



**Town of Amherst  
Regular Council Meeting  
Agenda**

Date: **Monday, April 24, 2017**  
Time: **7:00 pm**  
Location: **Council Chambers, Town Hall**

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# Special Guests

## Regular Council Meeting

### April 24, 2017

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#### Keira Dyck – Amherst Youth Town Council Member

Youth Councillor Keira Dyck is a grade 9 student at ARHS. Keira lives on Queen Street and enjoys a variety of extracurricular activities including Club Basketball, School Soccer, Athletics Committee, School Choir and Band. Keira has many different connects with youth groups in Town, like arts athletics and music, and believes that by getting more involved with Town activities she can help improve what goes on and help bring opportunities that may not be available now to Amherst for the future.

#### Marilyn Nixon – Amherst Youth Town Council Member

Youth Councillor Marilyn Nixon is a grade 10 student at ARHS. Marilyn lives on Regent Street and enjoys a variety of extracurricular activities including competitive basketball, students' council, prom committee, drama committee and athletics, all while having a part-time job and school. Marilyn believes she can bring forward new ideas and help create new opportunities for youth in Amherst with the valuable skills she has learned working for the athletics department and organizing past tournaments and coordinating volunteers.

#### TBD– National Anthem Singer

**TOWN OF AMHERST  
Regular Council Meeting  
Minutes**

**Date:** March 27, 2017  
**Time:** 7:00 pm  
**Location:** Council Chambers, Town Hall

**Members Present** Mayor David Kogon  
Deputy Mayor Sheila Christie  
Councillor Jason Blanch  
Councillor Vince Byrne  
Councillor Darrell Jones  
Councillor Wayne MacKenzie  
Councillor Terry Rhindress

**Staff Present** Greg Herrett, CAO  
Jason MacDonald, Deputy CAO Operations  
Ian Naylor, Police Chief  
Vince Arbing, Treasurer  
Bill Schurman, Director Recreation  
Greg Jones, Fire Chief  
Rebecca Purdy, Executive Assistant

**Others Present** Karen Brookins, Communications and Marketing Coordinator

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**1. PUBLIC HEARING - 6:30 PM**

**1.1 Development Agreement - Mallard Drive (4261)**

Mayor's Comments: Amherst Town Council is considering an application to enter into a development agreement to allow the development of two four-unit townhouses in addition to the existing four-unit townhouses on properties located at 34 & 36-40 Mallard Drive. Council approved First Reading of this development agreement at its February 27th regular meeting. The purpose of this hearing is to hear submissions in favour of, or in opposition to, the proposal.

Staff presentation: Planner Andrew Fisher reported that the configuration presented was the best solution and provided the most amount of privacy and minimal amount of impact on adjoining properties. Staff suggested that the DA meets the intent of the policy of the MPS; the PAC made a recommendation to Council that this DA be entered into.

Council questions for staff (There were none)

Public comments (There were none)

Hearing no further comments, Mayor Kogon closed the public hearing on this matter. Consideration of Second Reading for this Development Agreement is on the agenda of tonight's Council meeting.

## **1.2 Development Agreement - 150 East Victoria Street (4262)**

*Councillor Vince Byrne declared a potential conflict, having a business interest in this matter, and excused himself from the Council table for this public hearing.*

Mayor Comments: Amherst Town Council is considering an application to enter into a development agreement to allow the conversion of an existing 21-unit motel into an 11-unit apartment complex on property located at 150 East Victoria Street. Council approved First Reading of this development agreement at its February 27<sup>th</sup> regular meeting. The purpose of this hearing is to hear submissions in favour of, or in opposition to, the proposal.

Staff presentation: Jason MacDonald described the proposal to convert the motel into apartment units, saying that some of the units are currently long-term rentals without kitchens. The proposal is to make one apartment unit out of every two motel units, thereby creating small apartments with kitchens. He said that the proposed DA is in general conformance with the Town's policies and regulations, specifically MPS Policies CP-15, SP-1, RP-11(a) and RP-8. The Planning Advisory Committee (PAC) did not pass a motion resulting in a recommendation to Council on the issue. Mr. MacDonald stated that the existing use of the building as a motel with both short and long term rentals can continue indefinitely without the benefit of a development agreement. It can be argued that reducing the number of units from 21 to 11 will reduce traffic on the property. Furthermore, the renovations, including doubling the size of the units and the addition of kitchens, may result in a safer situation than the potential alternative of people trying to cook with inadequate resources.

Council questions for staff:

D/Mayor Christie, a member of PAC, advised Council that PAC was unable to reach a consensus on what to recommend to Council

Public comments:

Avis Chapman - This is an important location in the downtown; she asked if there were any architect drawings of the proposed building. D/CAO advised the exterior of the building is not being altered.

Jonathan Ettinger - Opposes the DA; he said he had major concerns whether the building code would be met, but that he is satisfied with requirement of the development to meet the National Building Code The fire code as it relates to the back wall is a concern because it would not permit windows. DA only says the back wall will be painted. He had issues with the small concrete slabs that were considered 'patios' and lack of green space and landscaping. The building has continued to deteriorate over the past 14 years. He stated he has had issues with long term tenants and that the police were there frequently. The property is still

listed for sale, and he questions whether the owner is invested in the property over the long term. He said it would be helpful to see a fully developed plan.

In response, Councillor Blanch said he felt the proposed development was an improvement over the status quo; he asked Mr. Ettinger what would make him happy with the development. Mr. Ettinger said the amount of police presence, the hypodermic needles on the property, the condition of back wall have all been issues with tenants; there is no real oversight or management present to see what is going on there, but this is completely changing it. He said the proper way of doing business would be to present a proposal, get approval then start work. It needs a better plan that includes landscape and that turns it from a motel into something long term. He agreed the status quo isn't an option; however, architectural plans aren't known.

