being conveyed must be considered to be for the public good;
- b) No group or individual shall be promoted to the detriment of another group or individual;
- c) The flag must be in good condition no rips or fading;
- d) All ropes, attachments, etc. must be provided by the applicant

TITLE: Requests for Proclamations and Flag Raising Ceremonies
SECTION: All Town Departments
POLICY NO: 10350-14

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Director, Community Living	Ensure the guidelines of this policy are clear to community organizations.
CAO	Approve applications in a timely manner
Council	Continue to encourage and support the inclusive and equitable approval of this policy

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Minor wording to make policy more inclusive and equitable	Director Community Living, Bristol	Council	

DEPARTMENT: Council and Administration

TITLE: **REQUESTS FOR PROCLAMATIONS AND FLAG RAISING CEREMONIES**

Minutes reference date: 23 October 2006, page 00246

Revised: 28 May 2007

24 November 2014

PURPOSE:

To set out the Policy of the Town in regard to requests from groups and organizations to have proclamations signed and to have flag raising ceremonies.

POLICY STATEMENT:

1. Proclamations

Proclamations will only be made in support of specific community events or activities in or around the Town at the request of the organizing group. Requests are to be made in writing to the CAO at least one week in advance of the date of the proposed proclamation, and must include the proposed proclamation. Proclamations must be approved by the CAO, with the provision that, at ~~their~~^{his} discretion, ~~he~~^{they} may submit the proclamation to Council for approval.

2. Flag Raising Ceremonies

Flags will only be placed on a Town owned flag pole at the intersection of Church and Albion Streets, in front of the Cumberland YMCA in support of specific community events or activities in or around the Town at the request of the organizing group. The maximum duration of any individual flag display will be five days, and requesting organizations must pick up their flags once that period is over. Requests are to be made in writing to the CAO at least one week in advance of the date of the proposed flag raising. Flag raisings must be approved by the CAO, with the provision that, at ~~his~~^{their} discretion, ~~he~~^{they} may submit the request to Council for approval.

Flags to honor Acadian Day on August 15th and Indigenous Peoples Day on June 21st will not require formal requests.

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In general, it shall be the policy of Council to only approve requests under the following circumstances:

- a) The message being conveyed must be considered to be for the public good;
- b) No group or individual shall be promoted to the detriment of another group or individual;

DEPARTMENT: Council and Administration

TITLE: REQUESTS FOR PROCLAMATIONS AND FLAG RAISING CEREMONIES

Minutes reference date: 23 October 2006, page 00246

Revised: 28 May 2007

24 November 2014

- c) The flag must be presentable and should not detract from the appearance of Town property;
- d) All ropes, attachments, etc. must be provided by the applicant

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Krista Crossman, Director of HR and Customer Services

DATE: March 20, 2023

SUBJECT: Salary Administration Policy Amendments

ORIGIN:

The Town's Salary Administration Policy commits the CAO, under Scope of Responsibility, to review and recommend changes to policy and procedures as they relate to the employee compensation program.

LEGISLATIVE AUTHORITY:

MGA 47(1) The council shall make decision in the exercise of its powers and duties by resolution, by policy or by by-law and section 65(r) Council may expend money for expenses of the Council, Officers, and employees of the municipality.

RECOMMENDATION:

That Council refer the amended Salary Administration Policy to the March 27, 2023 Council meeting for approval.

BACKGROUND:

The Province of Nova Scotia is increasing the provincial minimum wage to \$14.50 per hour, effective April 1, 2023. Additionally, a small reorganization of duties within the Clerk's Office and a repurposing of the vacant GIS Coordinator position has facilitated the need for revisions to the Job Categories listed in Appendix "C" of the policy.

DISCUSSION:

1. Revisions to Appendix "B":

Revisions to Appendix "B" of the Town's Salary Administration Policy are required as a result of the pending provincial increase in minimum wage on April 1, 2023. It has been the Town's practice to increase the hourly rates of pay, due to increases in minimum wage, by the percentage that the existing hourly rate is above the existing minimum wage:



Hourly Rate Grid Increases - April 1, 2023 Min. Wage Update					
Canine Control Officers, School Crossing Guards					
STEP	Current Min. Wage (b)	Current Sal. Admin. Hourly Rate (c)	% Above Min. Wage (% c ↑ b) (d)	New Min. Wage (e)	New Salary Admin. Wage (e + d)
STEP 1	13.60	13.72	0.88%	14.50	14.63
STEP 2	13.60	14.18	4.26%	14.50	15.12
STEP 3	13.60	14.65	7.72%	14.50	15.62
STEP 4	13.60	15.12	11.18%	14.50	16.12
STEP 5	13.60	15.66	15.15%	14.50	16.70
Ice Marshall					
STEP	Current Min. Wage (b)	Current Sal. Admin. Hourly Rate (c)	% Above Min. Wage (% c ↑ b) (d)	New Min. Wage (e)	New Salary Admin. Wage (e + d)
STEP 1	13.60	13.67	0.51%	14.50	14.57
STEP 2	13.60	14.10	3.68%	14.50	15.03
STEP 3	13.60	14.58	7.21%	14.50	15.54
STEP 4	13.60	15.04	10.59%	14.50	16.04
STEP 5	13.60	15.58	14.56%	14.50	16.61

2. Updates to Appendix “C” Job Categories

A recent small reorganization in duties requires updates to the following job categories in Appendix “C”:

- a. Previous Director, Corporate Communications/Clerk is to be changed to Director, Communications & Information Technology;
- b. Previous Deputy Clerk in Category 5 has been removed and replaced with Municipal Clerk in Category 6;
- c. Previous Administrative Assistant – Community Well Being & Clerk’s Office has been replaced with Administrative Assistant – Clerk’s Office.

In addition, the GIS Coordinator position (vacant) in Category 5 has been repurposed based on current operational need and has been replaced with a newly created Engineering Technician position in Category 6.

FINANCIAL IMPLICATIONS: The increasing minimum wage will result in an approximate \$4,500 additional wage expense, which has been accommodated within the proposed operating budget for 2023/24.

COMMUNITY ENGAGEMENT: No community engagement is required.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications. The increase to the hourly rate grid is required in order to be in compliance with the provincial minimum wage order legislation.

ALTERNATIVES:

1. Accept recommendation
2. Direct staff to develop alternative recommendation.

ATTACHMENTS:

Policy No. 04530-01, Salary Administration Policy

Report prepared by: Krista Crossman, Dir. HR + Customer Services

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

APPROVAL DATE: _____

CAO Signature: _____

PURPOSE

To set out the Policy of the Town of Amherst for salary administration for all non-union employees.

POLICY STATEMENT

The Town of Amherst will ensure the fair and equitable compensation of all non-union employees in relation to the duties of the position within the Town.

OBJECTIVES

1. To promote salary equity in the Town's non-union sector.
2. To establish a framework and procedure to determine categories of compensation for new positions.

DEFINITION OF TERMS

Salary Grid - shows all the salary scales applicable to positions within the Town. The salary grids are contained in Appendices A, A-1, B, C-1. The salary grid – Appendix C-1- has eight steps.

Step Adjustment – a move from one step, within a given salary range, to another (usually the next step) for individual employees is based on a satisfactory performance evaluation.

Salary Range - is defined as a range of pay for a category of duties, with a minimum and maximum. The range will be established by Council after considering the recommendation of the CAO.

Overall Market Review – A review of the appropriateness of the Job Category Listing (Appendix C) and the Salary Grid (Appendix C-1). The review shall include a survey of the market value of similar positions.

Performance Evaluation – A formal evaluation of the employee's job performance. All employees will receive at least one Performance Evaluation in each year of service.

SALARY GRID:

An appropriate salary grid for all non-union positions shall be determined by the council:

New Positions: Recommendations for placement on the Job Category Listing shall be prepared by the Chief Administrative Officer and forwarded to Council for approval.

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

~~Salary ratings for temporary and casual positions shall be determined by the Chief Administrative Officer, in consultation with the departmental Director.~~

~~Student wage rates shall be set by the CAO in consultation with the Director, with reference to the minimum wage in effect and the individual requirements of the job.~~

STEP ADJUSTMENTS

Step adjustments shall be made only when:

1. The adjustment can be accommodated within the Salary Account of the appropriate department; and
2. A current Performance Evaluation form is on file.

Upon completion of a satisfactory annual evaluation, the employee may be moved to the next step on the salary grid within his or her category. All step movements must be approved by the CAO.

An employee in Step 8 in a year in which there is no overall market review shall receive a bonus equal to salary times CPI for the immediately preceding calendar year. This amount will be separate and not added to the base salary.

The CAO may, on the recommendation of the Director, authorize a movement of up to 3 steps in one year to recognize exceptional performance. In normal circumstances employees would move one step each year upon a satisfactory performance evaluation.

TRAVEL VEHICLE ALLOWANCES:

~~The Treasurer and Directors, Mayor and Council of departments shall receive a monthly vehicle allowance of \$150.00. Mayor and Council shall receive the same monthly vehicle allowance of \$150.00 effective November 1, 2008.~~

The monthly vehicle allowance is for reimbursement for all local travel using one's personal motor vehicle for travel within the boundary of the Town of Amherst. Travel outside the boundary is covered under Policy #03000-01. The monthly vehicle allowance shall be reviewed each year after considering any changes in the cost of operating a motor vehicle.

LUNCH BREAKS:

The lunch break period shall be for a one-hour period.

PERFORMANCE EVALUATION:

Performance appraisals shall be conducted by the Chief Administrative Officer/Director at the completion of the probation period, and at least annually thereafter recorded on Performance Evaluation forms.

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

The Chief Administrative Officer/Director shall discuss the employee's performance evaluation in detail with the employee, in accordance with the employee evaluation system and standardized forms.

SCOPE OF RESPONSIBILITY:

The Town Council shall:

1. Authorize changes to the policies comprising the program of employee compensation.
2. Review and approve salary categories for all established positions within the Town.
3. Review and consider for approval the recommendations of the CAO in regard to the appropriateness of the salary classifications and ranges from time to time if necessary.

The Chief Administrative Officer shall:

1. Review and recommend changes to policy and procedures as they relate to the employee compensation program.
2. Ensure the maintenance of the salary rating and performance appraisal procedures.
3. Conduct salary rating and performance evaluation procedures relative to Director positions.
4. Monitor salary surveys and make recommendations to Council concerning market conditions as appropriate with an overall market review to be completed every three (3) years, or as directed by Council.
5. Grant step and/or merit adjustments to individual employees in accordance with approved policies and procedures and subject to budgeting limitations.
6. Maintain all personnel files and records.
7. Determine salary ratings for temporary and casual positions.

The Director Shall:

1. Conduct performance evaluation procedures relative to the positions and employees within their respective departments, and make appropriate recommendations to the Chief Administrative Officer.
2. Make recommendations to the Chief Administrative Officer regarding step adjustments for employees within their departments.

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

APPENDIX A

Town of Amherst

Salary Grid

January 1, 2019

Job Level	Salary Amount	
Mayor	Stipend	\$41,178.00
Deputy Mayor	Stipend	\$27,723.00
Councilor	Stipend	\$25,050.00

APPENDIX A-1

April 1, 2022

Salary Grid
Other Non-Union Positions

Job Level
Chief of Police
Deputy Chief of Police

**Effective April 1, 2018 the Chief of Police and Deputy Chief of Police salaries will be calculated on April 1st of each year as being 141% and 129% of the first-class constable rates.

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

APPENDIX B

April 1, 2023

Town of Amherst
Hourly Rate Grid – Casual

Job Title	Hourly Rate				
	Step 1	Step 2	Step 3	Step 4	Step 5
Casual Firefighter	17.27	17.55	17.86	18.17	18.46
Jail Guards	17.27	17.55	17.86	18.17	18.46
Canine Control Officer	14.63	15.12	15.62	16.12	16.70
School Crossing Guards	14.63	15.12	15.62	16.12	16.70
Ice Marshall	14.57	15.03	15.54	16.04	16.61

Other (including students) Provincial Minimum Wage

APPENDIX C JOB CATEGORIES

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

Category	Position
8	Director, Community Living
	Director, Communications and Information Technology
	Director, Finance
	Director, Fire Services
	Director, HR & Customer Services
	Director, Operations
	Director, Planning and Strategic Initiatives
7	Engineering Technologist
	Public Works Foreman
6	Building Official
	Business Development Officer
	Community Well-Being Manager
	Engineering Technician
	Facility Manager
	IT Manager
	Land Use Planner
	Municipal Clerk
	Parks & Recreation Foreman
Solid Waste Education and Coordination Officer	
5	Exec Asst/Dispatch Coordinator
	Fire Inspector
4	Accounting Clerk/Accounts Payable
	Corporate Communications Officer (CCO)
	Dangerous and Unsightly Premises Administrator
	Fire Fighter
	HR Administrator
	Procurement Coordinator
	Revenue Officer
3	Active Living Coordinator
	Administrative Assistant – Clerk's Office
	Bylaw Enforcement Officer
	Cashier/Customer Service
	Crime Prevention Coordinator (2-year term)
	Culture, Community Events & Marketing Coordinator
	Dispatcher
	IT Coordinator
Water/Sewer Billing Clerk	
2	Criminal Records Checks
1	Vacant

APPENDIX C-1

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

September 28, 2022

Level	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
8	87,814	89,656	91,502	93,346	95,189	97,034	98,878	100,722
7	72,585	73,652	74,719	75,786	76,854	77,921	78,988	80,055
6	60,481	62,314	64,148	65,981	67,814	69,647	71,481	73,314
5	53,620	55,078	56,535	57,992	59,449	60,906	62,363	63,820
4	52,037	53,357	54,676	55,996	57,315	58,635	59,954	61,273
3	43,753	45,519	47,285	49,051	50,816	52,582	54,349	56,114
2	40,247	41,252	42,256	43,260	44,264	45,269	46,272	47,277
1	37,566	38,452	39,339	40,226	41,112	41,999	42,886	43,772

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Chief Administrative Officer	As indicated under “Scope of Responsibility”
Directors and Managers	As indicated under “Scope of Responsibility”

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
<ol style="list-style-type: none"> NS minimum wage updates; Position name changes: Municipal Clerk, Dir. Corp. Communications + Info Technology, removal of GIS Coordinator, addition of Engineering Technician 	Crossman: Director, HR and Customer Services	Council	

MINUTES REFERENCE DATE

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01 **NEW AMENDED POLICY**

December 12, 2000	November 2, 2004 (See April 26, 2004 Minutes)	November 27, 2006
December 18, 2006	February 26, 2007	July 16, 2008
September 29, 2008	March 30, 2009	March 29, 2010
April 26, 2010	March 28, 2011	January 30, 2012
May 23, 2012	November 26, 2012	May 1, 2013
September 23, 2013	October 28, 2013	April 30, 2014
May 21, 2015	March 29, 2016	September 2, 2016
May 23, 2017	June 26, 2017	December 18, 2017
February 26, 2018	March 14, 2018	September 28, 2020
June 7, 2021	October 5, 2021	September 28, 2022

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Krista Crossman, Director of HR and Customer Services

DATE: March 20, 2023

SUBJECT: Overtime Policy – Non-Union Employees Amendments

ORIGIN:

Council priority to review all policies and bylaws.

LEGISLATIVE AUTHORITY:

MGA 47(1) The council shall make decision in the exercise of its powers and duties by resolution, by policy or by-law.

RECOMMENDATION:

That Council refer the amended Overtime Policy - Non-Union Employees to the March Council meeting for approval.

BACKGROUND:

Staff are completing a review of all Town policies and bylaws to ensure they are relevant and updated appropriately. The Non-Union Overtime Policy was reviewed as a result of this initiative.

DISCUSSION:

Since the last review of the Overtime Policy for Non-Union Employees in 2006, the application of overtime compensation for staff has been inconsistent with policy. The proposed changes to the policy contained herein are intended to bring consistency to the application of overtime earned for all non-union staff and to ensure compliance with Nova Scotia Employment Standards legislation.

Primary updates to the policy as recommended include:

1. Defining employee eligibility for overtime compensation;
2. Building in a pre-approval process when employees are required to work overtime;
3. Providing a consistent approach in the application of all overtime hours earned and;
4. Ensuring controls are in place for the management of overtime hours worked, including a maximum allowable number of overtime hours, carry-forward limits, and restrictions on the pay-out of overtime, etc.



FINANCIAL IMPLICATIONS:

There are no financial implications. Compensation for overtime hours earned shall largely be via time off in lieu. Any anticipated overtime requiring pay out has been accommodated within the proposed 2023/24 operating budget for each department.

COMMUNITY ENGAGEMENT:

No community engagement is required. A review of current Nova Scotia Employment Standards legislation and overtime policies of similar municipal units was completed as part of the review process for this policy.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS:

Ensuring a consistent approach in the application of overtime builds trust between leadership and staff, increases productivity by having clear guidelines to apply, encourages predictability by eliminating confusion and establishes accountability.

ALTERNATIVES:

1. Accept recommendation
2. Direct staff to develop alternative recommendation.

ATTACHMENTS:

Policy No. 04000-05, Overtime Policy – Non-Union Employees

Report prepared by: Krista Crossman, Dir. HR + Customer Services

TITLE: OVERTIME POLICY – NON-UNION EMPLOYEES
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04000-05 **NEW AMENDED POLICY**

APPROVAL DATE: _____ **CAO Signature:** _____

POLICY STATEMENT

It is the policy of the Town of Amherst to provide and sustain appropriate staffing levels during normal working hours in order to reduce the necessity for overtime work. When employees are required to work extra time in addition to their normal working hours, it is the intent of the Town to provide fair compensation and they shall be compensated for such overtime as set out in this policy.

PURPOSE

The purpose of the overtime policy is to provide for the authorization, administration and compensation for overtime worked by non-union employees of the Town.

OBJECTIVE

The objectives of this policy are to:

1. Determine which employees are eligible for overtime;
2. Identify the methods of compensation for overtime;
3. Define the process for authorization and approval of overtime and;
4. Explain the administration and use of overtime earned.

ELIGIBILITY

1. All non-union casual employees, as per Appendix "B" of the Salary Administration Policy are eligible for overtime compensation in accordance with Nova Scotia Employment Standards legislation.
2. All non-union employees as indicated in Appendix "C" of the Salary Administration Policy, are eligible to receive compensation for hours worked in excess of their normal weekly hours of work.
3. Directors and the Deputy Chief of Police are not eligible for overtime. Reasonable compensatory time off based on straight time may be approved at the sole discretion of the CAO (for Directors) and the Chief of Police (for the Deputy Chief of Police).

APPLICATION

1. Overtime must be pre-approved by the applicable manager, except when emergency or urgent conditions prevent the ability to obtain advance approval.
2. Where possible and desirable, an employee's schedule may be adjusted to accommodate the need to work outside of normal working hours in an effort to keep the employee's total hours worked for the week within their usual number of hours thereby eliminating the need for overtime.

TITLE: OVERTIME POLICY – NON-UNION EMPLOYEES
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04000-05

NEW AMENDED POLICY

4. Department Directors will ensure workloads are managed appropriately to reduce the need for overtime and will exercise discretion in the utilization of overtime within their department.
5. Compensation for all overtime will be via time off in lieu. All overtime worked shall be banked into the employee's overtime bank at the applicable rates set out below. Every reasonable effort will be made to provide time off in lieu at a mutually agreeable time between the employee and their manager however, time off may be scheduled by the applicable manager if required.
6. Overtime hours accumulated in an employee's overtime bank shall not be paid out unless expressly approved and at the sole discretion of the CAO, or upon resignation/retirement/termination of employment.
7. Overtime may be paid out to non-union Fire Department personnel in exceptional circumstances whereby time off interferes with operational continuity, at the discretion of the Fire Chief.
8. Employees are permitted to bank a maximum of one-week of earned overtime hours, based on their usual number of hours worked in a week (i.e 35 hours/week). This limit may be increased at the sole discretion of the CAO when a plan is in place to utilize the banked hours at a later date.
9. Non-union Firefighters whose regular work schedule consists of one shift worked (24 hours) followed by three shifts off (72 hours), are permitted to bank no more than three (3) worked shifts in their overtime bank (i.e 108 hours).
10. Once the maximum number of overtime hours has been reached, the manager and employee will establish an appropriate plan to use the banked hours within a reasonable amount of time. Time off to reduce non-union Firefighter and Fire Inspector overtime banks will be at the sole discretion of the Fire Chief in order to ensure continuity in operations.
11. Time spent travelling to/from or in attendance at conferences or training courses is not eligible for overtime compensation.
12. Unused overtime hours at December 31 may be carried forward upon approval of the CAO, however an employee's overtime time bank shall not exceed the maximum allowable number of hours as set forth in this policy.
13. Employees are not permitted to work through the lunch hour in order to bank overtime.

RATES

Employees who are eligible for overtime shall be compensated at the following rates:

- a. Non-union casual employees, as indicated in Appendix "B" of the Salary Administration Policy, shall be compensated for overtime in accordance with Nova Scotia Employment Standard legislation.
- b. Non-union employees, as indicated in Appendix "C" of the Salary Administration Policy, shall bank the hours worked in excess of their regular number of hours worked in a day at 1.5x.

TITLE: OVERTIME POLICY – NON-UNION EMPLOYEES
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04000-05

NEW AMENDED POLICY

- c. Employees who may be required to work on a holiday will receive overtime compensation in accordance with Nova Scotia Employment Standard legislation, if eligible for holiday pay.

CALL-IN

Employees who have left their workplace at the end of a regular day's work and are called back to perform unscheduled work before their next scheduled day of work shall be compensated for a minimum of three (3) hours, or the actual hours worked, at 1.5x their regular rate of pay, whichever is greater, to be banked and taken as time off in lieu.

Due to the ability to monitor and check on alarms from remote locations with available technology, Public Works employees will not be paid overtime unless they are required to report to work to resolve the issue.

Fire Inspectors who are called in while off-shift for emergency response shall be compensated at 1.5x their regular rate of pay for a minimum of three (3) hours, or actual hours worked, whichever is greater. Call in hours may be banked into the employee's overtime bank at 1.5x or paid out if so requested, at the discretion of the Fire Chief.

ON-CALL

Employees required to be on-call on a scheduled basis, such as Public Works non-union supervisors/managers, will be compensated at 1.5x their regular rate of pay for time worked only.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Chief Administrative Officer	The Chief Administrative Officer will: <ul style="list-style-type: none"> a. Review, on a timely basis, all employee requests to be paid out overtime, to exceed the allowable limits of banked overtime and all requests to carry-forward overtime balances at year-end.
HR Administrator	The HR Administrator will: <ul style="list-style-type: none"> a. Monitor overtime records in employee's banks to ensure compliance with the Overtime policy.
Directors and Managers	Directors and Managers will: <ul style="list-style-type: none"> a. Strictly monitor overtime to ensure compliance with this policy; b. Thoughtfully plan the workload for their department to ensure the need for overtime is limited and only occurs when unavoidable and operational deadlines require it.
Employees	Employees will: <ul style="list-style-type: none"> a. Endeavor, as much as possible, to complete all work assigned within normal working hours; b. When overtime hours are required, seek prior approval from their manager before working overtime hours; c. Limit the amount of overtime hours worked so as to achieve a healthy balance between their work and personal lives.

TITLE: OVERTIME POLICY – NON-UNION EMPLOYEES
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04000-05 **NEW AMENDED POLICY**

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Policy Review	Crossman: Director, HR and Customer Services	Council	

MINUTES REFERENCE DATE

March 25, 1996

November 27, 2006

DEPARTMENT: ALL TOWN DEPARTMENTS

EXISTING POLICY

TITLE: OVERTIME POLICY – NON UNION EMPLOYEES

Minutes reference date: March 25, 1996

1st Revision date: Nov. 27/2006

PURPOSE: To establish Council Policy respecting the authorization, administration and compensation for overtime worked by non-union employees other than Department Heads.

POLICY STATEMENT: When employees are required to work extra time in addition to their normal working hours they shall be compensated for such overtime as set out in this policy.

OBJECTIVES: To regulate the administration of approved overtime compensation, by listing and clarifying authority and conditions for such compensation.

1. For non-union employees in Level 8 and below as indicated in Appendix “B” of the Salary Administration Policy, the Town will compensate overtime, at each pay period, at the rate of:
 - a) one and one-half times the hours worked in excess of the number of hours required per day.
 - b) double time for work on Sundays or Holidays.
2. Upon request of the employee, the Town may grant compensatory time off in lieu of paid overtime at the Town’s discretion at the appropriate overtime rates.
3. Compensatory time off may be accumulated to a maximum of 40 hours to be used at a later time upon mutual agreement. Time in lieu must be used by the end of each calendar year or will be paid off on the first pay in January.
4. Department Heads are the authority for the approval of overtime requests. It shall be the responsibility of the Department Head to determine whether overtime or compensatory time be granted to the employee when compensatory time is requested in lieu of paid overtime.
5. All positions in Level 9 and above as indicated in Appendix “B” in the Salary Administration Policy shall not be paid for overtime. Reasonable compensatory time off based on straight time may be approved by the employee’s immediate supervisor.
6. Department Heads will exercise discretion in the utilization of overtime within their department’s operating/capital budgets.
7. Time involved in travelling to/from or in attendance at conferences or training courses is not eligible for overtime compensation.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Aaron Bourgeois, Director of Operations

DATE: March 20, 2023

SUBJECT: Local Improvement Bylaw Review

ORIGIN: Requirement to update the bylaw in order to incentivise new residential construction within the Town.

LEGISLATIVE AUTHORITY: MGA section 47(1) states; The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law. MGA Section 81 provides that council of a Town may make bylaws imposing, fixing, and providing methods of enforcing payment for charges of local improvements;

RECOMMENDATION: That Council repeal the existing Local Improvement Bylaw and forward first reading of the new Local Improvement Bylaw to the March 27, 2023 regular meeting of Council.

BACKGROUND: Local Improvement Bylaws have been used by municipalities for many years to help cover the capital costs of infrastructure improvements deemed to benefit a specific neighbourhood or area.

Local Improvements can include constructing or improving streets, curbs, sidewalks, and the extension of sewer and water systems within the public right of way.

The existing Bylaw, approved in 1995, is outdated and should be repealed.

DISCUSSION: The existing bylaw is focussed on the installation and payment of new infrastructure on existing streets where Council feel the desired infrastructure is not a priority. An example of this may be a new sidewalk on a local street. While the proposed bylaw still allows for such work to be completed, more importantly it allows for the financing of new streets and infrastructure that is needed to promote new residential development within the Town. Specifically, the bylaw allows for the cost of the infrastructure to be financed by the Town with the outstanding balance being a first lien on a property, much like outstanding taxes. This change removes much of the risk of the Town financing new residential infrastructure.





COMMITTEE OF THE WHOLE

CDR# 2023034

Date: March 20, 2023

FINANCIAL IMPLICATIONS: When used, local improvement charges help the Town cover the cost for capital projects on existing streets. It also removes much of the risk of financing new infrastructure for residential development.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

COMMUNITY ENGAGEMENT: There is no community engagement required at this time.

ALTERNATIVES:

Direct staff to make additional changes to the bylaw.
Do approve the proposed amendments to the bylaw.

ATTACHMENTS:

Local Improvement Bylaw - Existing
Local Improvement Bylaw - Proposed

Report prepared by: Aaron Bourgeois, Director of Operations
Report and Financial approved by:



TITLE: LOCAL IMPROVEMENT BYLAW
SECTION: OPERATIONS
BYLAW NO: D-02

APPROVAL DATE:

CAO Signature: _____

1. SHORT TITLE

1.1. This bylaw shall be known as bylaw D-02 and may be cited as the “Local Improvement Bylaw”.

2. PURPOSE

2.1. The purpose of this bylaw is to establish the manner in which the Town shall impose, fix, and enforce payment of Charges for Local Improvements.

3. DEFINITIONS

- (a) “Corner Lot” means a Property situated at the intersection of and abutting upon two or more Streets;
- (b) “Charge” means a charge imposed pursuant to Section 81 of the *Municipal Government Act* in an amount to be determined pursuant to this bylaw for the Cost of a Local Improvement;
- (c) “Cost of a Local Improvement” means the capital cost of service provision and shall include but is not limited to the costs of study, design, construction, installation and administration, engineering, surveying, municipal staff time, and other incidental expenses as well as the costs of financing including bridge financing, if any, and the cost of financing throughout the amortization period of the project whether or not the money is financed internally or externally. The cost of any particular Local Improvement may be reduced by its proportionate share of financial contribution from federal, provincial or municipal grant dollars;
- (d) “Council” means the Council of the Town of Amherst;
- (e) “Engineer” means the Town employee designated as Town Engineer pursuant to the provisions of the *Municipal Government Act*;
- (f) “Frontage” means the linear measurement of the Property line which abuts a Local Improvement, irrespective of whether the Property line is a front, rear, side or flanking lot line;
- (g) “Local Improvement” means and includes Charges for:
 - i) wastewater facilities or stormwater systems, the use of wastewater facilities or stormwater systems and connecting to wastewater facilities or stormwater systems;

TITLE: LOCAL IMPROVEMENT BYLAW
SECTION: OPERATIONS
BYLAW NO: D-02

- ii) expenditures incurred for the wastewater management system in a wastewater district;
 - iii) the capital cost of installing a water system;
 - iv) laying out, opening, constructing, repairing, improving, and maintaining Streets, curbs, sidewalks, gutters, bridges, culverts, and retaining walls, whether the cost is incurred by the Town directly or by, pursuant to, an agreement with His Majesty In Right of the Province, the Minister of Public Works or any person;
 - v) laying out, opening, constructing, repairing, improving and maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads where the cost is incurred i) by the Town or ii) under an agreement between the Town and a person;
 - vi) the Town portion of the cost of a major tree removal program or the cost of removing trees from a private Property;
 - vii) the Town portion of the capital cost of placing the wiring and other parts of an electrical distribution system underground; and
 - viii) depositing in a special purpose tax account to provide for future expenditures for wastewater facilities, stormwater systems, water systems, transportation facilities or other anticipated capital requirements.
- (h) “Majority Approval” means majority approval based on the signatures from Owners representing at least two-thirds of all Properties in the area that Council has determined to benefit from a Local Improvement and at least two-thirds of the methodology chosen as set out in Section 9.8;
- (i) “Town” means the Town of Amherst;
- (j) “Owner” has the same meaning as set out in the *Municipal Government Act*, except where the context requires otherwise;
- (k) “Property” means a parcel or lot of property which is in an area determined by Council to benefit from a Local Improvement;
- (l) “Schedule A” means a list of projects and properties subject to a local improvement, as amended from time to time, and shall include at a minimum; a brief description of the project, PID number of all properties subject to the local improvement, charges imposed, terms of repayment, any exceptions/adjustments to charges, and any other project relevant project information.

TITLE: LOCAL IMPROVEMENT BYLAW
SECTION: OPERATIONS
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- (m) “Subdividable Lot” means, for the purpose of this bylaw, a Property which is capable of being subdivided into at least two buildable lots if, taking into consideration the lot Frontage, lot area, zoning and the location of existing buildings, the Town would approve the subdivision of the Property into at least two lots;
- (n) “Street” means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts, and retaining walls in connection therewith located within the Town whether vested in the Town or the Province of Nova Scotia;
- (o) “Through Lot” means a Property bounded on two opposite sides by two or more Streets;
- (p) “Usable Frontage” means Property Frontage that has not been determined to be unusable under Section 7.2;

4. CHARGE IMPOSED

- 4.1. Where a Local Improvement has been carried out:
 - 4.1.1. by the Town in an area identified in Schedule “A”, as defined in section 3, and as amended from time to time, a Charge is hereby levied upon every Owner of Property situated in whole or in part within the identified area except to the extent that any Property or the Owner thereof is totally or partially exempt from the Charge by provisions in this bylaw or the provisions of Schedule “A”; or
 - 4.1.2. as a result of a petition receiving Majority Approval and the project having been adopted and approved by Council, a Charge is hereby levied upon every Owner of Property situated in whole or in part within the area identified in the petition except to the extent that any Property or Owner thereof is totally or partially exempt from the Charge by provisions in the petition or in this bylaw;
- 4.2. Municipally, provincially and federally owned land may be exempt from Charges arising from the provisions of this bylaw unless otherwise indicated in the approved petition or Schedule “A”.
- 4.3. An interim Charge may be imposed when Council approves the project to proceed based on the best estimate of the cost of the project at that time. The interim Charge will be adjusted at the completion of the project.

5. AMOUNT OF CHARGE

- 5.1. The Charge levied pursuant to Section 4 shall be determined in accordance with the provisions of this bylaw and, if applicable, of the approved petition or Schedule “A” and may be calculated based on:

TITLE: LOCAL IMPROVEMENT BYLAW
SECTION: OPERATIONS
BYLAW NO: D-02

- (a) a uniform amount for each Property in existence or subsequently created by subdivision;
- (b) the Frontage of the Property on any Street;
- (c) the use of the Property;
- (d) the area of the Property;
- (e) the assessed value of the Property;
- (f) any combination of two or more such methods of calculating the Charge; or
- (g) such other method as Council deems fit.

6. VARIATIONS IN CHARGES

- 6.1. The Charge levied pursuant to this bylaw may be fixed at different rates for different classes or uses of Properties and may be fixed at different rates for different areas or zones as outlined in the approved petition and/or as outlined in Schedule “A”.

7. FRONTAGE CHARGE

- 7.1. If the Charge contains a component calculated in whole or in part based upon the Frontage of the Property on a Street, the component of the Charge which is based upon Frontage shall be calculated in accordance with this section unless otherwise outlined in the approved petition, if applicable, or in Schedule “A” or an agreement.

FC = Frontage Charge

TF = Total of all individual Frontages (IF) determined as per the provisions of this bylaw

IF = Total Frontage of an individual Property (as possibly adjusted by any Frontage reductions or Frontage adjustments as per the provisions of this bylaw

TC = Total cost of the Local Improvement

GC = Municipal/Provincial/Federal contribution towards the Local Improvement

$FC = [IF/TF] \times [TC - GC]$

- 7.2. Subdivisions plans, deed descriptions, retracement plans and/or geographical information as deemed appropriate by the Town shall be used to determine the total Frontage of an individual Property
- 7.3. In the event of a dispute between a Property Owner and the Town as to any measurements of a Property, the Owner shall retain, at his or her sole expense, a Licensed Nova Scotia

TITLE: LOCAL IMPROVEMENT BYLAW
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Land Surveyor, who shall certify the measurements of the Property and submit the same to the Town.

Frontage Reduction

- 7.4. Where an Owner can reasonably demonstrate, and provide evidence such as an environmental study or written confirmation from Nova Scotia Department of Environment and Climate Change, that the Property is unusable for development by reason of soil type, environmental hazard, or other natural factors that do not permit the land to be subdivided for the purpose of creating a lot, a Frontage reduction of up to 75 percent may be applied to the portion of unusable Frontage. This proof must be provided prior to the inclusion of the Local Improvement into Schedule "A", if applicable, or approval of a petition by Council.

Frontage Adjustments

- 7.5. A minimum Frontage may be established for each Local Improvement.
- 7.6. For Corner Lots and Through Lots, where both Streets adjacent to the Property are subject to a Local Improvement, the total Frontage will be adjusted as follows:
- (a) For the longest Frontage, the Frontage will not be subject to any adjustment and will be Charged 100 percent of the Frontage;
 - (b) For the shortest Frontage, the Frontage may be reduced by 50 percent.
- 7.7. For Corner Lots and Through Lots, where one of the two Streets is subject to a Local Improvement and the other Street has previously been the subject of a Local Improvement, the Property will only be Charged for the portion of the Frontage subject to the current Local Improvement.
- 7.8. For Corner Lots or Through Lots, where one of the two Streets is subject to a Local Improvement and the other Streets has not been the subject of a Local Improvement, the Property will only be Charged for the portion of the Frontage subject to the Local Improvement and there shall not be any adjustments to the total Frontage.
- 7.9. For greater clarity, a Corner Lot will be deemed to benefit from a Local Improvement on all Streets that the Property has Frontage

TITLE: LOCAL IMPROVEMENT BYLAW
SECTION: OPERATIONS
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8. EXEMPTIONS/ADJUSTMENTS TO CHARGES

- 8.1. A Property may be exempt from or given an adjustment to a Charge if the Property is considered to not benefit from the Local Improvement. An adjustment or exemption may be given when:
- (a) a Property is already serviced; or
 - (b) a Property does not directly benefit from a Local Improvement and it cannot be reasonably argued that the Local Improvement provides an indirect benefit to the Property, such as the ability to further subdivide and develop the Property.
- 8.2. If Frontage is the method of Charge, the Property may also be subject to any adjustment or reductions available in Section 7.
- 8.3. An additional exemption or adjustment may be given to a Lot because of the size, configuration, topography, or ground conditions of the Property.
- 8.4. Properties given an exemption or adjustment to the Charge under this Section will be identified in Schedule “A” or, if applicable, within the approved petition or agreement.

9. ADMINISTRATIVE GUIDELINES

- 9.1. Council may proceed with a Local Improvement at its own discretion or in response to a petition which receives Majority Approval.
- 9.2. Where a petition has been conducted and does not receive Majority Approval, Council will not proceed with a Local Improvement, at its own discretion, for a minimum of three years. Property Owners are not prevented from requesting subsequent petitions within the three-year timeframe.

Initiating a petition

- 9.3. The petition process may be initiated by:
- (a) a request from the sole owner of Property(s) or at least two Properties that would be subject to the petition; or
 - (b) a motion from Council directing Town staff to initiate the petition process.

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- 9.4. The petition request from Property Owners and the motion from Council must include a description of the proposed Local Improvement, the desired method of Charge, and the proposed Charge area.
- 9.5. At Council's discretion, a petition may include Properties fronting onto more than one Street, whether those Streets are contiguous or not.

Processing a Petition

- 9.6. The following steps shall be followed:
- a) The petition will be conducted by Town staff and they will be responsible for preparing the petition documents and package.
 - b) The petition documents will include: a description of the Local Improvement and the method of Charge, a map of the proposed Charge area, the estimated total cost of the Local Improvement, the estimated cost for each Property and the financing options.
 - c) The petition documents will also include a letter explaining the Local Improvement process and will give each Property Owners an opportunity to vote YES or NO for the Local Improvement.
 - d) The petition package and documents with a stamped return envelope will be sent by mail to the Owners representing each Property.
 - e) The petition shall give Owners at least 30 days to respond.

Approval of the Petition

- 9.7. Where Council considers carrying out a Local Improvement on the basis of a petition, such Charges would be considered only where there is at least Majority Approval.
- 9.8. The Properties representing at least 2/3 of the methodology used for the Charge must be in favor of the petition. For example,
- (a) if the Charge is based on the area of the Property, the Properties representing at least 2/3 of the area would have to vote in favor;
 - (b) if the Charge is based on the assessed value of the Property, the Properties representing at least 2/3 of the assessed value would have to vote in favor;
 - (c) regardless of the methodology used for the Charge, the Owners representing at least 2/3 of the total Properties must be in favor for a petition.

TITLE: LOCAL IMPROVEMENT BYLAW
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- 9.9. Successful petitions are considered to be valid for a period of 5 years from the date of approval by Council. Within that time frame, the validity of the petition is not affected by the number of times any Property may have changed Owners.
- 9.10. In the event that the information relied upon by Council or staff to assess whether a petition has received Majority Approval later proves to be wrong, the decision based upon such information shall be as valid as if the information were correct.
- 9.11. If the Town does not receive a response from the Owners by the petition deadline, the Owners will be deemed to have voted NO and not being in favor of the Local Improvement.
- 9.12. In circumstances where there is more than one Owner of a Property, the Property will be considered to be in favor of the Local Improvement when the majority (50 percent) of the Owners have voted "YES" for the Local Improvement.