Hearing no further comments, Mayor Kogon closed the public hearing on this matter at 7:05 PM, saying that consideration of Second Reading for this development agreement is on the agenda of tonight's Council meeting.

### **1.3 Amendment to Municipal Planning Strategy (4022)**

Mayor Comments: Amherst Town Council is considering an amendment to the Municipal Planning Strategy (MPS) to establish a Commercial Development District. The District would include all areas within the Town of Amherst designated as Commercial, Industrial, and Comprehensive Development District on the Generalized Future Land Use Map of the MPS. This amendment prescribes the areas of town that are eligible under a commercial assessment phase-in program. Council approved First Reading of this amendment at its February 27<sup>th</sup> regular meeting. The purpose of this hearing is to hear submissions in favour of, or in opposition to, the amendment.

Staff presentation. Planner Andrew Fisher explained the proposed amendment to the Municipal Planning Strategy.

Council questions/comments for staff: Does the designated area include all commercial areas within the Town? Mr. Fisher answered that the intention of PAC and Council is to include all commercial zones, but the current draft needs to be tweaked to reflect this. This change is not substantial and will be ready for second reading. Mr. Fisher also stated that the program applies to the increase in assessment as a result of an investment which will be triggered by a development permit, and entrance into an agreement between the property owner and the Town.

Public comments.

Avis Chapman requested further clarification. She said she is in a highway commercial zone on Lawrence Street and expressed frustration over the length of time it took to obtain permission to open a small business; she asked if it is going to be easier to open a business in a home? As an example, she asked if someone buy the vacant house next to her and get commercial zoning or restaurant zoning and turn the house into a restaurant. The Deputy CAO

explained that the properties are zoned commercial but the key is you need to satisfy the building code.

An unidentified gentleman in the room asked if this will result in less tax revenue for the Town - CAO said it is about encouraging investment. It's about deferring tax increases on improving commercial property. Total tax revenue would not be reduced.

Avis Chapman asked if this was being promoted; the CAO replied that it will be once it receives second reading and enactment.

Hearing no further comments, Mayor Kogon closed the public hearing on this matter at 7:25 PM.

## **2. CALL TO ORDER - 7:00 pm**

Mayor Kogon called the meeting to order at 7:30 PM. He introduced special guests, AYTC Junior Deputy Mayor, Rajan McKenney and this month's National Anthem singer, Olivia Doucette.

## **3. O'CANADA (Olivia Doucette)**

## **4. HEARINGS/PRESENTATIONS/PETITIONS**

### **4.1 Volunteer of the Year Recognition (4517)**

Mayor Kogon invited Joan Fowler and Madelynn Carter to the front of the room and introduced them.

Joan Fowler, a resident of the Town of Amherst, is very involved in the community, and has volunteered a great amount of her time to three local organizations including the Amherst Chapter Kidney Foundation, Christmas for Kids, and Dick's Jamboree. She is a loyal, responsible and committed volunteer throughout the community and we are very lucky to have her presence in the Town. Joan was first motivated to volunteer to further help others and get more involved with her community. Since then, she has made a great impact and given thousands of kids in Cumberland County a brighter Christmas, has helped execute several Kidney Foundation fundraisers, and has given her hand in many other volunteer roles. Her keen interest in financial accountability has benefited her volunteer committees immensely, along with her tireless efforts and thoughtful actions reflected through her work ethic.

Madelynn Carter is a grade 12 student at Amherst Regional High School and an involved community member and youth advocate in Amherst and area. Madelynn has proven her ongoing dedication and commitment to Amherst Youth Town Council (AYTC) for six consecutive years, this year being voted in as the Council's 2016-17 AYTC Junior Mayor. As well, Madelynn excels academically and in her extracurricular activities in school. She has been head of the school

drama club, head of festivals and spirit committee, and is a facilitator in healthy relationships in youth. She has also volunteered her time as an instructor for Tantramar Theatre Summer School. Her positive attitude and demonstrated ability to lead and represent youth are among the reasons we are so pleased to recognize her volunteer contributions in and around the community.

Joan and Madelynn have been invited to Provincial Volunteer Ceremonies hosted by The Honourable Stephen McNeil, Premier of Nova Scotia. The Volunteer Representative for Amherst, Joan, will attend the ceremony in Halifax on Tuesday, April 18th, 2017. Councillor Terry Rhindress will also be attending the ceremony on behalf of Amherst Town Council. Amherst Youth Volunteer, Madelynn, is invited to a Provincial Youth Volunteer Luncheon in late May/early June also hosted by the Province of Nova Scotia.

Joan and Madelynn will also be formally recognized at the annual Amherst Volunteer Recognition Reception on Tuesday, April 25 along with the other community volunteer nominees. The reception will include volunteer presentations, refreshments and great company as we celebrate our community volunteers and their tremendous efforts and work within our community. Congratulations ladies, thanks again for your immense contributions to our community.

## **5. APPROVAL OF AGENDA/MINUTES**

### **5.1 Approval of the Agenda (5103)**

**Moved By Councillor Byrne  
Seconded By Councillor Rhindress  
To approve the agenda**

**Motion Carried**

### **5.2 Approval of Minutes - February 27, 2017 Regular Meeting (5104)**

**Moved By Councillor Jones  
Seconded By Councillor Blanch  
To approve the minutes of the February 27, 2017 regular meeting**

**Motion Carried**

## **6. REQUESTS FOR DECISION**

### **6.1 PAC Recommendation - Via Rail - Municipal Heritage Property (4397)**

**Moved By Councillor Rhindress  
Seconded By Councillor Blanch  
That Council include the VIA Rail/Canadian National Railways Station  
located at 27 Station Street on the Town Registry of Heritage Properties**

**Motion Carried**

**6.2 PAC Recommendation - 150 Victoria Street East (4262)**

*Councillor Byrne declared a potential conflict due to business interests; he excused himself from the Council table for the discussion and decision on this agenda item.*