Local improvement without a petition

- 9.13. Where a Local Improvement is approved by Council without a petition, Council shall, by policy, determine a suitable method for advising residents affected by the decision taken under this bylaw.
- 9.14. Where a request for a Local Improvement is made by one or more Property Owners collectively owning 100% of the Properties in the area to be affected by the Local Improvement, there shall be no need to follow the petition process set out in this bylaw and the Town may enter into an agreement with those Property Owners with respect to the carrying out and payment for the Local Improvement Charge and any matters incidental thereto.

Municipal contribution to local improvement

- 9.15. For Local Improvements on Streets owned by the Town, at its own discretion, Council may choose to make a financial contribution up to ten (10) percent towards the cost of the Local Improvement or in special circumstances a percentage higher than ten (10) percent at the discretion of Council.

10. LIEN

- 10.1. A Charge imposed pursuant to this bylaw constitutes a first lien on Property in the same manner and with the same effect as rates and taxes under the *Municipal Government Act* (Section 81(3)(f)).

TITLE: LOCAL IMPROVEMENT BYLAW
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- 10.2. A Charge imposed pursuant to this bylaw is collectable in the same manner as rates and taxes and, at the option of the Treasurer, collectable at the same time and by the same proceedings, as rates and taxes.
- 10.3. The liens against the Property become effective on the earliest of the date on which the interim Charge is imposed or the Engineer files with the Treasurer a certificate that the improvement has been completed.
- 10.4. The lien provided for in this bylaw shall remain in effect until the Charge plus interest has been paid in full.
- 10.5. Where a Property subject to a lien is subdivided, the unpaid amount of the Charge plus interest shall be apportioned among the new subdivided lots according to the assessed value that the new lots have in relation to the total assessed value of the Property before subdivision.

11. INTEREST

- 11.1. Interest shall accrue on Charges outstanding from the due date forward, at a rate approved by Council. The due date is the date of completion or the date that installments are due if the annual payment option is available.

12. REPAYMENT OF THE CHARGE

- 12.1. At the option of the Owner(s) of a Property which is subject to a Charge, the Charge may be paid in either of the following ways:
- (a) by payment, in full, at the time of invoicing by the Municipality;
 - (b) by annual installments. In the event of default of payment of an installment, the whole balance shall become due and payable without notice or demand; or
 - (c) as otherwise set out in an agreement with the Property Owners.
- 12.2. The term of repayment shall be outlined in Schedule "A", in the wording of the approved petition or in the Council motion approving the project and, where applicable, in the agreement with the Town. Annual installments shall not exceed 25 years.
- 12.3. Where applicable, the Property Owner(s) shall have one month from the date of their initial notice of amounts owing, to notify the Treasurer, in writing, which financing option has been selected. If there is no written notification, the Property Owner(s) shall be deemed to have selected the annual payment option.

TITLE: LOCAL IMPROVEMENT BYLAW
SECTION: OPERATIONS
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13. AMENDMENT TO THE BYLAW

13.1. Any amendment to this bylaw shall not affect existing projects outlined in Schedule “A” unless expressly intended to do so through an amendment to the Schedule.

14. REPEAL AND REPLACE

14.1. The previous version, and all other versions of the Bylaw, are repealed and replaced by this version.

Bylaw D-3 Adoption	
First reading:	
Notice of Publication:	
Second Reading and Enactment:	
Final Publication:	
Notice to Service Nova Scotia & Municipal Relations:	

VERSION LOG

Version Number	Amendment Description	Council Approval Date
	The Civic Improvement Charges Bylaw as approved by the Minister of Municipal Affairs on May 22, 1968 and all amendments thereto are repealed.	October 31, 1995
	The Local Improvement Bylaw as approved on October 31, 1995 and all amendments thereto are repealed.	

TOWN OF AMHERST

LOCAL IMPROVEMENT BYLAW

1. IN THIS BYLAW:

Interpretation

- a) "Local Improvement" means laying out, constructing, or improving streets, curbs, sidewalks, gutters, driveways, ramps, culverts, basins, catchbasin leads and extensions of the sewer and water systems within the public right of way; and
- (b) "Frontage" of a lot means the linear measurement of the property line which abuts a street.

Procedure

- 2. a) Any lot owner who wishes to have Council construct a local improvement within the street right-of-way in front of their property may present to Council a petition of those persons owning more than 50% of the frontage of the real property where the improvement is to take place and who are also prepared to participate in cost sharing the work to be done.
- b) Upon receiving a petition, Council will have estimates of the costs prepared, following which each affected property owner will receive a notice by registered mail describing the work to be done, the total cost and the cost to each property owner. The property owner will be asked to respond in favour or against the local improvement within 7 days.
- c) If persons owning more than 50% of the affected frontage agree, the project will proceed.

Charges

- 3. The Town will charge to the lot owners fronting on a street a local improvement charge for any local improvements constructed by the Town on that street as follows:
 - a) All costs to service undeveloped Town owned streets or right of ways;
 - b) All costs to install new curbing on existing streets; and
 - c) All costs to construct new sidewalks will be shared by abutting property owners on each side of the street and may be shared 50% by the Town should Council decide the new sidewalk is beneficial to residents who do not live on the street in question,

in accordance with the following formula:

$$\frac{(T.C. - F.C.) \times P.P.F.}{T.P.F.} = D.L.S.I.C.$$

where:

- T.C. = Total cost of improvement;
- F.C. = Total financial contributions of Federal, Provincial or Municipal governments;
- T.P.F. = Total property frontages to be taken into account;
- P.P.F. = The particular property frontage; and
- D.L.S.T.C. = The designated local street improvement charge for that particular property.

Lien on Property

- 4. A local improvement charge imposed under this bylaw shall constitute a lien upon the lots affected and is collectible in the same manner as rates and taxes on real property collected pursuant to the Assessment Act of Nova Scotia.

Terms of Payment

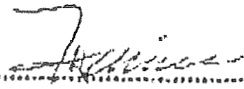
- 5. a) A local improvement charge on a property shall be payable by five equal annual payments of principal plus accrued interest, the first payable on receipt of notice of the charge, and the other payments on the anniversary date on which notice of the charge is mailed to the assessed owner of the lot by the Town.
- b) Interest shall accrue on the local improvement charge commencing thirty (30) days after the date on which notice of the local improvement charge is mailed to the assessed owner of the lot and shall be calculated at the interest rate established annually by the Town Council for arrears of real property taxes.
- c) A lot owner may prepay the whole or a portion of a local improvement charge without any penalty being charged by the Town.

Repeal

- 6. The Civic Improvement Charges Bylaw as approved by the Minister of Municipal Affairs on May 22, 1968 and all amendments thereto are repealed.

I, Fred W. Haines, Town Clerk of the Town of Amherst, do hereby certify that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Town Council of the Town of Amherst duly convened and held on the 16th day of October A.D., 1995.

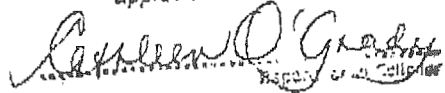
GIVEN under the hand of the Town Clerk and under the corporate seal of the said Town this 31st day of October A.D., 1995.



TOWN CLERK

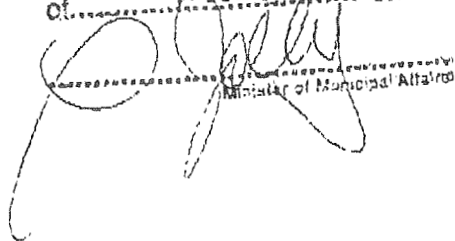
DEPARTMENT OF MUNICIPAL AFFAIRS

Recommended for approval of the Minister



Catherine O'Grady
Deputy Minister

APPROVED this 17th day
of November 1995



Minister of Municipal Affairs

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Aaron Bourgeois, Director of Operations

DATE: March 20, 2023

SUBJECT: Wastewater Discharge Bylaw Review

ORIGIN: A complete policy and bylaw review is a one of Council's strategic priorities.

LEGISLATIVE AUTHORITY: MGA section 47(1) states; The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

RECOMMENDATION: That Council approve the amendments to the bylaw and forward first reading of the amended Bylaw Respecting Discharge into Public Sewers D-3, to the March 27, 2023 regular meeting of Council.

BACKGROUND: This purpose of the wastewater discharge bylaw is to protect the Town's sewer infrastructure, which include the sewer lines, sewage pump-stations and the wastewater treatment plant. Any wastewater discharge in excess of the parameters set forth in the bylaw have the potential to cause damage to sewer infrastructure and create treatment problems.

DISCUSSION: Upon review, staff are recommending the following amendments to the wastewater discharge bylaw:

New Section

2. PURPOSE

- (1) This Bylaw outlines the controls for connections and discharges to public sewer systems. The objectives of the Bylaw are to:
- (a) Protect the sewer collection system from corrosion, damage, and obstruction
 - (b) Protect the wastewater treatment process from upset
 - (c) Protect the public, municipal workers, and property from hazardous conditions
 - (d) Protect the environment

Definition section amended

- (b) "Building Service Connection" means any piping system which conveys sewage or liquid waste from the buildings on any property to a public sewer;

The proposed changes help to provide clarity on the intent and interpretation of the bylaw.





COMMITTEE OF THE WHOLE

CDR# 2023033

Date: March 20, 2023

FINANCIAL IMPLICATIONS: There are no financial implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications to amending this bylaw.

COMMUNITY ENGAGEMENT: There is no community engagement required at this time. A notice advertising Council's intent to give second reading will appear in a local newspaper.

ALTERNATIVES:

Direct staff to make additional changes to the bylaw.
Do approve the proposed amendments to the bylaw.

ATTACHMENTS:

Bylaw Respecting Discharge into Public Sewers Bylaw D-3.

Report prepared by: Aaron Bourgeois, Director of Operations
Report and Financial approved by:



**Town of Amherst Pollution Prevention Program
Discharger Information Report
(Form 1)**

1. General Information

(Company Name, Corporation, Owner)

(Telephone Number)

(Fax Number)

(Mailing Address)

(Postal Code)

Location of Premises:

(Street Name, Number, Block Number, Unit Number)

Company Officer responsible for waste effluent control:

(Name)

(Title)

(Telephone Number)

2. Product or Service Information

(a) Number of Employees: _____
Plant: _____ Office: _____

(b) Number of shifts per day: _____ Number of days per week: _____

(c) What are your principal products produced or services rendered:

(a) Provide a brief description of your manufacturing or service activities:

3. Waste Characteristics and Disposal

(a) Please list the types and volumes of chemicals used in your manufacturing process and/or stored on site.

Chemicals:

Quantities:

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

(b) Please list the type of chemicals, cooling water or other waste materials that are discharged to the sanitary sewer.

(c) Is your wastewater subjected to any type of treatment before discharge into the sewer system? Please describe the treatment provided to the wastewater.

(d) Has your company sampled and analysed wastewater that is discharged to the sewer system? If yes, please provide details and attach a copy of any available sample information.

Name of person submitting report:

(Name)

(Title)

(Date of Completion)

Town of Amherst Pollution Prevention Program

Discharger Information Report
(Form 2)

1. General Information

(Company Name, Corporation, Owner)

(Telephone Number)

(Fax Number)

(Mailing address) (Postal Code)

Location of Premises:

(Street Name, Number, Block Number, Unit Number)

Company Officer responsible for waste effluent control:

(Name)

(Title)

(Telephone Number)

2. Product or Service Information

- (a) What are your principal products produced or services rendered:
- _____
- _____
- _____

(a) Provide a brief description of your manufacturing or service activities:

(b) Standard Industrial or Canadian Codes (SIC) of those products produced:

Indicate if these are () SICs, or Canadian () SICs.

(c) Provide a brief description of the process(es) used in the manufacturing or servicing:

(d) Number of employees:

Plant: _____ Office: _____

(e) Number of shifts per day: _____ Number of shifts per week: _____

(f) Please indicate if major processes are:

() Batch () Continuous () Both

(g) Is the production subject to seasonal variation: () yes () no

If yes indicated, briefly describe your seasonal production cycle:

3. Waste Characteristics

(a) List all sources of water supply:

Municipal water	_____
Private well water	_____
Hauled water	_____
Other sources (Describe)	_____

(b) Type of waste water discharged: (please check all that apply)

<input type="checkbox"/> Sanitary sewage	Estimated volume: _____ m ³ /day
<input type="checkbox"/> Non-contact cooling water	Estimated volume: _____ m ³ /day
<input type="checkbox"/> Contact cooling water	Estimated volume: _____ m ³ /day
<input type="checkbox"/> Process water	Estimated volume: _____ m ³ /day
<input type="checkbox"/> Others	Estimated volume: _____ m ³ /day

(c) Wastewater is discharged to: (please check all that apply)

<u>Location</u>	<u>Estimated Volume</u>
<input type="checkbox"/> Sanitary # 1	_____ m ³ /day
<input type="checkbox"/> Sanitary # 2	_____ m ³ /day
<input type="checkbox"/> Storm sewer # 1	_____ m ³ /day
<input type="checkbox"/> Storm sewer # 2	_____ m ³ /day
<input type="checkbox"/> Surface water, pond, creek, river etc.	_____ m ³ /day
<input type="checkbox"/> Storage tank	_____ m ³ /day
<input type="checkbox"/> Ground water or well	_____ m ³ /day

Liquid waste hauler - please indicate company used and disposal site if known.

4. Pre-treatment and Disposal

Pre-treatment devices or processes used for treating wastewater or sludges before discharge to the sewer system. (Please check as many as is appropriate):

- | | |
|---|--|
| <input type="checkbox"/> Air floatation | <input type="checkbox"/> Screening |
| <input type="checkbox"/> Centrifuge | <input type="checkbox"/> Sedimentation |
| <input type="checkbox"/> Chemical Precipitation | <input type="checkbox"/> Septic Tank |
| <input type="checkbox"/> Chlorination | <input type="checkbox"/> Solvent Separation |
| <input type="checkbox"/> Cyclone | <input type="checkbox"/> Spill Protection |
| <input type="checkbox"/> Filtration | <input type="checkbox"/> Sump |
| <input type="checkbox"/> Flow Equalization | <input type="checkbox"/> Biological Treatment |
| <input type="checkbox"/> Grease or Oil Separation,
type: _____ | type: _____ |
| <input type="checkbox"/> Grease Trap | <input type="checkbox"/> Rainwater Diversion or Storage
type: _____ |
| <input type="checkbox"/> Grit Removal | <input type="checkbox"/> Other Chemical Treatment
_____ |
| <input type="checkbox"/> Ion Exchange | <input type="checkbox"/> Other treatment
type: _____ |
| <input type="checkbox"/> Neutralization, Ph correction | <input type="checkbox"/> No Pre-treatment Provided |
| <input type="checkbox"/> Ozonation | |
| <input type="checkbox"/> Reverse Osmosis | |

(a) Describe in detail the treatment process for your waste streams:

(b) Provide a flow diagram of your Pre-treatment Process in the space below:

(c) Provide a description of the identified pre-treatment facilities and operating data

(d) Describe how solids are handled, stored and disposed.

(e) Describe any current operational problems or required shutdowns of pre-treatment facilities that may affect the quality of wastewater discharged to the sewer system.

(f) Is sludge generated from the pre-treatment process: () yes () no
If yes, please describe the treatment and disposal method for sludge removal,

(g) Do you recover any chemicals from your wastewater: () yes () no
If yes, please explain

5. Pollutant Information (Sewer Discharge)

- (a) Please indicate in the appropriate location whether the chemical parameter is known, or suspected to be present in each waste stream leaving your facility.

Sewer Discharge Characteristics

Parameter	Known present	Suspected present	Concentration (mg/l)
Antimony			
Arsenic			
Bismuth			
BOD			
Cadmium			
Chromium			
Cobalt			
Copper			
Cyanide			
Kjeldahl			
Lead			
Manganese			
Mercury			
Molybdenum			
Nickel			
Oil/Grease (A/V)			
Oil/Grease (M/S)			
Phenolics			
Phosphorus			
Selenium			
Silver			
Tin			

Titanium			
TSS			
Vanadium			
Zinc			

6. Pollutant Information (No discharge)

- (a) List pollutants or chemicals that have the potential to enter either sanitary or storm sewers due to accidental spills, machinery malfunctions or process upsets:

- (b) Does your Company have any existing agreements with the Municipality, former municipalities or the Province regarding wastewater discharged to the sanitary or storm sewers?

- (c) Does the Company have any flow measurement or sampling equipment available?

- (d) Has the Company ever conducted sampling and analysis of wastewater discharged to either the sanitary or storm sewer system? If so, please provide as an attachment to this report any copies of analysis that are available.

Name of person submitting report:

Town of Amherst Representative

(Name)

(Title)

(Date of Completion)

Authorized Company Representative

I have reviewed this report.

(Name)

(Title)

(Date of Completion)

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONS
BYLAW NO: D-3

APPROVAL DATE:

CAO Signature: _____

1. SHORT TITLE

- (1) This Bylaw shall be known as Bylaw Number D-3, and may be cited as the “Wastewater Discharge Bylaw.”
- (2) The previous and all other versions of the Wastewater Discharge Bylaw are repealed and replaced by this version.

2. PURPOSE

- (1) This Bylaw outlines the controls for connections and discharges to public sewer systems. The objectives of the Bylaw are to:
 - (a) Protect the sewer collection system from corrosion, damage, and obstruction
 - (b) Protect the wastewater treatment process from upset
 - (c) Protect the public, municipal workers, and property from hazardous conditions
 - (d) Protect the environment

3. DEFINITIONS

- (1) In this Bylaw:
 - (a) “Biochemical Oxygen Demand” (BOD) means the quantity of oxygen utilized, expressed in milligrams per litre, in the biochemical oxidation of matter within a 120-hour period at a temperature of 20 degrees centigrade, as determined by procedures set forth in “Standard Methods”;
 - (b) “Building Service Connection” means any piping system which conveys sewage or liquid waste from the buildings on any property to a public sewer;
 - (c) “Chemical Oxygen Demand” (COD) means the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedure, expressed in milligrams per litre, as determined by procedures set forth in “Standard Methods”
 - (d) “Combined sewer” means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
 - (e) “Council” means the municipal council of the Town of Amherst;

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS

SECTION: OPERATIONS

BYLAW NO: D-3

- (f) “Discharge” means to discharge, release, permit or cause to be discharged into the municipal wastewater facilities or stormwater system;
- (g) “Discharger” means the owner, occupant or person who has charge, management or control of effluent, sewage, stormwater, uncontaminated water or any combination thereof, which is discharged into the municipal wastewater facilities;
- (h) “Engineer” means the Municipal Engineer for the Town of Amherst and includes a person acting under the supervision and direction of the Engineer;
- (i) “Fuel” includes alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;
- (j) “Grease” means total oil and grease extracted from aqueous solution or suspension according to the laboratory procedure set forth in “Standard Methods” and includes, but is not limited to, hydrocarbons, esters, oils, fats, waxes, and high molecular fatty acids;
- (k) “Hauled wastewater” means any wastewater transported to and deposited into any location in the municipal wastewater facilities;
- (l) “Heat pump” means is a device that provides heat energy from a source of heat to a living or working space. Heat pumps are designed to move thermal energy opposite to the direction of spontaneous heat flow by absorbing heat from a cold space and releasing it to a warmer one. For purposes of this bylaw a heat pump refers to a water to air heat pump device, which is a device that extracts heat from a groundwater source to be used to heat a residential or commercial space.
- (m) “Industrial, commercial or institutional” includes or pertains to industry, manufacturing, commerce, trade, business, or institutions, as distinguished from domestic or residential;
- (n) “Inspector” means a person authorized by the Town of Amherst to carry out observations and inspections and to take samples as prescribed in this bylaw;
- (o) “Leachate” includes any liquid that has percolated through solid waste and has extracted dissolved or suspended materials from it, including the liquid produced from the decomposition of waste materials and liquid that has entered the waste

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material from external sources including surface drainage, rainfall and groundwater;

- (p) “Municipality” means the Town of Amherst;
- (q) “National Building Code of Canada” (N.B.C.) applies to the construction of buildings including extensions, substantial alterations, buildings undergoing a change of occupancy, and upgrading of buildings to remove an unacceptable hazard. The NBC is prepared by the Canadian Commission on Building and Fire Codes and is published by the National Research Council of Canada;
- (r) “Pathological waste” includes those fluids or materials which may contain pathogens of human or animal origin;
- (s) “Pesticides” includes any substance that is a pest control product within the meaning of the “Pest Control Products Act” (Canada) or a fertilizer within the meaning of the “Fertilizers Act” (Canada) that contains a pest control product;
- (t) “pH” means the measure of the intensity of the acid or alkaline condition of a solution determined by the hydrogen ion concentration of the solution in accordance with the “Standard Methods”;
- (u) “Phenolic compounds” means hydroxyl derivatives of benzene and its condensed nuclei;
- (v) “Sewage” means the combination of liquid and water carried wastes from buildings, containing animal, vegetable or mineral matter in suspension or solution, together with such groundwater, surface water or stormwater as might be present;
- (w) “Sewer” means a pipe or conduit for carrying sewage, groundwater, stormwater or surface runoff, and includes all sewer drains, storm sewers, Clearwater sewers, storm drains and combined sewers vested in, or under the control of, the municipality;
- (x) “Sewage System” means all pipes, mains, equipment, buildings, and structures for collecting, pumping or treatment of wastewater and operated by the municipality, but does not include a storm sewer;
- (y) “Standard Methods” means Standard Methods for the examination of water and wastewater by the utilization of analytical and examination procedures provided in

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the edition current at the time of testing, published jointly by the American Public Health Association and the American Water Works Association or any publication by or under the authority of the Canadian Standards Association for the testing of water and waterworks to determine water quality standards;

- (z) “Storm Sewer” means a sewer that carries stormwater and surface runoff water, excluding sewage;
- (aa) “Stormwater” means water from precipitation of all kinds, and includes water from the melting of snow and ice, groundwater discharge and surface water that meets the pollution limits of Table 1 Section 3-4;
- (bb) “Stormwater system” means a method or means of carrying stormwater including, but not limited to, those ditches, swales, storm sewer retention ponds, streets or roads that are owned by the municipality;
- (ab) “Suspended Solids” means the insoluble matter suspended in wastewater that is separable by laboratory filtration as determined by procedures set forth in Standard Methods”;
- (ac) “Total Kjeldahl Nitrogen” (TKN) means organic nitrogen;
- (ad) “Uncontaminated water” means potable water or any other water to which no matter has been added as a consequence of its use;
- (ae) “Waste” means any material discharged into the sewage system;
- (af) “Wastewater” means any liquid waste containing animal, vegetable, mineral or chemical matter in solution or suspension carried from any premises;
- (ag) “Wastewater Facilities” means the structure, pipes, devices, equipment, processes, or other things used, or intended, for the collection, transportation, pumping or treatment of sewage and disposal of the effluent.

4. PROHIBITED DISCHARGE TO WASTEWATER FACILITIES

- (1) No person shall discharge, into wastewater facilities, sewage or wastewater which causes or may cause or results or may result in:
 - (a) A health or safety hazard;
 - (b) Obstructions or restrictions to the flow in the wastewater facilities;

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- (c) An offensive odour, toxic emission, or poisonous vapour to emanate from wastewater facilities, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, mercaptans, carbon disulphide, other reduced sulphur compounds, amines, or ammonia in such quantity that may cause an offensive odour;
 - (d) Damage to wastewater facilities;
 - (e) Interference with the operation and maintenance of wastewater facilities;
 - (f) A restriction of the beneficial use of sludge from the municipality's wastewater facilities;
 - (g) Effluent from municipal wastewater facilities to be in violation of any Provincial or Federal Acts or Regulations.
- (2) No person shall discharge, into wastewater facilities, sewage, or wastewater with any one or more of the following characteristics:
- (a) A pH less than 5.5 or greater than 9.5;
 - (b) Two or more separate liquid layers
 - (c) A temperature greater than sixty-five (65) degrees Celsius.
- (3) No person shall discharge, into wastewater facilities, sewage or wastewater containing one or more of the following:
- (a) Combustible liquid;
 - (b) Fuel;
 - (c) Hauled sewage or hauled wastewater, except where written permission from the municipality has been obtained;
 - (d) Ignitable waste including but not limited to, flammable liquids, solids, and/or gases, capable of causing or contributing to explosion or supporting combustion in wastewater facilities;
 - (e) Detergents, surface-active agents, or other substances that may cause excessive foaming in the wastewater facilities;
 - (f) Sewage containing dyes or colouring materials which pass through wastewater facilities and discolour the wastewater facility or effluent;
 - (g) Material that, when combined with other wastes, reacts to form a highly coloured stream;
 - (h) Material containing polychlorinated biphenyls (PCBs);
 - (i) Pesticides, herbicides or xenobiotics;
 - (j) Reactive materials;
 - (k) Radioactive substances;
 - (l) Leachate, except where the discharger has written permission from the municipality;

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- (m) Pathological waste in any quantity;
 - (n) Animal wastes from tanning operations;
 - (o) Viscous or solid matter (i.e., ashes, cinders, sand, clay, wood, plastics, etc.) that may cause obstructions of flow or interference with the sewage operation.
- (4) No person shall discharge, into wastewater facilities, sewage or wastewater containing a concentration in excess of any of the limits set out in Table 1:

Table 1 – Concentration Limits – Wastewater Facilities

Substance	Milligrams per Liter
Aluminum, Total	50
Antimony, Total	5
Arsenic, Total	1
Barium, Total	5
Benzene	0.01
Beryllium, Total	5
Biochemical Oxygen Demand	300
Bismuth, Total	5
Cadmium, Total	0.1
Chemical Oxygen Demand	1000
Chlorides	1500
Chloroform	0.05
Chromium, Total	4
Cobalt, Total	5
Copper, Total	1
Cyanide, expressed as HCN Total	2
1,2 - Dichlorobenzene	0.1
1,4 – Dichlorobenzene	0.1
Cis – 1,2 – Dichloroethylene	4.0
Trans – 1,3 – Dichloropropylene	0.15
Ethylbenzene	0.15
Fluoride expressed as F	10
Iron, Total	50
Lead, Total	1
Manganese, Total	5
Mercury, Total	0.01
Methylene chloride	0.2
Substance	Milligrams per Liter
Molybdenum, Total	5

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Nickle, Total	2
Oil & Grease – mineral or synthetic in origin	15
Oil & Grease – animal or vegetable in origin	100
o-Xylene	0.5
Phenolic Compounds (4AAP)	1
Phosphorus, Total	10
Selenium, Total	1
Silver, Total	2
Sulphates Expressed as SO ₄	1500
Sulfides expressed as H ₂ S ₂	2
Suspended Solids, Total	350
1,1,2,2 – Tetrachloroethane	1.0
Tetrachloroethylene	1.0
Tin, Total	5
Titanium, Total	5
Toluene	0.01
Total Kjeldahl Nitrogen	100
Trichloroethylene	1.0
Vanadium, Total	5
Xylenes, Total	1.5
Zinc, Total	2

* A reference to “Total” in this table denotes total concentrations of all forms of the metal and ion including both particulate and dissolved species.

- (5) No person shall discharge, into wastewater facilities sewage or wastewater under circumstances where water has been added for the purpose of dilution to achieve compliance with Sections 4(2) and 4(4).
- (6) No person shall discharge into wastewater facilities any effluent from a heat pump that extracts heat from a groundwater source.
- (7) No person shall discharge cooling water or uncontaminated water to wastewater facilities unless the discharge has been permitted by the municipality.
- (8) Compliance with any limit is not attainable by dilution.

5. DISCHARGE TO STORMWATER SYSTEM

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- (1) Except as otherwise provided in this bylaw, no person shall discharge, release, place or cause to be placed, any substance other than stormwater or uncontaminated water into a storm sewer.

6. GREASE, OIL, SEDIMENT, SAND TRAPS OR INTERCEPTORS

- (1) Grease, oil, sediment and sand traps or interceptors shall be installed in all food service facilities, and car or truck washes or any discharge when, in the opinion of the municipality, such a device is necessary for the proper handling and control of wastewater being discharged to the municipal wastewater facilities.
- (2) Traps or interceptors shall be installed such that they are easily accessible for all aspects of cleaning and inspection.
- (3) Traps or interceptors shall be maintained by the owner or operator in a condition of continuous efficient operation at the owner's expense.
- (4) No retained or trapped oil, grease, sediment, sand, silt, or other matter in any form shall be allowed to pass from the installed trap or interceptor into the wastewater facilities; removal of retained or trapped materials shall be achieved by pumping or other physical means and shall be hauled away and disposed of as required by law.
- (5) Whenever an inspection of an installed trap or interceptor results in a written notice for action on the part of the person(s) responsible for the installed device, such action shall be completed within the compliance period granted by the written notice.
- (6) The owner or operator of an establishment shall provide the municipality, upon request, with the frequency of inspection and maintenance of any installed grease, oil, sediment and sand traps or interceptors as well as information as to the disposal method employed and location of hauled waste material.
- (7) Any reasonable request for inspection by the municipality shall be granted by the owner or operator of the establishment.

7. SPILLS

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS

SECTION: OPERATIONS

BYLAW NO: D-3

- (1) Every person who discharges, deposits, causes, or permits the discharge or deposit of any matter in any sewer that in nature or quantity is not in the ordinary course of events shall forthwith notify the Municipality.
- (2) For any discharge in Subsection 7(1) the information with the notification shall include:
 - a. Name of Company and civic address of the spill;
 - b. Name of the person, including contact numbers, reporting the event;
 - c. Particulars on the spill:
 - a. Time
 - b. Type and volume of the material discharged
 - c. Potential hazard of the material discharged\
 - d. Corrective actions being taken to control the spill
- (3) Within 5 days of the spill a detailed report describing the cause and actions taken is to be submitted to the Municipality. The report shall include preventative and corrective actions to prevent a recurrence.

8. REPORTING REQUIREMENTS

- (1) No industrial, commercial, or institutional discharger shall discharge sewage, wastewater, cooling water, uncontaminated water or any combination thereof, to wastewater facilities without first submitting to the Engineer of the Municipality the following completed reports:
 - a. The “Short Version of the Discharger Information Report” attached as Form 1; and
 - b. The “Complete Discharger Information Report” attached as Form 2 where, in the opinion of the Engineer, the discharge may have a significant impact on the wastewater facilities, and the municipality has notified the discharger that completion of the report is required; or where the discharger has or requires an extra strength or large volume surcharge agreement with the municipality.
- (2) If a discharger has been discharging to wastewater facilities prior to the enactment of this bylaw, the discharger shall comply with the requirements set out in subsection 7(1) within 30 days of receipt of written notice from the Engineer.
- (3) The discharger shall provide written notification to the municipality of any changes to the information filed pursuant to subsections 6(1) and 6(2) within 60 days of the change.

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS

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9. DISCHARGER SELF-MONITORING

- (1) The discharger shall undertake the monitoring or sampling of any discharge to the wastewater facilities as may be required by the Engineer, and provide the results in accordance with written notice from the Engineer.
- (2) The obligations set out in or arising out of subsection 8(1) shall be completed at the expense of the discharger.

10. EXTRA STRENGTH AND VOLUME SURCHARGE AGREEMENT

- (1) Where large volumes of sewage, extra strength sewage or wastewater is discharged to wastewater facilities, the municipality may enter into a surcharge agreement with a discharger permitting exceedances of the limits set out in subsection 4(4), including, but not limited to, any one or more of the following:
 - a. Biochemical oxygen demand;
 - b. Solvent extractables – animal or vegetable in origin;
 - c. Total kjeldahl nitrogen;
 - d. Phosphorous, total;
 - e. Suspended solids, total; or
 - f. Large volumes.
- (2) The agreement may include terms and conditions under which the discharge is permitted and the method by which the municipality shall recover costs incurred by the pumping and treatment of the wastewater.
- (3) During the term of the agreement, the discharger shall be exempt from meeting the limits set out in subsection 4(4) for the parameter(s) included in the agreement, if all conditions stipulated in the agreement are met.
- (4) Notwithstanding subsection 9(1), where a discharger has entered into an extra strength surcharge or large volume agreement, any anticipated change in the information provided pursuant to Section 6 must be submitted to the municipality prior to the change to allow an assessment of the impact of the change on the agreement.
- (5) The municipality may terminate the agreement at any time and the termination shall be effective within 30 days of the delivery of a written notice to the discharger's site or head office.

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
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- (6) As part of the agreement the municipality may require the discharger to provide a Control Service Access as outlined in Section 13 of this bylaw.

11. COMPLIANCE AGREEMENT

- (1) Where the discharger, at the coming into force of this bylaw, is out of compliance with one or more conditions in Section 4, the municipality may enter into a compliance agreement with a discharger to provide a plan for achieving compliance with the bylaw within a specified time.
- (2) The agreement shall:
- a. Be for a fixed term;
 - b. Contain reporting requirements to the Engineer on significant stages in the progress towards compliance as determined by the municipality; and
 - c. Include a maximum interim limit for the parameter or parameters covered by the agreement.
- (3) During the term of the compliance agreement, the discharger shall be exempt from those parts of Section 4 specified in the compliance agreement provided that all of the conditions of the agreement are met by the discharger prior to the expiry of the agreement.
- (4) The agreement may be terminated with 48 hours' notice by the municipality at any time where the terms and conditions of the agreement are not being met.
- (5) As part of the agreement the municipality may require the discharger to provide a Control Service Access as outlined in Section 13 of this bylaw.

12. SAMPLING AND ANALYTICAL REQUIREMENTS

- (1) Where the Engineer determines that monitoring of any discharge to the wastewater facilities is required, the owner or operator of industrial, commercial, or institutional premises may be required to monitor, analyse, and report to the Engineer the results of the monitoring program at the owner's expense.
- (2) The Engineer may specify specific time periods for collection of samples and analytical requirements based on practices of the business, as required.

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS

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- (3) The Engineer may from time to time enter any premises and conduct such tests as deemed necessary.
- (4) All tests, measurements, analysis, and samples handling shall be carried out in accordance with “Standard Methods” and by a laboratory certified by the Canadian Association of Environmental Laboratories.

13. CONTROL SERVICE ACCESS

- (1) The Engineer may require the installation of a control service access or the upgrading of an existing control service access, for each connection to the wastewater facilities for the purpose of monitoring or sampling discharges.
- (2) A control service access required under subsection 13(1) shall be:
 - a. Located on the property of the discharger unless the municipality permits an alternative location;
 - b. Constructed and maintained at the expense of the discharger;
 - c. Accessible at all times by the municipality;
 - d. Constructed in a manner which meets the standards of the municipality; and
 - e. Maintained to ensure access and structural integrity.

14. GENERAL

- (1) For the purpose of the administration of this bylaw, the Inspector may, upon production of his identification, enter any industrial premises and have free unimpaired access, to observe and measure the flow of wastewater to any sewer and to collect any samples required at reasonable times upon reasonable notice.
- (2) No person shall break, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, deface or tampering with:
 - a. Any part of the sewage system or storm sewer system; or
 - b. Any permanent or temporary device installed in the sewage system or storm sewer system for the purpose of measuring, sampling, and testing of wastewater.
- (3) No work shall be carried out on any sewer other than by the authority of the Municipal Engineer.

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS

SECTION: OPERATIONS

BYLAW NO: D-3

- (4) The Council shall have the power to stop and close up and prevent from discharging into the sewage system, any private sewer or drain through which substances are discharged or into which substances are thrown, deposited, or supposed to be put, prohibited by this bylaw or which are liable to injure the sewers or obstruct the flow of sewage.
- (5) The Council shall not cause any sewer to be closed up pursuant to this subsection unless the owner of the sewer is first notified and given an opportunity to be heard by the Council.

15. INSTALLATIONS

The Town shall provide all installations required for the connections within the rights-of-way of the Town streets when:

- a. The owner pays the connection charge provided in Section 18 hereof, and
- b. The property fronts on a street in which there is a sewer main.

16. REQUIREMENTS

- (1) Size, slope, alignment, materials of construction of the building sewer and the methods to be used in excavating, placing the pipe, jointing, testing, backfilling the trench and the connection to the public sewer, shall all conform to the requirements of the Town as they may exist at the time of installation.
- (2) All building sewers shall incorporate an effective backwater valve.

17. ELEVATION

- (1) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.
- (2) In all buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drains shall be lifted by an approved means and discharged to the building sewer.

18. FEES

The owner of every property fronting on any street in which there is a public sewer and which has been or may hereafter be connected with a public sewer by a building service connection from said house, shall pay to the Town the amount as set out in the Town's Annual Review of User Fees Policy, 03470-03

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONS
BYLAW NO: D-3

19. PENALTY

- (1) Any person who contravenes any provision of this bylaw shall be liable upon summary conviction for every such offence to a penalty of not less than five hundred dollars (\$500.00) and not exceeding fifty thousand dollars (\$50,000.00) or in default of payment, to imprisonment for a term not exceeding ninety days and each day that the offence continues shall constitute a new offence.

- (2) Any person alleged to have violated this bylaw, who is given notice of the alleged violation and where the said notice so provides for payment, may pay a penalty in the amount of five hundred dollars (\$500.00) to the TOWN OF AMHERST provided that said payment is made within a period of 14 days following the day on which the alleged violation was committed, and said payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONS
BYLAW NO: D-3

Bylaw Respecting Discharge into Public Sewers D-3 Adoption	
First reading:	
Notice of Intent:	
Second Reading and Enactment:	
Final Publication:	
Notice to Service Nova Scotia & Municipal Relations:	

VERSION LOG

Bylaw Owner	Amendment Description	Council Approval Date
Director of Operations, Bourgeois	Amended to prohibit effluent from heat pumps to be discharged into the Town's sewage system, and housekeeping amendments	

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Andrew Fisher, Director of Planning & Strategic Initiatives

DATE: March 20, 2023

SUBJECT: *Policy Review: P-9 Commercial Development Support Bylaw*

ORIGIN: Council Strategic Priority: review Council committee representation, town policies and bylaws to ensure they reflect the vision, mission and guiding principles while addressing the town’s strategic priorities.

LEGISLATIVE AUTHORITY: Municipal Government Act, section 84 allows council to make decisions in the exercise of its powers and duties by resolution, by policy or by by-law, and section 71C concerning ‘commercial development districts’.

RECOMMENDATION: That Council maintain status quo with respect to the Commercial Development Support Bylaw.

BACKGROUND: In 2016, the province amended the Municipal Government Act giving municipalities the ability to phase-in a commercial assessment increase over a period of up to 10 years, as the result of an investment in a specific area. In the ten years following the investment, the owner would save up to 50% of tax paid as a result of the increased assessment. The rebate would be applied as follows:

Year	Rebate (as % of the rebate eligible assessment)
1	90
2	80
3	70
4	60
5	50
6	50
7	40
8	30
9	20
10	10

The original intent of this amendment was to empower municipalities to establish ‘Commercial Development District(s)’, which are areas that might be less attractive to investment, such as traditional downtowns or brownfield sites. Each municipality can decide to what areas the Commercial Development District applies so long as the properties are commercially assessed and serviced by municipal water and wastewater infrastructure.



On September 29, 2017 the Town’s ‘Commercial Development Support Bylaw P-9’ became effective. The Commercial Development Districted applies to all areas of town designated Commercial, Industrial and Comprehensive Development District, which is essentially all properties with a commercial assessment. In order to be eligible, the property must undergo a development, defined as a new building or building expansion or renovation with a minimum project cost of \$25,000. An application for the phase-in must be submitted before a Building Permit is issued.

To date, there are eleven participants in the program, seven of which are in the Industrial Park and include several of the largest operations. The following chart provides the total amount of rebates issued since fiscal 2019/20:

Rebates					
Year	2019/20	2020/21	2021/22	2022/23	2023/24
Total Rebate	\$ 33,759	\$ 30,068	\$ 353,975	\$ 422,001	\$ 412,067

The average estimated construction investment over the last five-year period was \$ 8 million based on the value of Development and Building Permits issued. While this does not translate directly into assessment increases, it does indicate that investment of this scale is likely to continue.

Estimated Construction Value				
2018	2019	2020	2021	2022
12.9 m	2.8 m	9.1 m	5.9 m	6.2 m

Several municipalities in Nova Scotia have adopted the same bylaw that includes all commercial and industrial zoned properties. Others have directed Commercial Development Districts to specific areas including historic downtowns, waterfronts, and industrial parks. Cumberland County have given first reading of the necessary Municipal Planning Strategy amendments to establish this program for all areas of the county with a commercial assessment on municipal services.

DISCUSSION: The subject bylaw is one of the few tools that Nova Scotia municipalities have to incentivize commercial and industrial investment. As more jurisdictions adopt similar bylaws, offering the program will also become an issue of competitiveness. While the program was intended to incentivize development in challenged areas (ex. downtowns and brownfields), it is difficult to determine specific properties or areas to be excluded from the program.

Total rebates issued each year are significant and may increase substantially depending on commercial investments; however, it is important to note that the rebates come from increased assessment and does not impact the ‘bottom line’. Moreover, it is difficult to measure the extent to which the program incentivized additional investment that would not have otherwise taken place without the program. Staff do know some investments would have taken place without the





COMMITTEE OF THE WHOLE

CDR# 2023036

Date: March 20, 2023

program, particularly some of the larger players such as Gordon Foods Ltd. whom staff had to pursue to get them to participate. For other participants such as Atlantic Windows, the program helped them decide to make further investments into their Amherst operations. As such, staff feel elimination or significant changes to the program are not warranted at this time.

FINANCIAL IMPLICATIONS: The financial implications are detailed above.

SOCIAL JUSTICE IMPLICATIONS: None specific to this issue.

ENVIRONMENTAL IMPLICATIONS: None specific to this issue.

COMMUNITY ENGAGEMENT: The program is promoted to businesses looking to locate or expand.

ALTERNATIVES: 1) Direct staff to provide additional information.

ATTACHMENTS: Bylaw P-9 Commercial Development Support Bylaw

Report prepared by: A.Fisher

Report and Financial approved by:



Town of Amherst

Commercial Development Support Program

Bylaw No: P-9

Effective: 29 September 2017

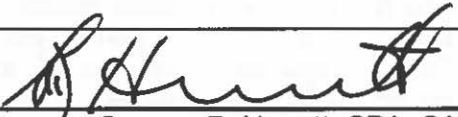
I, Gregory D. Herrett, Town Clerk and Chief Administrative Officer of the Town of Amherst do hereby certify that the following is a true copy of the **Commercial Development Support Program Bylaw, P-9** adopted by Council at a meeting held on 26th day of June, 2017, and approved by the Minister of Municipal Affairs on the 14th day of September, 2017.

Given under the hand and seal of the Town of Amherst this 29th day of September, 2017



Gregory D. Herrett, CA
Town Clerk and Chief Administrative Officer

First Reading of Council – 27 February, 2017
Notice of Intention to Adopt – 10 March 2017 and 17 March 2017
Second Reading of Council – 26 June 2017
Sent to Municipal Affairs – 4 August 2017
Effective Date – 29 September 2017

Annotation for Official Bylaw Book	
Date of First Reading	27 February 2017
Date of advertisement of Notice of Intent to Consider	10 March & 17 March 2017
Date of Second Reading	26 June 2017
Date of mailing to Municipal Affairs	4 August 2017
Date approved by Minister of Municipal Affairs	14 September 2017
Date of Publication / Effective Date of Bylaw	29 September 2017
I certify that this Bylaw to Amend the Municipal Planning Strategy was adopted by Council and published as indicated above	
 <hr/> Gregory D. Herrett, CPA, CA Town Clerk and CAO	29 September 2017

First Reading of Council – 27 February, 2017
 Notice of Intention to Adopt – 10 March 2017 and 17 March 2017
 Second Reading of Council – 26 June 2017
 Sent to Municipal Affairs – 4 August 2017
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TOWN OF AMHERST
BYLAW RESPECTING A COMMERCIAL DEVELOPMENT SUPPORT PROGRAM
IN THE TOWN OF AMHERST

WHEREAS it is desirable to permit the phasing-in, over a period of up to 10 years, of an increase to the taxable assessed value of commercial properties located in the Town of Amherst Commercial Development District and further to provide a partial rebate of taxes paid by the owner during the phasing-in period;

AND WHEREAS Chapter 13 of the Acts of 2016 amended the Municipal Government Act (Chapter 18 of the Acts of 1998) to create Sections 71C and 71D, which allows the Town with the approval of the Minister of Municipal Affairs to pass this Bylaw;

The Council of the Town of Amherst, under the authority of the Municipal Government Act, pursuant to Section 71C and subject to approval of the Minister in Section 71D, enacts the following Bylaw:

SHORT TITLE

1. This Bylaw shall be known as Bylaw No. P-9, and may be cited as the “Commercial Development Support Bylaw”. (also known as the CDS Bylaw)

APPLICATION

2. This Bylaw shall apply to a property which meets the definition of an eligible property as defined in subsection 71C(1) of the *Municipal Government Act*, if that property is located within the **Commercial Development District (CDD)** as prescribed in the *Town of Amherst Municipal Planning Strategy* and as depicted in the Industrial, Comprehensive Development District, and all Commercial Zones on the Land Use Zoning Map, attached as Schedule A of this Bylaw.

DEVELOPMENT SUPPORT PROGRAM

3. The **Development Support Program** is established to provide assistance to owners of eligible property by providing the possibility of an annual partial rebate on taxes paid by the owner if the owner has undertaken development of their property in the CDD. The rebates are designed to stimulate building construction and the expansion of the economy of the Town.
4. The Development Support Program may provide a participating owner with a partial rebate on taxes paid on an eligible property by utilizing all or a portion of the “Rebate Eligible Assessment.”
5. Prior to receiving a Development Support, an owner of an eligible property must enter into Phased In Assessment Agreement with the Town.

DEVELOPMENT

6. An eligible property must undergo development before the owner of the property can participate in the Development Support Program.

DEFINITIONS

7. **Development** means any new building, expansion of an existing building, or any renovation that requires a Building Permit and has a minimum project cost of \$25,000.

8. **Rebate Eligible Assessment** means the amount calculated using the following formula:

Rebate Eligible Assessment = Actual Taxable Assessed Value – Base Year Taxable Assessed Value

9. **Base Year Taxable Assessed Value** means the Taxable Assessed Value applicable for the taxation year in which a Phased In Assessment Agreement is signed for the eligible property upon which development is to be constructed. The Base Year Taxable Assessed Value means the Taxable Assessed Value shall be fixed in this manner for the purpose of determining the Rebate Eligible Assessment for the development of the eligible property subject to any adjustment arising from assessment appeals or changes to the Taxable Assessed Value made by the Property Valuation Service Corporation (PVSC) through requests for reconsideration, and shall remain unchanged for the duration of the term of the Development Support Program for the eligible property.

10. **Actual Taxable Assessed Value** means the Taxable Assessed Value is established by the PVSC in the year following the completion of the Development. For further clarity, the Actual Taxable Assessed Value will not change for the purposes of the Development Support over the course of the program.

PHASED IN ASSESSMENT AGREEMENT

11. (1) As a condition of the Development Support Program, an owner of an eligible property must enter into an agreement with the Town (hereinafter referred to as the “**Phased In Assessment Agreement**”). The Phased In Assessment Agreement signed by the parties will be substantially the same as the form agreement attached as Schedule B to this Bylaw and forming part of the Bylaw.

(2) A Phase In Assessment Agreement establishes the eligibility criteria for the Development Support Program and the limits on the program as established in this Bylaw. In the event of a conflict between a Phased In Assessment Agreement and the Bylaw, the provisions of this Bylaw shall prevail.

REBATE CALCULATION

12. An annual Assessment Rebate amount shall be calculated as the following percentage of the equivalent of the Rebate Eligible Assessment:

Year	Rebate (as % of the rebate eligible assessment)
1	90
2	80
3	70
4	60
5	50
6	50
7	40
8	30
9	20
10	10

REBATE LIMITS

13. The total of Assessment Rebates provided over the term of participation in the program must not result in calculation of the total increase in taxes payable during the phase-in period being less than fifty percent of the total increase in taxes that would be payable during the same period in the absence of the application of the program formula.

ADJUSTMENTS

14. In the event there are any subsequent changes to the total taxes payable in any year due to reductions resulting from assessment appeals, and where such tax changes occur after rebate amounts have been paid, future year rebate entitlements may be reduced accordingly. Any overpayment of rebate amounts arising from subsequent assessment or tax reductions will be deemed to be a debt owing to the Town.

DURATION

15. Assessment Rebates will only become payable to the owner after the eligible property is first reassessed by PVSC to fully reflect the development that the owner is receiving the rebate for.
16. All rebates will cease if during the program term the building is demolished except to expand an eligible use. Rebate amounts that would have been payable in the year in which the demolition occurs will be adjusted on a pro-rated bases to reflect the date of the demolition.

STAGED DEVELOPMENT

17. In the case of a staged development, where one portion of a property is developed in advance of others, each portion of the property will be treated as a separate property. The first rebate payment of the component of the Development Support Program will be based on the Rebate Eligible Assessment arising from the increased assessment on the first portion of the development. As other portions of the property are developed, and which result in further assessment increases, the property owner may apply to further participate in the Development Support Program based on the additional Rebate Eligible Assessment, subject to the continued availability of the Development Support Program and the owner's ability to meet the eligibility requirements and rebate entitlements in place at that time.

CONDOMINIUMS

18. If a development of an eligible property is condominiumized, each condominium unit will be treated as a stand-alone development and must be able to meet all eligibility requirements of the Development Support Program, independent of other condominium units.

REPEAL

19. (1) In the event that this Bylaw, or any portion thereof, is repealed, any owner who has been accepted to participate in the Development Support Program prior to the date of repeal will benefit from the program, as applicable, in accordance with this Bylaw, despite its whole or partial repeal.

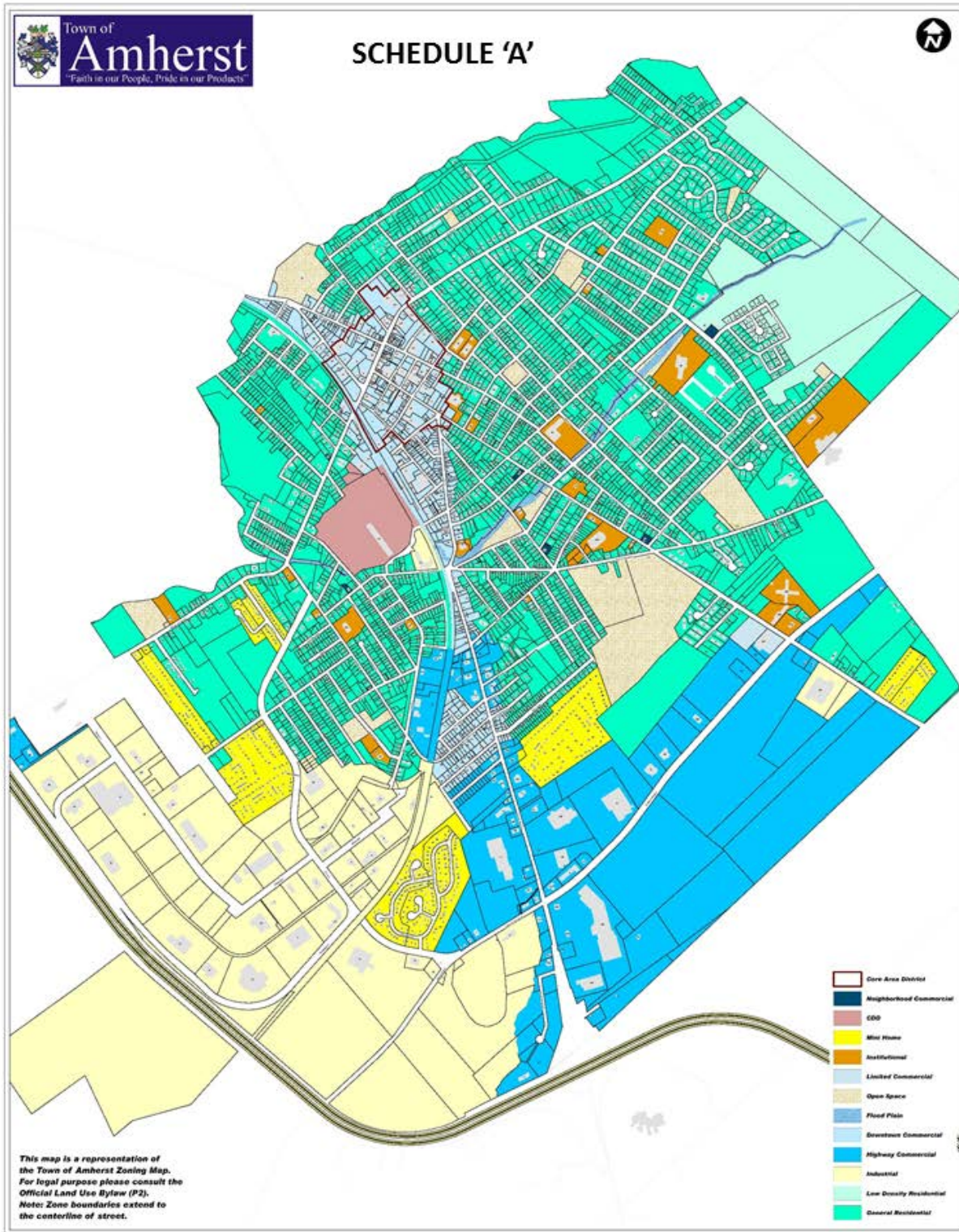
OTHER CONDITIONS

20. An owner's application to the Development Support Program must be made prior to the issuance of a Building Permit for the Development of the property.
21. All proposed development must conform to all Provincial laws, Town Bylaws, policies, and processes and all improvements must be made pursuant to an approved Building Permit and applicable zoning requirements and Development approvals.
22. The applicant must be the owner of the eligible property or have the owner's written authorization to apply for the Development Support Program.
23. The owner of an eligible property must not be in arrears of property taxes or other fees and charges on the date that the Phased In Assessment Agreement is signed.

PAYMENT

24. Rebates may be provided once annually, in the last quarter of the year, provided that:
 - a. There are no outstanding taxes, water rates, or other sums owed to the Town with respect to the property;
 - b. There are no outstanding work orders or orders or requests to comply from any municipal or provincial entity; and
 - c. All other eligibility criteria and conditions are met.
25. Assessment Rebates will not be applied as tax credits against property tax accounts.
26. In case of an assessment appeal, the Town reserves the right to withhold any further Assessment Rebates pending final disposition of the appeal.

SCHEDULE "A"



First Reading of Council – 27 February, 2017
Notice of Intention to Adopt – 10 March 2017 and 17 March 2017
Second Reading of Council – 26 June 2017
Sent to Municipal Affairs – 4 August 2017
Effective Date – 29 September 2017

SCHEDULE "B"

**Town of Amherst
Phased In Assessment Agreement**

THIS AGREEMENT made as of the _____ day of _____, 20 _____

BETWEEN:

(the "**Applicant**")

- and -

TOWN OF AMHERST
(the "**Town**")

WHEREAS the Town adopted Bylaw No. P-9 cited as the "Commercial Development Support Bylaw" (CDS Bylaw), a partial rebate program consisting of annual rebates to participating owners who undertake development on eligible property in the Commercial Development District;

AND WHEREAS the Applicant is the registered owner or the person having the owner's authorization, of an eligible property which is located within the Commercial Development District and has applied to the Town for participation in the Development Support Program for the Property described below in section 1 and in Schedule "A" of this Agreement (the "Property");

AND WHEREAS the Town requires that a Phased In Assessment Agreement be entered into between the Applicant and the Town;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the premises, covenants and agreements hereinafter contained on the part of the Applicant to be observed, fulfilled and performed as hereinafter required and the approval of the Applicant's application for participation in the Development Support Program by the Town, subject to and in accordance with, the terms and conditions of this Agreement, the parties covenant and agree as follows:

1. PROPERTY INFORMATION:

Applicant:

Name of registered Property Owner:

Address of Property:

Property Identification Number(s):

Mailing Address of Owner:

Name of Agreement Recipient:

Mailing Address of Recipient:

The Legal Description of the Property as set out in Schedule "A" of this Agreement.

2. DEFINITIONS:

Save and except as may be otherwise defined in this Agreement, the definitions of terms used in this Agreement shall be the same as the definitions for those terms as set out in the CDS Bylaw, No. P-9, and Section 71C of the Municipal Government Act, C18 of the Acts of 1998.

Please note: the terms Actual Taxable Assessed Value, Base Year Taxable Assessed Value, Development, Rebate Eligible Assessment are defined in the CDS Bylaw.

The following terms shall have the meaning set out below:

- 2.1 **Agreement** means this Phased-In Assessment Agreement which is entered into between the parties pursuant to sections 71C and 71D of the *Municipal Government Act*, and the CDS Bylaw No. P-9 enacted by the Council of the Town of Amherst and as amended from time to time.
- 2.2 **Applicant** means the owner of the property or a person having the owner's authorization to apply for the Development Support Program.
- 2.3 **CAO** means the Chief Administrative Officer of the Town. The CAO is the approving authority for purposes of this Agreement where authority is not required to come from Council.
- 2.4 **Treasurer** means the Director of Finance of the Town.
- 2.5 **Development Support Program** means program established by CDS Bylaw for a maximum period of 10 years.
- 2.6 **Assessment Rebate** means annual rebate amount calculated each year as set out in section 12 of the CDS Bylaw.
- 2.7 **Eligible Costs** means:
- Construction/retrofit/expansion costs as shown by the main Building Permit for the development;
 - The cost of associated studies and surveys;
 - The cost of development of plans and specifications; and
 - The cost of implementation and administration of the project including staff and professional service costs for architectural, engineering, legal, financial and planning services.
- Eligible costs do not include any costs or portion thereof covered by any form of financial assistance from a Provincial or Federal government or a board or agency of such government.
- 2.8 **Eligible Use** means permitted commercial or industrial uses as set out in the Town of Amherst Municipal Planning Strategy and Land Use Bylaw.

- 2.9 **Owner** means the registered owner(s) of the Property at the date this Agreement is signed.
- 2.10 **Property** means the Property described in section 1 and Schedule “A” of this Agreement.
- 2.11 **Recipient** means the Applicant, authorized to receive a Assessment Rebate.
- 2.12 **Town Solicitor** means the lawyer appointed by the Town for the purpose of registering this Agreement in the Registry of Deeds or under the Land Registration System, whichever is applicable.

3. PARTICIPATION IN ASSESSMENT REBATES PROGRAM

- 3.1 The Applicant’s participation in the Development Support Program is conditional on the Applicant ensuring that at all times the following conditions are met:
- (a) The objectives and participation requirements of this Agreement and the CDS Bylaw, attached as Schedule “C” to this Agreement, are met from year to year;
 - (b) All applicable Provincial and Town requirements, policies and procedures are met;
 - (c) The Applicant is in compliance with all of the terms and conditions of this Agreement and is in conformance with all Building Permits and other regulatory approvals pertaining to the Property; and
 - (d) The property has undergone development.

4. ASSESSMENT REBATE FUNDING CALCULATION

- 4.1 An Assessment Rebate is calculated by the Treasurer as a percentage of the Rebate Eligible Assessment as shown in Schedule “F” of this Agreement.
- 4.2 Prior to the commencement of the Development Support Program, the Treasurer shall determine the Base Year Taxable Assessed Value used to calculate the annual Rebate Eligible Tax Assessment and the corresponding annual Assessment Rebate payable to the Applicant. Following this determination, Schedule “F” will be amended annually to show the Actual Taxable Assessed Value, the Rebate Eligible Taxes, and the annual Assessment Rebate amount payable as determined by the Treasurer.
- 4.3 The Applicant shall have an opportunity to review the TREASURER’s calculation of the Base Year Taxable Assessed Value prior to the finalization of Schedule “F”; however, the TREASURER’s determination as to the calculation of the Base Year Taxable Assessed Value, and the amount of the Assessment Rebate, shall be final.

- 4.4 In calculating the annual Assessment Rebate payable for the development, the Rebate Eligible Assessment shall be calculated annually from the first year that the subject Assessment Rebate is payable, or the first year that the Owner elects to make the Annual Taxable Assessed Value election in accordance with this Agreement and CDS Bylaw.
- 4.5 The Assessment Rebate will be reduced by the Treasurer for the year in which a Assessment Rebate is paid, to reflect the amount of any rebate(s) of municipal taxes paid to the Owner, including but not limited to, rebates to reflect charitable status tax rebates related to the development. Any such reductions shall be in an amount reflecting the product of the municipal portion of taxes rebated and the Assessment Rebate percentage level applicable to that year.
- 4.6 The total of Assessment Rebates paid over a ten year maximum term of the program must not exceed fifty percent (50%) of the total increase in taxes that would be payable during the same period in the absence of the application of the formula.

REBATE ELIGIBLE ASSESSMENT

- 4.7 Subject to sections 4.9 and 4.10 of this Agreement, the Base Year Taxable Assessed Value shall remain fixed for the duration of the Development Support Program.
- 4.8 The Rebate Eligible Assessment will be amended by the Treasurer, as necessary, to reflect changes to the total Municipal Property Taxes payable in any year, as a result of successful assessment appeals, requests for reconsideration, equity changes, gross errors or other changes to Actual Taxable Assessed Value that have the effect of changing the amount used to calculate the Actual Taxable Assessed Value.
- 4.9 Where the Rebate Eligible Assessment is amended in accordance with section 4.8, future Assessment Rebates shall be adjusted accordingly for the duration of the Development Support Program period. Such adjustments may reflect any overpayment of Assessment Rebate arising from successful assessment appeals that occur subsequent to the commencement of payment of Assessment Rebates.
- 4.10 If at any time the Owner appeals any assessment relating to the development that, in the opinion of the CAO, may impact the calculation of the Rebate Eligible Assessment, the Town shall withhold any or all of the Assessment Rebate that would otherwise be paid for the development, based on a reasonable estimate of the reduction in assessment being sought, pending final disposition of the appeal. If as a result of the decision of the appeal body, the Actual Taxable Assessed Value is reduced below the amount determined in calculating the Rebate Eligible Assessment, then the reduced Rebate Eligible Assessment shall be the basis for determining the Assessment Rebate payable under this Agreement.
- 4.11 Where section 4.9 and 4.10 apply, any overpayment of a Assessment Rebate arising from subsequent assessment or tax reductions will be deemed to be a debt

owing to the Town which the Owner shall pay forthwith together with the same interest charged for overdue accounts by the Town.

- 4.12 If at any point after the development is complete, additional work is proposed on the Property that is not part of the original Program application, but may serve to further increase the current year tax assessed value, such additional work shall not be included in the calculation of the Assessment Rebate in this Agreement, but may be the subject of a further Development Support Program application, subject to the continued availability of the Development Support Program and the eligibility requirements and rebate entitlements in effect at that time.

5. FUNDING PAYMENT

- 5.1 Subject to Section 6 of this Agreement, Assessment Rebate payments to a maximum of ten (10) annual payments will commence being paid the first taxation year in which the Rebate Eligible Assessment is capable of being determined.
- 5.2 Assessment Rebates cannot be applied as tax credits against the Property Tax Account.

6. CONDITIONS OF PAYMENT

- 6.1 The CAO shall determine whether the Applicant has satisfied the participation requirements of this Agreement and the Schedules attached hereto.
- 6.2 A Assessment Rebate will only become payable after the property is first reassessed by the PVSC to fully reflect the development for which the Applicant might receive a rebate.
- 6.3 A rebate can only be paid once annually, in the last quarter of the year, provided that:
- (a) There are no outstanding taxes, water rates or other sums owed to the Town with respect to the property;
 - (b) There are no outstanding work orders and/or orders or requests to comply from any municipal or provincial entity; and
 - (c) All other required criteria and conditions are met.

7. OWNERS OBLIGATIONS

Compliance with Rebate Application

- 7.1 The Applicant shall undertake the development in accordance with the Development Support Program.

Compliance with Town Directives

- 7.2 The Applicant shall strictly comply with and observe all material requirements, stipulations, guidelines and directives related to the Development Support Program as required by the Town, and shall undertake all necessary courses of action to ensure compliance.

- 7.3 The Applicant agrees that the development shall be completed in compliance with all required Building Permits, and constructed in accordance with the Nova Scotia Building Code Act and all applicable Land Use Bylaw requirements, Municipal requirements and other approvals required at law.

Demolition/Conversion

- 7.4 The Applicant covenants to the Town that the development will not be demolished, in whole or in part or converted to an ineligible use, in whole or in part, prior to the advance of all of the payments over the term of this Agreement unless such demolition is required to enable property enhancement approved by the Town under the terms of this Agreement.
- 7.5 The Applicant shall ensure that the Property is maintained in its redeveloped condition in accordance with this Agreement.
- 7.6 The Applicant further covenants that if at any time during the Development Support Program the building which underwent development is demolished, in whole or in part, or converted to an ineligible use, in whole or in part, the CAO in his or her sole discretion will cease to advance future Assessment Rebates or reduce the amount of future Assessment Rebates on a pro-rated basis to reflect the date of the demolition or conversion.

Payment of Costs

- 7.7 The Applicant acknowledges that without limiting the generality of the other provisions of this Agreement:
- a) The onus and responsibility is upon the Applicant at all times to assume all costs of development and to apply for and obtain, at the Applicant's expense, all approvals and permits required from the Town and all other agencies including but not limited to all Municipal Planning Strategy Amendments, Land Use Bylaw Amendments, minor variances, site plan approval and building permits in accordance with all applicable legislation; and
 - b) The Owner remains responsible at all times for the payment in full of all amounts in respect of property taxes, water and any other charges that may be levied by the Town relating to the Property as and when they fall due.

Development Permits

- 7.8 Applications for Development Support Program must be made prior to the issuance of the first Building Permit for the development.

8. ASSIGNMENT

- 8.1 The Applicant covenants to the Town that if the Owner intends to sell, transfer or assign the Property or if for any reason the Property ceases to be registered in the Owner's name prior to the advance of all of the Assessment Rebate payments, the

Applicant will immediately notify the CAO in writing of such change or proposed change of ownership.

8.2 The payment of Assessment Rebates shall cease upon the sale, transfer or assignment of the Property, unless, prior to the completion of such sale, transfer or assignment, the Owner and the new owner enter into an agreement with the Town, in a form and content satisfactory to the CAO and the Town Solicitor, in which it is agreed that either:

a) the new owner shall have the right to participate in the Development Support Program; or

b) the Applicant shall continue to receive the Assessment Rebates

Provided that:

c) the new owner shall assume the Applicant's obligations under this Agreement from and after the date of completion of such sale, transfer or assignment;

and

d) the new owner shall require that any subsequent owner(s) of the Property shall assume the Applicant's obligations under this Agreement.

8.3 It is the responsibility of the Applicant or Owner to provide in writing to the CAO change in Recipient. It is at the discretion of the CAO to determine if an adjustment to the Assessment Rebate identification of a new Recipient by the Applicant.

9. TOWN RIGHTS

No Representation

9.1 Nothing in this Agreement shall be construed to be a representation by the Town regarding compliance of the Property with any applicable legislation, regulations, policies, standards, permits, approvals or Bylaws.

No Claim for Compensation or Reimbursement

9.2 In the event that any of the conditions of this Agreement are not fulfilled and a Assessment Rebate is not advanced, or required to be repaid, or the Assessment Rebate payments cease, or are delayed, the Applicant or Owner agrees that notwithstanding any costs or expenses incurred by the Applicant or Owner, the Applicant or Owner shall not have any claim for compensation or reimbursement of these costs and expenses against the Town and that the Town is not liable to the Applicant or Owner for losses, damages, interest, or claims which the Applicant or Owner may bear as a result of the lapse of time (if any) where the Town is exercising its rights herein to either delay a payment pending the Applicant or Owner's compliance with this Agreement or to terminate this Agreement.

10. DEFAULT AND REMEDIES

- 10.1 Subject to section 10.3, on the occurrence of a Default under this Agreement, the Town shall be entitled to all available remedies to terminate or enforce this Agreement, including but not limited to:
- a) immediate termination and cessation or delay of the release of a Assessment Rebate otherwise payable to the Applicant; and
 - b) requiring the Applicant or Owner to immediately repay to the Town all or a portion of any Assessment Rebates paid to the Applicant or Owner together with interest at the established Town rates.
- 10.2 A default under this Agreement (“**Default**”) shall be deemed to occur upon the failure of the Applicant or Owner to perform any of the obligations of the Applicant or Owner contained in this Agreement or to comply with all of the terms and conditions contained in this Agreement, included but not limited to the following:
- a) failure by the Applicant or Owner to satisfy the minimum requirements as set out in this Agreement and the CDS Bylaw;
 - b) failure by the Applicant or Owner in any material respect, to perform any of the obligations contained in this Agreement;
 - c) failure by the Applicant or Owner to pay and keep in good standing all real property taxes with respect to the Property and all other charges against the Property in favour of the Town, including but not limited to development charges, special assessments, local improvement charges, sewer and water and utility rates.
 - d) the making of an assignment by the Applicant or owner for the benefit of creditors, or if the Applicant or Owner assigns in bankruptcy or takes advantage of any statute for relief in bankruptcy, moratorium, settlement with creditors, or similar relief of bankrupt or insolvent debtors; receipt of a receiving order against the Applicant or Owner, or if the Applicant or Owner is adjudged bankrupt or insolvent, or if a liquidator or receiver is appointed by reason of any actual or alleged mortgage or other obligation, or if the Property or the interest of the Applicant or Owner in the Property is taken or sold by any creditors or under any writ of execution or other like process.
 - e) failure by the Applicant or Owner to remain in contact with the Town such that the Town is unable to contact the Applicant or Owner for a period of time exceeding one (1) year.
 - f) Any representation or warranty made by the Applicant or Owner in this Agreement or the Development Support Program is incorrect in any material respect.

- g) Willful defaults by the Applicant or Owner in the payment of moneys to any contractor, supplier or creditor, who has undertaken the works that are the subject of this Agreement.
- 10.3 If a Default occurs, the Town shall give written notice to the Applicant or Owner specifying the nature of the Default. The Applicant or Owner shall then have sixty (60) days, or such additional time as may be agreed to by the Town, acting reasonably, from the receipt of such notice of Default to rectify the Default, during which time all Assessment Rebate payments pay, in the CAO's sole discretion, be suspended, provided that if the Default is such that it cannot with due diligence be wholly rectified within sixty (60) days, or such additional period of time as may be agreed to by the CAO, and the Applicant or Owner has commenced and continues diligently working to correct the Default, the Applicant or Owner shall not be deemed to be in Default of this Agreement so long as it proceeds with due diligence to rectify the Default. If the Applicant or Owner fails to rectify the Default within the sixty (60) day time period or such additional time as may be agreed to by the CAO, and provided that the Applicant or Owner has not commenced and continued diligently working to correct the subject Default, the CAO shall have the option, in the CAO's sole discretion, to exercise the remedies under Subsection 10.1.
- 10.4 Wherever in this Agreement the Town requires repayment of all or part of any Assessment Rebate and the Applicant or Owner fails to repay as required the unpaid amounts shall be deemed to be a debt owing to the Town, and may be added to the tax roll for the property, together with interest at the Town rate.

11. INDEMNIFY

- 11.1 The Applicant or Owner shall indemnify, save, defend and keep harmless from time to time and at all times, the Town and its elected officials, officers, employees and agents from and against all claims, actions, causes of action, interest, demands, costs, charges, damages, expenses and loss made by any person arising directly or indirectly:
- a) in respect of any failure by the Applicant or Owner to fulfill its obligations under this Agreement; and
 - b) in respect of any loss, damage or injury (including death resulting from injury) to any person or property, however caused, directly or indirectly resulting or sustained by reason of an act or omission of the Applicant or Owner or any person for whom the Applicant or Owner is in law responsible in connection with any of the purposes set out in this Agreement or the failure by the Applicant or Owner to fulfill its obligations under this Agreement;

This indemnification shall, in respect of any matter arising prior to the termination of this Agreement, remain in force following termination or expiry of this Agreement.

12. ADDITIONAL PROVISIONS

Term

- 12.1 This Agreement shall remain in effect from the date of its execution by the Town to the earlier of:
- a) the Applicant informing the Town in writing prior to the first Assessment Rebate payment that it has decided not to accept any Assessment Rebates;
 - b) subject to the provisions of section 10 of this Agreement, the Town informing the Applicant or Owner in writing that due to the non-fulfillment of a required condition or due to Default, this Agreement is at an end;
 - c) the expiry of the Development Support Program period after 10 years; and
 - d) the Applicant informing the Town in writing at any point after receiving the first Assessment Rebate payment that it no longer wishes to receive Assessment Rebates.

Time of the Essence

- 12.2 Time shall be of the essence with respect to all covenants, agreements and matters contained in this Agreement.

Extension of Time

- 12.3 Where a time limit or deadline is provided for under this Agreement, the CAO, acting reasonably, may extend such time limit or deadline without an amendment to this Agreement.

Registration

- 12.4 Upon executing of this Agreement the Town at the Owner's expense, shall register or cause this Agreement to be registered on title to the Property immediately following execution by the Town.

Schedules

- 12.5 The following Schedules are attached to and form part of this Agreement:
- Schedule "A" Legal Description of the Property
 - Schedule "B" Example of Assessment Rebate Calculation
 - Schedule "C" CDS Bylaw
 - Schedule "D" List of Development Plans & Drawings
 - Schedule "E" Assessment Rebate Calculation

Survival of Covenants

- 12.6 Any terms or conditions of this Agreement that require performance by the Town or the Applicant or Owner after the expiration or other termination of this Agreement remain enforceable notwithstanding such expiration or other termination of this Agreement for any reason whatsoever.

Notice

- 12.7 Any notice required to be given by either party to the other shall be given in writing and delivered in person or by facsimile transmission to:

a) **In the case of the Town to:**

Town of Amherst, Attention: CAO
PO Box 516
Amherst, Nova Scotia
B4H 4A1

b) **in the case of the Applicant to:**

c) **in the case of the Owner to:**

Notice shall be deemed to have been received on the day of personal delivery or facsimile transmission if such a day is a business day and delivery is made prior to 4:00 p.m. and otherwise on the next business day. The parties agree to notify each other immediately, in writing, of any changes of address from those set out above.

Entire Agreement

- 12.8 This Agreement and the Schedules attached to it constitute the entire Agreement between the parties and there are no agreements collateral to it other than as referred to herein and no representations or warranties, express or implied, written or verbal, statutory or otherwise, other than as expressly set forth or referred to in this Agreement.

Municipal Government Act

- 12.9 Nothing in this Agreement limits or fetters the Town in exercising its statutory jurisdiction under the *Municipal Government Act*, or under any other legislative authority or Bylaw and in the event that the Town decides to grant or deny any request or oppose or appeal any decision made pursuant to any such legislation, such action by the Town is not in any manner affected or limited by reason of the Town entering into this Agreement.

Governing Law

12.10 This Agreement will be exclusively governed, construed and enforced in accordance with the laws of the Province of Nova Scotia and the Owner agrees to attorn to the jurisdiction of the Province of Nova Scotia.

Waiver and Consent

12.11 No consent or waiver, express or implied, by either party to or of any breach or Default by either party of any or all of its obligations under this Agreement or any amendment of this Agreement will:

- a) be valid unless it is in writing and stated to be a consent or waiver pursuant to this Agreement;
- b) be relied upon as a consent or waiver to or of any other breach or Default of the same or any other obligation;
- c) constitute a general waiver under this Agreement; or
- d) eliminate or modify the need for a specific consent or waiver pursuant to this section in any other instance.

Headings

12.12 The division of this Agreement into articles, sections, subsections and schedules and the insertion of headings are for convenience of reference only and shall not affect the construction or interpretation of this Agreement. These articles, sections, subsections and schedule headings in this Agreement are not intended to be full or precise descriptions of the text to which they refer and should not be considered part of this Agreement.

Extended Meanings

12.13 Words expressed in the singular include the plural and vice-versa and words in one gender include all genders.

Severability

12.14 If any provision of this Agreement is invalid, illegal or unenforceable, it shall not affect the validity, legality or enforceability of any other provision of this Agreement.

Further Assurances

12.15 The parties agree that they shall each execute, deliver or cause to be made, done, executed and delivered all such further acts, deeds, assurances and things as may be required or as the other party may reasonably request in order to give full effect to this Agreement.

Force Majeure

12.16 If either party is prevented or delayed from performing any of the obligations on its part to be performed hereunder by reason of an Act of God, strike, labour dispute, lockout, threat of imminent strike, fire, flood, interruption or delay in transportation, war, acts of terrorism, insurrection or mob violence, requirement or regulation of government, or statute, unavoidable casualties, shortage of labour, equipment or material, plant breakdown or failure of operation, equipment or any disabling cause (other than lack of funds) without regard to the foregoing enumeration, beyond the control of the parties which cannot be overcome by the means normally employed in performance, then and in every such event, any such prevention or delay shall not be deemed a breach of this Agreement but performance of any of the said obligations or requirements shall be suspended during such period of disability and the period of all such delays resulting from any such causes shall be excluded in computing the time within which anything required or permitted by either party to be done is to be done hereunder, it being understood and agreed that the time within which anything is done, or made pursuant thereto shall be extended by the total period of all such delays.

Successors and Assigns

12.17 The terms and provisions of this Agreement shall ensure to the benefit of and be binding upon the parties and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties have executed this Agreement by their duly authorized representatives effective this _____ day of _____, 20_____.

TOWN OF AMHERST

PROPERTY OWNER

Name and Title

Name

Signature

Signature

Date

Date

SCHEDULE A

LEGAL DESCRIPTION OF OWNER'S LAND

First Reading of Council – 27 February, 2017
Notice of Intention to Adopt –10 March 2017 and 17 March 2017
Second Reading of Council – 26 June 2017
Sent to Municipal Affairs – 4 August 2017
Effective Date – 29 September 2017

SCHEDULE B

EXAMPLE OF ASSESSMENT REBATE CALCULATION

A. Pre-Development Base Year Taxable Assessed Value:

(1)	
Base Year	Base Year Taxable Assessed Value
2007	\$150,000

B. Post-Development Actual Taxable Assessment Value:

Years	Rebate Year	(2)	(3)
		Actual Taxable Assessed Value	Current Commercial Municipal Tax
1	2008	\$350,000 *	3.78
2	2009	350,000	3.98
3	2010	350,000	4.21
4	2011	350,000	4.52
5	2012	350,000	4.52
6	2013	350,000	4.52
7	2014	350,000	4.51
8	2015	350,000	4.45
9	2016	350,000	4.39
10	2017	350,000	4.31

*The PVSC assessment in the year following the completion of the development. This amount will NOT change for purposes of the rebate calculation.

C. Assessment Rebates:

(4) (5)=(2-1) (6) = (5 x 3) (7) = (6 x 4) (8) = (7/6)

Years	Rebate %	Rebate Eligible Assessment	Rebate Eligible Taxes	Rebate Amount \$	Cumulative % Payable
1	90	\$200,000	\$7,560	\$6,804	90.0%
2	80	200,000	7,960	6,368	84.9%
3	70	200,000	8,420	5,894	79.6%
4	60	200,000	9,040	5,424	74.3%
5	50	200,000	9,040	4,520	69.0%
6	50	200,000	9,040	4,520	65.7%
7	40	200,000	9,020	3,608	61.8%
8	30	200,000	8,900	2,670	57.7%
9	20	200,000	8,780	1,756	53.5%
10	10	200,000	8,620	862	49.1%
Totals (9) & (10):			\$86,380	\$42,426	
Re-calculate:			50%		
Total Allowable Rebate:			\$43,190	\$42,426	

- If the program ends at any point before the cumulative payout falls below 50%, the rebate needs to be adjusted down accordingly.
- The cumulative payable must be below 50% by the end of the phase-in period.