**Moved By Councillor MacKenzie**

**Seconded By Councillor Jones**

**That Council approve second reading of the Development Agreement to convert the property located at 150 East Victoria Street from a 21 unit motel to an 11 unit apartment complex**

**Amendment:**

**Moved By Councillor Blanch**

**Seconded By Councillor Rhindress**

**To refer the matter of the Development Agreement for 150 Victoria Street East back to the Planning Advisory Committee for further consideration and options**

Against (4): Mayor Kogon, Deputy Mayor Christie, Councillor Jones, and Councillor MacKenzie

**Amendment Motion Defeated 4-2**

Against (3): Councillor Blanch, Councillor Jones, and Councillor Rhindress

**Original Motion Defeated 3-3**

**6.3 PAC Recommendation - Mallard Drive (4261)**

**Moved By Deputy Mayor Christie**

**Seconded By Councillor MacKenzie**

**That Council approve second reading of a Development Agreement for 34 and 36-40 Mallard Drive to allow construction of two four-unit townhouse dwellings in addition to the existing four-unit townhouse dwelling on properties located at 34 Mallard Drive (PID 25499872) and 36-40 Mallard Drive (PID# 25497553)**

**Motion Carried**

Case No: DA-2017-02

This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2017.

Between:

**Ocean Breeze Estates Limited** (owner of property located at 34 Mallard Drive [PID 25499872] and 36-40 Mallard Drive [PID 25497553], hereinafter called the "Owner"),

of the one part, and

**The Town of Amherst** (a body corporate in the Province of

Nova Scotia, hereinafter called the "Town"),  
of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to construct two 4-unit townhouse dwellings in addition to the existing 4-unit townhouse dwelling on properties located at 34 Mallard Drive (PID 25499872) and 36-40 Mallard Drive (PID# 25497553).

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the \_\_\_\_<sup>th</sup> Day of \_\_\_\_\_ 2017, approved the said Development Agreement, subject to the registered Owner of the land described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule 'A' - Terms and Conditions
- (b) Schedule 'B' - Property Location Map
- (c) Schedule 'C' - Site Plan
- (d) Schedule 'D' - Building Elevation

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Lands in the Town of Amherst, hereinafter called the "Lands". The aforesaid Lands are the only lands in the Town of Amherst to which this Agreement applies, and the Lands are illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct a maximum of twelve (12) dwellings units on the said Lands, subject to Schedules A, B, C, and D attached.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property (other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.
- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

**SIGNED, SEALED AND DELIVERED**

In the presence of

**THE TOWN OF AMHERST**

David Kogon MD, Mayor

Gregory D. Herrett, CAO

**FOR THE OWNER**

Andrew Cameron

**Schedule A                      34 & 36-40 Mallard Drive - Development Agreement**

Terms and Conditions:

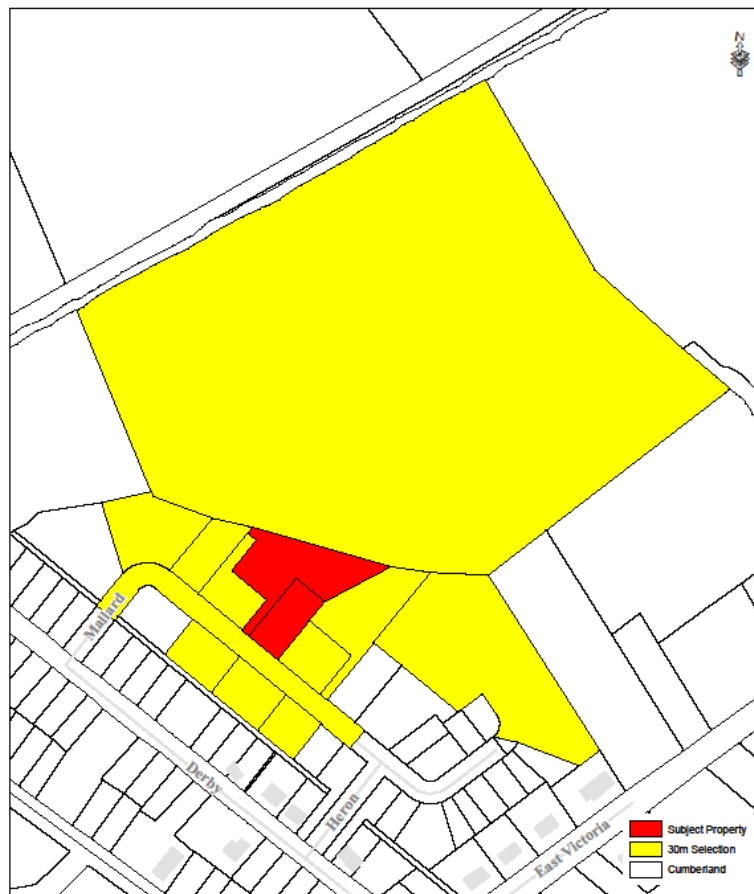
**1.0 USE OF LAND AND BUILDINGS**

- 1.1 The use of the property shall be limited to residential uses within a maximum of twelve (12) dwelling units in three detached, 4-unit townhouse dwellings in the general location shown on Schedule 'C'.
- 1.2 A minimum of one (1) parking space shall be provided for each dwelling unit on the Lands and shall be generally configured as shown on Schedule 'C'. For greater clarity, no more than four (4) parking spaces shall be permitted in the front yard of the existing townhouse dwelling that fronts directly onto Mallard Drive.
- 1.4 Accessory buildings may be permitted on the Lands in accordance with the *Town of Amherst Land Use Bylaw*.
- 1.5 The townhouse dwellings shall generally conform to the designs shown on Schedule 'D'. Variations to the architectural details may be permitted, to the satisfaction of the Development Officer.
- 1.6 The Owner shall be responsible for the installation and ongoing maintenance of a visual barrier in the locations shown as "Vegetation Barrier" on Schedule 'C'. A visual barrier shall be installed within six (6) months of receiving an Occupancy Permit, and shall be designed to have a minimum height of 1.5 metres.
- 1.7 The Owners shall be responsible for the planting and ongoing maintenance of a vegetation barrier, or four (4) juvenile trees at least 1.5 metres in height along one side of the driveway.
- 1.8 Rear decks along the northeast townhouse shall be at minimum 3 metres (10 feet) wide for each dwelling unit, measured along the length of the building.
- 1.9 The Owner shall be responsible for maintaining a screened solid waste containment area.

## 2.0 GENERAL REQUIREMENTS

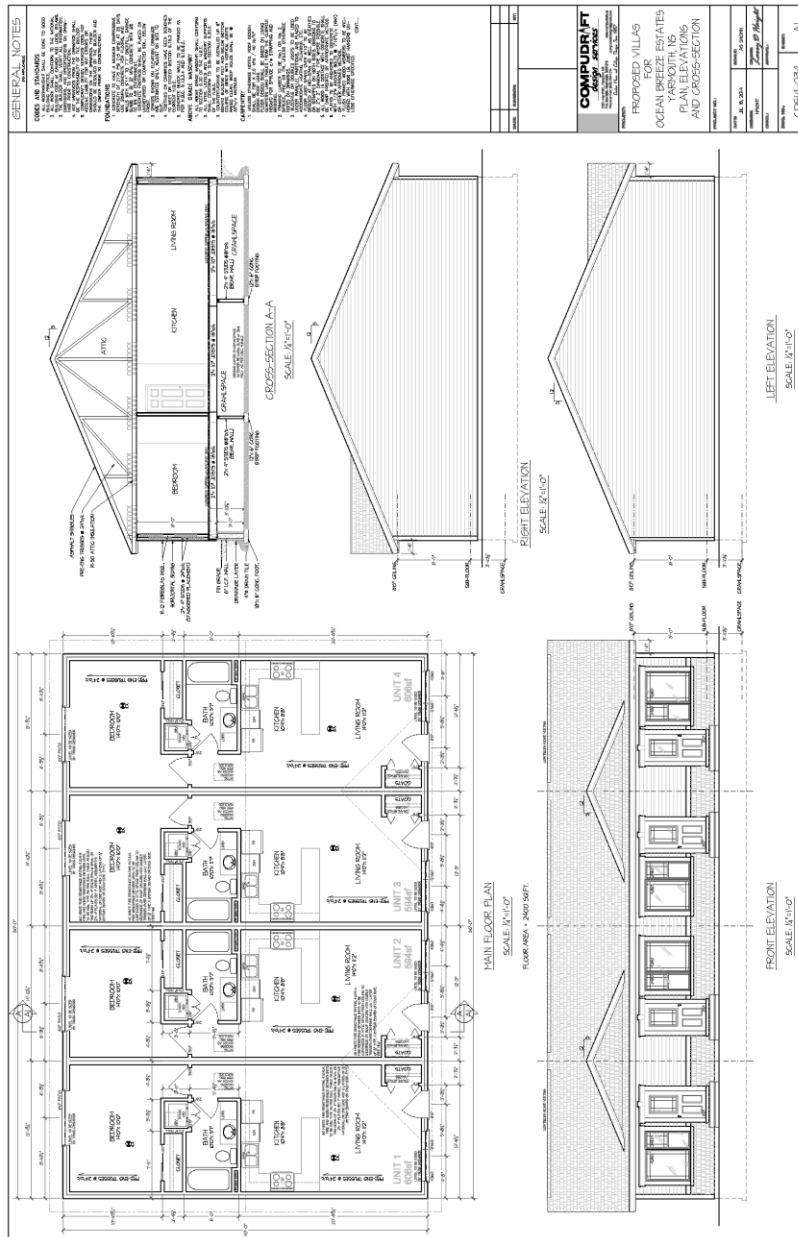
- 2.1 The Owner shall keep the Lands and buildings and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 Signage on the property shall conform to the Town of Amherst *Land Use Bylaw*.
- 2.3 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.4 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.
- 2.5 The Owner shall be responsible for storm water management during and after construction.

## SCHEDULE `B`





# SCHEDULE 'D'



## 6.4 Memorandum of Understanding with Lions Club (5029)

Moved By Councillor MacKenzie  
Seconded By Deputy Mayor Christie

That Council approve entering into the Memorandum of Understanding between the Town of Amherst and the Lions Club regarding funding for the Tennis Courts and development of the park on the site of the former West Highlands School and authorize the Mayor and CAO to sign the MOU on behalf of the Town.

Motion Carried

**Memorandum of Understanding**  
**THE TOWN OF AMHERST**  
(Hereinafter referred to as "the Town")  
**AND**  
**THE AMHERST LIONS CLUB**  
(Hereinafter referred to as "the Club")

WHEREAS it is the mutual objective of the Town of Amherst and the Amherst Lions Club to develop a park on the site of the former West Highlands School; and

WHEREAS the Town has aided and partnered with the Club in their submission to ACOA for capital funding for the park; and

WHEREAS the Town would like to construct a tennis court on the site of the park and the Club has included this Court in their overall development plans and the courts were included in the funding application to ACOA; and

Whereas ACOA has agreed to provide a grant of \$90,000 to the Club for the development of the Park; and

Whereas the Club would like to have a walking trail around the perimeter of the park as well as water and sewer services to the site of a future washroom facility / potential water play feature;

THEREFORE it is agreed that:

1. The Club will provide the Town \$65,000 in cash for the development of the tennis courts, funding for which is obtained from the ACOA grant;
2. The Town will provide and install water and sewer infrastructure to the site of the future washroom / potential water play area during the 2017 construction season (a \$10,000 in kind contribution), at no cost to the Club; and,
3. The Town will construct a walking trail around the perimeter of the Park during the 2017 construction season (a \$50,000 in kind contribution), at no cost to the Club; and,
4. The Town will manage the ACOA grant process, including submission of all documents required to satisfy the conditions of the grant.