SCHEDULE C

CDSS BYLAW – TOWN OF AMHERST

First Reading of Council – 27 February, 2017
Notice of Intention to Adopt – 10 March 2017 and 17 March 2017
Second Reading of Council – 26 June 2017
Sent to Municipal Affairs – 4 August 2017
Effective Date – 29 September 2017

SCHEDULE D

LIST OF DEVELOPMENT PLANS & DRAWINGS

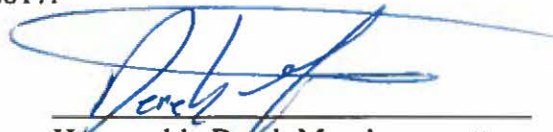
First Reading of Council – 27 February, 2017
Notice of Intention to Adopt –10 March 2017 and 17 March 2017
Second Reading of Council – 26 June 2017
Sent to Municipal Affairs – 4 August 2017
Effective Date – 29 September 2017

Certificate of Approval

**“Commercial Development Support Program By-Law”,
Town of Amherst**

This is to certify that, pursuant to Section 71D of the *Municipal Government Act*, the Commercial Development Support Program By-Law passed at a duly convened meeting of the Council of the Town of Amherst on the 3rd day of August, 2017 is hereby approved, and the said by-law has the force of law upon publication pursuant to subsection 169(1) of the *Municipal Government Act*.

DATED this 14th day of September, 2017.


Honourable Derek Mombourquette
Minister of Municipal Affairs

RECEIVED
SEP 22 2017
Corporate Services
Amherst, N.S.

COMMERCIAL DEVELOPMENT SUPPORT PROGRAM BYLAW, P-9

NOTICE OF PUBLICATION

Advertised in the September 29, 2017 edition of the Amherst News

Notice is hereby given that Amherst Town Council, at a meeting held June 26, 2017, amended the Municipal Planning Strategy and adopted a new Bylaw Respecting Commercial Development Improvements. The Minister of Municipal Affairs approved the bylaw on September 14, 2017. As of the date of this notice the Bylaw is in effect.

This bylaw will regulate a commercial property investment incentive program that will allow a commercial tax increase as a result of an investment to be phased in over a period of up to ten years. The Municipal Planning Strategy is amended by adding Policy GP-13 that establishes eligibility under the subject Bylaw as those properties zoned Commercial, Industrial, and Comprehensive Development District under the Zoning Map of the Land Use Bylaw.

For further information or to view the amendment, please contact Andrew Fisher, 902-667-3352 or afisher@amherst.ca



COMMITTEE OF THE WHOLE

CDR# 2023031

DATE: March 20, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Dwayne Pike, Chief of Police

DATE: March 20, 2023

SUBJECT: Mobile Vendors on Streets and Sidewalks By-Law Review

ORIGIN: Staff are completing a review of all Town of Amherst By-Laws and Policies to ensure they are relevant and updated appropriately. Every document is to be reviewed on a 4-year cycle. The Vending By-Law was reviewed as a result of this initiative.

LEGISLATIVE AUTHORITY: MGA Sections 47 and 48 authorize council to make, amend and repeal by-laws and policies.

RECOMMENDATION: That Council give first reading to the recommended amendments made to the Vending By-Law.

BACKGROUND: The current Town of Amherst Mobile Vendors on Streets and Sidewalks By-Law was developed in September of 1998. This by-law was designed to deal with mobile vendors on public streets, sidewalks, public parking areas and parks, and provided a mechanism for regulating such activities including an application and approval process. In the current by-law, the application process is either approved by the Chief of Police when the request is to vend on public streets, parking areas or sidewalks. Permission to vend in public parks is granted by the Director of 'Parks, Recreation and Leisure Services'. The application fee is \$200. Vending is defined as "the sale and offering for sale of food, beverage or other merchandise in the public streets or sidewalks". This by-law does not apply to events/fundraisers approved by the town of Amherst where vendors are participating and registered in the event. It also does not apply to commercial businesses who may from time to time, sell merchandise directly in front of their business. The penalty for violating the vending by-law is a fine not exceeding \$500 or imprisonment not exceeding 30 days.

DISCUSSION: As a result of a review of this by-law, there are numerous recommendations for change, many of which are a result of comparisons with similar by-laws in other jurisdictions as well as changes in relation to liabilities and other concerns.

Changes include:

1. Removing the word “mobile’ from the title and name of the bylaw
2. Adding new definitions that include:
 - a. Vendor
 - b. Vending
 - c. Crosswalk
 - d. Mobile Canteen
 - e. Vehicle
3. Prohibiting vending within specific distances of fire hydrants, fire exit, driveways, police/fire stations, or crosswalks;
4. Prohibiting the use of loud speakers or devices to use attract the attention of the public;
5. Prohibiting the use of a mobile canteen or a stand where:
 - a. Parking is prohibited,
 - b. It creates an obstruction for vehicular or pedestrian traffic
 - c. It would place waiting customers in a roadway or in such a way as to obstruct a sidewalk
6. Use of a fuel fired appliance requires an inspection by the fire inspector prior to approval and must have the appropriate fire extinguisher on site
7. Numerous changes to the application which documents information on the equipment used. Information about the applicant and necessary approvals or applicable insurance
8. Vending permit issued by the town must be displayed
9. Penalty changed to a fine not exceeding \$1000 and deleted the default imprisonment portion.

FINANCIAL IMPLICATIONS: There are no financial implications to amending this by-law.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications to this decision.

ENVIRONMENTAL IMPLICATIONS: No environmental implications.

COMMUNITY ENGAGEMENT: No Community engagement at this time, a notice will appear in the local newspaper 14 days before Council gives second reading advising of their intent to do so.

ALTERNATIVES:

1. Direct staff to do a further review or make specific changes to this by-law
2. Do not make changes tot the current Mobile Vendors on Streets and Sidewalks By-Law

ATTACHMENTS:

1. Town of Amherst Vending By-Law Draft and proposed application;
2. Current Mobile Vendors on Streets and Sidewalks By-law

Report prepared by: Dwayne Pike, Chief of Police

Report and Financial approved by:

**TOWN OF AMHERST
A BY-LAW PROVIDING FOR
MOBILE VENDORS ON STREETS AND SIDEWALKS**

This by-law shall be known as, and may be cited as the **Vending By-Law**

1. In this by-law all words have the usual meaning from dictionaries of the English language except for the following:
 - a. "Vendor" means the owner, agent, operator or employee of a vending service
 - b. "Vending" means the sale or offering for sale outside an enclosed building of:
 - i. Food, beverages or other merchandise, unless they are immediately delivered to a residence or shop by the person selling them;
 - ii. Services, unless they are provided in a building
 - c. "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of curb lines or the edge of a roadway and property lines at intersections or any portion of a roadway clearly indicated for pedestrian crossings by lines or other markings on the road surface.
 - d. "Mobile canteen" means a motorized vehicle used for the display, preparation or sale of food by a mobile vendor
 - e. "Vehicle" means any vehicle required to be licensed and registered pursuant to the **Nova Scotia Motor Vehicle Act** as well as any vehicle propelled by human power, whether required to be licensed or not
2. No person shall vend in the Town of Amherst on a public street, sidewalk, public parking area or park without having obtained permission from the Town of Amherst
 - a. Subject to sub-section 2(b) this by-law does not apply to a vendor who is also the occupier of a commercial premises in the town to which access is gained directly from the sidewalk and in respect of which the vendor is assessed a business occupancy tax, and who vends from a location in the sidewalk immediately in front of the premises
 - b. A person who vends pursuant to this section shall not obstruct pedestrian or other traffic on the sidewalk or street.
 - c. This by-law does not apply to events that are fund raisers approved by the Town of Amherst where permission has been obtained from the Town Clerk by the events organizers for vendors who are participating in the events and registered with the event organizers;
3. No vendor shall:
 - a. Leave any stand unattended;
 - b. Store, park or leave any stand overnight on a street or sidewalk;
 - c. Sell food or beverage for immediate consumption unless they have available their own or a public litter receptacle
 - d. Leave any location without first picking up, removing and disposing of all trash or refuse from their immediate location;
 - e. Solicit or conduct business with persons in motor vehicles; or
 - f. Vend within 75 feet of any restaurant unless permission is obtained from that commercial enterprise
 - g. Vend within 3 meters of a fire hydrant or a fire exit

- h. Vend in public places within 10 meters of any driveway entrance to a police or fire station or within 3 meters of any driveway entrance
- i. Vend within 3 meters of any crosswalk
- j. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry their wares to the disturbance of the public
- k. When vending from a mobile canteen:
 - i. Vend when the mobile canteen is situated in a no-parking area or in an area where parking is prohibited at that time;
 - ii. Vend where the mobile canteen obstructs a roadway, sidewalk or a crosswalk
 - iii. Vend in such a place that waiting customers are standing in a roadway or obstructing a sidewalk
- l. When vending from a stand:
 - i. Vend from a stand situated in a roadway, unless the stand is a pedal stand
 - ii. Vend as to obstruct the traffic of pedestrians
 - iii. Vend in such a place that waiting customers are standing in a roadway or obstructing a sidewalk
- 4. Any stand or mobile canteen that uses a fuel fired appliance for the preparation or warming of food or drinks shall be inspected by the Fire Inspector prior to the issuance of a vending permit
- 5. Any stand or mobile canteen equipped with a fuel fired appliance shall be equipped with a minimum of a 2A10BC rated fire extinguisher or suitable alternative as direction by the Office of the Fire Marshall
- 6. An application for permission shall contain:
 - a. The name, home and business address of the applicant;
 - b. A description of the type of food and beverage to be sold;
 - c. A description of any stand/mobile canteen to be used;
 - d. In the case of a vehicle that is used as a mobile canteen:
 - i. The motor vehicle registration number
 - ii. Make, model and year of the vehicle
 - e. Confirmation that the applicant will only operate in accordance with the Nova Scotia Health Protection Act, Motor Vehicle Act and other applicable legislation
 - f. Proof of successful fire inspection required under section 4 of this by-law, if applicable
 - g. Photograph of the fire extinguisher required under section 5 of this by-law if applicable;
 - h. A photograph of each mobile canteen/stand
 - i. Be accompanied by a non-refundable application fee of 2 hundred dollars (\$200.00)
- 7. A Vending Permit issued under this bylaw shall be conspicuously displayed so as to be clearly visible from the street at all times during which goods or services are being offered for sale pursuant to this by-law
- 8.
 - a. Permission to vend on a street, public parking area, or sidewalk may be granted by the Chief of Police.
 - b. Permission to vent in a public park may be granted by the **Director of Parks, Recreation and Leisure Services**;

- c. Permission may be granted with such further terms and conditions as the Chief of Police or Director of Parks, Recreation and Leisure Services deems as pertinent in each circumstance and may include restrictions to the location of the operations.
 - d. All permission given shall expire on December 31 of the given year.
 - e. Permission granted may be revoked upon written notice for violation of any of the terms and conditions for which it was given.
9. Any person who violates any provision of this by-law shall be liable upon summary conviction of a penalty not exceeding \$500 **\$1000.00**, and in default of payment, to imprisonment for a period ~~not exceeding 30 days.~~

Where the vending stand or mobile canteen is to be used for the sale of food and beverages, the vendor may only operate the mobile canteen in accordance with the requirements of the Health Act and its Regulations

Will the Vending Stand or Mobile Canteen contain any fuel fired appliance?

yes no

If yes, please describe:

If yes, a photo of the required fire extinguisher is required

Further terms and conditions (if pertinent):

Fee to be paid at time of Application: \$200 Cash Cheque Other

I, _____ (print name) certify that I have read and understand the Town of Amherst Vending By-Law and will only operate my vending stand/mobile canteen in accordance with the conditions set out in the by-law.

I further certify that I will maintain my vending stand or mobile canteen in good working order and that it will at all times comply with all provincial food handling standards. I understand that failing to comply with the Town of Amherst Vending By-Law could result in a fine of up to \$1000 for each violation of the vending by-law and revocation of my vending permit.

Signature of Applicant: _____ Date: _____

Approved: Yes No

Chief of Police/Director of Parks/Rec/Leisure Services

Date: _____

**TOWN OF AMHERST
A BY-LAW PROVIDING FOR
MOBILE VENDORS ON STREETS AND SIDEWALKS**

This by-law shall be known as and may be cited as the Mobile Vendors By-Law.

1. In this by-law all words have the usual meaning from dictionaries of the English language except for the following:
 - (a) "Vendor" means a person who sells or offers for sale, food, beverages or other merchandise from a stand or mobile canteen.
 - (b) "Vending" means the sale and offering for sale of food, beverage or other merchandise in the public streets or sidewalks.
2. No person shall vend in the Town of Amherst on a public street, sidewalk, public parking area, or park without having obtained permission from the Town of Amherst.
 - (a) Subject to sub-section 2. (b), this by-law does not apply to a vendor who is also the occupier of a commercial premises in the Town to which access is gained directly from the sidewalk, and in respect of which the vendor is assessed a business occupancy tax, and who vends from a location on the sidewalk immediately in front of the premises.
 - (b) A person who vends pursuant to this section shall not obstruct pedestrian or other traffic on the sidewalk or street.
 - (c) This by-law does not apply to events that are fund raisers approved by the Town of Amherst where permission has been obtained from the Town Clerk by the events organizers for vendors who are participating in the event and registered with the event organizers.
3. No vendor shall:
 - (a) leave any stand unattended;
 - (b) store, park or leave any stand overnight on any street or sidewalk;
 - (c) sell food or beverage for immediate consumption unless they have available their own or a public litter receptacle;
 - (d) leave any location without first picking up, removing and disposing of all trash or refuse from their immediate location;
 - (e) solicit or conduct business with persons in motor vehicles; or
 - (f) vend within 75 feet of any restaurant unless permission is obtained from that commercial enterprise.
4. An application for permission shall contain:
 - (a) The name, home and business address of the applicant;
 - (b) A description of the type of food and beverage to be sold;
 - (c) A description of any stand to be used.
 - (d) Be accompanied by a non-refundable application fee of two hundred dollars (\$200.00).

5. (a) Permission to vend on a street, public parking area, or sidewalk may be granted by the Chief of Police.
- (c) Permission to vend in a public park may be granted by Director of Parks, Recreation and Leisure Services.
- (d) Permission may be granted with such further terms and conditions as the Chief of Police or Director of Parks, Recreation and Leisure Services deems as pertinent in each circumstance and may include restrictions to the location of the operations.
- (e) All permission given shall expire on December 31 of the year given.
- (f) Permission granted may be revoked upon written notice for violation of any of the terms and conditions under which it was given.
6. Any person who violates any provision of this bylaw shall be liable upon summary conviction of a penalty not exceeding \$500.00 and in default of payment, to imprisonment for a period not exceeding 30 days.

THIS IS TO CERTIFY that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Council of the Town of Amherst duly held on the 21st day of September, 1998.

Given under the hand of the Clerk and under the corporate seal of the said Town of Amherst this 30th day of September 1998.



.....
E. Childs, Town Clerk

APPLICATION FORM

TOWN OF AMHERST MOBILE VENDORS BY-LAW

I hereby apply for permission to vend on a street, public parking area, or sidewalk, or in a public park in the Town of Amherst.

NAME _____

HOME ADDRESS _____

BUSINESS NAME _____

BUSINESS ADDRESS _____

PHONE NUMBERS _____

Description of type of food and beverage to be sold:

Description of stand (if any) to be used:

Further terms and conditions (if pertinent) _____

Restrictions to location of operations (if pertinent) _____

FEE to be paid at time of application: \$200.00 CASH CHEQUE

Permission given to expire on December 31 of year given.

Signature of Applicant _____ **Date:** _____

Signature of Chief of Police _____ **Date:** _____

and/or Director of Parks, Recreation

and Leisure Services _____ **Date:** _____

NOTICE OF PUBLICATION

SUBJECT: TOWN OF AMHERST VENDING BY-LAW

Notice is hereby given that, following second reading given at a regular meeting held June 29, 1998 and third reading given at a regular meeting held September 21, 1998, the Amherst Town Council approved the adoption of a new Vending By-law.

This By-law sets out the regulations governing the sale and offering for sale of food, beverage or other merchandise in the public streets or sidewalks of the Town and includes information on application requirements. The objective of the bylaw is to regulate vending in the Town of Amherst on a public street, sidewalk, public parking area, or park.

Copies of the new by-law may be inspected at the office of the Town Clerk, Confederation Memorial Building, Ratchford Street during regular business hours.

Ed Childs
Town Clerk

Amherst Daily News
September 30th, 1998

THIS IS TO CERTIFY that the foregoing is a Notice of Publication regarding the approval of a new bylaw entitled *Town of Amherst Vending By-law* published in the local paper on September 30, 1998.

GIVEN under the hand of the Town Clerk
and under the seal of the Town of Amherst
this 1st day of October , 1998.


TOWN CLERK

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: March 20, 2023

SUBJECT: Proceedings of Council Policy Amendments

ORIGIN: Request to include Territorial Acknowledgement at Committee of the Whole, as well as the ongoing Policy review.

LEGISLATIVE AUTHORITY: MGA 23(1) The council may make policies (a) respecting the date, hour and place of the meetings of the council and the notice to be given for them; and (b) regulating its own proceedings and preserving order at meetings of Council

RECOMMENDATION: That Council forward approval of the amendments to the Proceedings of Council Policy #10350-24 to their regular meeting on March 27, 2023.

BACKGROUND: The Proceedings of Council Policy sets out the requirements for the conduct of meetings and the preparations of the meeting materials for Council and the public. In reviewing the policy it was noted that the reading of the Territorial Acknowledgement is not included on the agenda of Committee of the Whole. In keeping with the requirement to include the territorial acknowledgement on all committee agendas it is proposed that it be added to the COW agenda as listed in the policy.

DISCUSSION: As the policy spells out what is contained on Committee of the Whole and Council agendas, and as staff are currently conducting a review of our policies, staff thought it would be appropriate to review this policy in its entirety and recommend all and any changes they felt necessary at this time.

The proposed amendments reflected in the policy include adding the Territorial Acknowledgement to the Committee of the Whole agenda template, change the time and date of when public hearings are held, removing the national anthem from the Council agenda template, as well as some minor housekeeping amendments. If Council would like to forward approval of the amendments to their regular meeting on the 27th, staff will have it drafted on the new policy template at that time.

FINANCIAL IMPLICATIONS: There are no financial implications to amending this policy.

COMMUNITY ENGAGEMENT: There has been no community engagement. If Council approves the amendments the policy will be available on the Town of Amherst website.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ALTERNATIVES:

- 1- Approve the policy with the amendments as presented
- 2- Approve the policy amendment with alternative language
- 3- Do not amend the policy

ATTACHMENTS: Proceedings of Council Policy

Report prepared by: Natalie LeBlanc, Municipal Clerk
Report and Financial approved by:

DEPARTMENT: Council

TITLE: Proceedings of Council

Minutes reference date: 23 February 2015 22 June 2015 2019 January 2019 2020 November 23 2021 May 25

General

1. The procedural requirements in this Policy are intended to complement and supplement, and not to replace, the requirements contained in applicable municipal legislation. Authority to enact this policy is under Section 23(1)(a) and (b) of the *Municipal Government Act*. The rules of order set out in this policy shall apply to all Town committees and commissions.

Definitions

2. In this Policy, unless the context otherwise requires,
 - (a) “business day(s)” means a day when the Town of Amherst office is open for business;
 - (b) “Chair” means the presiding officer;
 - (c) “committee” means any standing or adhoc committee or commission, the members of which are appointed by Council;
 - (c) “Council” means the Council of the Town of Amherst;
 - (d) “Council Member(s)” include(s) the Mayor unless the context indicates otherwise;
 - (e) “majority” means more than one half of those present, unless the context indicates otherwise.
 - (f) “Consent Agenda” means routine items or non -controversial items that are listed under the Consent Agenda section of the Agenda.

Time, Place, Date and Notice of Meetings of Council and Committee of the Whole

3. Unless otherwise specified pursuant to section 5, regular meetings of Council shall be held:
 - (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
 - (b) On the fourth Monday of every month except that there shall be no regular meeting during the months of July and August;
 - (c) Commencing at 6:00 PM and concluding not later than 8:00 PM; ~~when public hearings are scheduled, the hearing will commence at 5:30 PM and the Council meeting will commence at 6:00 PM.~~
 - (d) **Public hearings will be scheduled as required, and will commence at 5:00 PM.**

- (e) Council members must attend Council meetings in person, or if requested in advance to the Clerk, for a valid reason, one or more Council members may appear at a meeting by videoconference.

 - (e) Council members attending a meeting by videoconference shall be considered present at the meeting. If a Council member becomes disconnected from the meeting due to technical problems or other reasons, the Council member shall notify the Clerk as soon as possible. The minutes will reflect that the member be considered to have left the meeting at the time of disconnection, unless they are able to rejoin and that shall be recorded.
4. Unless otherwise specified to section 5, regular meetings of Committee of the Whole shall be held:
- (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
 - (b) On the third Monday of every month except that there shall be no regular meeting during the months of July and August;
 - (c) Commencing at 4:00 PM and concluding not later than 6:00 PM.
 - i. Should there remain unfinished business on the agenda at 6:00 PM, the meeting shall be adjourned until 4:00 PM on the fourth Monday when the balance of the business on the agenda shall be addressed.
 - (d) Council members must attend Committee of the Whole meetings in person, or if requested in advance to the Clerk, for a valid reason, one or more Council members may appear at a meeting by videoconference.
 - (e) Council members attending a meeting by videoconference shall be considered present at the meeting. If a Council member becomes disconnected from the meeting due to technical problems or other reasons, the Council member shall notify the Clerk as soon as possible. The minutes will reflect that the member be considered to have left the meeting at the time of disconnection, unless they are able to rejoin and that shall be recorded.
5. Requirements for Virtual Attendance
- (a) A Council or committee member may request in advance to join a meeting electronically. The reason for the request shall be communicated to the Clerk at the time of the request and is subject to review. Attendance shall be reviewed quarterly.
 - (b) All participants must have access to the necessary equipment for participation. A right of membership is participation; therefore, the technology used must be accessible to all members to be included in the meeting. All rules pertaining to in-person Council or

Committee meetings apply equally to electronic meetings, for example, notice, pre-meeting package requirements, quorum, minute-taking, voting, confidentiality requirements, etc.

- (c) Participants are to login 10 minutes before the scheduled meeting time to resolve any technical issues before the meeting starts.
- (d) During In Camera sessions, all meeting participants must ensure they maintain complete privacy in their off-site meeting space. This will ensure all discussions are kept confidential and are only heard by those invited to and attending the meeting.
- (e) All provisions and policy related to in camera meetings and conflict of interest will apply equally for all electronic meetings.

Subject to any conditions or limitations provided for under the Act, Regulations, Bylaws or this Policy, a Council member who participates in a meeting through electronic means shall be deemed to be present at the meeting and will be recorded as in attendance at and part of the quorum of the meeting.

- 6. Regular meetings of Council or Committee of the Whole may be rescheduled, relocated or cancelled:
 - (a) By resolution of Council at a previous meeting three or more days in advance of the additional or special meeting;
 - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
 - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances, provided the Mayor believes that the majority of Council Members would support such a step.
- 7. Additional or special meetings of Council or Committee of the Whole may be convened
 - (a) By resolution of Council at a previous meeting three or more days in advance of the additional meeting;
 - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
 - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances provided the Mayor believes that the majority of Council Members would support such a step.
 - (d) Business conducted at a special meeting must conform to what is specified in the call of the meeting.
- 8. Specific notice to Council Members and to the public need not be provided of
 - (a) Meetings held pursuant to section 3 or 4; or
 - (b) Meetings held pursuant to subsection (a) and (b) of section 5 or 6;

but, subject to any statutory relaxation of notice requirements, three days' notice shall be specifically provided for other meetings to Council Members in the manner described in section 9 and to the public in the manner described in section 10.

9. Within 30 days following the first meeting of Council after a municipal election or by-election:
 - (a) The CAO shall provide a cellular phone to each Council Member which the Council Member will check at least once per day; and
 - (b) The CAO shall provide an electronic email address to each Council Member, and the Council Member will check at least once per day;
10. Subject to section 7, notice of meetings shall be provided by electronic mail to each Council member through the Town electronic mail address as provided in section 8.
11. Subject to section 7, notice of meetings shall be provided to the public by posting in the lobby of the Dominion Public Building and in a prominent place on the Town's website, a "Notice of Council Meeting" containing the time, date and place of the meeting.

Conduct of Meetings

12. It shall be the duty of the Chair to:
 - (a) Open the meeting of Council by taking the chair and calling the Council Members to order;
 - (b) Receive and submit to Council motions properly presented by a Council Member;
 - (c) Put to a vote a question which is regularly moved and seconded or necessarily arising in the course of the proceedings and to announce the result of the vote.
 - (d) Decline to put to a vote, a motion which infringes upon the rules of procedure;
 - (e) Restrain the Council Members, when engaged in debate, within the rules of conduct of debate;
 - (f) Enforce on all occasions, the observance of order and decorum;
 - (g) Call by name any Council Member persisting in a breach of the rules of order of Council thereby ordering him or her to vacate the Council Chambers;
 - (h) Inform the Council when necessary, or when referred to, on a point of order;
 - (i) Permit the Chief Administrative Officer to speak on any point upon request;
 - (j) Permit proper questions to be asked through the Chair or any official or employee of the Town of Amherst, to provide information to assist any debate;

- (k) Declare a meeting dissolved if no quorum has been achieved within 15 minutes of the scheduled meeting time. And
- (l) Adjourn the meeting when the business is concluded or, when an adjournment time has been set and approved by majority vote or when the adjournment time has been reached, except when it is extended by unanimous consent.

Council Agenda

13. All items appearing on the Council agenda will only consist of items that have been:

- (a) Recommended or referred to Council by motion through either Committee of the Whole or a committee of Council;
- (b) Placed on the agenda by Council through a motion or notice of motion at a previous meeting;
- (c) Submitted by a member of Council prior to the issuing of the final agenda;

14. Consent Agenda – Regular Meetings of Council

- (a) Subject to subsection (b), the Consent Agenda may contain routine or non-controversial items;
- (b) The following matters shall not be set on the Consent Agenda:
 - i. Second Readings of by-laws and land use bylaws, including any amendments
 - ii. Policies
 - iii. Planning documents as defined by the Municipal Government Act;
 - iv. Development agreements, including any amendments thereto;
 - v. Appeals;
 - vi. Motions of rescission, or motions requiring a 2/3 vote of Council;
 - vii. In Camera matters; and
 - viii. Late or added items to the agenda
- (c) After the Consent Agenda motion has been duly moved and seconded, any member may move that an item be removed from the Consent Agenda, with no seconder, the motions shall be granted as of right.
- (d) During the consideration of the motion to approve the Consent Agenda, there shall be no discussion or debate on the specific items contained therein.
- (e) The Chair shall clarify the items that remain on the Consent Agenda, before a vote shall be taken.
- (f) The vote on the Consent Agenda shall require a majority vote of the Council Members present.
- (g) Items listed under the Consent Agenda are deemed approved when the vote as described in subsection (f) is passed.
- (h) An item removed during the Consent Agenda, will be dealt with where it has been placed on the agenda.

15. Except for matters arising from correspondence, committee or other reports, agenda items, or notices of motion or other material circulated to Council Members on or before the business day before the meeting, and except for matters arising from an *in camera* meeting, no motion committing the Town of Amherst to the expenditure of funds shall be accepted by the Chair for the consideration of Council except with the unanimous consent of Council Members present.

16. Preliminary Council agendas will be issued by 4:30 PM on the Thursday preceding the regularly scheduled meeting.
17. Final Council agendas will be issued by noon on the day of the meeting.
18. Items included on the Council agenda will include a copy of the motion to be made when the item arises on the agenda.
19. Copies of the agenda and supporting documentation will be made available to the public in electronic format by 9:00 AM the day of the meeting except for the supporting documents related to matters to be dealt with in camera.
20. At Council meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:
 - (a) Call to Order
 - (b) Territorial Acknowledgement
 - ~~(c) National anthem~~
 - (d) Presentations
 - (e) Approval of agenda
 - (f) Consent Agenda
 - (g) Approval of minutes from the previous meeting
 - (h) Requests for Decision
 - (i) Information / Discussion Items
 - (j) Internal Committee Reports
 - (k) External Committee Reports
 - (l) Adjournment
21. Councillors who have been appointed to outside Boards and Agencies shall provide a written report to the Council to be included in the agenda package. Recognizing that such reports provide Council with the ability to make informed decisions, reports may contain such elements as:
 - (a) The date the meeting was held;
 - (b) A review of the key issues or discussion points covered that have an impact on the Town;
 - (c) Information and decisions that may impact a current Council position, or future Council course of action;
 - (d) A summary of the organization's key operations and events.

Committee of the Whole Agenda

- 22. The Committee of the Whole will meet for the purpose of discussion and possible referral to Council and no formal decisions will be made by Committee of the Whole, except to the extent that Committee of the Whole is specifically designated bylaw, policy or delegated by a resolution of Council as having the authority to make a decision.

- 23. Items appearing on the Committee of the Whole agenda will only consist of items as follows:
 - (a) Placed on the agenda by Council or Committee of the Whole through a motion or notice of motion from a previous meeting;
 - (b) Submitted by a member of Council prior to the issuing of the final agenda;
 - (c) Staff reports;
 - (d) Items from the administration requiring a decision or direction;

- 24. Consent Agenda – Committee of the Whole
 - (a) Subject to subsection (b), the Consent Agenda may contain routine or non-controversial items;
 - (b) The following matters shall not be set on the Consent Agenda:
 - i. Policies
 - ii. Planning documents as defined by the Municipal Government Act;
 - iii. Development agreements or any amendments thereto;
 - iv. Motions of rescission, or motions requiring a 2/3 vote of Council;
 - v. In Camera matters; and
 - vi. Late or added items to the agenda
 - (c) After the Consent Agenda motion has been duly moved and seconded, any member may move that an item be removed from the Consent Agenda, with no seconder, the motions shall be granted as of right.
 - (d) During the consideration of of the motion to approve the Consent Agenda, there shall be no discussion or debate on the specific items contained therein.
 - (e) The Chair shall clarify the items that remain on the Consent Agenda, before a vote shall be taken.
 - (f) The vote on the Consent Agenda shall require a majority vote of the Council Members present.
 - (g) Items listed under the Consent Agenda are deemed approved when the vote as described in subsection (f) is passed.
 - (h) An item removed during the Consent Agenda, will be dealt with where it has been placed on the agenda.

- 25. Preliminary Committee of the Whole agendas will be issued by 4:30 pm on the Thursday preceding the regularly scheduled meeting.

- 26. Final Committee of the Whole agendas will be issued by 10:00 am on the day of the meeting.

27. Items included on the Committee of the Whole agenda will include a copy of the motion to be made when the item arises on the agenda.
28. Copies of the Committee of the Whole agenda and supporting documentation will be made available to the public in electronic format by 10:00 AM the day of the meeting, except for the supporting documents related to matters to be dealt with in camera.
29. At Committee of the Whole meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:
 - (a) Call to Order
 - (b) **Territorial Acknowledgement**
 - (c) Approval of Agenda
 - (d) Consent Agenda
 - (e) Approval of Minutes
 - (f) Presentations
 - (g) Council Direction Requests
 - (h) Information / Discussion Items
 - (i) Monthly Departmental Reports
 - (j) Adjournment

Minutes

30. At regular meetings of Council, except when Council resolves to defer approval of minutes for a maximum of one additional meeting, the minutes of the last preceding regular meeting and subsequent special meetings shall be reviewed and after all necessary corrections and amendments have been made and the minutes approved, the approved minutes shall be entered in the minute book of the proceedings of Council and such entry shall conclusively constitute the minutes of Council.
31. The minutes shall be kept by the Clerk who may, in his or her discretion, appoint recording secretaries as appropriate
32. The Minutes shall:
 - (a) Record the time when any Council Member joins or leaves a meeting which is in progress;
 - (b) Contain all resolutions, decisions by consensus and motions, with the name of the movers and seconders, and shall record the outcome of each vote;

- (c) Mention reports, petitions and other papers submitted to Council only by their respective titles, or a brief description of their contents.

Motions, Voting and Speaking

- 33. The Chair shall start every question properly presented to Council and before putting it to a vote, shall ask, "Is Council ready for the question" and if no Council Member offers to speak, the Chair shall put the question, after which no Council Member shall be permitted to speak upon it.
- 34. The usual form of voting shall be by the Chair calling for "yeas" and "nays", but any Council Member, before or after a voice vote can call for, and obtain through the Chair, a show of hands and any two Council Members can call for, and obtain through the Chair, a recorded vote with each Council Member's vote entered into the minutes.
- 35. A motion must be seconded and then repeated by the Chair or read aloud by the Chief Administrative Officer before it is debated. The Chair may direct that the motion be put in writing.
- 36. After reading of a motion by the Chair or Chief Administrative Officer, it shall be open for discussion.
- 37. A motion may at any time before the Council has voted on it be withdrawn by the mover with the consent of the seconder.
- 38. The Chair must vote and shall be deemed to have voted in the affirmative on any resolution unless the Chair indicates clearly it is voting in the negative.
- 39. When any question is before the Council, the only motions in order shall be:
 - (a) A motion in amendment of the original motion;
 - (b) A motion to refer the question, including the motion and amendment if one is moved, to any committee;
 - (c) A motion to defer the consideration of the question either indefinitely or to a specified time;
 - (d) A motion to close the debate at a specified time;
 - (e) A motion that the question be put to a vote;
 - (f) A motion to adjourn.
- 40. When any one of the motions mentioned in the next preceding section has been made as an amendment to the original motion, no other motion may be made as an amendment except to the original motion or to the amendment, except the following:
 - (a) To refer to a committee;
 - (b) To defer the consideration of the question;
 - (c) To close the debate at a specified time;

- (d) That the question be put to a vote;
- (e) To adjourn

Any of which may be moved either to the original motion or to the amendment of the original motion.

41. A motion:

- (a) That the debate be closed at a specified time; or
- (b) That the question be put to a vote,

Shall be put to a vote without further amendment or debate, but a motion that the question be put to a vote shall not itself be put to a vote until every Council Member who has not spoken on the question and claims a right to speak has been heard.

42. A motion that the question be put to a vote shall preclude all amendments to the main question until the motion is decided, and shall be put to a vote, without debate, in the following words: "That this question be put to a vote". If this motion is resolved in the affirmative, the original question shall be put to a vote immediately, without any amendment or debate, but if such motion is resolved in the negative, then the Council shall proceed to other business.

43. A motion to adjourn shall always be in order except in the following cases:

- (a) When a Council Member is in possession of the floor;
- (b) When the "yeas" and "nays" are being called;
- (c) While the Council Members are voting; or
- (d) When the adjournment was the last preceding motion.

44. The following questions shall be decided without debate:

- (a) A motion to reconsider;
- (b) All motions as to priority of business or as to the suspension of the order of the day;
- (c) Applications to speak more than the prescribed number of times;
- (d) A motion to allow any person other than the Council Members or CAO to address the Council;
- (e) A motion to postpone to a specified time or day;
- (f) A motion to lay on the table when claiming a privilege over another person; and
- (g) A motion to adjourn.

45. Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be decided or withdrawn before the main question is put to a vote. Only one amendment shall be allowed to an amendment and any further amendment must be to the main question.
46. Any notice of motion given by a Council Member for a subsequent meeting may, in the absence of the Council Member giving such notice, be taken up by any other Council Member.
47. Every Council Member, prior to speaking on any question or motion, shall raise a hand and wait to be recognized by the Chair. When two or more Council Members raise their hands to speak, the Chair shall designate as the Council Member who has the floor the Council Member who, in the opinion of the Chair, first raised a hand.
48. No Council Member may speak more than twice, without the leave of Council, on any motion except to explain a misconception of his remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate.
49. When a Council Member wishes to explain, the Council Member shall raise a hand and ask leave of the Chair, without further comment, and if permitted by the Chair, shall explain only an actual misunderstanding of language.
50. No Council Member shall speak more than two minutes upon any matter at one time, without the leave of Council.
51. During a meeting Council may adjourn for short periods or move to another place, without ending the meeting.

Reconsideration

52. After any question has been decided in the affirmative, any Council Member who has voted in the affirmative, may, after the decision has been announced from the chair but before adjournment of the meeting, give notice of an intention to move a reconsideration at the next meeting of the Council. The giving of such a notice operates as a stay or suspension of Council's decision.
53. Unless reconsideration is moved at the next meeting, the right of reconsideration shall be lost.
54. No discussion of the main question shall be allowed on the motion for reconsideration.
55. The following matters are not eligible for reconsideration:
 - (a) A motion approving the first or second reading of a bylaw enactment, amendment or repeal;
 - (b) A motion to decide upon a matter which was the subject of a statutory hearing by Council;
 - (c) A matter which has been reconsidered once; and
 - (d) A vote to reconsider.

Rescission

56. No motion to rescind any resolution of Council shall be made unless Notice of intention to move the same has been given at the regular meeting of Council just previous to that at which the same is moved.
57. A Notice of motion to rescind any previous resolution of the Council may be given by any member at any regular meeting of Council.
58. When giving Notice of motion to rescind, the member shall provide a brief explanation of the reason for the Notice.
59. A Notice of motion to rescind shall be dealt with at the next meeting of the Council.
60. At such meeting, the giver of such Notice, or in the absence of the giver, any other member on the giver's behalf shall move the motion to rescind and shall briefly state the reasons therefor.
61. If the motion to rescinded is seconded the same becomes subject to debate according to the normal rules except that it may not be amended.
62. A motion to rescind requires the same vote as was required for the resolution which is subject to rescission. That is, if the resolution subject to rescission required a majority vote of Council the motion to rescind such resolution shall require a majority vote of Council.

Points of Order

63. It shall be the duty of the Chair, and the privilege of any Council Member, to call any Council Member to order, who violates any established rule or order. A point of order must be decided before the subject under consideration is proceeded with.
64. When a Council Member is called to order, the Council Member shall remain seated and silent until the point is determined, until called upon by the Chair to be heard on the point of order.
65. A point of order is not debatable amongst other Council Members, unless the Chair invites discussion in an effort to assist in making a ruling. Where the Chair permits discussion of a point of order, no Council Member shall speak more than once.
66. Decisions of the Chair on points of order or procedure, including an order expelling and excluding a person from the Council Chambers pursuant to sections 65 and 66, are not debatable but are appealable to Council by any Council Member. When an appeal is made from the decision of the Chair, the Chair shall simply put the question, "Shall the decision of the Chair be sustained?"
67. No Council Member shall use offensive or unparliamentary language or speak disrespectfully to or about anyone while in Council, or speak outside the parameters of the question in debate.
68. If a Council Member resists the rules of Council, willfully obstructs the business of Council or disobeys the decision of the Chair, or of Council on appeal, on any question of order or practice or upon the interpretation of the rules of Council after being called to order by the Chair or otherwise disrupts the proceedings of council, the Council Member may be ordered by the Chair

to leave the Council Member's seat provided that a majority vote of Council shall be required to sustain the expulsion.

- 69. If the Council Member refuses to leave the Council Member's seat, the Chair may order the Council Member to be expelled and excluded from the Council Chambers.
- 70. Such Council Member may, by vote of Council, later in the meeting or at a subsequent meeting be permitted to re-enter Council Chambers and to resume participation in Council's business with or without conditions.
- 71. Persons who are not Council Members or officers or employees of the Town of Amherst shall observe silence and order in the Council Chambers, unless given permission to speak. Any such persons disturbing the proceedings of Council shall be called to order by the Chair, and, if they fail to comply, shall be ordered by the Chair to be expelled and excluded from the Council Chambers, provided that a majority vote of Council shall be required to sustain the expulsion.
- 72. Such member of the public may, by vote of Council, later in the meeting or at a subsequent meeting, be permitted to re-enter Council Chambers with or without conditions.
- 73. An order of the Chair to expel a person from the Council Chambers pursuant to section 68 of this Policy constitutes a direction from the Town of Amherst to leave the premises for purposes of the *Protection of Property Act* and other applicable laws.
- 74. If any question arises that is not provided for by applicable legislation or the foregoing rules, it shall be decided according to the ruling of the Chair, having regard to general principles of parliamentary procedure to the best of the Chair's ability but the Chair shall not be expected to conform its decisions with parliamentary procedure texts or precedents.
- 75. Any of the rules of order may be suspended in its operation by the unanimous consent of the Council Members present.

Presentations to Council

- 76. Persons wishing to make a presentation to Council shall write one week in advance of the next Committee of the Whole meeting to the CAO or the Clerk outlining their issue and the decision they wish Council to consider, and request to make a presentation.
- 77. The request will be added to the next Committee of the Whole agenda to be issued.
- 78. Committee of the Whole will discuss the matter when it appears on the agenda, and will determine if they wish to have the presentation at a future meeting.
- 79. The CAO or the Clerk shall advise the person or group requesting to make a presentation of the decision of Committee of the Whole including, if approved, the date and time of the presentation.
- 80. Presentations shall be limited to 15 minutes, unless Committee of the Whole determines a longer period of time is needed.

81. When a delegation is recognized and offered an opportunity to speak, the Mayor or Chairperson of the meeting will request the spokesperson to come forward from the gallery to present. Only one person shall be permitted to speak.

82. No debate or decision on the presentation will occur during the meeting in which the presentation is made, unless the item was previously an agenda item for that meeting.

Petitions

83. Persons wishing to present a petition to Council shall file a copy of the petition with the CAO before 12:00 noon on the Wednesday prior to the meeting of Council at which it is proposed to be presented.

84. The CAO shall circulate a copy of any such petition to each member of Council before the meeting at which it is proposed to be presented.

85. The body of the petition itself, excluding the list of names, shall, if determined by the Chairperson to be practical, be read by the CAO on behalf of the group supporting the petition.

86. No petition shall be presented which Council determines to contain impertinent or improper matter.

87. No persons shall be permitted to speak, whether supporting or opposing the petition, unless the petition comes up for discussion which shall be at the next regular meeting of Council unless Council decides according to the rules to hold a special meeting of Council for that purpose.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: March 20, 2023

SUBJECT: Planning Advisory Committee Policy 66000-01

ORIGIN: Policy review, and appointments to the Planning Advisory Committee

LEGISLATIVE AUTHORITY: MGA 48(3) Council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.

RECOMMENDATION: That Council refer approval of the amendments to the Planning Advisory Committee Policy to the March 27, 2023 regular meeting of Council.

BACKGROUND: The Planning Advisory Committee Policy has not been reviewed since January 2015, and is not on the schedule to be reviewed until September 2025. However, with the intent of appointing citizen members to this Committee at the Council meeting next week, staff feel it would be appropriate to amend this policy now.

The current policy states that citizen appointments are for three years, but are staggered such that a new member is appointed each year.

DISCUSSION: The amendments being proposed are mostly housekeeping items regarding title changes to reflect current staff positions and responsibilities, as well as meeting times. In addition, staff feel that it would be simplify the process if citizen appointments were done annually in October when other committee appointments take place. If Council would like to approve the amendments at Council next week, staff will have it in the new policy format at that time.

FINANCIAL IMPLICATIONS: There are no financial implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ENVIRONMENTAL IMPLICATIONS: None related to amending this policy.

COMMUNITY ENGAGEMENT: No community engagement. If the amendments are approved the updated policy will be available on the Town's website.

ALTERNATIVES: Do not approve of the amendments and refer the policy back to staff.





COMMITTEE OF THE WHOLE

CDR# 2023023

Date: March 20, 2023

ATTACHMENTS: Planning Advisory Committee Policy with amendments.

Report prepared by: Natalie LeBlanc

Report and Financial approved by:



DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT

TITLE: **PLANNING ADVISORY COMMITTEE POLICY**

Minutes reference date: 27 March 2006; 29 November 2010; 24 October 2011; March 24, 2014; **22 January 2015**

PURPOSE:

The purpose of this policy is to establish a Planning Advisory Committee in accordance with Section 200 of the *Municipal Government Act*.

ROLE OF COMMITTEE

1. The role of a Planning Advisory Committee is to advise Council respecting the preparation or amendment of the Town's Municipal Planning Strategy, Land Use Bylaw and Subdivision Bylaw as well as general land use planning matters.
2. The duties assigned to the Committee, pursuant to this policy, shall only be carried out by the Committee.
3. In addition to the duties of the Committee pursuant to Section 200 of the *Municipal Government Act* and pursuant to the Heritage Properties Bylaw, the Committee will also act as the Heritage Advisory Committee.
4. In addition to the duties of the Committee pursuant to Section 200 of the *Municipal Government Act*, the Planning Advisory Committee will also undertake the duties assigned to it pursuant to the Dangerous or Unightly Premises Policy of the Town of Amherst.

MEMBERSHIP

5. The Council shall appoint members of the Planning Advisory Committee by resolution **in October of each year with the term to run from November 1 to October 31.**
6. Membership shall include three members of Town Council and three members of the public who are residents of the Town of Amherst.
7. The term for members shall be ~~three~~ **one** years, and members may be re-appointed to the Committee. ~~Public members' terms shall be by fiscal year, with one member appointed each year.~~
8. ~~In January of each year, a~~ **An** advertisement for the public member(s) whose term is set to expire that fiscal year **shall be placed in the local newspaper and on Town of Amherst social media.** It is the intention to have members with a varied background; however, members with a planning, architecture, engineering or other similar background will have some preference.

9. At the beginning of the first meeting of each ~~fiscal year~~ **new term** the Committee will elect a chairperson as well as a vice-chairperson. Terms for such shall be one year. The chairperson and vice chairperson may be re-elected.

STAFF RESOURCES

10. The ~~Deputy Chief Administrative Officer—Operations~~ **Director of Planning and Strategic Initiatives, along with the Clerk**, will be responsible for all functions of the Committee including:
 - a. Calling meeting;
 - b. Taking minutes
 - c. Distribution of reports and other information as required;
 - d. Public notification as required;
 - e. Providing Committee motions to the Chief Administrative Officer for inclusion on the Council agenda.
11. Where additional information or work is required of staff by the Committee the ~~Deputy Chief Administrative Officer—Operations (Deputy CAO)~~ **Director of Planning and Strategic Initiatives** will be responsible for prioritizing staff resources, in conjunction with the Chief Administrative Officer when required.
12. Meetings are to be attended by the ~~Deputy CAO~~ **Director of Planning and Strategic Initiatives**, or designate, as well as an ~~Executive Assistant~~ **the Clerk, or designate**. At the discretion of the ~~Deputy CAO~~ **Director of Planning and Strategic Initiatives**, other staff may be invited / asked to attend as well. Standing invitations to Committee meetings will be given to the Chief Administrative Officer. ~~and all Directors.~~

MEETINGS

13. Meetings will be automatically scheduled for the first Monday of every month. Meetings will commence at 4:30 PM unless otherwise informed.
14. Meeting times may be changed when appropriate by the Chairperson in consultation with the ~~Deputy CAO~~ **Director of Planning and Strategic Initiatives**.
15. Meetings may be cancelled by the Chairperson in consultation with ~~Deputy CAO~~ **Director of Planning and Strategic Initiatives** when there are no agenda items.
16. All meetings are open to the public as per Section 203 of the *Municipal Government Act*, unless the Committee, by a majority vote, moves a meeting in private to discuss matters permitted by the *Act*.
17. The date, time and location of Committee meetings shall be posted ~~in the lobby of Town Hall three days prior to the meeting, and on the Town's~~ **social media website.**

18. An agenda package will be provided to all Committee members and staff no later than 4:30 PM, two business days prior to the meeting.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: March 20, 2023

SUBJECT: North Tyndal Wellfield Advisory Committee Policy #31700-05

ORIGIN: Policy review, and appointments to the North Tyndal Wellfield Advisory Committee

LEGISLATIVE AUTHORITY: MGA 48(3) Council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.

RECOMMENDATION: That Council refer approval of the amendments to the North Tyndal Wellfield Advisory Committee Policy to the March 27, 2023 regular meeting of Council.

BACKGROUND: The NTWAC Policy has not been reviewed since May 2014, it is on the schedule to be reviewed next month however with the intent of appointing a citizen member to this Committee at the Council meeting next week, staff feel it would be appropriate to amend this policy first.

DISCUSSION: The amendments being proposed are housekeeping items, mostly title changes to reflect current positions and responsibilities. In keeping in line with staff's new goal of appointing all Council and citizens to Committees annually in October, this is also now reflected in the amendments. If Council feels they would like to approve the amendments at Council next week staff will have it in the new policy format at that time.

FINANCIAL IMPLICATIONS: There are no financial implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ENVIRONMENTAL IMPLICATIONS: None related to amending this policy.

COMMUNITY ENGAGEMENT: No community engagement, if the amendments are approved the updated policy will be available on the Town's website.

ALTERNATIVES: 1. Do not approve of the amendments and refer the policy back to staff.

ATTACHMENTS: North Tyndal Wellfield Advisory Committee Policy with amendments



DEPARTMENT: OPERATIONS

TITLE: **North Tyndal Wellfield Advisory Committee Policy**

Minutes reference date: 26 May 2014

1. ADVISORY COMMITTEE

There shall be a Committee which shall consist of six members appointed in the manner hereinafter set out and which shall be known as the “North Tyndal Wellfield Advisory Committee.”

2. DEFINITIONS

- (a) “Committee” means the North Tyndal Wellfield Advisory Committee;
- (b) “County Council” means the Council of the Municipality of the County of Cumberland;
- (c) “Town Council” means the Council of the Town of Amherst.

3. MEMBERSHIP SHALL CONSIST OF

- (a) Two members of the Town Council appointed by resolution of Town Council;
- (b) Two members of the County Council appointed by resolution of County Council;
- (c) Two members of the public, one appointed by each Council by resolution, and preferably residents or landowners in the water recharge area;

(d) Resources ~~staff~~ shall include **staff from the Town of Amherst, the Municipality of the County of Cumberland and Provincial Departments as required.**

- ~~Deputy C.A.O. — Town of Amherst~~
- ~~Town Engineer — Town of Amherst~~
- ~~Planner — Town of Amherst~~
- ~~Planner — Municipality of the County of Cumberland~~
- ~~County Engineer — Municipality of the County of Cumberland~~
- ~~Department of Service Nova Scotia and Municipal Relations~~
- ~~Department of Environment~~
- ~~Department of Natural Resources~~
- ~~Department of Agriculture~~
- ~~Secretarial support from Town of Amherst~~

4. TERMS OF MEMBERSHIP

- (a) Members shall serve for a term of one year, **with appointments being made annually in October.** ~~commencing at the annual meetings.~~ All members shall be eligible to be reappointed.
- (b) When a member of the Committee ceases to be a member of a Council, his or her term on the Committee will be terminated.

DEPARTMENT: OPERATIONS

TITLE: **North Tyndal Wellfield Advisory Committee Policy**

Minutes reference date: 26 May 2014

5. QUORUM

Three members of the Committee will constitute a quorum.

6. CHAIR

At the first meeting of the Committee held each year, a Chair and a Vice-Chair shall be elected from among the members who shall hold office until their successors are elected.

7. THE ROLE OF THE NORTH TYNDAL WELLFIELD ADVISORY COMMITTEE SHALL BE:

- (a) To advise the Councils on policy issues to do with the protection of the groundwater quality.
- (b) To advise the Water Utility on operating policy issues as contained in the Groundwater Protection Strategy and Management Plan.
- (c) To ensure effective integration of current and proposed provincial government legislation through representation by staff from provincial departments.
- (d) To update the current Groundwater Protection Plan.

8. THE ROLE OF THE AMHERST WATER UTILITY SHALL INCLUDE:

- (a) Acting as the operating arm for the North Tyndal Wellfield including execution of all management functions;
- (b) Providing funding for the work of this Committee in the protected water area.

9. MEETINGS

Meetings of the Committee shall be held **as required**. ~~at least twice in every year, the first of which shall be considered the annual meeting.~~ **The Director of Operations in consultation with the** Chair may convene a meeting of the Committee at any time provided seven days advance written notice is given.



COMMITTEE OF THE WHOLE

CDR# 2023028

Date: March 20, 2023

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Sarah Wilson, Director of Finance

DATE: March 20, 2023

SUBJECT: New Policy – Inventory Control of Non-Capital Equipment

ORIGIN: New policy requested by Audit Committee.

LEGISLATIVE AUTHORITY: Municipal Government Act, Policies 48 (3) “In addition to matters specified in this Act or another Act of the Legislature, the Council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.”

RECOMMENDATION: That Council refer the new Inventory Control of Non-Capital Equipment Policy to the March Council meeting for approval.

BACKGROUND: At a meeting of the Audit Committee in the fall, a request was made for staff to develop a new policy for Inventory Control of Non-Capital Equipment.

DISCUSSION: The purpose of the Inventory Control of Non-Capital Equipment Policy is to ensure that non-capital equipment for the Town of Amherst is accounted for on an annual basis. Non-capital equipment is defined as tools, computers, communications devices and equipment used by employees to carry out their work with an approximate value between \$1,000 and \$5,000.

This policy was presented to the Audit Committee at the March 7th meeting for review and discussion. The Audit Committee accepted the Policy for Inventory Control of Non-Capital Equipment, and a motion was approved to forward the policy to a Committee of the Whole meeting.

FINANCIAL IMPLICATIONS: There are no financial implications to this policy.

COMMUNITY ENGAGEMENT: No community engagement required.

ENVIRONMENTAL IMPLICATIONS: No environmental implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications to this decision.

ALTERNATIVES: Refer the policy back to the Audit Committee for further review.

ATTACHMENTS: Inventory Control of Non-Capital Equipment Policy.

Report prepared by: Sarah Wilson, Director of Finance Report and Financial approved by:



TITLE: Inventory Control of Non-Capital Equipment Policy
SECTION: Financial Management
POLICY NO: 03000-10

APPROVAL DATE:

CAO Signature: _____

POLICY STATEMENT

The Town will ensure proper accounting of Town workplace equipment.

PURPOSE

To ensure that non-capital equipment for the Town of Amherst is accounted for on an annual basis.

APPLICATION

Departmental Directors will prepare a list of non-capital equipment in their department with a value between \$1,000 and \$5,000. This list will be updated on an annual basis and submitted to the Director of Finance no later than March 31. Any unaccounted-for change in equipment will be noted.

DEFINITION

For the purposes of this policy, non-capital equipment is defined as tools, computers, communications devices and equipment used by employees to carry out their work with an approximate value between \$1,000 and \$5,000.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Director of Finance	To ensure that non-capital equipment for the Town of Amherst is accounted for on an annual basis.
Departmental Directors	To maintain a list of non-capital inventory and ensure that it is updated annually and submitted to the Director of Finance no later than March 31. Any unaccounted-for change in equipment will be noted.

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
	Director of Finance		

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Kimberlee Jones, Director of Communications

DATE: March 20, 2023

SUBJECT: *Procurement Policy Amendment*

ORIGIN: Review of town policies and bylaws

LEGISLATIVE AUTHORITY: MGA 47 (1) The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

Public Procurement Act. 2011, c. 12, s. 1.

Town of Amherst Procurement Policy #3700-01,

RECOMMENDATION: That Council forward the proposed amendments to the Procurement Policy #3700-01 to the March 27, 2023 Council meeting for approval.

BACKGROUND: The purchasing threshold limits have been in place since 2012.

DISCUSSION: The existing purchasing thresholds are being recommended to be increased. The impacts on inflation and supply chain issues that have been ongoing since the start of the pandemic have seen our costs increase across the board. This also increases the strain on our procurement process as now many additional transactions fall within the current threshold limits. Increasing the limits is in line with some other municipalities, including East Hants, where the proposed new limits have been in place since 2019.

In particular, by increasing the lowest level to under \$5,000, based on data from the current year operating budget, approximately 286 transactions will be redirected to the Director level responsibility.

FINANCIAL IMPLICATIONS: By streamlining the process, it is hoped this will allow for documents to be released earlier in the year which may yield better value.

SOCIAL JUSTICE IMPLICATIONS: There are none

ENVIRONMENTAL IMPLICATIONS: There are none

COMMUNITY ENGAGEMENT: There was none prior to proposing amendments





COMMITTEE OF THE WHOLE

CDR# 2023040

Date: March 20, 2023

- ALTERNATIVES:** 1) approve the amendments as presented
2) refer back to staff for alternative amendments
3) do not approve amendments as presented.

ATTACHMENTS: Current Policy with proposed amendments, New policy

Report prepared by: Kimberlee Jones, Director
Report and Financial approved by:



DEPARTMENT: ALL TOWN DEPARTMENTS

TITLE: **Procurement Policy**

Minutes reference date: 30 April 2007 28 September 2009 26 November 2012 27 November 2017

1) Policy Statement

The purpose of this policy is to establish transparent procurement guidelines to ensure the most ~~cost~~ effective and ~~cost~~ efficient methods are used to provide best value for the procurement of goods, services and construction for the Town of Amherst (hereinafter referred to as the "Town").

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The Town will conduct procurement practices in compliance with all Provincial legislation, International, National and Regional Trade Agreements, including the Nova Scotia Public Procurement Act and any amendments thereto.

2) Definitions

a) Alternative Procurement (ALTP) - the procurement of goods, services and construction without a competitive process due to certain conditions/situations.

b) Best Value - the bid that is determined by the Town to be in its best interests, not necessarily the lowest price bid, which is determined by evaluation of bids based on criteria or factors that may include purchase price, life cycle cost considerations, environmental and social considerations, delivery, servicing, past experience and performance, and any other criteria or factors stated in the requesting documents.

c) Bid - a supplier's response to a Request for Quotation (RFQ), Request for Construction (RFC), Tender, Request for Proposal (RFP), Request for Expression of Interest (REI) or a Two Phase Bid to provide goods, services or construction.

e)d) Invitational Competition – is a competitive process in which an invitation to submit bids is issued to at least three suppliers.

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e) Local Preference Area – all suppliers located within the County of Cumberland and the Town of Sackville, New Brunswick, plus a ten (10) mile radius outside of Sackville New Brunswick's town boundaries.

e)f) Procurement Web Portal – means the public website owned by the Province of Nova Scotia where all public tender notices are posted.

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e)g) Public Request for Submission - refers to inviting responses to tenders, request for proposals, two phase bids, request for construction, request for expression of interest and request for standing orders.

- h) Purchase Card - a corporate visa-credit card for the Town with various restrictions and limits based on the cardholder.
- i) Purchaser – a Town employee with the authority to purchase goods.
- j) Request for Construction (RFC) - used to publicly tender for a construction, reconstruction, demolition, remediation, repair or renovation of a building, structure, road, bridge or other engineering or architectural work.
- k) Request for Expression of Interest (REI) - process in which suppliers are invited to propose a solution to a problem and then those chosen are asked to respond to a subsequent Request for Proposal.
- l) Request for Quotations (RFQ) - informally obtaining price quotations from a number of different suppliers.
- m) Request for Proposal (RFP) - a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet the needs of the Town.
- n) Purchase Requisition/Purchase Order-an electronically generated document for the supply of goods or services from an approved vendor.
- o) Single Source – A single source procurement is an alternative procurement practice in which two or more suppliers can supply the goods and/or perform the services required by the Town of Amherst, but where the Town of Amherst selects one supplier over the others for reasons such as expertise, previous municipal or other related experience and not through a competitive process.
- p) Sole Source Procurement – is an alternative procurement practice in which it is evident that only one supplier can supply the goods and/or perform the services required and an award is made to that supplier.
- q) Standing Offer- a contractual arrangement with a supplier to provide certain goods or services on an “as required” basis, during a particular period of time, at a predetermined price or discount, generally within a predefined dollar limit.
- r) Sustainable Procurement- involves taking a holistic approach to obtain best value by integrating the following considerations in the procurement process:
- Environmental considerations: e.g. Green House Gas Reduction, Waste Reduction, Toxic Use Reduction;
 - Economic considerations: e.g. Life Cycle Cost, Fiscal Responsibility, Support for the Local Economy;
 - Social considerations: e.g. Employee Health and Safety, Inclusiveness and Fair Wage, Health Promotion.

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- o) Tender- a formal request to solicit for goods, services or construction obtained through posting on the Town and the Provincial websites.
- p) Two Phase Bid- a two stage process in which suppliers submit proposals for evaluation, and separately submit prices.

3) Guiding Principles

The following principles will guide the procurement practices of the Town of

- a) Procurement policy and procedures should provide the most efficient and effective methods resulting in best value for the Town.
- b) The procurement process is to ensure a fair, open, consistent and transparent process in the acquisition of goods, services and construction.
- c) Procurement methods are to encourage competition, innovative ideas and solutions, wherever possible, while respecting all legislative and trade agreement obligations for the supply of goods services and construction.
- d) Procurement policy provides for the use of suppliers, who can be expected to provide satisfactory performance, based on, but not limited to:
 - (i) past performance and/or previous contacts
 - (ii) financial and other resources to complete the contract bid;
 - (iii) references
- e) Promoting the use of Sustainable Procurement when evaluating bids by striving to obtain best value, taking into consideration environmental, economic and social considerations.
- f) This policy does not apply to payments for reoccurring items such as utilities, leases, rentals and similar reoccurring operating charges, while recognizing that in some circumstances, the initial commitment that leads to these ongoing payments is subject to the provisions of this policy.

4) General

- a) This policy applies to all departments, agencies, boards and commissions of the Town over which the Town has jurisdiction.
- b) The procuring of goods, services and construction will be facilitated by the Director of the requesting department in conjunction with the Procurement Coordinator according to this policy.
- c) The Town will be under no obligation to accept any bid received which is considered to be not in its best interest, in response to a verbal or written request.
- d) The Town may work with other levels of government, other municipal units, other agencies, boards and commissions, and associations such as the FCM (Federation of

Canadian Municipalities) and ~~UNSM-NSFM (Union of Nova Scotia Federation of Municipalities)~~ to encourage standardization of items and/or reduce overall costs to the Town for joint purchasing.

- e) The dollar values indicated within this policy are ~~inclusive-exclusive~~ of the Town's non-recoverable HST and are in Canadian Dollars.

5) Purchasing Guidelines

The following guidelines will be followed for the procurement of goods services and construction for the Town:

- ~~a) Up to \$2,000 – For purchases that are random in nature, purchaser will use standing offer, if one exists. Otherwise, purchases may be purchased by the department using a purchase order or Town purchase card in accordance with the Guiding Principles of this policy.~~
- ~~b) More than \$2,000 but less than \$15,000 – Where three or more suppliers exist, purchaser will attempt to solicit at least three written quotations. Award will be to the supplier offering best value. Funds are to be clearly identified in the approved operating or capital budget.~~
- ~~c) More than \$15,000 but less than \$25,000 – Where three or more suppliers exist, purchaser will attempt to solicit at least three written quotations. The Procurement Coordinator will post these opportunities on the Town website. Award will be to the supplier offering best value. Funds are to be clearly identified in the approved operating or capital budget.~~

~~If there is a possibility that the value will be over \$25,000 and/or there is uncertainty of the exact requirements of this request, other methods of procuring, such as RFP's and Tenders, should be used. These would be posted on both the Town and the Provincial website. This decision would be made by the Director of the requesting department in conjunction with the Procurement Coordinator.~~

- ~~d) \$25,000 or greater – the Procurement Coordinator will issue a public request for submissions (see Definitions, Section 2 e) by posting on the Town website and the Nova Scotia Procurement web portal. Documentation must state if submissions received are to be acknowledged at a public opening at a designated place, date and time. After bids are evaluated they are to be forwarded to the CAO, or Council for approval on the recommendation of the CAO. Funds are to be clearly identified in approved operating or capital budget.~~

Spending Category	Low Value	Low Value	High Value
	Quotations	Invitational Competition	Open Competition
Goods	Less than \$5,000	\$5,000 - \$24,999	\$25,000 and above
Services	Less than \$5,000	\$5,000 - \$49,999	\$50,000 and above
Construction	Less than \$5,000	\$5,000 - \$49,999	\$50,000 and above

Dividing procurement activity to reduce or keep the procurement value below certain thresholds is not permitted.

a) Low Value Procurement

If the value of the Goods, Services or Construction are less than \$5,000:

Staff are expected to obtain competitive quotations whenever possible and award to the bid that provides the best overall value. For procurement under \$5,000, the minimum of three quotations is not mandatory, however staff are expected to perform due diligence in selecting such suppliers, including obtaining quotations in cases where there are sufficient suppliers to do so, where there is sufficient time to do so, and when the value of the goods, services or construction makes it practical to do so.

If the value of the Goods, Services or Construction is \$5,000 and over but less than the Open Competition thresholds:

The acceptable process is to use an Invitational Competition. All Invitational Competitions must be conducted in accordance with the Procurement Guidelines and are subject to review by the Procurement Coordinator prior to issue.

b) High Value Procurement

If the value of the Goods, Services or Construction is above Open Competition thresholds, staff must work with the Procurement Coordinator to conduct a public competitive process. Open competitions are posted on the Town of Amherst website and the Nova Scotia Procurement Web Portal.

If an Invitational Competition is issued and the results demonstrate that the cost from the supplier determined to be providing best value is above the High Value Procurement threshold, the CAO may, at their discretion:

- Cancel the competition and not award
- Accept the result and award. The resulting award is an Alternative Procurement Practice; or
- Reject the result and require that the Competition be re-issued as an Open Competition.

6) Methods of Procurement

All procurement activity must be obtained through one of the following methods:

- a) Tender - A formal invitation to solicit competitive bids. It is used when detailed specifications are available that permit the evaluation of tenders against clearly stated criteria and specifications. A Request for Tenders (RFT) is a formal, competitive, sealed bidding process. Bid deposits and performance security may be required. The award is normally to the lowest bid received from a qualified bidder meeting the requirements of the tender and providing best value. Tender purchases shall be made

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by purchase order. Tenders must be opened in the presence of at least one elected official and the CAO or his/her designate at a time and location that is open to the public.

- b) Request for Proposal - A ~~R~~request for ~~P~~proposal (RFP) is a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet specific needs of the Town. It is used when a supplier is invited to propose a solution to a problem, requirement, or objective. ~~Unlike tenders,~~ Request for Proposals are evaluated against stated criteria to the terms of the RFP to determine if any should be accepted.

Negotiations with suppliers may be required to finalize any aspect of the proposal provided such discussion and negotiations are conducted to:

- (1) Award equitable treatment to each qualified bidder with respect to an opportunity for discussion and the revision of the proposal.
- (2) Prevent the disclosure of the proposal content of one bidder-proponent to another.

Proposals submitted in response to a request for proposal need not be opened in public. A list of the proponents may be made available upon request. An award of a contract based upon a request for proposals will be made to the supplier whose proposal has the highest score based upon the criteria for evaluation set out in the request for proposals and equitably applied to all proposals. RFP purchases shall be made by purchase order.

- c) Request for Quotation - A request for quotation is an informal request for prices for goods and services that the purchaser will attempt to solicit from at least three (3) different suppliers. This process is normally used where bid deposit and performance bonds are not required and where the cost of the work does not warrant the time and level of effort and expense required for a normal tender process. Quotations should be in written form and attached to the Request for Quotation form which must be completed and given to the Procurement Coordinator for filing once it has been awarded.

If a quote is obtained verbally, the person obtaining it must document the quotation, including time, date, supplier, price and description of the goods and services, the person from whom the quotation was obtained and the name of the municipal staff obtaining the quotation. The RFQ form should be used for documentation purposes. RFQ purchases shall be made by purchase order, or purchase card if in US Dollars.

- d) Standing Offer – A tender process to guarantee a continuous supply of various goods, services or construction at a specific price for a specific period of time. The term of the standing offer can vary in duration but will be clearly defined in the tender documents. Standing Offers of the Government of the Province of Nova Scotia or other public sector entities may be used under the constraints within this policy where it is in the best interest of the Town.

- e) Two Phase Bids- Where detailed specifications are not available or it is impractical to prepare a specification based on price, a two phase bid may be issued, inviting for the submission of bids as follows:

Phase One- Pre-qualification step in which bidders submit proposals/expressions of interest in response to basic terms of reference for evaluation; need not be opened in public

Phase Two- Only those bidders whose submissions were determined to be acceptable in Phase One will be invited to submit priced bids for further consideration. Phase Two bids must be opened in public.

This type of purchasing has the advantage of a request for proposal in Phase One and the advantages of a tender in Phase Two. Two phase bid purchases shall be made by purchase order.

- f) Request for Expression of Interest - This process is similar to the Request for Proposal and is sometimes referred to as a Pre-Qualification, where suppliers are invited to propose a solution to a problem. The REI, however, is only the first stage in the procurement process. Bidders responding to the REI will be short listed according to their scoring in the evaluation process. The short listed firms will then be invited to respond to a subsequent Request for Proposal. A REI does not normally include pricing as price is a key evaluation criteria used in the second stage RFP process.
- g) Request for Construction - Used to publicly tender for a construction, reconstruction, demolition, remediation, repair, or renovation of a building, structure, road, bridge, or other engineering or architectural work. When a supplier is invited to bid on a construction project the tender documents usually contain a set of terms and conditions and separate bid form that apply to that specific project. Suppliers are requested to submit a response (bid) in accordance with predefined criteria. The selection of the successful proposal is based on a number of factors as described in the tender documents. A request for construction usually does not include professional consulting services related to the construction contract, unless they are included in the specifications.
- h) Negotiations - Negotiations with suppliers for the supply of goods and/or services would take place when any of the following conditions exist:
- (a) Due to market conditions, goods and/or services are in short supply;
 - (b) There is only one source of the goods or services;
 - (c) All bids received are non-compliant or exceed the amount budgeted for the purchase;
 - (d) The extension or reinstatement of existing contract would be more cost effective or beneficial to the Town providing the extension has been outlined in original documents. The extension or reinstatement of existing contract is subject to the approvals listed in section 9 – Award of Contracts.

i) Alternative Procurement - In certain circumstances, described in this section, the Town may purchase goods, services and construction without using one of the options set out above. An alternative procurement purchase may occur.

(a) Where an unforeseeable situation of urgency exists and the goods, services or construction cannot be obtained in time by means of open procurement procedures. An emergency purchase occurs when a situation creates immediate and serious need which may not be reasonably met by any other procedure and includes without limitation:

A condition where lack of supplies or services may adversely affect the functioning of civic government, threaten public or private property or the environment, or jeopardize the health or safety of the public;

Emergency purchases are completed using the most expedient method, but will take economy into consideration.

Emergency purchases must be pre-approved by the CAO (or designate) where such approval may be reasonably sought.

(b) Where goods or consulting services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise government confidentiality, cause economic disruption or otherwise be contrary to the public interest;

(c) Where compliance with the open tendering provisions set out in this policy would interfere with the Town's ability to maintain security or order or to protect human, animal or plant life or health;

(d) In the absence of tenders in response to an open or selective tender, or when the tenders submitted have been collusive, or not in conformity with the essential requirements in the tender;

(e) To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative;

(f) Where there is an absence of competition for technical reasons and the goods or services can only be supplied by a particular supplier and no alternative or substitute exists;

(g) For the purchase of goods on a commodity market;

(h) For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly;

(i) For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor:

- (j) For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;
- (k) For the procurement of a prototype or a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for routine purchases;
- (l) For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases;
- (m) For the procurement of original works of art;
- (n) For the procurement of subscriptions to newspapers, magazines or other periodicals;
- (o) For the procurement of real property;
- (p) For the procurement of goods intended for resale to the public;
- (q) For the procurement from charitable institutions, prison labour, persons with disabilities, sheltered workshop programs or through employment equity programs;
- (r) For procurement from a public body or non-profit organization; or
- (s) For the procurement of services of expert witnesses, specifically in anticipation of litigation or for the purpose of conducting litigation.

**When an alternative procurement purchase occurs, the reason for doing so must be documented using the Alternative Procurement (ALTP) form.

7) Local Preference

If the goods, services or construction available from a local business are equal in providing best value to those available from a non-local business, the goods, services or construction from the local business shall be purchased.

In evaluating which goods, services or construction offer best value to the Town of Amherst, the Town shall apply a preference of 5% to the price offered by a local business as compared with non-local businesses, such that the price offered by the local business is adjusted lower by 5% for the purposes of evaluating which goods, services or construction offer best value.

In accordance with the Atlantic Procurement Agreement, the local preference described above does not apply to the following procurements:

- a) goods that have a value of \$25,000 or greater;
- b) services that have a value of \$50,000 or greater;
- c) construction that has a value of \$100,000 or greater.

All requests for quotations and public requests for submissions must state that local preference applies to the procurement.

8) Award of Contracts

- a) The Chief Administrative Officer (CAO) may authorize the procurement of goods, services and construction:
 - i) that are \$250,000 or less and are included within the approved operating and capital budgets; Awards over the value of \$250,000 will be submitted to Council for approval.
 - ii) that exceed the approved budget by 25% or \$50,000, whichever is less. This will be done when it is reasonable to do so and when options to achieve project completion or item procurement are limited.
 - iii) that is an emergency situation. In these cases, the CAO is authorized to make reasonable and informed procurement decisions (operating and capital) which are determined by him/her to be necessary. Among other things such decisions may be deemed by the CAO to be necessary to protect the legal interests or satisfy legal obligations of the Town, or involve a situation where failure to act could reasonably be expected to compromise Town confidentiality, cause economic disruption, or would otherwise be contrary to the public interest. Authorizations for such expenditures are considered to be over and above the other authorities given under this policy to exceed approved budget amounts.
 - iv) where the purchase was made in accordance with this policy and falls within the thresholds established within the Atlantic Procurement Agreement and all subsequent amendments thereto.
 - v) Where the purchase was the result of a public purchasing process conforming to the Town's procurement policy and The Atlantic Trade and Procurement Partnership, and all appropriate Trade Agreements and their subsequent amendments Agreement.
 - vi) Where the purchase is awarded to the supplier providing best value and meeting specifications.
 - vii) Where the award of a Request for Proposal is made to the highest scoring qualified proponent based upon evaluation criteria within the Request for Proposal.
 - viii) Where there is no legislative requirement to obtain Council approval.
- b) All bids are subject to evaluation after opening and before award of contract. The bid request documents must clearly identify the requirements of the procurement, the evaluation method, evaluation criteria based on the purpose and objectives of this policy, and the weights assigned to each criterion.

- c) Where award is over the limits established in the Atlantic Trade Procurement Partnership Agreement for the purchase of goods, services and construction, award amount and company name is to be posted on the Provincial Procurement Web Portal.
- d) A quarterly report to Council of awards of contracts under the value of \$250,000 approved by the CAO or designate shall be made available to Council and shall show the name of the contract, the name of the successful bidder, the amount of the award, any person or company to whom a single or sole source has awarded, and the budgetary provision.
- e) At the discretion of the CAO, any award of goods, services or construction may be referred to Council for approval.

10) Documentation Requirements

The following documents are required in order to work for the Town:

Workers Compensation Board (WCB) - WCB certificates are required any time a service and/or construction project is being completed on Town of Amherst property. The proponent MUST provide a valid WCB certificate prior to the commencement of any work. This certificate will state when the coverage expires. If the WCB certificate expires before the project is finished, then the replacement certificate MUST be received in order for the work to continue. Town employees have the right to stop any work in progress if an up-to-date WCB certificate is not provided. If the approved vendor is exempt from WCB, proof of the exemption will be supplied before work can commence.

Liability Insurance - Proponents must provide a valid certificate from their insurance company with the Town named and added under Additional Insured for liability purposes with at least \$2,000,000 liability coverage. This certificate must be provided before the commencement of any work.

Construction Safety- A Certificate of Good Standing is required from a registered safety certified company such as the Nova Scotia Construction Safety Association whenever any type of construction, reconstruction, demolition, remediation, repair or renovation is being completed on Town property for any projects that are over \$10,000. This documentation must be provided before the commencement of any work.

11) Code of Ethics

All procurement carried out by the Town must be conducted according to policies, provincial and federal legislation, trade agreements and ethical business practices. We All employees must in good faith, conduct business with current and prospective suppliers and be fair in all business dealings. We shall encourage the negotiation of an equitable and mutually acceptable settlement when a dispute arises and request removal from a procurement process when a personal conflict of interest is perceived. We shall require suppliers to provide accurate representations of goods, services and construction and encourage them to consider sustainability in their products. We shall strive to obtain best value for each expenditure.

12) Supplier Performance

-
- a) Suppliers may be subject to disqualifications if there is sufficient evidence of failure to meet the standards specified by the Town. Suppliers may be evaluated based on competitive price, quality of a product, contract adherence and performance and after sales service. Upon reasonable notice in writing to the supplier involved, and after a reasonable opportunity for response, a supplier can be disqualified for a period not exceeding three years from participation in solicitation for goods, services and construction when:
 - i. Serious breach of contract indicating unwillingness to perform a contract in accordance with the terms and conditions or specifications or a record of unsatisfactory performance of one or more contracts in accordance with its specifications or both.
 - ii. The offer of any gratuity to an official or employee of the Town by a supplier or contractor for consideration.
 - b) A written decision shall be issued to the person disqualified or suspended setting out its reasons for disqualification or suspension, to the usual business address of that person as shown in the records of the purchasing section.
 - c) Disqualification will be approved by the CAO.

13) Supplier Debriefing

Upon request of a supplier who is an unsuccessful bidder, the Town must conduct a debriefing with that supplier to provide feedback on the evaluation of the bid. The debriefing must be conducted as follows:

- a) the ~~Treasurer~~ CAO or designate and/or Procurement Coordinator, along with the person named in the documents, will attend the meeting;
- b) the debriefing must provide reasons for the disqualification of the supplier, or in the case where evaluation scoring was used, provide an overview of the supplier's score in each category and reasons for that score;
- c) the debriefing must also provide information to the supplier on how to improve future submissions;
- d) the debriefing must not disclose any information regarding other bidders or their submissions.

14) Contract Documents, Bid and Performance Securities and Specifications

- a) The CAO may, from time to time, approve such standard forms including bid and performance securities if any, for purchase by Invitation to Tender, Request for Proposals, Request for Quotations, sole source, or emergency purchases as well as forms of contract for types of purchase including but not limited to construction, supplies and installation or service as they may deem advisable.
- b) Bid bonds, performance bonds, irrevocable letters of credit and other securities including labour and material bonds may be required for such purposes in such form and in such amounts as the CAO deems advisable.

15) Special Services

- a) Legal Services - Legal services will be acquired by staff based upon qualifications, experience, services offered, past performance, proposed fees and other relevant considerations. The acquisition of legal services must be approved by the CAO in consultation with the Director(s) of the user department(s). (These services include expert witnesses, and subject experts required for legal proceeding, hearing or similar matter.) Legal services having a value of \$10,000 or more shall be approved by Council. The term for legal services will be at the discretion of the Town.
- b) Financial Auditing Services – These services may be contracted on a one year term to be renewed on an annual basis on terms satisfactory to the Town. Selection of an auditor shall be completed by the Audit Committee of Council who will recommend the selection of an auditor to Council. Annual selection and/or renewal of the contract for audit services will be made by the Audit Committee.