This Memorandum of Understanding reflects an agreement between the Town of Amherst and the Amherst Lions Club.

**IN WITNESS WHEREOF** the parties have executed this Memorandum of Understanding by their duly authorized officers this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**6.5 Tennis Courts RFP (4509)**

**Moved By Councillor Rhindress**

**Seconded By Councillor MacKenzie**

**That Council accept the proposal from Maritech Construction in the amount of \$177,273 plus HST for RFP-16-17 - a new set of tennis courts to be constructed on the site of the former West Highlands School to be funded from the 2016-17 approved capital budget in the amount of \$120,000 and the remainder from the Lions Club**

**Motion Carried**

**6.6 Facility Naming in Honor of Dwight Jones (4518)**

Councillor Jones declared a potential conflict as Dwight Jones was a family member; he was excused from the Council table for the discussion of this agenda item.

**Moved By Councillor Byrne**

**Seconded By Councillor Rhindress**

**That Council officially name Field 1 of the Robb Centennial Complex the Dwight Jones Memorial Field as per Town of Amherst Naming Public Lands and Town-Owned Facilities policy, number 20000-03, and further, that the dedication for this field by Council be through an official dedication ceremony to take place during the summer of 2017**

**Motion Carried**

**6.7 Strategic Priorities Approval (4563)**

**Moved By Councillor Blanch**

**Seconded By Councillor Byrne**

**That Council formally approve the 2017 Strategic Priorities report**

**Motion Carried**

A copy of the report is attached to these minutes as "Appendix A"

**6.8 Citizen Appointment to Library Board (4131)**

**Moved By Councillor MacKenzie**

**Seconded By Councillor Byrne**

**That Joan Beswick be appointed as the Town of Amherst citizen member on the Cumberland Regional Library Board effective April 1, 2017.**

**Motion Carried**

**6.9 Citizen Appointments to Police Commission (4951)**

**Moved By Councillor Jones**

**Seconded By Councillor Blanch**

**That Council appoint the following individuals to the Amherst Board of Police Commissioners:**

- **D. A. (Sandy) Fairbanks to a two-year term ending March 31, 2019**
- **Robin Latta to a one-year term ending March 31, 2018**
- **Holly MacDonald to a one-year term ending March 31, 2018**

**Motion Carried**

**6.10 Citizen Appointments to Planning Advisory Committee (4256)**

**Moved By Councillor Blanch**

**Seconded By Councillor Rhindress**

**That Council appoint the following individuals to the Planning Advisory Committee:**

- **Ron Wilson to a three-year term ending March 31, 2020**
- **Gordon Goodwin to a two-year term ending March 31, 2019**
- **Glen Hudson to a one-year term ending March 31, 2018**

**Motion Carried**

**7. INFORMATION / DISCUSSION ITEMS**

**7.1 Col. James Layton Ralston Armoury (5153)**

Mayor Kogon explained about having toured through the Armoury with members of Council and MP Bill Casey. He said that it is possible the facility will be abandoned by the federal government, and we don't want to see that - it's of huge historical significance to Amherst.

He sent a letter to the National Minister of Defence to solicit his support (a copy is included in the agenda). He has confirmation that it has been received by Minister Sajjan, and that MP Casey will be discussing it with the Minister personally. We are being proactive in trying to keep this unique military heritage facility part of our community.

**8. INTERNAL COMMITTEE REPORTS**

**8.1 Amherst Board of Police Commissioners (5108)**

Councillor Blanch presented a report on behalf of the Amherst Board of Police Commissioners report and highlighted significant points in the report; he addressed comments and enquiries from Council.

**8.2 Amherst Youth Town Council (5109)**

Rajan McKenney Junior Deputy Mayor, presented the AYTC report, included in the agenda, and addressed comments and enquiries from Council.

**9. EXTERNAL COMMITTEE REPORTS**

**9.1 Cumberland Public Libraries (5121)**

Councillor MacKenzie presented Library Board report, included in the agenda.

**9.2 Cumberland YMCA (5122)**

Deputy Mayor Christie presented the YMCA report included in the agenda.

**9.3 Cumberland Joint Services Management Authority (5110)**

Councillor Byrne presented a report on behalf of the CJSMA. He reported that the Board agreed to defer decision on the proposed new cell development and 2017-18 budget until a report is received from staff on the cost of alternate options.

**9.4 Northern Region Solid Waste Committee (5129) (Rhindress)**

Councillor Rhindress presented the Northern Region report included in the agenda.

**10. ADJOURNMENT**

Moved By Councillor Jones  
Seconded By Councillor Blanch  
To adjourn at 8:28 PM

**Motion Carried**

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

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David Kogon, MD  
Mayor

# SYNOPSIS

## Attendance at Conferences Policy

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At the February 21, 2017 Committee of the Whole meeting, Council directed staff to develop a policy that provides guidelines for attendance of Council members at conferences. The *Municipal Government Act* authorizes a council to spend money on “the reasonable expenses incurred by the mayor or warden or a councillor for attendance at meetings and conferences, if the permission of the council is obtained prior to the meeting or conference or the attendance is in accordance with a policy of the council.”

Some but not all Nova Scotia municipalities have developed policies around Council members’ attendance at conferences. Staff researched policies from five other units to identify a best practice, and drafted the attached policy. Council reviewed the draft policy at its April 18<sup>th</sup> Committee of the Whole meeting, and recommended a couple minor changes in paragraphs 9 and 11, which have been made.

### **MOTION:**

**That Council approve the new Policy 10350-26, Council Conference Attendance and Professional Development**

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**TO:** Mayor Kogon and Members of Council

**SUBMITTED BY:** Vince Arbing, CPA, CA – Director of Finance

**DATE:** 24 April 2017

**SUBJECT:** Policy on Council Conference Attendance

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**ORIGIN:**

Motion of Committee of the Whole, February 21, 2017: “**That for national conferences, attendance be limited to three members of Council, and for provincial conferences, that Council decide the number to attend, and that staff be directed to develop a policy to this effect, once all associated costs are known**”

**LEGISLATIVE AUTHORITY:**

*MGA 65 The council may expend money required by the municipality for: (s) the reasonable expenses incurred by the mayor or warden or a councillor for attendance at meetings and conferences, if the permission of the council is obtained prior to the meeting or conference or the attendance is in accordance with a policy of the council;*

**RECOMMENDATION:**

That Council approve the new Policy 10350-26, Council Conference Attendance and Professional Development.

**BACKGROUND:**

It has been the practice that any member of Council could attend UNSM, FCM and other conferences. There has not been a policy on the matter.

**DISCUSSION:**

Council’s direction in February 2017 was to establish a policy that provides guidelines for attendance of Council members at conferences. Council has given direction to have all travel expenses made available to the public to address issues of accountability and transparency.

Some but not all Nova Scotia municipalities have developed policies around Council members’ attendance at conferences. Staff researched policies from five other units to identify a best practice, and drafted the attached policy.

Council reviewed the policy at its April 18, 2017 Committee of the Whole meeting, where a couple of minor amendments were made, in paragraphs 9 and 11.

**FINANCIAL IMPLICATIONS:**

Knowing in advance the number of Council members who will be attending conferences will help develop the appropriate budget for travel and conferences.



The 2016-17 annual budget, including monthly vehicle allowance, was \$50,500, of which \$39,149 was expensed up to mid-March 2017.

**COMMUNITY ENGAGEMENT:**

Expenses of each member of Council are made available to the community by being posted on the Town's website. Community members have the opportunity to engage directly with members of Council to discuss these expenses.

**ENVIRONMENTAL IMPLICATIONS:**

There are no environmental implications associated with this policy

**ALTERNATIVES:**

1. Approve the policy as recommended;
2. Refer the policy back to staff for further review and recommendations
3. Reject the policy

**ATTACHMENTS:**

Policy 10350-26 Council Conference Attendance and Professional Development

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Report prepared by: Vince Arbing, CPA, CA - Treasurer

Report and Financial approved by:

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DEPARTMENT: COUNCIL

TITLE: **COUNCIL CONFERENCE ATTENDANCE AND PROFESSIONAL DEVELOPMENT**

Minutes reference date:

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## **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 15<sup>th</sup> 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.
5. All members of Council will be permitted to attend the UNSM Spring Workshop when it is in the Cumberland Region.

**COUNCIL CONFERENCE ATTENDANCE AND PROFESSIONAL DEVELOPMENT**

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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**.

# SYNOPSIS

## Tender - Station Street Storm Sewer

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In the late summer of 2016 the Town was notified that our Clean Water and Waste Water Fund (CWWF) application for the \$1,650,000 Station Street Storm Sewer Separation project was approved. The total budget for this project is \$1,650,000 (75% funded by CWWF).

Since that time we have hired consultants to develop the final design and tender documents. Tenders were issued and closed on March 31, 2017 with seven bids being received:

• <b>Beale and Inch Construction Ltd.</b>	<b>\$1,295,723.80</b>
• Bowers' Construction Ltd.	\$1,304,055.00
• Cumberland Paving and Contracting	\$1,320,825.00
• Birch Hill Construction Ltd.	\$1,324,854.52
• Dexter Construction Co. Ltd.	\$1,726,010.00
• Atlantic Road Construction & Paving Limited	\$2,075,810.00
• J R Eisener Contracting Limited	\$2,250,874.15

Our consultants have reviewed the submissions for compliance and are recommending that the tender be awarded to the low compliant bidder, Beale and Inch Construction Limited. The Contractor has personnel designated to work on the project with experience working on similar projects.

As the project was not completed in the 2016-17 fiscal year, the budget for it is being carried over into the 2017-18 capital budget.

### **MOTION:**

**That Council award the tender for the Station Street Storm Water Separation Project to Beale and Inch Construction Limited in the amount of \$1,295,723.80 plus HST with funding to come from the 2016-17 approved capital budget carried over to the 2017-18 capital budget.**



**REQUEST FOR DECISION**

**RFD#**

**Date: April 24, 2017**

**TO:** Mayor Kogon and Members of Amherst Town Council

**SUBMITTED BY:** Jason MacDonald, Deputy CAO

**DATE:** April 24, 2017

**SUBJECT:** Tender - Station Street Storm Sewer

**ORIGIN:**

The Town has received approval for funding from the Clean Water and Wastewater Fund (CWWF) to assist with the costs to construct a new storm sewer line in the Station Street area in order to separate the storm sewer from the sanitary sewer system in this area. The initial estimate of the cost of this project was \$1,650,000.

**LEGISLATIVE AUTHORITY:**

Municipal Government Act Section 65 The council may expend money required by the municipality for **(ak) wastewater facilities and stormwater systems;**

**RECOMMENDATION:**

That Council award the tender for the Station Street Storm Water Separation Project to Beale and Inch Construction Limited in the amount of \$1,295,723.80 plus HST with funding to come from the 2016-17 approved capital budget carried over to the 2017-18 capital budget.