16) Tie Bids

After the assessment process is complete and it cannot be reasonably determined who has submitted the lowest compliant bid and a tie exists, the Procurement Coordinator may flip a coin to determine the award.

17) Suppliers indebted to the Town of Amherst

Any supplier/contractor having a customer account with the Town, which is in arrears, will have such arrears deducted from any payments due to the supplier/contractor. Such deduction may be waived by the CAO, where the supplier/contractor has entered into a payment arrangement deemed to be suitable by the Treasurer.

18) Purchases by Town of Amherst Employees

Employees or immediate family members (husband, wife, son, or daughter) of employees of the Town are not permitted to purchase personal use items through the purchasing system except where employee purchase plans are being offered.

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APPROVAL DATE:

CAO Signature: _____

1) Policy Statement

The purpose of this policy is to establish transparent procurement guidelines to ensure the most effective and efficient methods are used to provide best value for the procurement of goods, services and construction for the Town of Amherst (hereinafter referred to as the “Town”).

The Town will conduct procurement practices in compliance with all Provincial legislation, International, National and Regional Trade Agreements, including the Nova Scotia Public Procurement Act and any amendments thereto.

2) Definitions

- a) Alternative Procurement (ALTP) - the procurement of goods, services and construction without a competitive process due to certain conditions/situations.
- b) Best Value - the bid that is determined by the Town to be in its best interests, not necessarily the lowest price bid, which is determined by evaluation of bids based on criteria or factors that may include purchase price, life cycle cost considerations, environmental and social considerations, delivery, servicing, past experience and performance, and any other criteria or factors stated in the requesting documents.
- c) Bid - a supplier’s response to a Request for Quotation (RFQ), Request for Construction (RFC), Tender, Request for Proposal (RFP), Request for Expression of Interest (REI) or a Two Phase Bid to provide goods, services or construction.
- d) Invitational Competition – is a competitive process in which an invitation to submit bids is issued to three suppliers, provided three suppliers can be identified.
- e) Local Preference Area – all suppliers located within the County of Cumberland and the Town of Sackville, New Brunswick, plus a ten (10) mile radius outside of Sackville New Brunswick’s town boundaries.
- f) Procurement Web Portal – means the public website owned by the Province of Nova Scotia where all public tender notices are posted.
- g) Public Request for Submission - refers to inviting responses to tenders, request for proposals, two phase bids, request for construction, request for expression of interest and request for standing orders.

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- h) Purchase Card - a corporate credit card for the Town with various restrictions and limits based on the cardholder.
- i) Purchaser – a Town employee with the authority to purchase goods.
- j) Request for Construction (RFC) - used to publicly tender for a construction, reconstruction, demolition, remediation, repair or renovation of a building, structure, road, bridge or other engineering or architectural work.
- k) Request for Expression of Interest (REI) - process in which suppliers are invited to propose a solution to a problem and then those chosen are asked to respond to a subsequent Request for Proposal.
- l) Request for Quotations (RFQ) - informally obtaining price quotations from a number of different suppliers.
- m) Request for Proposal (RFP) - a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet the needs of the Town.
- n) Purchase Requisition/Purchase Order-an electronically generated document for the supply of goods or services from an approved vendor.
- o) Single Source – A single source procurement is an alternative procurement practice in which two or more suppliers can supply the goods and/or perform the services required by the Town of Amherst, but where the Town of Amherst selects one supplier over the others for reasons such as expertise, previous municipal or their related experience and not through a competitive process.
- p) Sole Source Procurement – is an alternative procurement practice in which it is evident that only one supplier can supply the goods and/or perform the services required and an award is made to that supplier.
- q) Standing Offer- a contractual arrangement with a supplier to provide certain goods or services on an “as required” basis, during a particular period of time, at a predetermined price or discount, generally within a predefined dollar limit.
- r) Sustainable Procurement- involves taking a holistic approach to obtain best value by integrating the following considerations in the procurement process:
 - Environmental considerations: e.g. Green House Gas Reduction, Waste Reduction, Toxic Use Reduction;

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- Economic considerations: e.g. Life Cycle Cost, Fiscal Responsibility, Support for the Local Economy;
 - Social considerations: e.g. Employee Health and Safety, Inclusiveness and Fair Wage, Health Promotion.
- o) Tender- a formal request to solicit for goods, services or construction obtained through posting on the Town and the Provincial websites.
- p) Two Phase Bid- a two stage process in which suppliers submit proposals for evaluation, and separately submit prices.

3) Guiding Principles

The following principles will guide the procurement practices of the Town of

- a) Procurement policy and procedures should provide the most efficient and effective methods resulting in best value for the Town.
- b) The procurement process is to ensure a fair, open, consistent and transparent process in the acquisition of goods, services and construction.
- c) Procurement methods are to encourage competition, innovative ideas and solutions, wherever possible, while respecting all legislative and trade agreement obligations for the supply of goods services and construction.
- d) Procurement policy provides for the use of suppliers, who can be expected to provide satisfactory performance, based on, but not limited to:
 - (i) past performance and/or previous contacts
 - (ii) financial and other resources to complete the contract bid;
 - (iii) references
- e) Promoting the use of Sustainable Procurement when evaluating bids by striving to obtain best value, taking into consideration environmental, economic and social considerations.
- f) This policy does not apply to payments for reoccurring items such as utilities, leases, rentals and similar reoccurring operating charges, while recognizing that in some circumstances, the initial commitment that leads to these ongoing payments is subject to the provisions of this policy.

4) General

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- a) This policy applies to all departments, agencies, boards and commissions of the Town over which the Town has jurisdiction.
- b) The procuring of goods, services and construction will be facilitated by the Director of the requesting department in conjunction with the Procurement Coordinator according to this policy.
- c) The Town will be under no obligation to accept any bid received which is considered to be not in its best interest, in response to a verbal or written request.
- d) The Town may work with other levels of government, other municipal units, other agencies, boards and commissions, and associations such as the FCM (Federation of Canadian Municipalities) and NSFM (Nova Scotia Federation of Municipalities) to encourage standardization of items and/or reduce overall costs to the Town for joint purchasing.
- e) The dollar values indicated within this policy are exclusive of the Town's non-recoverable HST and are in Canadian Dollars.

5) Purchasing Guidelines

The following guidelines will be followed for the procurement of goods services and construction for the Town:

Spending Category	Low Value	Low Value	High Value
	Quotations	Invitational Competition	Open Competition
Goods	Less than \$5,000	\$5,000 - \$24,999	\$25,000 and above
Services	Less than \$5,000	\$5,000 - \$49,999	\$50,000 and above
Construction	Less than \$5,000	\$5,000 - \$49,999	\$50,000 and above

Dividing procurement activity to reduce or keep the procurement value below certain thresholds is not permitted.

a) Low Value Procurement

If the value of the Goods, Services or Construction are less than \$5,000:

For procurement under \$5,000, the minimum of three quotations is not mandatory, however staff are expected to perform due diligence in selecting such suppliers, including obtaining

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quotations in cases where there are sufficient suppliers to do so, where there is sufficient time to do so, and when the value of the goods, services or construction makes it practical to do so.

If the value of the Goods, Services or Construction is \$5,000 and over but less than the Open Competition thresholds:

The acceptable process is to use an Invitational Competition. All Invitational Competitions must be conducted in accordance with the Procurement Guidelines and are subject to review by the Procurement Coordinator prior to issue.

b) High Value Procurement

If the value of the Goods, Services or Construction is above Open Competition thresholds, staff must work with the Procurement Coordinator to conduct a public competitive process. Open competitions are posted on the Town of Amherst website and the Nova Scotia Procurement Web Portal.

If an Invitational Competition is issued and the results demonstrate that the cost from the supplier determined to be providing best value is above the High Value Procurement threshold, the CAO may, at their discretion:

- Cancel the competition and not award
- Accept the result and award. The resulting award is an Alternative Procurement Practice; or
- Reject the result and require that the Competition be re-issued as an Open Competition.

6) Methods of Procurement

All procurement activity must be obtained through one of the following methods:

- a) Tender - A formal invitation to solicit competitive bids. It is used when detailed specifications are available that permit the evaluation of tenders against clearly stated criteria and specifications. A Request for Tenders (RFT) is a formal, competitive, sealed bidding process. Bid deposits and performance security may be required. The award is normally to the lowest bid received from a qualified bidder meeting the requirements of the tender and providing best value. Tender purchases shall be made by purchase order. Tenders must be opened in the presence of at least one elected official and the CAO or his/her designate at a time and location that is open to the public.
- b) Request for Proposal - A Request for Proposal (RFP) is a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet specific needs of the Town. It is used when a supplier is invited to propose a

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solution to a problem, requirement, or objective. Request for Proposals are evaluated against stated criteria to the terms of the RFP to determine if any should be accepted.

Negotiations with suppliers may be required to finalize any aspect of the proposal provided such discussion and negotiations are conducted to:

- (1) Award equitable treatment to each qualified bidder with respect to an opportunity for discussion and the revision of the proposal.
- (2) Prevent the disclosure of the proposal content of one proponent to another.

Proposals submitted in response to a request for proposal need not be opened in public. A list of the proponents may be made available upon request. An award of a contract based upon a request for proposals will be made to the supplier whose proposal has the highest score based upon the criteria for evaluation set out in the request for proposals and equitably applied to all proposals. RFP purchases shall be made by purchase order.

- c) Request for Quotation - A request for quotation is an informal request for prices for goods and services that the purchaser will attempt to solicit from at least three (3) different suppliers. This process is normally used where bid deposit and performance bonds are not required and where the cost of the work does not warrant the time and level of effort and expense required for a normal tender process. Quotations should be in written form and attached to the Request for Quotation form which must be completed and given to the Procurement Coordinator for filing once it has been awarded.

If a quote is obtained verbally, the person obtaining it must document the quotation, including time, date, supplier, price and description of the goods and services, the person from whom the quotation was obtained and the name of the municipal staff obtaining the quotation. The RFQ form should be used for documentation purposes. RFQ purchases shall be made by purchase order, or purchase card if in US Dollars

- d) Standing Offer – A tender process to guarantee a continuous supply of various goods, services or construction at a specific price for a specific period of time. The term of the standing offer can vary in duration but will be clearly defined in the tender documents. Standing Offers of the Government of the Province of Nova Scotia or other public sector entities may be used under the constraints within this policy where it is in the best interest of the Town.
- e) Two Phase Bids- Where detailed specifications are not available or it is impractical to prepare a specification based on price, a two phase bid may be issued, inviting for the submission of bids as follows:

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Phase One- Pre-qualification step in which bidders submit proposals/expressions of interest in response to basic terms of reference for evaluation; need not be opened in public

Phase Two- Only those bidders whose submissions were determined to be acceptable in Phase One will be invited to submit priced bids for further consideration. Phase Two bids must be opened in public.

This type of purchasing has the advantage of a request for proposal in Phase One and the advantages of a tender in Phase Two. Two phase bid purchases shall be made by purchase order.

- f) Request for Expression of Interest - This process is similar to the Request for Proposal and is sometimes referred to as a Pre-Qualification, where suppliers are invited to propose a solution to a problem. The REI, however, is only the first stage in the procurement process. Bidders responding to the REI will be short listed according to their scoring in the evaluation process. The short listed firms will then be invited to respond to a subsequent Request for Proposal. A REI does not normally include pricing as price is a key evaluation criteria used in the second stage RFP process.
- g) Request for Construction - Used to publicly tender for a construction, reconstruction, demolition, remediation, repair, or renovation of a building, structure, road, bridge, or other engineering or architectural work. When a supplier is invited to bid on a construction project the tender documents usually contain a set of terms and conditions and separate bid form that apply to that specific project. Suppliers are requested to submit a response (bid) in accordance with predefined criteria. The selection of the successful proposal is based on a number of factors as described in the tender documents. A request for construction usually does not include professional consulting services related to the construction contract, unless they are included in the specifications.
- h) Negotiations - Negotiations with suppliers for the supply of goods and/or services would take place when any of the following conditions exist:
 - (a) Due to market conditions, goods and/or services are in short supply;
 - (b) There is only one source of the goods or services;
 - (c) All bids received are non-compliant or exceed the amount budgeted for the purchase;
 - (d) The extension or reinstatement of existing contract would be more cost effective or beneficial to the Town providing the extension has been outlined in original

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documents. The extension or reinstatement of existing contract is subject to the approvals listed in section 9 – Award of Contracts.

- i) Alternative Procurement - In certain circumstances, described in this section, the Town may purchase goods, services and construction without using one of the options set out above. An alternative procurement purchase may occur.

- (a) Where an unforeseeable situation of urgency exists and the goods, services or construction cannot be obtained in time by means of open procurement procedures. An emergency purchase occurs when a situation creates immediate and serious need which may not be reasonably met by any other procedure and includes without limitation:

A condition where lack of supplies or services may adversely affect the functioning of civic government, threaten public or private property or the environment, or jeopardize the health or safety of the public;

Emergency purchases are completed using the most expedient method, but will take economy into consideration.

Emergency purchases must be pre-approved by the CAO (or designate) where such approval may be reasonably sought.

- (b) Where goods or consulting services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise government confidentiality, cause economic disruption or otherwise be contrary to the public interest;
- (c) Where compliance with the open tendering provisions set out in this policy would interfere with the Town's ability to maintain security or order or to protect human, animal or plant life or health;
- (d) In the absence of tenders in response to an open or selective tender, or when the tenders submitted have been collusive, or not in conformity with the essential requirements in the tender;
- (e) To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative;

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- (f) Where there is an absence of competition for technical reasons and the goods or services can only be supplied by a particular supplier and no alternative or substitute exists;
- (g) For the purchase of goods on a commodity market;
- (h) For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly;
- (i) For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor;
- (j) For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;
- (k) For the procurement of a prototype or a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for routine purchases;
- (l) For the purchase of goods under exceptionally advantages circumstances such as bankruptcy or receivership, but not for routine purchases;
- (m) For the procurement of original works of art;
- (n) For the procurement of subscriptions to newspapers, magazines or other periodicals;
- (o) For the procurement of real property;
- (p) For the procurement of goods intended for resale to the public;
- (q) For the procurement from charitable institutions, prison labour, persons with disabilities, sheltered workshop programs or through employment equity programs;
- (r) For procurement from a public body or non-profit organization; or
- (s) For the procurement of services of expert witnesses, specifically in anticipation of litigation or for the purpose of conducting litigation.

**When an alternative procurement purchase occurs, the reason for doing so must be documented using the Alternative Procurement (ALTP) form.

7) Local Preference

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If the goods, services or construction available from a local business are equal in providing best value to those available from a non-local business, the goods, services or construction from the local business shall be purchased.

In evaluating which goods, services or construction offer best value to the Town of Amherst, the Town shall apply a preference of 5% to the price offered by a local business as compared with non-local businesses, such that the price offered by the local business is adjusted lower by 5% for the purposes of evaluating which goods, services or construction offer best value.

In accordance with the Atlantic Procurement Agreement, the local preference described above does not apply to the following procurements:

- a) goods that have a value of \$25,000 or greater;
- b) services that have a value of \$50,000 or greater;
- c) construction that has a value of \$100,000 or greater.

All requests for quotations and public requests for submissions must state that local preference applies to the procurement.

8) Award of Contracts

- a) The Chief Administrative Officer (CAO) may authorize the procurement of goods, services and construction:
 - i) that are \$250,000 or less and are included within the approved operating and capital budgets; Awards over the value of \$250,000 will be submitted to Council for approval.
 - ii) that exceed the approved budget by 25% or \$50,000, whichever is less. This will be done when it is reasonable to do so and when options to achieve project completion or item procurement are limited.
 - iii) that is an emergency situation. In these cases, the CAO is authorized to make reasonable and informed procurement decisions (operating and capital) which are determined by him/her to be necessary. Among other things such decisions may be deemed by the CAO to be necessary to protect the legal interests or satisfy legal obligations of the Town, or involve a situation where failure to act could reasonably be expected to compromise Town confidentiality, cause economic disruption, or would otherwise be contrary to the public interest. Authorizations for such expenditures are considered to be over and above the other authorities given under this policy to exceed approved budget amounts.

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- iv) where the purchase was made in accordance with this policy and falls within the thresholds established within the Atlantic Procurement Agreement and all subsequent amendments thereto.
 - v) Where the purchase was the result of a public purchasing process conforming to the Town's procurement policy and The Atlantic Trade and Procurement Partnership, and all appropriate Trade Agreements and their subsequent amendments.
 - vi) Where the purchase is awarded to the supplier providing best value and meeting specifications.
 - vii) Where the award of a Request for Proposal is made to the highest scoring qualified proponent based upon evaluation criteria within the Request for Proposal.
 - viii) Where there is no legislative requirement to obtain Council approval.
- b) All bids are subject to evaluation after opening and before award of contract. The bid request documents must clearly identify the requirements of the procurement, the evaluation method, evaluation criteria based on the purpose and objectives of this policy, and the weights assigned to each criterion.
 - c) Where award is over the limits established in the Atlantic Trade Procurement Partnership for the purchase of goods, services and construction, award amount and company name is to be posted on the Provincial Procurement Web Portal.
 - d) A quarterly report to Council of awards of contracts under the value of \$250,000 approved by the CAO or designate shall be made available to Council and shall show the name of the contract, the name of the successful bidder, the amount of the award, any person or company to whom a single or sole source has awarded, and the budgetary provision.
 - e) At the discretion of the CAO, any award of goods, services or construction may be referred to Council for approval.

10) Documentation Requirements

The following documents are required in order to work for the Town:

Workers Compensation Board (WCB) - WCB certificates are required any time a service and/or construction project is being completed on Town of Amherst property. The proponent MUST provide a valid WCB certificate prior to the commencement of any work. This certificate will state when the coverage expires. If the WCB certificate expires before the project is finished, then the replacement certificate MUST be received

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in order for the work to continue. Town employees have the right to stop any work in progress if an up-to-date WCB certificate is not provided. If the approved vendor is exempt from WCB, proof of the exemption will be supplied before work can commence.

Liability Insurance - Proponents must provide a valid certificate from their insurance company with the Town named and added under Additional Insured for liability purposes with at least \$2,000,000 liability coverage. This certificate must be provided before the commencement of any work.

Construction Safety- A Certificate of Good Standing is required from a registered safety certified company such as the Nova Scotia Construction Safety Association whenever any type of construction, reconstruction, demolition, remediation, repair or renovation is being completed on Town property for any projects that are over \$10,000. This documentation must be provided before the commencement of any work.

11) Code of Ethics

All procurement carried out by the Town must be conducted according to policies, provincial and federal legislation, trade agreements and ethical business practices. All employees must in good faith, conduct business with current and prospective suppliers and be fair in all business dealings. We shall encourage the negotiation of an equitable and mutually acceptable settlement when a dispute arises and request removal from a procurement process when a personal conflict of interest is perceived. We shall require suppliers to provide accurate representations of goods, services and construction and encourage them to consider sustainability in their products. We shall strive to obtain best value for each expenditure.

12) Supplier Performance

- a) Suppliers may be subject to disqualifications if there is sufficient evidence of failure to meet the standards specified by the Town. Suppliers may be evaluated based on competitive price, quality of a product, contract adherence and performance and after sales service. Upon reasonable notice in writing to the supplier involved, and after a reasonable opportunity for response, a supplier can be disqualified for a period not exceeding three years from participation in solicitation for goods, services and construction when:
 - i. Serious breach of contract indicating unwillingness to perform a contract in accordance with the terms and conditions or specifications or a record of unsatisfactory performance of one or more contracts in accordance with its specifications or both.
 - ii. The offer of any gratuity to an official or employee of the Town by a supplier or contractor for consideration.

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- b) A written decision shall be issued to the person disqualified or suspended setting out its reasons for disqualification or suspension, to the usual business address of that person as shown in the records of the purchasing section.
- c) Disqualification will be approved by the CAO.

13) Supplier Debriefing

Upon request of a supplier who is an unsuccessful bidder, the Town must conduct a debriefing with that supplier to provide feedback on the evaluation of the bid. The debriefing must be conducted as follows:

- a) the CAO or designate and/or Procurement Coordinator, along with the person named in the documents, will attend the meeting;
- b) the debriefing must provide reasons for the disqualification of the supplier, or in the case where evaluation scoring was used, provide an overview of the supplier's score in each category and reasons for that score;
- c) the debriefing must also provide information to the supplier on how to improve future submissions;
- d) the debriefing must not disclose any information regarding other bidders or their submissions.

14) Contract Documents, Bid and Performance Securities and Specifications

- a) The CAO may, from time to time, approve such standard forms including bid and performance securities if any, for purchase by Invitation to Tender, Request for Proposals, Request for Quotations, sole source, or emergency purchases as well as forms of contract for types of purchase including but not limited to construction, supplies and installation or service as they may deem advisable.
- b) Bid bonds, performance bonds, irrevocable letters of credit and other securities including labour and material bonds may be required for such purposes in such form and in such amounts as the CAO deems advisable.

15) Special Services

- a) Legal Services - Legal services will be acquired by staff based upon qualifications, experience, services offered, past performance, proposed fees and other relevant considerations. The acquisition of legal services must be approved by the CAO in consultation with the Director(s) of the user department(s). (These services include expert witnesses, and subject experts required for legal proceeding, hearing or similar matter.) Legal services having a value of \$10,000 or more shall be approved by Council. The term for legal services will be at the discretion of the Town.

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- b) Financial Auditing Services – These services may be contracted on a one year term to be renewed on an annual basis on terms satisfactory to the Town. Selection of an auditor shall be completed by the Audit Committee of Council who will recommend the selection of an auditor to Council. Annual selection and/or renewal of the contract for audit services will be made by the Audit Committee.

16) Tie Bids

After the assessment process is complete and it cannot be reasonably determined who has submitted the lowest compliant bid and a tie exists, the Procurement Coordinator may flip a coin to determine the award.

17) Suppliers indebted to the Town of Amherst

Any supplier/contractor having a customer account with the Town, which is in arrears, will have such arrears deducted from any payments due to the supplier/contractor. Such deduction may be waived by the CAO, where the supplier/contractor has entered into a payment arrangement deemed to be suitable by the Treasurer.

18) Purchases by Town of Amherst Employees

Employees or immediate family members (husband, wife, son, or daughter) of employees of the Town are not permitted to purchase personal use items through the purchasing system except where employee purchase plans are being offered.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Policy Owner	The policy owner is responsible for ensuring that the policy is implemented and being followed. In addition, they are responsible for reviewing the policy regularly for relevancy and compliance with provincial guidelines.
Staff	All personnel that fall within the scope of this policy must follow the policy
Procurement Coordinator	Facilitate the implementation of the policy, including the Open and Invitational procurement processes. Support procurement at all threshold levels. Develop and provide procurement templates and tools. Periodically review procurement practices within the province.

TITLE: Procurement Policy
SECTION: Financial Management
POLICY NO: 3700-01

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For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
	Title/Last Name	Council	
Creation of the policy	CAO	Council	April 30, 2007
Amendment to bring the policy into compliance with Atlantic Procurement Agreement	CAO	Council	Sept 28, 2009
Amendment to bring the policy into compliance with Atlantic Procurement Agreement	CAO	Council	Nov 26, 2012
CAO may authorize the procurement of goods, services and construction that are \$250,000 or less and are included within the approved operating and capital budgets.	CAO	Council	Nov 27, 2017
Increased purchasing limits and minor housekeeping amendments	CAO	Council	

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Sharon Bristol Director, Community Living

DATE: March 20, 2023

SUBJECT: *Pathways to Resiliency Request for Funding*

ORIGIN: The Intermunicipal Poverty Reduction Advisory Committee was established to work collaboratively to reduce the effects of poverty in our communities.

LEGISLATIVE AUTHORITY: MGA 47 (5) The council may make and carry out a contract, perform an act, do anything or provide a service for which the municipality or the council is authorized by an Act of the Legislature to spend or borrow money. 1998, c. 18, s. 47.

RECOMMENDATION: That approval of funding in the amount of \$13,500 for the Pathways to Resiliency research project be forwarded to the March 27 meeting of Council for approval.

BACKGROUND: The Poverty Reduction Advisory Committee developed a 3-year Strategic Plan which identified three pillars of concern to be addressed (food insecurity, housing/homelessness and youth outreach and education). The Committee met with representatives of Mitacs to link our municipalities to researchers who could provide the data needed to inform the work to be completed. The PRAC committee met with Hailie Tattrie to discuss potential research options centered around barriers to youth in the community. From these discussions a proposal was submitted to the Committee for review (attached). The Committee reviewed the proposal and approved the following motion:

Whereas the Mitacs proposal will engage youth from all over the region to obtain data that will help local government understand how our youth see their communities and what barriers prevent them from working and living here in Cumberland County and;

Whereas the Intermunicipal Poverty Reduction Advisory Committee is of the opinion that the above is useful / beneficial in achieving the goals of the draft strategic plan related to youth engagement and education, increasing the opportunities for youth engagement and would like this proposal to be considered prior to the approval of the Strategic Plan due to the timing involved in the application process and;

Whereas the total project budget is \$60,000 with 50% of this total covered by Mitacs and the 3 municipal units responsible for \$30,000 plus HST, over a 16 month period.

I move that the funding of the Mitacs project “Pathways to Resiliency” be recommended to the three participating municipal Councils and that the municipalities collaborate, through the respective CAOs, to determine a mutually agreeable funding formula.

DISCUSSION: The proposal from Hailie Tattrie of Mount St. Vincent University centers around gaining qualitative data from youth aged 12-19 here in Cumberland County on what barriers are faced by today's youth. It will help inform municipalities on what resources might be required to make our community more vibrant to youth, provide insight into the complex challenges between education/life skills/employment and ultimately help us build a framework that helps make our youth more resilient. Through application to Mitacs funding, 50% of the cost of the research will be covered and the balance would be the responsibility of the municipalities. The research project will take approximately 16 months to conduct and report back at a cost of \$60,000.00. With Mitacs contribution of \$30,000 the balance of \$30,000 would be split amongst the County and Towns of Amherst and Oxford.

The three CAO's are suggesting that both the Town of Amherst and the Municipality of County of Cumberland each contribute \$13,500 towards the project with the Town of Oxford contributing \$3,000.

FINANCIAL IMPLICATIONS: Financial contribution of \$13,500.

SOCIAL JUSTICE IMPLICATIONS: Understanding the barriers faced by today's youth is the first step in laying the groundwork to make our communities more vibrant, providing opportunities to keep our youth here and able to thrive. For too many decades the brain-drain experienced by youth leaving for education/employment opportunities and not returning has been experienced. This has created an unbalanced perspective of what direction our communities can and should be moving towards.

ENVIRONMENTAL IMPLICATIONS: None relating to approving this funding request.

COMMUNITY ENGAGEMENT: Continued engagement. Opportunities to collaborate with existing youth care providers, youth, families and other stakeholders.

ALTERNATIVES:

- 1 Deny the funding request
- 2 Defer to next month

ATTACHMENTS: Pathways to Resiliency presentation, cost breakdown, Hailie's research proposal

Report prepared by:

Report and Financial approved by:



*Pathways to resiliency;
Understanding challenges
and opportunities towards
community youth
engagement; a case study
of rural Nova Scotia*

Hailie Tattrie BA, MA, PhD student



Introduction

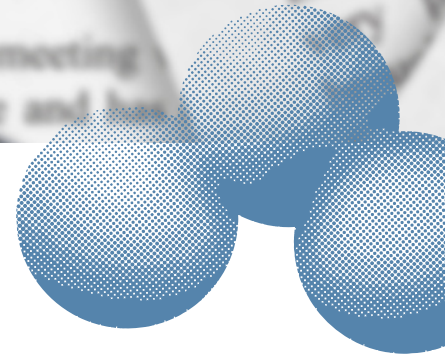
- **Hailie Tattrie (she/her)**
- **Educational Sociologist**
- **3rd year Ph.D. student in Educational Studies, Master of Arts in Sociology, Bachelor of Arts with an honours in Sociology and minor in Political Science**
- **Have lived in Mi'kma'ki my entire life. I grew up in Oxford NS**
- **I worked for the Municipality of Cumberland in the past**
- **Years of experience in research**



Research

Research question

From the perspective of a municipal government, how can Cumberland County become a location for youth resiliency?



Ethics, Reciprocity, Reflexivity, & Relationships

Before interacting with any participants, I will have to go through a rigorous review process so as to ensure ethical standards have been met. Firstly, I would have to go through the Mount Saint Vincent University Research Ethics Board & would further have to follow the Tri-Council Policy Statement, with specific attention paid to working with vulnerable populations as I will be working with youth.



Ethics, Reciprocity, Reflexivity, & Relationships

As researchers it is important for us to reflect on reciprocity (Scott & Garner, 2013). Moreover, we must ask ourselves **“What is ‘in it’ for individuals who provide the life narratives?”** (Scott & Garner, 2013, p.314). These individuals who will be providing narratives and sharing their own stories in my research should have something to gain from this experience.



Research Methods

I plan to take a qualitative approach and conduct semi-structured interviews. These will be one on one interviews with chosen program facilitators and youth. Sharing circles, where all participants share and discuss in a circle together, may also be employed with all facilitators and volunteers of each group.

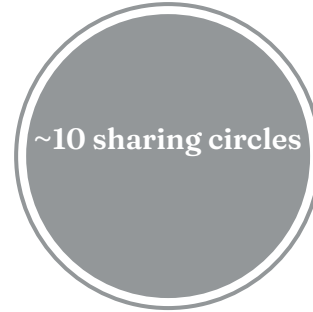


Research participants

Research participants will be youth who reside in the County of Cumberland in Nova Scotia, Canada. Other research participants will be youth service providers in Cumberland County.

Youth ages 12-19 who reside within Cumberland County.

Service providers in Cumberland County; Schools Plus, Cumberland Community Youth Development Centre, Restorative Justice, Homeless Liaisons, Coaches, School Councillors, and more.



Research Process



1. **Apply for Mitacs Funding**
2. **Research Ethics Board Application and Approval**
3. **Participant Recruitment**
4. **Data collection begins**
5. **Transcribe Interviews, Analyze data**

Contributions

- Municipality to be recognized as a trailblazer
- Could bring more research & funding to the area
- Informs policy and program development
 - which can help to retain youth in the area
- Research to be presented at conferences
- More researchers and youth in the county = more \$ in local economy
- More researchers and programs in county = more job opportunities
- Fruitful opportunities to partner with MTA & NSCC

The Gatherings

REIMAGINING
INDIGENOUS-SETTLER
RELATIONS

Shirley N. Hager

and

Gwen Bear, Shirley Bowen, Alma H. Brooks,
gkisedtanamoogk, JoAnn Hughes, Debbie Leighton,
Barb Martin, Miigam'agan, T. Dana Mitchell,
Wayne A. Newell, Betty Peterson,
Marilyn Keyes Roper, and Wesley Rothermel

Afterword by Frances Hancock

PEOPLE OF THE LAKES

Stories of Our Van Tat Gwich'in Elders/

Googwandak Nakhwach'ànjòò Van Tat Gwich'in

VUNTUT GWITCHIN FIRST NATION & SHIRLEEN



Questions?

Contact...

hailie.tattrie2@msvu.ca

hailietattrie.com



**Pathways to resiliency; Understanding challenges and opportunities towards
community youth engagement; a case study of rural Nova Scotia**

Hailie Tattrie

December 14, 2022

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Pathways to resiliency; Understanding challenges and opportunities towards community youth engagement; a case study of rural Nova Scotia

Cumberland County is located in the Canadian province of Nova Scotia, close to the New Brunswick boarder. Cumberland County is made up by the Municipality of the County of Cumberland, two incorporated towns (Amherst and Oxford) and two Villages (Pugwash and River Hebert). According to Statistics Canada (2022) the population of Cumberland County, as of 2021, is 30,538, with the approximate size of the county being 4,248km² (Department of Municipal Affairs and Housing, 2019/20). The proposed project is a collaboration between Mount Saint Vincent University researchers, the Municipality of the County of Cumberland, the Town of Amherst, and the Town of Oxford in their mission to identify innovative solutions to engage youth in their communities. With this in mind, the research question is as follows,

Option 1: What barriers and challenges are in place that prevent youth from staying and thriving in their home community?

Option 2: How can Cumberland County become a location for youth resiliency?

Option 3:

Literature Review

Theoretical Frameworks

Critical Pedagogy

Paulo Freire's (1970) book *Pedagogy of the Oppressed* is foundational in understanding critical pedagogy, as this book is where the theory first emerged (Kellner, 2006). Freire's (1970)

theory turned education on its head by prompting a critical look into pedagogical practices, hence the name. Sandars (2016) defines critical pedagogy as “a philosophical perspective in which critical theory is applied to understand and change the practice of education” (p.351). Indeed, not only does this theory seek to change the institution of education itself, but it seeks to transform the key actors in education; as Kellner (2006) highlights, “Freire’s pedagogy of the oppressed seeks to transform individuals from being objects of educational processes to subjects of their own autonomy and emancipation” (p.4). Furthermore, a critical pedagogy strives to foster a critical consciousness in students/youth (Donovan & Tracy, 2017) while committing to the oppressed (McLaren, 1998).

Freire (1970) prompts critical consciousness by first addressing the inadequacies and oppressive nature of the traditional education model, the banking concept of education. Not only does he criticize the current model, but he offers another alternative; problem-posing education. Freire (1970) wished to rebel against the oppressive forms of domination that he saw in the education system, he dreamed of a better, more just and liberating form of education, he strived to “develop a pedagogy of the oppressed that would produce revolutionary subjects, empowered to overthrow oppression and to create a more democratic and just social order” (Kellner, 2006, p.4). Although not all youth in community may find themselves in the traditional education system they are still impacted by oppressive pedagogy – whether it be in school, programs they attend, or organizations they are a part of.

Banking-Model

In order to understand critical pedagogy, one must understand the banking-model of education. Freire (1970) first coined the banking-model and described it as a subject-object relationship between student and teacher, with the student being the object and the teacher the

subject. Our current education system is the banking-model of education which consists of oppressive practices. Teachers are seen as the “bringer of knowledge” (Freire, 1970), while students are merely receptacles waiting to be filled with what is seen as the “right” knowledge. This further relates to educational scholar Michael Apple’s (2000) concept of “official knowledge.” Official knowledge can be understood as information that is seen as the dominant form of knowledge; it is not questioned but is seen as factual (Apple, 2000). Official knowledge works to reproduce dominant ideologies (Apple, 2000, p.145), thus furthering eurocentrism.

Official knowledge is held by the knowledge bringers, the teachers, who then “fill” the students, also seen as receptacles, with said knowledge. Students begin to see themselves as empty receptacles needing to be filled; “Almost never do they realize that they, too, ‘know things’ they have learned in their relations with the world” (Freire, 1970, p.63). In accordance with the banking-model of education the better a teacher fills these receptacles, the better the teacher they are. Students begin to become passive objects, as Freire (1970) highlights “The student records, memorizes, and repeats these phrases without perceiving what four times four really means, or realizing the true significance of ‘capital’...” (p.71), this demonstrates that in this process students become filled with said official knowledge, failing to properly understand or to be critical of the knowledge with which they are bestowed. The banking-model of education leaves no room for creativity, for authentic thinking, for critical consciousness, or for meaningful dialogue, rather, it is merely a tool of the states continued oppression:

The educated individual is the adapted person, because she or he is better ‘fit’ for the world. Translated into practice, this concept is well suited to the purposes of the oppressors, whose tranquility rests on how well people fit the world the oppressors have created, and how little they question it. (Freire, 1970, p.76)

Maintaining the banking-model of education is in the interest of the oppressors, of dominant, neo-colonial, neo-liberal, Eurocentric thought (Beattie, 2019; Kanu, 2006; Ross and Vinson 2013). Whether knowingly or not, educators play a role in this process (Cherry-McDaniel, 2016).

It is clear that a plethora of scholars are in agreeance with Freire that education is a vehicle for dominant hegemonic belief systems, morals, and knowledge. Disrupting the insidiousness of the current banking-model of education certainly will not be easy, it will be a transformation that is of immense pain and difficulty, as Freire (1970) discusses;

Liberation is thus a childbirth, and a painful one. The man or woman who emerges is a new person, viable only as the oppressor-oppressed contradiction is superseded by the humanization of all people. Or to put it another way, the solution of this contradiction is born in the labor which brings into the world this new being: no longer oppressor nor longer oppressed, but human in the process of achieving freedom (49).

In order to reach a moment of emancipation, transformation is required, which will indeed be a long and painful process. However, as Freire (1970) highlights in order to reach this liberation we must reject the banking-model of education, which brings us to the alternative; problem-posing education. Opposing current pedagogical practices not only opens up space for meaningful dialogue but it allows for community building.

Problem-Posing

In the problem-posing model of education, the student and teacher dichotomy dissolves. Instead, there are new roles of student-teachers and teacher-students (Freire, 1970). These newly acquired roles demonstrate that both teacher and student have the ability to be learners and teachers simultaneously (Freire, 1970, p.80). Both students and teachers become co-investigators

and present actors in their own learning. This co-investigation takes place through dialogue, which, according to Freire (1970), must be built on a foundation of love (p.89).

It is through these new roles and dialogical approach that oppression can no longer flourish, as the problem-posing model “does not and cannot serve the interests of the oppressor” (Freire, 1970, p.86). Furthermore, problem-posing education creates critical and independent thinkers; it allows for questions and problems to be posed through dialogue between the student-teachers and teacher-students. This model is a form of liberation education. It is through these new relationships and roles in the new model that dialogue can begin, thus aiding in transformation and liberation; as Freire (1970) states, “Dialogue with the people is radically necessary to every authentic revolution” (p.128). Although a transformation in educational practices may not be the means to an end in terms of a revolution, it certainly is a step forward.

Many scholars have already begun to explore problem-posing methods in education. Merriweather-Hunn (2004) suggests adopting a “conversational teaching style” (p.71), which can also be seen as a dialogic approach. She further suggests that “Giving learners an opportunity to convey how they feel about the material as opposed to just demonstrating what they know about it is key to tapping into the affective dimension of knowledge” (Merriweather-Hunn, 2004, p.72). Ross and Vinson (2013) suggest ways of working in the current model of banking-education that pushes back against it, an alternative that offers problem-posing methods;

...school ‘assignments’ that attack school assignments. If schools have a homework policy, for instance, teachers and students might create projects in which they examine critically homework’s positive and negative aspects. They might develop ‘tests’ in which essays ask students to critique standardized testing. (p.33)

Although each of these suggestions and steps may seem small, the reality is that “the revolutionary process is eminently educational in character” (Freire, 1970, p.138); indeed, schools and other educational locations can in fact be sites of liberation (Ross & Vinson, 2013).

Conclusion

The intricacies of critical pedagogy have been explored at length above, shedding light on the dimensions of this theoretical framework and the possibilities it holds. Small steps lead to significant changes, which is why implementing anti-oppressive pedagogical practices into local education systems here in Cumberland County holds the possibility for improved relations between youth and their community, as it is through this approach that dialogue can be opened up, and community can flourish.

Methodological Considerations

The Four Axioms of Methodology

According to McGregor & Murnane (2010) there are four axioms of methodology. These include epistemology, ontology, axiology, and logic. Ontology can be understood as your view of the world (Lagenbach et al., 1994), or your perception of the nature of reality (Grix, 2002; McGregor & Murnane 2010). Indeed, ontology is “...the starting point of all research” (Grix, 2002, p.177). Epistemology on the other hand is “what counts as knowledge and ways of knowing (McGregor & Murnane, 2010), and “the study of knowledge” (Ponterotto, 2005, p.127). Both ontology and epistemology are intertwined, for as Usher (1996) states “Epistemological and ontological questions are related since claims about what exists in the world imply claims about how what exists may be known” (p.11).

The third axiom of methodology is axiology, which is your values and morals and how they play a part in your research (Lagenbach et al., 1994; McGregor & Murnane, 2010; Ponterotto, 2005). This plays a crucial role in the research process and is thus an important point of reflection. Finally, the fourth axiom of methodology is logic. Logic is defined by McGregor & Murnane (2010) as how “people come to their understandings; what is acceptable as rigour and inference in the development of arguments, judgements, insights, revelations, or social action” (p.426). It is also important to reflect on what is important and what gets to count as logic in the research process. Reflecting on and understanding my own ontological, epistemological, axiological, and logical stances and locations is key in understanding my own methodological approaches.

Ontology

My ontological stance is that of reflection and openness. I will be practicing ontological openness throughout my research process and beyond. Ontological openness can be understood as; “A willingness and commitment to open to ways of knowing and sources of knowledge that may be new and unfamiliar (to me); and to persist through uncomfortable experiences of not-knowing and having my existing ontology challenged” (Emmanouil, 2017, as cited in Hughes & Wilson, 2019, p.10). Being open to new ideas and realities will be crucial in my methodological approach. Furthermore, my ontology will be relational. As Hughes & Wilson (2019) state; “According to relational ontology, we are not searching for an objective truth that we are somehow ‘outside of; as researchers’” (p.15). Relational ontology recognizes that we as researchers are deeply connected to the work that we do and the people with whom we work with.

Epistemology

Similar to my ontological approach I will be undertaking a relational epistemology. According to (Huffman, 2018) a relational epistemology is “an approach to knowing that highlights the relationships between knowers” (p.19). The “knowers” in this case are myself (the researcher) and the participants. Both my participants and I have something to bring to the table, as we both exist as “knowers” in the world (Huffman, 2018). This also relates to Freire’s (1970) work and discussing dialogic relations; for as we build trusting relationships we can come together to know and name the world together as equals (Freire, 1970; Huffman, 2018).

My work as a scholar is also deeply intertwined with my own personal beliefs and my role as an activist, which leads me to find my epistemological home in relationality, as Huffman (2018) states scholars “who are committed to activism and social justice often do not fit fully into the paradigms of postpositive, interpretive, or critical traditions” (p.19), thus relational epistemology fills this gap. Indeed, relational epistemology leaves room for growth, for relationship building, and for understanding how interconnected we all really are (Huffman, 2018; Lim, 2015). Thayer-Bacon (1997, as cited in Huffman, 2018), sums up my feelings towards my own way of knowing, my epistemology, when he states that “I view knowing as an activity, like dancing, singing, or loving, that is done with others” (p.243). It is my hope that this relational approach to my work fosters feelings similar to dancing, singing, and loving, something we, myself and the participants, can do and create together.

Axiology and Logic

I have already begun to touch on my axiological stance as I am not only a social scientist, but I am an activist as well. I should note that my political stance is deeply tied into my own work as an academic, to say otherwise is, in my belief, a mere myth, a fallacy. Bracketing is

impossible from my ontological and epistemological view. Our personal realities, stories, relationships, and experiences play a key role in how we see and interact with the world. For instance, my positionality as a cis-gendered, able-bodied, bisexual, white-settler, educated woman, deeply impacts how I connect with and see the world. Practicing this kind of reflexivity is crucial to the work that I do. This coupled with the plethora of academic literature that I have discussed above allows for a glimpse into the ways in which I approach my research and my work as an academic. Furthermore, my academic work inspires my political and activist work, and my political and activist work inspires my academic work. It is a reciprocal relationship that is intrinsically tied. My research, similar to my own political underpinnings, comes from a leftist ideology.

It is my belief that research be for the people, that it lead to meaningful change in community (Wilson, 2008). If my work is to be truly relational than it makes sense that my axiology and logical approaches align with community values. I will employ a methodology that encompasses my ontological, epistemological, and axiological approaches that are all relational. All of which leads to my understanding of logic (McGregor & Murnane, 2010). To me, logic need not only follow Westernized modes of thinking and rules, rather, logic can be relational and community focused.

Ethics, Reciprocity, Reflexivity, & Relationships

Before interacting with any participants, I will have to go through a rigorous review process so as to ensure ethical standards have been met. Firstly, I would have to go through the Mount Saint Vincent University Research Ethics Board & would further have to follow the Tri-Council Policy Statement, with specific attention paid to working with vulnerable populations as I will be working with youth.

As researchers it is important for us to reflect on reciprocity (Scott & Garner, 2013). Moreover, we must ask ourselves “What is ‘in it’ for individuals who provide the life narratives?” (Scott & Garner, 2013, p.314). These individuals who will be providing narratives and sharing their own stories in my research should have something to gain from this experience. My research will have a reciprocal, relational element to it. The goal is to go forth, together, as knowers who have something to learn and gain from one another. I want there to be something worthwhile in this experience for each of my participants. Important to reciprocity is building relationships. Specifically with my focus on critical narrative analysis, which will be explored in depth below, it is crucial to build meaningful relationships with my participants (M.J. Harkins, personal communication, 2021, Scott & Garner, 2013). Indeed, this relationship will be “dynamic, flexible, and reciprocal” (Dewey, 1958, as cited in Thayer-Bacon, 1997). Not only will I build a relationship, but I will ensure that my research participants understand that they have something to gain from this interaction. I will work with participants to understand how this working relationship can be a reciprocal one, as I want them to gain just as much from this work as I am.

Methods

As a reminder the question I have chosen to explore is as follows; **INSERT**

I plan to take a qualitative approach and conduct semi-structured interviews. These will be one on one interviews with chosen program facilitators. Sharing circles, where all participants share and discuss in a circle together, may also be employed with all facilitators and volunteers of each group. This approach will require excellent rapport and relationship building (MJ. Harkins, personal communication, March 10th 2021; Scott & Garner, 2013). This relationship building is important to me ontologically and epistemologically

Research Participants

Research participants will be youth who reside in the County of Cumberland in Nova Scotia, Canada. The term youth will be defined as the following, anyone between the ages of 12-17. The youth will have to be willing to take part in the chosen research methods, which will be discussed in detail below. Inclusion and exclusion criteria?

Research Process

The first step of my research process has already begun, as past work that I have done up until this point lends nicely to my research. However, a further study of the literature will need to be conducted, with focus on the following areas;

Once my Literature Review is officially complete, I will have a strong foundation of knowledge from which to start my research. My Theoretical Framework will also lend well to my research process. Indeed, building a foundational knowledge is crucial before presenting my research for approval.

Once I have successfully become a PhD Candidate, have defended my research proposal, and have secured funding from Mitacs, I will then begin to develop relationships with participants. I will then move forward with my research ethics applications. As was mentioned previously I will have to go through the Research Ethics Board at Mount Saint Vincent University. All while following the Tri-Council Policy Statement. Once my ethics applications are approved, I can begin participant recruitment. I will work with the Cumberland Community Youth Development Centre,

It is here where I will begin to explain my own positionality, privileges, and interests. It is my goal to meet with my participants a few times prior to officially conducting interviews, in

order to foster a trusting relationship. It is in these first few initial meetings where I will focus on reciprocity, what can they get out of this experience? I will be conducting research with my participants not on them, so their feedback is important. Once a relationship is further developed then I can begin the official interviewing process. I will be recruiting “HOW MANY?” participants for one-on-one semi-structured interviews. Interviews will occur at the place of most convenience for the participant, one option in particular is the Cumberland Community Youth Development Centre. For instance, interviews could take place in a space as formal as a conference room or in a café with a coffee in hand. This will ultimately be up to the participant.

A questionnaire for these interviews will be crafted by myself with feedback from my supervisor and the rest of my dissertation committee, which is still being formed. The interview questions will then be presented to participants and the Poverty Reduction Committee (PRAC), prior to the formal interview so as to ensure that questions they agree with are included. As mentioned previously this research will be done *with* the participants not *on* participants. The research process will ensure to respect relationships with the participants and to respect their own voices, opinions, and their position of “knowers” for we are coming together as equals who can name and live in the world together (Freire, 1970). Once myself, the participants, my supervisor, PRAC, and the ethics boards have confirmed approval I can then begin to conduct interviews. Interviews will be recorded through a secure recording device. These documents will be on my laptop that is password secure.

As the researcher I will ensure participants are fully informed by orally communicating their rights, safety, and potential risks. Participants will give oral consent for interviews. Participants will be informed that they can stop the interview at any time. If they choose to withdraw from the study and if an interview is underway then the recording will be destroyed.

Participants will also have the opportunity to contact me, up until completion of the research process, and can ask to withdraw their data.

Once interviews are finished being conducted, I will then begin the process of transcription. I will transcribe my own interviews so as to immerse myself in the data and in the narratives that participants provide. I will then conduct Critical Narrative Analysis (CNA) and will ensure that my findings are discussed with participants so as to ensure that their narratives were interpreted correctly (Maxwell & Chmiel, 2018). Ensuring that research participants are a part of creating and interpreting interview results is crucial to my work and methodological stance. Along with input from participants I will utilize the unique methodological approach of Critical Narrative Analysis (CNA) which I will now explore.

Understanding Critical Narrative Analysis

In order to understand CNA, we must start by understanding the two components that make up this approach; Narrative Analysis (NA) and Critical Discourse Analysis (CDA). I will begin by exploring Narrative Analysis.

According to Souto-Manning (2014) “Narratives are how we make sense of what we know, what we feel and experience in the world in which we live” (p,162). Narratives are a crucial part of the human experience. Indeed, narratives allow for us to see what matters and how it matters to the narrator (Kleres, 2011, p.184). Narrative Analysis is ultimately utilized to analyze and dissect “the narrative structure of the interview text” (Kleres, 2011, p.183) which is an incredible tool to employ in qualitative studies like my own.

Critical Discourse Analysis (CDA) on the other hand is defined as “an approach to answering questions about the relationships between language and society” (Rogers et al., 2005, p.366).

CDA allows for an examination of power relations, discourse, and social inequality in society by looking at language (McKenna, 2004, p.10 as cited in Souto-Manning, 2014, p.162).

Critical Narrative Analysis (CNA) combines both CDA and NA in order to address gaps in discourse analysis (Souto-Manning, 2014, p.162). By doing so it brings forth the possibility of tangible, meaningful change. CNA allows for the analysis of people's stories that are "within the context of institutional discourses" (Souto-Manning, 2014, p.163). Indeed, CNA allows not only for the researcher to make sense of these narratives, but it allows for the narrator themselves to "make sense of their experiences through narratives, they bring together the micro (personal) and the macro (social or institutional) situations in place" (Souto-Manning, 2014, p.163) which is incredibly similar to Wright's (1959) concept of the sociological imagination. As a sociologist myself I deeply connect to both concepts of the sociological imagination and CNA, as connecting individual, micro troubles and experiences to the macro institutionalized structures of society is crucial in the work that I do.

CNA is powerful in the sense that it can lead to transformative change, as Souto-Manning (2014), highlights; "If we are to engage in positive social change, we must start by listening to and analyzing the everyday stories people tell" (p.177). My work of collecting stories and narratives through the interviewing process will allow for my participants and I to engage in social change.

As an overview, CNA allows for relationships to grow as the researcher is a listener, they are on common ground with the participants who then share their experiences, thoughts, and knowledge, through their stories and narratives. This brings forth meaningful insights not only for the researcher but the participants as well, further highlighting the reciprocal relationship that this research encourages. Finally, CNA allows for transformative change to occur as it takes

research a step beyond theory; which further connects to Gramsci's concept of "the new intellectual; "the academic who refuses to stay locked up in the ivory tower and, instead, goes to the streets to work with and on behalf of the least privileged" (DeMeulenaere & Cann, 2013, p.557). As someone who identifies as a "new intellectual" I believe that CNA can allow for myself and others to utilize our research to bring forth meaningful change with and for the communities within which we work and live. It is my hope that through my relationship with my participants we can aim to bring forth change, regardless of size, into the community; as I never want to be an armchair sociologist, rather, I am an activist who values relations which is why CNA is so fitting with my work. Therefore, I will employ CNA as a way to analyze my data, to assess narratives and the stories that my participants tell in order to understand what is meaningful to them. In order to achieve full transparency and to maintain a relational approach I will be discussing my findings from my analysis with the participants themselves so as to ensure that their narratives are being portrayed in an authentic manner.

In conclusion I am aiming for my research to take on a relational approach, something that I believe will be achieved thanks to my epistemological, ontological, axiological, and logical standings accompanied with my methodological approach of Critical Narrative Analysis. Indeed, as researchers we have to ask ourselves, if research is not done for the community than who is it for?

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FUNDING TIMELINE

May, June, July, August 2023 - \$15,000

- Data collection PREP block
 - o Research ethics application
 - o Finalize proposal
 - o Participant outreach
 - o Creating interview questions

Sept, Oct, Nov, Dec 2023 - \$15,000

- Data collection block
 - o Data collection begins
 - o Transcription may begin depending on how fast data is gathered

Jan, Feb, March, April 2024 - \$15,000

- Analysis/writing block
 - o Analyze data
 - o Transcribe data
 - o Pull out themes and findings
 - o Begin to work on dissertation

May, June, July, August 2024 - \$15,000

- Writing Block
 - o Work on dissertation
 - o Finish dissertation

TOTAL COST = \$60,000

- HALF is paid by Mitacs so \$30,000 total cost from Municipalities

MEMORANDUM

TO: Mayor Kogon and Members of Council

FROM: Natalie LeBlanc, Municipal Clerk

DATE: March 20, 2023

SUBJECT: Presentation to Council Request

Staff have been contacted by Sophie Melanson on behalf of Nova Scotia Health who would like to make a brief presentation to Council about the new *Canadian Guidance on Alcohol & Health*.

In accordance with Policy 10350-24 Proceedings of Council Policy, I am seeking Council's direction on whether they may be interested in such a presentation. Should Council have an interest, staff suggest that this item be placed on the agenda of the next Joint Council meeting.

Natalie LeBlanc

Subject: FW: MAP Request: Spring Tri-council & new Canadian Guidance on Alcohol & Health

From: Melanson, Sophie <Sophie.Melanson@nshealth.ca>

Sent: February 28, 2023 11:56 AM

To: Jason MacDonald <JMacDonald@amherst.ca>; lcloney@oxfordns.ca; Greg Herrett - CAO <cao@cumberlandcounty.ns.ca>

Subject: MAP Request: Spring Tri-council & new Canadian Guidance on Alcohol & Health

Good morning,

I hope this message finds you well. We thank you for your continued support of our Cumberland Municipal Alcohol Project (MAP) group.

On its behalf, I am inquiring if your Mayors councils would be interested in hearing more about the new *Canadian Guidance on Alcohol & Health*, potentially at your tri-council Spring session if there is still time on the agenda? Please let us know if we can oblige with a presentation or short discussion at this time.

Thank you kindly,

Sophie Melanson



Sophie Melanson
Health Promotion Specialist
Mental Health Addictions
33 Havelock St
Amherst, NS B4H 4W1
Cell: 506-860-0559
www.nshealth.ca

MEMO

TO: Mayor Kogon and Members of Amherst Town Council

FROM: Jason MacDonald, CAO

DATE: March 20, 2023

RE: Council Conference Attendance and Professional Development Policy
#10350-26

Deputy Mayor Landry asked that this be added to the agenda for discussion.

DEPARTMENT: COUNCIL

TITLE: COUNCIL CONFERENCE ATTENDANCE AND PROFESSIONAL DEVELOPMENT

Minutes reference date: 24 April 2017

PURPOSE:

To set out policy and guidelines for effective professional development for the Mayor and members of Council to ensure proper representation at national and provincial conferences and to allow a fair and equitable schedule for participation at these conferences by the members of Council, including the Mayor.

POLICY STATEMENT:

1. Staff will prepare a list of known conferences and professional development opportunities for Council, including locations, in December for the following year. Typically, this would include Federation of Canadian Municipalities (FCM) annual conference, Union of Nova Scotia Municipalities (UNSM) spring workshop, UNSM fall conference, Nova Scotia Planning Directors Association (NSPDA) conference, the Canadian Association of Police Governance (CAPG) conference, and the joint conference of the Nova Scotia Chiefs of Police Association (NSCPA) and Nova Scotia Association of Police Governance (NSAPG).
2. Members of Council will submit requests to attend conferences by January 15th of each year. Staff will use the submissions to develop a draft annual conference / training plan for Council and advise Council of the existing professional development budget allotment.
3. To ensure adequate representation and appropriate opportunities for Mayor and members of Council to attend, the following maximum numbers will apply:
 - a. UNSM spring workshop –three members of Council;
 - b. UNSM fall conference – all members of Council;
 - c. FCM annual conference – three members of Council
 - d. NSPDA conference – two of the three members of Council on the Planning Advisory Committee
 - e. CAPG national conference – one member of the Amherst Board of Police Commissioners, not necessarily a Council member
 - f. NSCPA/NSAPG fall conference – all three members of Council on the Amherst Board of Police Commissioners
4. In cases where more members of Council wish to attend an event than is permitted as per paragraph 3 above, Council shall determine which members will be authorized to attend.

COUNCIL CONFERENCE ATTENDANCE AND PROFESSIONAL DEVELOPMENT

5. All members of Council will be permitted to attend the UNSM Spring Workshop when it is in the Cumberland Region.
6. All members of Council will be permitted to attend the FCM Annual Conference when it is held in the Maritime Provinces.
7. Each member of Council will be provided the opportunity to attend at least one FCM conference or conference other than those listed in paragraph 3 during their four-year term as long as the content of the conference supports the strategic direction of Council, and attendance has been approved by Council.
8. The Mayor may attend one conference other than those listed in paragraph 3 per year.
9. Members of Council wishing to attend other conferences or workshops, including but not limited to those permitted in paragraph 3, will submit the request to the CAO who, together with the Mayor, will determine the appropriateness of the request and recommend approval, or not, to Council who shall make the final decision.
10. Where budget allows, the Town will support members of Council interested in participating in the UNSM / AMA Leadership Education Modules.
11. For all members of Council attending a conference or workshop on behalf of the Town of Amherst, a brief written report describing the purpose and results achieved must be submitted to Council for information within 60 days of the date of the conference or workshop.

MEMO

TO: Mayor Kogon and Members of Council

FROM: Jason MacDonald, CAO

DATE: March 20, 2023

RE: NSP Community Reliability Tie Update

The following is a summary of an email received from Mary Black, Stakeholder Lead with Nova Scotia Power as an update:

Last year I provided you with information about upcoming work which NS Power would be doing near your community related to our transmission line which runs from Onslow to Amherst. I am getting in touch today to let you know that we have recently completed preliminary geotechnical work in this area.

This early work is part of a potential new reliability tie between Nova Scotia and New Brunswick; we are working closely with NB Power in the design, construction, and shared goals for this work.

We are planning to provide opportunities for the community to learn more at events such as open houses and I am a dedicated contact for any questions or feedback for the project team.

In the coming weeks, I will begin providing awareness of our work and this project to others in the area. This next phase of our outreach will include environmental groups, trail user groups, and then landowners and the community. Before this outreach, I would like to provide you with this update and an opportunity to meet with us to review our plans so we may answer any questions you may have. You will certainly be invited to the open houses we will be planning and I will continue to update you as the project evolves but please let me know if you would like me to work with your office to schedule a meeting to review at this time. .

Upon discussion with the CAO, Mayor Kogon advised that while the information was much appreciated, a meeting with the Town is not required at this time.

MEMO

TO: Mayor Kogon and Members of Council

FROM: Andrew Fisher, Director of Planning & Strategic Initiatives

DATE: March 20, 2023

RE: **Request to Establish Heritage District**

Attached is a letter staff received on February 24, 2023 from Christine Johanneson expressing opposition to the apartment building proposed for 155 East Victoria Street. The letter also expressed a need for a 'heritage district'. The purpose of this memo is to briefly describe what a Heritage Conservation District (HCD) is and provide some background on past efforts to establish one in Amherst.

A heritage conservation district (HCD) is an area of properties (collectively) deemed to have heritage values. HDCs are developed by the community and for the community with a conservation plan and by-law that identify the heritage values of the district and how those values are to be preserved. All properties contained within the district's boundaries, registered and non-registered, may become affected by the plan and By-law. Typically, HDCs have design guidelines, demolition controls, municipal grants, permit fee waivers, and property tax credits.

Under the Provincial *Heritage Conservation District Regulations*, the preparation of a HCD must include studies that, among other things, provides a rationale and justification for the HCD measures and boundaries of the district. There must also be an analysis of the social and economic implications of establishing the district. The town's planning documents (MPS & LUB) must also be aligned with the HCD.

For further context, in 2011 the town went through an exercise to establish a HCD (aka. Architectural Heritage Area) that included properties fronting on East Victoria between the Downtown Core and town limits. It also included Rupert Street properties from East Victoria to Clifford Street. The goal of this effort was to ensure new developments were sensitive to, and did not reduce, the historical streetscape character through design standards. Although the original intent of this exercise was to only apply to new development and not impact existing buildings, through the course of two public information sessions, there was a lack of interest in establishing an HCD.

Through informal discussions with members of the Amherst and Area Heritage Trust and others, staff have expressed the opinion that another attempt to establish an HCD in the East Victoria Street area should be instigated and led by owners of property within the area(s) to be designated who will be the most directly impacted.

February 6, 2023

The Town of Amherst

Amherst, Nova Scotia

Dear Sirs,

I'm writing this letter to express how upset I am the Town would entertain a proposed condominium building on South Adelaide. We need to establish boundaries and guidelines in building architecture to preserve the charm of Amherst. We need a "Historical District" that protects us.

My story:

"My first trip to Amherst was in 2015. I was in awe of the charm of the Victorian district. I took pictures of the homes and businesses as they captured me. I pondered who had lived in the homes, tried to picture the streets with horse and buggies, the business of the industrial area and Dayles Market bustling with shoppers.

In 2022 I purchased a beautiful Victorian home at #9 Rupert Street (the Quiggly House). I absolutely love the history, beautiful woodwork and architecture of my house. Fellow Amherstonians tell stories of the previous owners and events that took place. The history tells a story of wealth and prosperity in a community that was fortunate to have professional entrepreneurs.

Last summer I had a group of guests visiting from Alberta, they parked their car downtown and walked to my house. They were in awe of the commercial area and homes. Someone took the time to be their tour guide. They thought it must have been the mayor but they googled it and decided and it wasn't the mayor, only a proud Amherstonian. They had clam chowder at Duncan's pub and after touring all the maritimes, they all agreed Duncan's had the best clam chowder."

I don't want Amherst to lose the uniqueness and charm it has. Please do not let developers make you lose sight of what we have. Don't let them bully you into allowing them to put up modern structures within the 'Historical District'. Those people don't have a sense of shame in taking away the beauty to make money. Don't let that happen.

We need to establish boundaries and guidelines in building architecture to preserve the charm Amherst has. A heritage District is needed.

Yours truly,

Christine Johanneson

#9 Rupert Street

Amherst, Nova Scotia

B4H 3R2

MEMORANDUM

To: Mayor Kogon and Members of Council
From: Aaron Bourgeois, Director of Operations
Date: March 20, 2023
Subject: Wastewater Treatment Facility Annual Report Summary

The 2022 annual report for our wastewater treatment facility was recently submitted for review to the Nova Scotia Department of Environment and Climate Change (NSECC).

As in previous years the facility is in compliance with the effluent limitations for TSS (Total suspended solid), pH, and CBOD (Carbonaceous Biochemical Oxygen Demand). However, the facility continues to exceed the limitations for E. Coli.

When the approval to operate the facility was renewed in November 2022 the majority of the sampling and reporting requirements did not change; however, the new approval does include some noteworthy changes;

1. The Approval Holder shall submit a plan for the management and/or disposal of residuals (sludge) on or before December 31, 2022.
 - a. Residuals management plan was submitted for review on December 9, 2022
2. The Approval Holder shall submit a plan for mitigating odours at the Site by January 31, 2023.
 - a. Odour mitigation plan was submitted for review on January 20, 2023
3. If the Approval Holder reports a non-compliance of this approval, then the approval holder must prepare and submit a System Assessment Report that is due exactly one year from the day the non-compliance was reported. The report must be prepared by a third-party Professional Engineer that is experienced in wastewater treatment facility operations.
 - a. The first quarter averages for E. Coli are expected to exceed the approval limitations and must be reported to NSECC as a non-compliance. The cost to have the system assessment report completed is estimated to be \$10,000.
4. The Approval Holder shall prepare a plan for incorporating and initiating ultraviolet (UV) disinfection into the treatment process at the site if not in compliance with E. coli criteria by January 1, 2024.
 - a. Staff have included \$600,000 in year 2 (2024/25) of the recently approved capital budget in anticipation that UV disinfection equipment will be required.

MEMO

TO: Mayor Kogon and Members of Council

FROM: Jeff Bacon, Business Development Officer

DATE: March 20, 2023

RE: Discussion Paper on the feasibility of hosting a gala event to recognize businesses in the town of Amherst.

At the February 20th 2023 Committee of the Whole Meeting, Council directed staff to provide a discussion paper for further consideration of the feasibility of hosting an event to recognize businesses in Amherst. The following provides some ideas for discussion.

It would need to be decided who are the targeted participants – all business sizes, small or micro. The Amherst business directory lists over 350 businesses in town with only ten of those having 100 employees or more. Statistics Canada considers a small business as one with fewer than 100 employees.

It would need to be determined if invitations would be sent to the business owners only, or would include, management, or perhaps all staff. Would the invitation be offered for more than one person per business. and if spouses or partners would be invited. Even with the potential for a large amount of participation, a lack of interest and low turn out should be considered as a risk.

The intent behind an appreciation event would be to recognize our business community at large. Offering awards or certificates are a consideration but that comes with the risk of honouring one business but neglecting another. For many years during Small Business week the Cumberland Chamber of Commerce hosts a banquet to honor businesses. It is an existing event that has not occurred since 2020 due to COVID. In 2023 the Chamber will be hosting this banquet. The Chamber does not have any concern if Amherst hosts an additional event but requested that no awards be presented as this would compete and possibly confuse the Chamber's efforts. There is the option to partner with the Chamber event but the Chamber being County wide would need to be considered. The Chamber mentioned they would like TOA to sponsor an award at their 2023 banquet.

To be Amherst centric, the event could be considered as an evening with Amherst Town Council and business persons could be invited to mingle with Council and perhaps staff.

The event could feature speeches from Mayor and Councillor and could include participation from other guest speakers such as a Minister or Deputy Minister, our MP, MLA, partner business support organizations or business leaders.

There is the option to allow businesses to have product demonstrations or offer marketing samples to other guests.

The cost of an event would be determined by services provided. Food and beverages could be offered as finger foods, a casual buffet, or full sit-down meal. Rough pricing for food could fall in the area of \$10 per person for finger foods, \$30 per person for buffet and \$40 per person for sit down meals. If a buffet was offered for a 50-person to a 200-person event, the cost would range from \$1500 to \$6000 respectively. As such, a budget of \$10,000 for the event should be considered.

Another consideration is determining the optimal time to hold the event. If the intention is to hold one in 2023, the Spring may be too soon, the summer months often deter participation and the Holiday Season is a busy time for businesses. If the Fall is to be considered there is the opportunity to hold the gala during Small Business week, which takes place October 15th to 21st this year.

Regarding venues, the Community Credit Union Business Innovation Centre conference room has a capacity of 140 persons. The Amherst Fire Hall hosting 441 persons (no food or beverage) and the Amherst Stadium are larger venues available if all businesses attend.

A registration system would be necessary to capture attendance and make this determination.

Meetings with Amherst Downtown Business Association Chair, the Cumberland Business Connector CEO and the Cumberland Chamber of Commerce Executive Director were held to discuss the idea. Each felt an event would be appreciated by the business community. Awards and individual business recognitions were brought up by each organization and each commented on the challenge to recognize one business and not another.

Considering the above, staff's suggestion would be to host a meet and greet event during small business week in October, and consider sponsoring an award or awards to Amherst businesses.

MEMO

TO: Mayor Kogon and Members of Council

FROM: Kim Jones, Director

DATE: March 20, 2023

RE: Policy/Bylaw Review

Attached is an updated Schedule for the 4 year cycle of the review of all policies and bylaws.

As indicated previously, this is a living document. Based on operational needs or requirements the schedule will be adjusted from time to time.



**TOWN OF AMHERST
BYLAW LISTING**

DEADLINE	BYLAW/POLICY NO.	BYLAW / POLICY	ASSIGNED TO	NOTES
Jan-23				
	03400-01	SIGNING AUTHORITY POLICY (210-12)	FINANCE	updated january council
	03400-02	BANKING (211-2)	FINANCE	updated january council
	C 02	DISCHARGE OF FIREARMS BYLAW	POLICE	Reviewed at January COW - No changes
	D 01	SNOW REMOVAL BYLAW	OPERATIONS	Reviewed at January COW - No changes
Feb-23				
	03800-05	COVID-19 PROPERTY TAX FINANCING PROGRAM POLICY	FINANCE	repealed Feb 2023
	10350-23	DOWNTOWN BUSINESS ADVISORY COMMITTEE	PLANNING	repealed feb 2023
	10350-22	COMMUNITY ARTS COUNCIL COMMITTEE	COMMUNITY LIVING	repealed Feb 2023
	72000-08	COMMUNITY SUPPORT GRANTS	COMMUNITY LIVING	updated Feb 2023
Mar-23				
	D 02	LOCAL IMPROVEMENT BYLAW	OPERATIONS	
	D 03	WASTEWATER DISCHARGE BYLAW CONSOLIDATION	OPERATIONS	
	P 09	COMMERCIAL DEVELOPMENT SUPPORT BYLAW	PLANNING	
	C 10	MOBILE VENDORS ON STREETS AND SIDEWALKS	POLICE	
	04000-05	OVERTIME - NON-UNION EMPLOYEES (211-21)	CUSTOMER SERVICE/HR	
	10350-14	REQUESTS FOR FLAG RAISINGS & PROCLAMATIONS (210-24)	CLERK / COMMUNICATIONS	
	10350-24	PROCEEDINGS OF COUNCIL	CLERK / COMMUNICATIONS	
	317400-05	NORTH TYNDAL WELLFIELD ADVISORY COMMITTEE POLICY	PLANNING	
	03700-01	PROCUREMENT POLICY	CUSTOMER SERVICE/HR	
	66000-01	PLANNING ADVISORY COMMITTEE (210-23)	PLANNING	
	04530-01	SALARY ADMINISTRATION (211-27)	CUSTOMER SERVICE/HR	
Apr-23				
	01130-01	TOWN CREST (210)02)	CLERK / COMMUNICATIONS	
	01130-02	PURCHASE AND USE OF BOTTLED WATER	CLERK / COMMUNICATIONS	
	03800-02	TAX REDUCTION POLICY (110-02)	FINANCE	
	03800-04	TAX EXEMPTION POLICY	FINANCE	
	D 21	MAINTENANCE OF GRASS	OPERATIONS	
	72300-01	BALLFIELD USER POLICY (270-01)	OPERATIONS	
May-23				
Annually as part of budget process	66000-04	PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM POLICY	PLANNING	
	C07	FIRES AND BURNING OF MATERIALS BYLAW	FIRE	
	C08	REGIONAL EMERGENCY MANAGEMENT BYLAW	FIRE	
	03000-07	EXPENSE REIMBURSEMENT POLICY	CUSTOMER SERVICE/HR	
	03470-03	USER FEES	CUSTOMER SERVICE/HR	



**TOWN OF AMHERST
BYLAW LISTING**

DEADLINE	BYLAW/POLICY NO.	BYLAW / POLICY	ASSIGNED TO	NOTES
	03800-01	TAX COLLECTION POLICY (110-01)	CUSTOMER SERVICE/HR	
Jun-23	04000-03	STAFF TRAINING (211-06)	CUSTOMER SERVICE/HR	
	04000-04	INQUIRIES REGARDING EMPLOYEES (211-16)	CUSTOMER SERVICE/HR	
	P 04	MINIMUM STANDARDS FOR RESIDENTIAL OCCUPANCIES	PLANNING	
	31600-01	CULVERT POLICY (230-02)	OPERATIONS	
	31600-08	STREET BREAKING POLICY (230-10)	OPERATIONS	
	01000-01	MEDIA POLICY (210-19)	CLERK / COMMUNICATIONS	
Sep-23	04500-02	VIOLENCE IN THE WORKPLACE POLICY	FIRE	
	66000-02	POLICY FOR MPS, LUB, SUBDIVISION BYLAW AND DA AGREEMENT ADOPTION AND ADMENDMENT	PLANNING	
	C 04	COMPANION ANIMAL BYLAW	POLICE	
Oct-23	P 06	TRANSIENT AUTOMOBILE VENDORS	PLANNING	
	04000-07	HIRING POLICY (211-23)	CUSTOMER SERVICE/HR	
	01700-01	REPORTING ACCIDENTS (211-03)	FIRE	
	31800-01	SOLID WASTE SPECIAL CONDITIONS	OPERATIONS	
	03000-05	AUDIT COMMITTEE TERMS OF REFERNCE POLICY	FINANCE	delay to fall 2023
Nov-23	P 05	VACANT BUILDING BY LAW	PLANNING	
	04500-01	Safety Policy (211-25)	FIRE	
Dec-23	66000-04	PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM POLICY	PLANNING	
	31600-09	PAVING NEW RESIDENTIAL SUBDIVISION STREETS (230-11)	OPERATIONS	
	04500-06	SUBSTANCE USE POLICY	CUSTOMER SERVICE/HR	
Jan-24	10350-30	ACCESSIBILITY ADVISORY COMMITTEE TERMS OF REFERENCE POLICY	COMMUNITY LIVING	
	10350-31	INCLUSION, DIVERSITY AND EQUITY COMMITTEE TERMS OF REFERENCE POLICY	COMMUNITY LIVING	
Feb-24	64000-03	TREE ADVISORY COMMITTEE	OPERATIONS	



**TOWN OF AMHERST
BYLAW LISTING**

DEADLINE	BYLAW/POLICY NO.	BYLAW / POLICY	ASSIGNED TO	NOTES
	10350-08	APPOINTMENTS OF CITIZENS TO BOARDS (210-11)	CLERK / COMMUNICATIONS	
	31600-18	SIDEWALK / CURB CONSTRUCTION POLICY	OPERATIONS	
	03000-08	HOSPITALITY EXPENSE POLICY	FINANCE	
Mar-24				
	64000-01	TREE PLANTING ON TOWN OWNED LANDS (270-02)	OPERATIONS	
	10350-29	POVERTY ADVISORY COMMITTEE TERMS OF REFERENCE POLICY	COMMUNITY LIVING	
	31600-10	STREET INSPECTION AND MAINTENANCE (230-13)	OPERATIONS	
	31600-11	SIDEWALK INSPECTION AND MAINTENANCE (230-14)	OPERATIONS	
Apr-24	72300-09	ICE ALLOCATION POLICY	OPERATIONS	
	31700-04	NORTH TYNDAL LAND ACQUISTION (241-06)	PLANNING	
	02000-01	USE OF FACILITIES - DOMINION PUBLIC BUILDING	CLERK / COMMUNICATIONS	
	10350-21	AMHERST YOUTH TOWN COUNCIL	COMMUNITY LIVING	
May-24	C 12	SMOKE FREE RECREATIONAL PLACES BYLAW	OPERATIONS	
	72300-10	ICE HELMET POLICY	OPERATIONS	
	03000-04	ROUNDING OF CASH TRANSACTIONS	CUSTOMER SERVICE/HR	
	04500-03	SCENT REDUCTION POLICY	CUSTOMER SERVICE/HR	
Jun-24	66000-03	POLICY FOR PUBLIC PARTICIPATION AND NOTIFICATION	PLANNING	
	C 03	LOITERING BYLAW	POLICE	
	02000-03	NAMING PUBLIC LANDS AND TOWN OWNED FACILITIES	CLERK / COMMUNICATIONS	
Sep-24	C 09	C TAXI BYLAW	POLICE	
	D 22	ENCROACHMENT ON PUBLIC STREETS	OPERATIONS	
	04530-02	EMPLOYEE COMPUTER PURCHASED POLICY (211-29)	CUSTOMER SERVICE/HR	
Oct 2024 -NONE				
Nov-24		new council orientation		
Dec-24				
	04000-09	EMPLOYEE/FAMILY ASSISTANCE (211-30)	CUSTOMER SERVICE/HR	
	31600-12	SEWER INSTALLATION (240-02)	OPERATIONS	



**TOWN OF AMHERST
BYLAW LISTING**

DEADLINE	BYLAW/POLICY NO.	BYLAW / POLICY	ASSIGNED TO	NOTES
	31600-24	STREET RATING SYSTEM	OPERATIONS	
	10350-26	COUNCIL CONFERENCE ATTENDANCE AND PROFESSIONAL DEVELOPMENT	CLERK / COMMUNICATIONS	
Jan-25				
	04000-01	RECOGNITION OF EMPLOYEES (210-15)	CUSTOMER SERVICE/HR	
	04000-02	SUGGESTION AWARDS (211-16)	CUSTOMER SERVICE/HR	
	10350-01	RECOGNITION OF SERVICE OF BOARDS (210-01)	CLERK / COMMUNICATIONS	
	66400-01	HERITAGE ADVISORY COMMITTEE	PLANNING	
Feb-25				
	02300-03	SALE/DISPOSAL OF SURPLUS EQUIPMENT (211-19)	CUSTOMER SERVICE/HR	
	D 06	BUILDING BY LAW	PLANNING	
	04000-10	VACATION/HOLIDAY - NON-UNION EMPLOYEES (211-31)	CUSTOMER SERVICE/HR	
	10350-05	INQUIRIES FROM COUNCIL (210-07)	CLERK / COMMUNICATIONS	
Mar-25				
	31600-15	SANITARY SEWER SERVICE TO COUNTY RESIDENTS (240-05)	OPERATIONS	
	31600-16	BUILDING SERVICE CONNECTIONS (240-06)	OPERATIONS	
	03000-03`	FUND RAISING	FINANCE	
	10350-10	RECOGNITION OF RETIRING MEMBERS OF COUNCIL (210-14)	CLERK / COMMUNICATIONS	
Apr-25				
	72300-08	SIGN RENTAL - STADIUM (273-07)	OPERATIONS	
	10350-27	JOINT COUNCILS TERMS OF REFERENCE POLICY	CLERK / COMMUNICATIONS	
	64000-02	GRASS MAINTENANCE POLICY (NEW)	OPERATIONS	
May-25				
	72300-04	DISCIPLINARY ACTION - RECREATION FACILITIES (271-06)	OPERATIONS	
	68300-02	NEW FIRE STATION, ALBION STREET (221-02)	FIRE	
	10350-20	CODE OF CONDUCT OF ELECTED MUNICIPAL OFFICIALS	CLERK / COMMUNICATIONS	
	04000-12	PERSONNEL POLICY & CODE OF ETHICS	CUSTOMER SERVICE/HR	
Jun-25				
	05000-02	INFORMATION/COMMUNICATION/TECHNOLOGY USAGE POLICY	CLERK / COMMUNICATIONS	
	04500-04	SMOKE FREE WORKPLACE POLICY	CUSTOMER SERVICE/HR	
	10350-25	ANNUAL PERFORMANCE REVIEW - CAO	CUSTOMER SERVICE/HR	