**BACKGROUND:**

In the late summer of 2016 the Town was notified that our Clean Water and Waste Water Fund (CWWF) application for the \$1,650,000 Station Street Storm Sewer Separation project was approved. Since that time we have hired consultants to develop the final design and tender documents. Tenders were issued and closed on March 31, 2017 with seven bids being received as follows:

<b>Beale and Inch Construction Ltd.</b>	<b>\$1,295,723.80</b>
Bowers' Construction Ltd.	\$1,304,055.00
Cumberland Paving and Contracting	\$1,320,825.00
Birch Hill Construction Ltd.	\$1,324,854.52
Dexter Construction Co. Ltd.	\$1,726,010.00
Atlantic Road Construction & Paving Limited	\$2,075,810.00
J R Eisener Contracting Limited	\$2,250,874.15



**DISCUSSION:**

Our consultants have reviewed the submissions for compliance and are recommending that the tender be awarded to the low compliant bidder, Beale and Inch Construction Limited. The Contractor has personnel designated to work on the project with experience working on similar projects. The Town as well as our consultant have worked with Beale and Inch Construction Ltd successfully on other projects.

**FINANCIAL IMPLICATIONS:**

The total budget for this project is \$1,650,000 (75% funded by CWWF) which includes \$95,000 for engineering services.

**COMMUNITY ENGAGEMENT:**

Community engagement has taken place in the procurement process, where tenders were solicited.

**ENVIRONMENTAL IMPLICATIONS:**

The project will have a significant environmental impact in that it will separate the storm and sanitary sewer in this area and alleviate the flooding that often occurs during heavy precipitation. Further, it will reduce the amount of storm water that is pumped through our wastewater treatment facility.

**ALTERNATIVES:**

Do not award the tender to Beale and Inch Construction Limited, change the scope of the project, and re-tender.

**ATTACHMENTS:**

N/A

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Report prepared by: Jason MacDonald, Deputy CAO

Report and Financial approved by:

# SYNOPSIS

## Purchase and Sale Agreement – New Reservoir

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In the late summer of 2016 the Town was notified that our Clean Water and Waste Water Fund (CWWF) application for the \$7,700,000 water reservoir replacement project was approved. Since that time we have hired consultants to develop the final design and tender documents. Our consultants have confirmed that the new reservoir should be constructed on property next to our existing reservoir.

At the February 27, 2017 In Camera Committee of the Whole meeting Council directed staff to negotiate with the land owner for the purchase of the property identified as PID 25387556 to for the purpose of constructing the new water reservoir. Staff have successfully reached an agreement with the property owner, Gary Vernon, to acquire the property for \$26,000.

### **MOTION:**

**That Council approve entering into an agreement of purchase and sale with Gary Vernon in the amount of \$26,000 for the property identified as PID 25387556 required for the construction of a new water reservoir, and authorize the Mayor and CAO to sign the agreement on behalf of the Town**



## REQUEST FOR DECISION

RFD# 2018001

Date: April 24, 2017

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**TO:** Mayor Kogon and Members of Amherst Town Council

**SUBMITTED BY:** Jason MacDonald, Deputy CAO

**DATE:** April 24, 2017

**SUBJECT:** Purchase and Sale Agreement – New Reservoir

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**ORIGIN:**

The Town has received funding from the Clean Water and Wastewater Fund to construct a new water reservoir to replace the aging reservoir at the top of Willow Street.

**LEGISLATIVE AUTHORITY:**

Municipal Government Act section **50 (1)** A municipality may acquire and own property granted or conveyed to the municipality either absolutely or in trust for a public or charitable purpose; Section **65** The council may expend money required by the municipality for **(x) lands and buildings required for a municipal purpose.**

**RECOMMENDATION:**

That Council approve entering into an agreement of purchase and sale with Gary Vernon in the amount of \$26,000 for the property required for the new water reservoir and authorize the Mayor and CAO to sign the agreement on behalf of the Town

**BACKGROUND:**

In the late summer of 2016 the Town was notified that our Clean Water and Waste Water Fund (CWWF) application for the \$7,700,000 water reservoir replacement project was approved. Since that time we have hired consultants to develop the final design and tender documents. Our consultants have confirmed that the new reservoir should be constructed on property next to our existing reservoir. Ironically this property was once the location of the Town's original reservoir, however, it was sold to an adjacent property owner when the existing reservoir was constructed in the 1980's.

**DISCUSSION:**

At the February 27, 2017 In Camera Committee of the Whole meeting Council directed staff to negotiate with Gary Vernon for the purchase of the property identified as PID 25387556 to for the purpose of constructing a new water reservoir. Staff have successfully reached an agreement with the property owner.

**FINANCIAL IMPLICATIONS:**

The Agreement of Purchase and Sale is in the amount of \$26,000. The acquisition of land is NOT an eligible CWWF project expense. Originally staff had recommend that the funding source for this purchase come from savings in the 'production well blow offs' capital project currently underway. However, our consultants are recommending that this cost can be accommodated within the overall project budget.



**COMMUNITY ENGAGEMENT:**

Negotiation for the potential purchase of property by the Town falls under section 22(2)(a) of the Municipal Government Act, and as such, was conducted confidentially; no community engagement was undertaken other than with the property owner.

**ENVIRONMENTAL IMPLICATIONS:**

There are no direct environmental implications to the purchase of this property. However, the location of the new reservoir in close proximity to the existing infrastructure will limit environmental impacts associated with the construction of the new facility.

**ALTERNATIVES:**

1. Direct staff to find an alternative site for the new reservoir.
2. Direct staff to commence the process to expropriate this property.

**ATTACHMENTS:**

Draft Agreement of Purchase and Sale

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Report prepared by: Jason MacDonald, Deputy CAO  
Report and Financial approved by:

**THIS AGREEMENT of Purchase and Sale** made this \_\_\_\_ day of \_\_\_\_\_, 2017.

BETWEEN:

**THE AMHERST WATER UTILITY**

Hereinafter called the Purchaser

AND

**GARY VERNON**

Hereinafter called the Vendor

**1. Property**

The Vendor agrees to sell and the Purchaser agrees to purchase from Vendor a lot of land owned by the Vendor being land located on Willow Street (PID25387556) in the Town of Amherst, County of Cumberland and Province of Nova Scotia, being the former reservoir property for the Town of Amherst, herein called the property.