**TOWN OF AMHERST
BYLAW LISTING**

DEADLINE	BYLAW/POLICY NO.	BYLAW / POLICY	ASSIGNED TO	NOTES
Sep-25				
	10350-16	OFFICE OF THE DEPUTY MAYOR (210-26)	CLERK / COMMUNICATIONS	
	66150-01	DANGEROUS OR UNSIGHTLY PREMISES POLICY (210-21)	PLANNING	
	04000-14	PERSONAL LEAVE OF ABSENCE POLICY	CUSTOMER SERVICE/HR	
Oct-25				
	31600-17	SURPLUS FILL	OPERATIONS	
	72000-04	ARTS & CULTURE POLICY (211-38)	COMMUNITY LIVING	
	A 07	ALTERNATIVE VOTING BYLAW 2018	CLERK	
	04000-08	ATTENDANCE ADMINISTRATION (211-24)	CUSTOMER SERVICE/HR	
Nov-25				
	64000-04	ADOPT-A-GARDEN	OPERATIONS	
	10350-15	WRITTEN SUBMISSION TO COUNCIL (210-25)	CLERK / COMMUNICATIONS	
	66580-01	NEW SUBDIVISION STREETS - FINAL SUBDIVISION APPROVAL PRIOR TO STREET PAVING	PLANNING	
Dec-25				
	03450-03	DEBT MANAGEMENT POLICY (211-37)	FINANCE	
	P 08	LEASED LAND COMMUNITY BYLAW	PLANNING	
	B 02-1	DEED TRANSFER TAX BYLAW	FINANCE	
	04000-06	RENUMERATION FOR ACTING POSITIONS (211-22)	CUSTOMER SERVICE/HR	
Jan-26				
	31000-01	STANDARD SPECIFICATIONS FOR MUNICIPAL SERVICES (230-01)	OPERATIONS	
	10350-17	MEMBERSHIP ON NATIONAL BOARDS AND COMMITTEES (211-32)	CLERK / COMMUNICATIONS	
	10350-18	MEMBERSHIP IN CLUBS, SOCIETIES AND ASSOCIATIONS (211-33)	CLERK / COMMUNICATIONS	
	P 07	SUBDIVISION BYLAW	PLANNING	
Feb-26				
	04000-11	MATERNITY, PATERNAL AND ADOPTION LEAVE POLICY (20071126)	CUSTOMER SERVICE/HR	
	P 03	CIVIC ADDRESS BY LAW	PLANNING	
	31600-02	STREET LIGHT POLICY (230-04)	OPERATIONS	
	72000-01	RECOGNITION OF ATHLETIC ACHIEVERS (210-22)	COMMUNITY LIVING	



**TOWN OF AMHERST
BYLAW LISTING**

DEADLINE	BYLAW/POLICY NO.	BYLAW / POLICY	ASSIGNED TO	NOTES
Mar-26				
	72300-05	SALE OF BEER/LIQUOR - ROBB PARK (272-01)	OPERATIONS	
	72300-07	BEER GARDEN POLICY - STADIUM (273-05)	OPERATIONS	
		PACE BYLAW	FINANCE	
	66150-02	ENFORCEMENT POLICY AND SUMMARY OFFENCE TICKETS (211-28)	POLICE	
Apr-26				
	31400-01	VEHICULAR IDLING CONTROL POLICY (211-35)	OPERATIONS	
	10350-04	REPORTS TO COUNCIL (210-06)	CLERK / COMMUNICATIONS	
	68300-03	JUNIOR FIREFIGHTER PROGRAM	FIRE	
	A 05	HERITAGE PROPERTIES	PLANNING	
	D 19	SANITARY SEWER RATES	FINANCE	
May-26	C 01	BY LAW RESPECTING THE AMHERST BOARD OF POLICE COMMISSIONERS	POLICE	
	05000-01	RECORDS MANAGEMENT (211-26)	CLERK / COMMUNICATIONS	
	10350-19	SCHOLARSHIP AND BUSARY POLICY (NEW)	CLERK / COMMUNICATIONS	
	02300-01	SALE OF USABLE TOWN OWNED LAND (211-07)	PLANNING	
	02300-02	SALE OF NON-USABLE TOWN OWNED LAND (211-08)	PLANNING	
	68500-01	FEMALE POLICE CONSTABLE AND EXPENSE (220-01)	POLICE	
Jun-26				
	68300-01	PERMANENT FIREFIGHTERS (221-01)	FIRE	
	68300-05	RESPECTING THE MANAGEMENT OF THE VOLUNTEER COMPONENT OF THE AMHERST FIRE DEPARTMENT	FIRE	
	03600-01	INVESTMENT POLICY	FINANCE	
	31700-03	COMMERCIAL WATER SERVICE (241-05)	OPERATIONS	
	10350-11	GIFTS, CARDS, FLOWERS	CLERK/COMM	
Sep-26	C 11	ALARM BYLAW INTRUSION ROBBERY AND FIRE ALARM SYSTEMS	POLCE	Year 4
	31600-14	COMMERCIAL SEWER SERVICE (240-04)	OPERATIONS	
	05000-04	ROUTINE ACCESS POLICY	CLERK / COMMUNICATIONS	
	03800-03	INSTALLMENT BILLING POLICY (110-03)	CUSTOMER SERVICE/HR	
	72200-01	R. H. SMITH BEQUEST LIBRARY (274-01)	COMMUNITY LIVING	
Oct-26				



**TOWN OF AMHERST
BYLAW LISTING**

DEADLINE	BYLAW/POLICY NO.	BYLAW / POLICY	ASSIGNED TO	NOTES
	31600-25	SNOW AND ICE MANAGEMENT	OPERATIONS	
	D 20	SOLID WASTE BYLAW	OPERATIONS	
	03450-01	CAPITAL BUDGETING (211-14)	FINANCE	
	10350-28	APPOINTMENTS OF MEMBERS OF COUNCIL TO EXTERNAL BOARDS, COMMITTEES & COMMISSIONS		
Nov-26				
	31600-13	CATCH BASINS AND LATERALS (240-03)	OPERATIONS	
	03450-02	CAPITAL INVESTMENT PLAN (CIP) FRAMEWORK/BUDGET POLICY (211-36)	FINANCE	
	03450-04	BUDGET MANAGEMENT POLICY	FINANCE	
Dec-26				
	68300-04	FIRE INSPECTION POLICY	FIRE	
	31600-23	STREET NAMING POLICY	PLANNING	
	68000-03	TRAFFIC AUTHORITY	POLICE	
	31600-26	STREET RENAMING COPP LANE TO ERNIE LANE POLICY	PLANNING	
Remain as is				
	D 10	CLOSING PUBLIC STREET BY LAW	PLANNING	
	D 11	CLOSING OF PORTION OF SENATOR AVENUE BY LAW	PLANNING	
	D 12	CLOSING OF PORTION OF PENDER STREET BY LAW	PLANNING	
	D 13	CLOSING OF PORTION OF CORDOVA STREET BY LAW	PLANNING	
	D 14	CLOSING OF PORTION OF CORDOVA STREET BY LAW	PLANNING	
	D 15	CLOSING OF PORTION OF PENDER STREET BY LAW	PLANNING	
	D 16	RECORDED RESOLUTION UNSIGHTLY PREMISES ADMINISTRATOR	PLANNING	
	D 17	RECORDED RESOLUTION UNSIGHTLY PREMISES COMMITTEE	PLANNING	
	D 18	RECORDED RESOLUTION INTEREST RATE ON UNSIGHTLY PREMISES CLEAN UP ACCOUNTS	PLANNING	
	P 01	MUNICIPAL PLANNING STRATEGY CONSOLIDATED WITH AMENDMENTS TO 202003	PLANNING	
	P 02	LAND USE BYLAW CONSOLIDATION MARCH 2020 B	PLANNING	
	31600-19	FRANKLYN STREET EXTENSION - STREET CLOSURE POLICY	OPERATIONS	
	31600-20	GOULD STREET - STREET CLOSURE POLICY	OPERATIONS	
	31600-21	PORTION OF CORNWALL AVENUE CLOSURE	OPERATIONS	
	31600-22	BOYLSTON AVENUE EXTENSION CLOSURE	OPERATIONS	
	B 01	BYLAW TO REPEAL THE TOWN OF AMHERST TAX EXEMPTION BYLAW	FINANCE	



**TOWN OF AMHERST
BYLAW LISTING**

DEADLINE	BYLAW/POLICY NO.	BYLAW / POLICY	ASSIGNED TO	NOTES

MEMO

TO: Mayor Kogon and Members of Amherst Town Council

FROM: Jonathan McClelland, CEO, Cumberland Business Connector

DATE: March 20, 2023

RE: Highlights of the Cumberland Business Connector's work in January and February

Support Existing Businesses

- The connector has brought on a Business Consultant to work with the next cohort of businesses in the Cumberland Business Accelerator Program. This is targeted at businesses with high growth potential.
- We continue with Business Retention and Expansion visits. Issues discussed include:
 - Succession planning
 - Labour shortages
 - Inflation pressures (fuel, input costs, employees housing costs and other cost of living increases that employees face)
 - Lack of housing for new hires
 - Need to invest in productivity enhancing equipment/ processes
 - The need for an anchor customer to pilot / validate innovative technology
- We are researching the opportunity for increased food production (greenhouses) which could also create a market for low grade wood to heat the greenhouses.
- In collaboration with the Town of Amherst and CBDC Cumberland we have contracted Mashup Lab to deliver their training program for aspiring and existing entrepreneurs. This training program will start in March. Registrations for this program for entrepreneurs was over-subscribed in less than 2 weeks.

New Businesses

- In collaboration with CBDC Cumberland and Nova Scotia Works, we put on training sessions to help young entrepreneurs develop a business plan. These young entrepreneurs presented their business ideas to a panel of judges on March 8. Five students received cash awards to go towards their business startup.
- We have provided advice to a Ukrainian entrepreneur who wants to start a business in this region.

Workforce

- We have met with NSCC and the Town of Amherst to discuss hosting an open house that will showcase the opportunity for local residents to earn extra income by renting rooms or apartments to students looking to study in Amherst.
- We have met with recent immigrants who are looking for work in the area and have made referrals to potential employers.
- We have met with the Department of Labour, Skills, and Immigration and the Regional Enterprise Networks to better co-ordinate workforce attraction efforts to make it easier for skilled workers to come to rural areas.

- We have updated a booklet of all post-secondary courses offered within driving distance of Amherst and Cumberland County. This will assist in retaining youth in our region by highlighting the variety of training that is available locally.
- We are supporting Nova Scotia Works on their Job Fair in May based on its success last year.
- Our Northern NS Connector Program continues to work with students and other professionals to help them build a local network of contacts in our region.
- We are connecting business owners who want to rent apartments (to remove housing as a barrier to their hiring process) with a property developer who will be starting construction in Amherst.
- We are supporting the Chamber of Commerce with their workforce attraction initiative.

CAO Task Report

March 2023

Task Updates:

Task: Intermunicipal Cooperation

The CAO will arrange a meeting with Council and staff to determine agenda items to be discussed at a future meeting with Municipality of Cumberland representatives.

Status:Ongoing

MEMO

TO: Mayor Kogon and Members of Council
FROM: Andrew Fisher, Director of Planning & Strategic Initiatives
DATE: March 20, 2023
RE: **Strategic Priorities - March update**

The purpose of this memo is to provide an update with respect to Council’s existing priorities. As previously noted, the November 29th Strategy Priority Planning Day confirmed a general consensus around the organization’s Vision, Mission, and Guiding Principles. A desire to change some of the priorities was identified. Attached is a draft ‘Priorities on a Page’ document that reflects the Vision, Mission and Guiding Principles that remain the same except for the suggested inclusion of “socially’ into the Mission statement. Other potential priorities, some new and some existing, were also identified for further discussion, including:

Industrial Park Expansion	Chignecto Isthmus Flood Risk
Social Needs (includes strategies)	Community Vibrancy
Drugs and Addiction	Municipal Collaboration
Asset Management	Active Transportation

A report on the updated Strategic Priorities with plans to address the priorities and a revised reporting structure is being prepared. A meeting will be scheduled in the coming weeks to present the revised priorities for 2023 for Council’s consideration.

In the meantime, the following provides a status update on the existing 2022 strategic priorities.

1. The development and construction of a **new community centre**.

Staff and the consultant met with YMCA board members March 7th to present the work completed so far in the feasibility study and to provide context as to what is being contemplated with respect to a new centre. The board has been asked to determine in more detail under what circumstances they are willing and able to be on board as a major partner.

2. A complete review of the **Town’s Municipal Planning Strategy**.

First drafts of the documents were delivered to the PAC at the first of February to provide a month to familiarize members with their content. The consultant provided the PAC with an overview of the drafts in early March and the committee have been tasked with providing

comments and questions by March 24th. Updates and related documents remain available at planamherst.ca

3. A complete **review of the committees of Council**, Council's participation on external boards and committees and **all Town policies and bylaws**.

Review of specific policies and bylaws is ongoing each month based on a schedule included in a procedure for this task.

4. The potential expansion of the **Amherst and Area Industrial Park**.

Council have instructed staff to enter into negotiations to purchase lands that may serve to address this priority, or at least significantly impact how this project moves forward. These negotiations have stalled. A refocus of this priority is being considered in the 2023 strategic priority setting exercise.

5. Continuing to foster the conditions to **facilitate business development**.

Work to address this priority is detailed in the Business Development section of the Planning & Strategic Priority Monthly Report provided in this package.

6. Continuing the work that has been ongoing to **ensure community vibrancy**

The shelter is open and doing well with no major incidents. Work is starting on community engagement to advise on a strategy to make our community more inclusive and equitable.

7. **Attracting people to live in Amherst** by ensuring it is an inclusive, welcoming community in which **to live, work and play**

Our new community navigator Allison Watson started on February 27th. Allison is working with the three-volunteer recruitment, retention and appreciation committees to support their efforts.

The Poverty Reduction Advisory Committee has approved the draft strategic plan and will be forwarding to each respective council the action items attached to the plan. One of these initiatives is around Youth outreach and engagement. To this end we are looking for approval from Council to partner with Hailie Tattrie researcher from Mt SVU and Mitacs to do a comprehensive study on youth resiliency and barriers to engagement.

8. Promotion of the history and culture of Amherst through **continued festivals and events that celebrate our heritage and culture**

Coming up this month is the French Toast Fest. Ten restaurants are participating this year and activities will run from March 27- April 2. Planning is underway for an evening for appreciation of the Arts. Led by Councilor Fawthrop, over 70 people have been invited and a Facebook event has been created to spread awareness about the meeting on April 12, 2023 at

6 p.m. at the Community Credit Union Business Innovation Centre. It is hoped that a committee will form to identify, support and encourage more events in our community. The Town of Amherst is submitting a bid to host the 55+ provincial games in 2025.

9. **Addressing drugs and addiction**

Chief Pike and other provincial representatives continue to meet on the Atlantic Meth Strategy meetings, sharing information, trends and providing education on the subject of Methamphetamine and other drugs as well as the kinds of harm they inflict on our community. As a result of a focus on these issues, our partners in New Brunswick have been successful in making several arrests that have impacts on drug operations in our province as well.

Our Street Crime Unit and Major Crime Unit continue to invest their time in investigations and information concerning drugs and drug use that affect Cumberland County residents and we have been making connections to other jurisdictions, which requires coordination and cooperation from other agencies. It can be very difficult when many of the people involved do not live in the immediate jurisdiction or are transient, often moving every 2-3 weeks.

These kinds of files require an investment of time and effort by investigators, often taking months to see results. Even when arrests are made and charges laid, investigative files can continue for years before conclusion.

10. Addressing the need for **sufficient supply of suitable and affordable housing in Amherst**

As noted in the Planning & Strategic Priorities Departmental report, five housing developments are in various stages of the approval process. Staff are in discussions with developers interested in higher density apartment buildings, as well as, lower density subdivision in multiple areas of town.

Following Council's award of the RFP for a multi-unit residential proposal on the former Blaine Street lands in January, the draft agreement of purchase and sale is being reviewed by the proponent. Last month Council approved the transfer of 8/10 Prince Arthur Street for the development of an affordable and supportive housing facility

The WET shelter facility is now operating.

DRAFT Council Strategic Priority Projects 2023



VISION

Our vision is to be a healthy, prosperous, inclusive, and environmentally sustainable community in which people of all ages, abilities, and cultures are engaged and proud to live, work and play. **See Why We Love It!**

MISSION

We provide quality leadership, services, opportunities and resources for the benefit of our citizens, and in support of our growth and development in our community in a fair, socially equitable and transparent manner.

GUIDING PRINCIPLES

Respect · Integrity · Collaboration · Accountability · Inclusivity · Evidence-based Decision Making · Sustainability

Community Centre

Project Goal: Construction and operation of a financially feasible modern multi-purpose complex that includes an environmentally friendly, safe and inclusive facility that meets the needs of our citizens and partners by promoting community pride, healthy active lifestyles, and vibrancy that reflects community values and heritage.

Project Completion: 2024

Committee/Policy /Bylaw Review

Project Goal: review Council committee representation, town policies, and bylaws to ensure they reflect the vision, mission, and guiding principles while addressing the town's strategic priorities

Project Completion: 202?

Municipal Planning Strategy Renewal

Project Goal: a new MPS that provides a policy framework to guide future decisions on the physical, environmental, economic, social, and cultural development of the town.

Project Completion: Sept .2023

Supply of Suitable & Affordable Housing

Project Goal: Address the need to increase supply of housing across all segments of the housing market, from emergency shelters to single-family houses.

Project Completion: Dec. 202?

MEMO

TO: Mayor Kogon and Members of Council

FROM: Andrew Fisher, Director of Planning & Strategic Initiatives

DATE: March 20, 2023

RE: **Planning Advisory Committee Recommendations**

The following Planning Advisory Committee recommendations will be on the agenda of the March 27, 2023 regular meeting of Council:

- 1. 9 North Adelaide Street Development Agreement Application:** The Committee recommended that Council enter into the Development Agreement for 9 North Adelaide Street (PID: 25008798). The agreement would permit the internal conversion of an existing six-unit apartment building into an eight-unit building, with no expansion to the footprint of the building.
- 2. 52 Hickman Street Development Agreement Application:** The Committee recommended that Council enter into the Development Agreement for 52 Hickman Street (PID:25021973) to permit a garden suite on the second floor of a garage.
- 3. 36/38 Beacon Street Rezoning Application:** The Committee recommended that Council amend the Land Use Bylaw Schedule 'A' Zoning Map by changing the zoning of PIDs 25011255 and 25011248 from General Residential to Open Space. The rezoning would permit the use of the properties by the Amherst Little League for batting cages and parking.

Monthly Report

Community Living

March 2023

Active Living

- Dave Simpson has been meeting with community organizations, schools, recreation providers and the Fundy Regional Active Living Coordinators groups
- Also continues to organize multisport activities

Community Well Being

- Finalizing the PRAC strategic plan, developed agenda packages and attended meetings
- Team meetings with staff
- Participated in the Cumberland County Youth Development Centre Strategic Planning Day
- Worked on reports for Council, Committees
- Attended meetings with the County of Cumberland, Town of Amherst and Physician recruitment, retention and appreciation committees
- Attended meetings re: procurement, Athletic Achievers, Acadian Committee, CANSA re: diversity, capital budget, Joint AYTC/CCYC meetings, Community Arts meeting, and International Women's Day activities
- Attended the Community Carnival Fun-day at the stadium
- Presented to CANSA Board

Culture, Events & Marketing

- Winter Carnival 2023 – Planning and executing activities for the Town of Amherst's Community Carnival
- Hosted Athletic Achiever's celebrations and Acadian Society set up
- Hosted Queens Jubilee
- Prepared information for call out for AYTC applications

Community Navigator

- Allison Watson started on Monday the 27th of February
- First week was reaching out to key stakeholders, reviewing documents around expectations, developing KPI's and marketing strategy for materials development
- Attended meetings with committees and set meeting with key health personnel in the region and around the province

Task Updates:

Task: Free Ice discussion

Update: A report on the continued relevance of this initiative in time for budget discussions is being prepared.

STATUS: STARTED

Task: Requests for Proclamations and Flag Raising Ceremonies Policy Amendments

Update: This draft amendment has been reviewed by the IDE committee and recommendations have been forwarded back to COW for the March meeting

STATUS: COMPLETED

Task: Street Banner Policy

Update: Council requested the legion be consulted on the draft policy as it relates to their Veterans Banner program.

STATUS: ONGOING

Task: Green Space Beside Town Hall

Update: Staff will meet with Legion to discuss the overall goal of the green space to be inclusive and meet the goals set out by Council in October 2022. A rendering of the green space has been completed by our Planner, and Justin has requested to present to Council in April.

STATUS: ONGOING BUT GOING WELL

Monthly Report

Communications and I.T.

March 2023

IT Services:

- Setup a computer, cell phone and iPad for new Active Living Coordinator. Setup swipe card access to Town Hall, Stadium and CCUBIC.
- Setup User and Email accounts for the new Councillor. Setup swipe card access to Town Hall. Setup a cell phone and iPad for the Councillor.
- The firewall connection to the Water Shed on Trider Rd in Maccan went down. Worked in cooperation with Bell Technicians to get the system back on line.
- Assisted the APD with access the in-House-Cameras.
- Assisted with getting the cellular modems for the Pressure Reducing Valve Chambers connected to the SCADA System located at Public Works. Added the rule on the firewall to allow the connection to Public Works.
- Checked issue with Wireless access at the Stadium. Reset firewall and tested the connection.
- Replaced the UPS battery on the audio equipment at the Stadium.
- Updated the security and virus software on the Town Hall and APD servers.
- Renewed and installed the new license on the backup system software at Town Hall and APD.
- Continued to support Town of Oxford as required

Procurement:

ID	Type	Project Capital & Ops approved June 8/22	Process Type	Budget Type	Released	Closed	App'd	App'd By
22-59	RFP	HVAC – Public Works	Reg	C		X		
22-107	RFP	Wellfield Panel Upgrades	Reg	C		X		
22-57	RFP	Library Doors – Replacements	Reg	C		X		
22-40	RFQ	Portable Power Packs	Reg	O			X	CAO
22-75	OTH	One-Ton Truck	ALTP	C	X	X	X	CAO
22-44	RFQ	Health & Safety Software	Reg	O	X	X	X	CAO
22-120	ALT	Veeam Licensing – 3 year	ALTP	O	X	X	X	CAO
22-72	RFP	Ops Truck – Recreation	Reg	C	X	X	X	CAO
22-16	OTH	Audio Visual Equipment – Ratchford	ALTP	C	X	X	X	CAO
22-47	OTH	AMANS Municipal Website Venture	ALTP	O	X	X	X	CAO
22-61	RFQ	Events Trailer Wrap	Reg	O	X	X	X	CAO

Task Updates:

Task: Town of Amherst Website

Update: We have made some changes within departmental pages to reflect organizational structure changes and contact info. We are also in the process of making adjustments to the top button menus to make searching more user friendly. This is ongoing

Status: In progress

Monthly Report

Finance

March 2023

The 2023/24 capital budget was approved at the February Council meeting. The 2023/24 operating budget is in its final stages and will be presented to Council on April 5th. This presentation will cover all operating budget components (general rate, mandatory provincial area rate, community support area rate, solid waste, sewage and water utility).

The third quarter results were presented to the Audit Committee on March 7th along with the 2020/21 Municipal Profile and Financial Condition Indicator (FCI) Report which is prepared by the Province of Nova Scotia and was released by the Department of Municipal Affairs and Housing at the end of January 2023. The Audit Committee also approved a new policy to be brought forth for approval for Inventory Control of Non-Capital Equipment.

The Town's fiscal year end is March 31st and staff have commenced some of the year end tasks.

Task Updates:

Task Motion: That Council approves the Town of Amherst General Capital Budget for the 2023-24 fiscal year as presented in the amount of \$2,141,500 and the Amherst Water Utility Capital Budget for the 2023-24 fiscal year in the amount of \$410,000.

And further, that Council approve in principle the subsequent four years' Capital Budget plans as presented. To be clear, the second part of this motion contemplates the approval of the amounts for the years 2024-2025 to 2027-2028 for planning purposes only; this is not the authority to spend, nor is it necessarily the final and complete listing.

Update: Approved capital budget was distributed electronically to staff.

Monthly Departmental Report

Fire Department

March 2023

RESPONSES (February)

Town of Amherst – 11 events

- 1 Structure fire
- 1 Waste paper basket fire
- 6 Monitored alarm activations
- 1 Trapped in elevator
- 1 Evacuation assistance
- 1 Motor vehicle accidents

Contract area (District 2) – 9 events

- 5 Motor vehicle accidents
- 1 Flue fire
- 1 Monitored alarm activations
- 2 Vehicle fire

PROFESSIONAL DEVELOPMENT

Weekly training – During the month of February the fire department focused on radio communications, Interior search and rescue techniques, fitness testing in full personal protective equipment (PPE) and self-contained breathing apparatus (SCBA), and a refresher on the automated external defibrillators.

In early March, the department had a fire fighter endurance session at the Amherst stadium. The fire fighter endurance session is used to simulate operational objectives that firefighters would face during an emergency response. This session saw firefighters complete up to 14 laps on the track, while completing various operational tasks that were coordinated though out the 14 laps. These tasks included stokes basket carries, push-ups, jumping jacks, hose carries, foam jug carries and battle hose exercises.

Nova Scotia fire school training – During the month of February nine firefighters attended hazardous materials awareness training at the fire school. Over the next few months, members of the fire department will be taking part in hazardous materials operations training, level 1 fire fighter certification and level 2 fire fighter certification at the fire school.

COMMUNITY EVENTS

During the month of February, the department took part in the annual winter carnival photo at Spring Street Academy and a show and tell presentation at Cumberland North Academy. Members of the department also took part in the first annual Bob Hanley Memorial Burn Curling Fun-spiel.

RECRUITMENT

The fire department is always looks for new members to join our team. For more information on becoming a member of the Amherst fire department, please go to www.amherst.ca/volunteer-firefighter.

TASK UPDATES

Task: No open tasks at this time

Monthly Report

HR and Customer Services

March 2023

PAYROLL

Payroll and WCB remittances are up to date.
 Payroll remittances are remitted to CRA bi-weekly by the payroll company.
 WCB is remitted automatically via our payroll provider.

CUSTOMER SERVICES

Tax/Accounts Receivable/Collections:

2023 Assessment Appeals – the Town received the appeal inventory from PVSC on March 1. There was a total of 96 appeals of which one (1) appeal is complete, ninety-three (93) outstanding, two (2) pending.

	# Of Accounts Appealing	Total Assessment Value Being Appealed	Appeal Completed as of Mar 1/23	Pending as of Mar 1/23	Withdrawn as of Mar 1/23	Outstanding Appeals as of Mar 1/23	Appeals Successful as of Mar 1/23	Loss of Assessment Value	Amount of Revenue Reduction	Nova Scotia Assessment Appeal Tribunal Status
Residential /Resource	64	\$2,202,700	0	0	0	64	0	\$ 0.00	\$ 0.00	0
Commercial	32	\$3,087,400	1	2	0	29	0	\$ 0.00	\$ 0.00	0
TOTAL	96	\$5,290,100	1	2	0	93	0	\$ 0.00	\$ 0.00	0

Tax Certificates – there were 20 tax certificates requested in the month of February 2023.

2023 Spring Tax Sale – two properties were sent for title searches on March 8, 2023. The spring tax sale is scheduled for Tuesday, May 16, 2023.

Water/Sewer Billing:

Third quarter water/sewer bills were due February 28. Staff are preparing for 4th quarter water/sewer billing, which will commence in early April.

Customer Service Tracking – E11:

There was a total of 69 opened cases in February and 93 cases closed. The category with the most opened/closed cases in February was icy street (at 14).

Human Resources:

Culture, Community Events & Marketing Coordinator: this competition closed on March 8, 2023. The selection and interview process is currently underway.

Community Well-Being Manager: this competition has been posted with a closing date of March 14, 2023.

2023 Summer Students: recruitment for this year's summer students has started and will continue through the month of March.

Monthly Report

Operations

March 2023

In addition to their routine maintenance work Operational Services staff worked on and will be working on:

RECREATION & HORTICULTURE

- Dickey Park washroom is open daily 9:00am to 5:00pm.
- The walking track is open daily from 7:00am to 9:00pm.
- The stadium hosted the Bates Merrill friendship hockey tournament from March 10-12.
- There will be daily free skating during March break.
- The downtown outdoor rink has been well used over the past month however the season is quickly coming to a close.
- There has been a noticeable improvement in waste sorting at the Stadium since the start of the “Put Waste In Its Place” campaign.
- Matt Selig recently completed 2 “Achieve Centre for Leadership” training courses in;
 - Management and Supervision
 - Leading in a Unionized Environment
- Planning and preparation continues for Spring plantings and student hiring.
- The final day for ice rentals at the stadium will be April 30.

PUBLIC WORKS

- There were 4 snow events of 10cm or more in the past month that required plowing of streets and sidewalks
- Sidewalk salting took place on 10 occasions and the salt truck was dispatched 14 times due to icy road conditions. In the past month staff used approximately 375 tonnes of salt.
- There were 2 broken water mains repaired; Dale Street and Christie Street.
- Jason McBurnie recently completed 2 “Achieve Centre for Leadership” training courses in;
 - Management and Supervision
 - Leading in a Unionized Environment
- Public works staff will be attending a training course on trenching and excavation in late March.
- Staff repaired/filled potholes on 11 days in the past month putting out a total of 38 tonnes of recycled asphalt.
- Quarterly acute lethality testing was completed at the WWTP.

UPCOMING

- Snow and de-icing operations of streets, sidewalks and VIA rail platform as needed.
- Patching of potholes with recycled asphalt is ongoing.
- Ice maintenance at the outdoor rink, weather dependant.
- Quarterly water meter reading will start on April 1.
- Annual report for the Amherst Water Utility is due on April 1.

Tasks: No outstanding tasks at this time.

Monthly Departmental Report

Planning & Strategic Initiatives

March 2023

The attached report shows development activity over the month of February 2023, as well as a year-over-year comparison for that month.

A Public Participation Opportunity was held March 1st to consider applications for two development agreements and a zoning map amendment, including:

1. Development Agreement for 9 North Adelaide Street to permit the conversion of an existing six-unit apartment building into an eight-unit building;
2. Development Agreement for 52 Hickman Street to permit a garden suite on the second floor of a garage.
3. A rezoning of 36/38 Beacon Street from General Residential to Open Space.

The PAC met March 6th to consider the above applications and made positive recommendations to Council for all three items. The PAC also received a presentation on the draft MPS and LUB by the Upland Planning. The committee was tasked with providing comment on the documents to be forwarded to the consultant for consideration and/or discussion.

With regard to the proposed apartment building at 155 East Victoria Street, following the PAC's negative recommendation in February, and at the applicant's request, Council deferred a decision on first reading and sent the application back to the PAC to review a revised proposal. The applicant is currently working on proposal revisions.

On Wednesday, March 22nd at 12 noon, a Public Hearing will be held regarding two applications for a:

1. development agreement at 3,4,5,7 Robie Street to permit the change of a non-conforming use; and a,
2. development agreement at 264 Church Street to permit a 98-bed care facility.

The Community Centre Feasibility Study is currently developing functional space programs based on the information and consultation completed so far. A meeting took place with YMCA board members on March 7th to inform them of the purpose and development of the study and to ask them to determine their level of interest in partnering on a facility.

The Town of Amherst, Cumberland Business Connector, and CBDC are sponsoring a 'Dream Business Entrepreneurship Program' hosted by Mashup Labs. The programming provides entrepreneurs with tools and training to grow their businesses. The first group of 15 people from around Cumberland County will begin the program on March 23rd. The TOA is sponsoring two of the participants.

On May 11th the Town is partnering with the Cumberland Business Connector and NSCC to organize a public information session for Amherst residents to learn about ways to convert space in their homes to rent to students and young professionals seeking temporary housing. This event is the first of its kind offered by NSCC and its municipal partners, with the hope that it can be replicated in other communities across the province.

The Amherst Downtown Business Association met on March 9th to discuss two streams of activities for 2023. Downtown improvement projects such as Mural Upgrades and the LaPlanche Street corridor revitalization. Community Events such as Summer Night Markets, a Summer Music Concert and participation in the Town-led Ester Fest were discussed. The Association has a deep passion for the Town of Amherst and discussions on lofty issues such as housing and population growth in Downtown Amherst were had.

The Cumberland Business Connector Youth Entrepreneurship Challenge ended on Wednesday, March 8th. A Pitch Night was held for 5 finalists from Amherst and across Cumberland County who presented their projects to a panel of 3 judges. Tessa Spicer, of Blenders and Beyond ice cream, smoothies and milk shakes from Malagash won the grand prize of \$1500. She plans to grow the business with additional product offerings and advertising.

NS Works is organizing the 2023 Job Fair at the Amherst Stadium on May 17th. The TOA is a sponsor of this event and will be participating in the tradeshow. The Job Fair was a huge success in 2022 with many employers hiring new employees during and after the show.

The Cumberland Chamber of Commerce is hosting a Meet the Mayor breakfast with our own Mayor Kogon on March 21st, for the local business community. This event will be at the CCUBIC Boardroom from 8:30am to 10:00am. The Chamber will hold its AGM on April 27th at the Dr. Carson & Marion Murray Community Centre in Springhill. The keynote speakers will be a panel that will discuss keeping youth employed in Cumberland County.

The Cumberland Chamber of Commerce has released the 'Join Us in Cumberland' campaign inviting skilled workers from all over the world to relocate to Cumberland County. Their new website JoinUsInCumberland.ca is active and a marketing campaign is underway. As part of their commitment to support small businesses, the Chamber is partnering with the YMCA of Cumberland and the Community Kitchen on April 12th at the YMCA Amherst location to host a workshop on creating a balance between business and life.

The 2022/2023 Gritty to Pretty program has been extended from March 31 to October 31, 2023 to allow time for participants to complete their projects.

Work continues with the NS Dept of Environment and Climate Change (NSDECC), Nature Challenge Funding, with two potential properties in the North Tyndal Wellfield Protection Zone being appraised. Both property owners have expressed willingness to negotiate and efforts are being taken to close these acquisitions by end of the March 31st fiscal year. The Federal government has extended the Nature Challenge funding and staff anticipate that a contribution agreement extension in the coming weeks will extend the program to 2026 with approximately \$350,000 in funding per year.

Town of Amherst Major businesses of Maritime Pride Eggs and WonderBrands have committed once again to generously support the French Toast Festival. This festival will be able to provide meals for over 500 students in our area.

Task Updates:

Task: LED Proposal for new 'Smart LED Streetlights'

Update: FCM program administrator advised that the project is not eligible for FCM funding. Staff are reviewing alternative options for Council review.

Status: Ongoing

Task: Blaine Street and Ottawa Avenue Acquisitions

Update: A draft Agreement of Purchase & Sale for the Blaine property is complete and being reviewed by the purchaser.

Status: Ongoing

Task: Hotel Levy Report

Update: A follow-up memo was provided to Council in February. Further action is pending the County having the appropriate staff.

Status: Paused

Task: Recognition of Local Businesses

Update: A memo is included on the March COW agenda.

Status: Completed.

February Permits

PERMIT APPLICATIONS								For the Month of February
Number	PID	Civc Address	New Units	Work Type	Bldg Type	Proposed Use	Permit Fee	Value
B2023-004	25006032	18 Maple Ave	0	Repair	Commercial	Ramp	70.00	8,000.00
B2023-005	25006065	33 Havelock St	0	Renovate	Commercial	Office	1,675.00	650,000.00
C2023-006	25010448	39 Lorne Cr	1	Construction	Single Detached Dwelling	Mobile/Mini Homes	174.00	120,000.00
C2023-007	25491127	49 Mallard Dr	0	Renovate	Single Detached Dwelling	Residential Accessory Use	88.00	15,288.00
Total	4		1				2,007.00	793,288.00

2021-2022 YTD Comparison

ACTIVITY REPORT							For Month of February 2023-02-28
Type	Feb 2022			Feb 2023			
	Permits	Units	Value of Construction	Permits	Units	Value of Construction	
Single Family	1	0	28,256	2	1	135,288	
Duplex/Semi	0	0	0	0	0	0	
Apartments	0	0	0	0	0	0	
Other Residential	0	0	0	0	0	0	
Commercial	2	0	100,000	2	0	658,000	
Industrial	0	0	0	0	0	0	
Inst & Gov	0	0	0	0	0	0	
Agriculture	0	0	0	0	0	0	
Other	0	0	0	0	0	0	
Total	3	0	128,256	4	1	793,288	
Year To Date	8	1	448,496	7	7	1,501,749	

Monthly Report

Police Services

March 2023

OPERATIONAL

Arrest – Multiple charges: On February 27th, 2023 a 28-year-old Amherst man was arrested and held in custody on more than 30 charges which include multiple counts of possession of property obtained by crime, theft, break and enter, breach of an undertaking, identity fraud, fraud, theft of a credit card, mischief and other related charges. The incidents involve a ‘crime spree’ characterized by a string of thefts from vehicles and other incidents that occurred between Feb. 8 and Feb. 26, 2023. As part of the investigation, investigators executed a search warrant at a Croft Street residence. The accused, 28-year-old Bradley Hicks was remanded overnight and made an appearance in Amherst provincial court on Feb. 28, 2023. He was released on numerous conditions and is scheduled to return to court on March 20, 2023, to answer to the charges.

Fraud/Stolen Property Charges: A 24-year-old female is facing charges in relation to the possession and use of a stolen bank card. The bank card was stolen locally from a vehicle and the accused allegedly used the stolen cards in several places within town. The matter is still under investigation.

Youth Centre – Strategic Planning: On February 24th, Chief Pike, Cpl Tom Wood, Cst Michelle Harrison and Crime Prevention Coordinator Melanie Siddall attended a Strategic Planning session for the Youth Centre. The session was hosted by Lisa Gower and explored and rated the priorities for the youth centre moving forward. The session was well-attended with people representing the Cumberland Partners as well as Town Council and other town representatives.

Major Crime Unit: The Major Crime Unit continues to be busy with an assortment of responsibilities and tasks assigned to complete. As noted, MCU files are more complex in nature and require significant resources and time for investigation, but are often subject to case law and time constraints which add to the issues faced by MCU investigators. As the budget conversation approaches, part of the discussion will be some suggestions for allocating appropriate resources to ensure success.

Complaints of Thefts – Increase in Complaints: February 2023 continued with an increase in thefts, which has been the trend throughout the past year. Reports of Shoplifting in January and February 2023 were up (19 and 11 as compared to 9 and 9 in 2022). Many of these complaints have resulted in charges or action under the Protection of Property Act, as many suspects have been barred from local businesses. In February, Police opened 21 files regarding thefts from vehicles which included over 26 vehicles that were targeted. In February 2022 Police responded to 1 complaint of a theft from a vehicle. As a result of these kinds of complaints, our members have focused on patrols in residential areas during nightshifts and in some cases tracked down the use of stolen bank and credit cards to identify culprits.

Law Enforcement Torch Run/Special Olympics: On February 22nd, 2023, Chief Pike and D/Chief Hunter attended the Special Olympics Inspired Gala at the Marriot Waterfront Hotel in Halifax. Other members of the Nova Scotia Chief's of Police Association also attended to show support and celebrate Special Olympic Athletes and Volunteers with awards being presented for 2022/2021 and 2020.

OPERATIONAL STATS – FEBRUARY 2023

Occurrences:	481	Criminal Code Charges:	115
Impaired by Alcohol:	2	CDSA:	1
Impaired by Drug:	0	CBCA:	1
Traffic Tickets:	50	PPA:	0
Traffic Written Warnings:	9	Vehicle Checks:	127
Liquor Control Act:	3	Foot Patrol Hours:	43 hrs, 28 min
Bike Patrol Hours:	0	Parking Tickets:	3
Parking Warnings:	1		

TASK UPDATES

Task: Marsh Trail ATV Issues: That staff be directed to install signs, barriers and cameras along the centennial walking trail, and further that Council approves funding for such.

Update: Cameras have been installed by Public works/IT. Will have to prepare ATV Safety messaging

Status: In Progress

Task: Noise By-law changes

Update. To discuss with CAO on how we will proceed.

Status: In Progress

Task: Taxi By-law - Suggested changes to current bylaw

Update: 2023-03-13
Amendments made and sent to CAO for review. Likely will go to March 2023 COW. DDPike.

Status: In Progress