**2. Purchase Price**

The purchase price of Twenty-Six Thousand Dollars (\$26,000.00).

**3. Deposit**

The Purchaser does not submit a deposit with this offer.

**4. Date of closing**

The sale shall be completed on or before the 15<sup>th</sup> day of May, 2017.

**5. Deed**

The Vendor shall convey title to the property by Warranty Deed. The Purchaser shall have until 30 days prior to the date of closing to examine the title and if valid objection is made in writing to the Vendor which the Vendor is unable or unwilling to remove, remedy or satisfy and which the Purchaser will not waive, this agreement notwithstanding any immediate acts or negotiations in respect of such objection shall be at an end and all monies theretofore paid shall be returned with the interest earned as described heretofore, and the Vendor shall not be liable for any costs or damages. Save as to any valid objection to title made by the 30 days prior to closing, the Purchaser shall be conclusively deemed to have accepted the Vendors title to the property.

## **6. Vendors Obligations**

## **7. Purchasers Obligations**

a. The completion of the purchase by the Purchaser is conditional upon the Purchaser passing a resolution approving the purchase of the property. Purchaser covenants and agrees with the Vendor as follows:

- (i) To purchase the property on an as is basis;
- (ii) To assume responsibility and to remediate any past or present environmental issues as may be determined as a consequence of any environmental assessment or inspection;
- (iii) To be responsible for all survey costs associated with the transfer of the land and the subsequent development;
- (iv) To be responsible for and pay all costs associated with the migrating the property to the land registry system, under the Land Registration Act;

b. It is agreed that there is no representation, warranty, collateral agreement or condition affecting this agreement except as expressed herein.

c. Transfer of title shall be shall be by Warranty Deed be prepared by the Purchaser's solicitor.

## **8. Notices**

All notices hereunder shall be in writing and shall be delivered either personally or by facsimile transmission, addressed to the parties as follows:

To the Vendor: Gary Vernon

To the Purchaser: The Amherst Water Utility  
P.O. Box 516  
Amherst, N.S. B4H 4A1

## **9. Time**

Time shall in all respects be of the essence hereof provided that the time for doing or completing any matter provided for herein may be extended or abridged by an agreement in writing signed by the Vendor and the Purchaser or by their respective solicitors who are hereby expressly appointed in this regard.

## **10. Tender of Money**

Any tender of documents or money hereunder may be made upon the Vendor or the Purchaser or the respective solicitors on the date of closing. Money may be tendered by bank draft or cheque certified by a Canadian chartered bank or trust company.

## **11. Telefacsimiles and Reproduction**

The Vendor and Purchaser agree that this offer to purchase when executed and the executed acceptance thereafter may be communicated by telefacsimile and that such agreement shall be legal and binding upon the parties hereto. The Vendor and Purchaser further agree that reproduction of signatures by telefacsimile will be treated as originals.

## **12. Governing Law**

This agreement shall be governed by and interpreted in accordance with the provisions of the laws of the Province of Nova Scotia.

## **13. Binding**

This agreement shall be binding upon and enure to the benefit of the Vendor and Purchaser and their respective heirs, executors, administrators, successors and assigns, except as otherwise herein provided.

## **14. Headings**

Section headings herein are for ease of reference only and shall not be considered as part for this agreement.

**THIS AGREEMENT** executed by the Purchaser this \_\_\_\_\_ day of \_\_\_\_\_, 2017,  
at Amherst, Nova Scotia.

**AMHERST WATER UTILITY**

**Per:**

\_\_\_\_\_  
David Kogon, MD  
Mayor

**Per:**

\_\_\_\_\_  
Gregory D. Herrett, CPA, CA  
Chief Administrative Officer

**THIS AGREEMENT** executed by the Vendor this \_\_\_\_\_ day of \_\_\_\_\_, 2017,  
at Amherst, Nova Scotia.

\_\_\_\_\_  
Gary Vernon

# SYNOPSIS

## Station Street Storm Sewer Easements

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In the late summer of 2016 the Town was notified that our Clean Water and Waste Water Fund (CWWF) application for the \$1,650,000 Station Street Storm Sewer Separation project was approved.

Since that time we have hired consultants to develop the final design and tender documents. Our consultants have confirmed that the new storm sewer line should be constructed over properties on Spring Street, Queen Street Extension, and Albion Street belonging to William and Margaret MacDonald and Vincent and Judith Williston. Staff have negotiated easement agreements with the property owners to allow for the new storm sewer line, which will eventually outfall into Dickey Brook, just south of these properties in Christie Park.

### **MOTION #1**

**That Council approve entering into an agreement to acquire an easement with William and Margaret MacDonald to construct, maintain, inspect and repair a sewer outfall main including all appurtenances to it, on and under the lands on Spring Street, PID 25364811 described in Schedule “A” of the easement and authorize the Mayor and CAO to sign these documents on behalf of the Town**

### **MOTION #2**

**That Council approve entering into an agreement to acquire an easement with Vincent and Judith Williston to construct, maintain, inspect and repair a sewer outfall main including all appurtenances to it, on and under the lands on Queen Street Extension and Albion Street, PID’s 25009853 and 25028481 described in Schedule “A” of the easement and authorize the Mayor and CAO to sign these documents on behalf of the Town**



## REQUEST FOR DECISION

RFD# 2018002

Date: April 24, 2017

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**TO:** Mayor Kogon and Members of Amherst Town Council

**SUBMITTED BY:** Jason MacDonald, Deputy CAO

**DATE:** April 24, 2017

**SUBJECT:** Station Street Storm Sewer Easements

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**ORIGIN:**

The Town has received funding from the Clean Water and Wastewater Fund (CWWF) to assist with the costs of a \$1,650,000 projects to construct a new storm sewer line in the Station Street area in order to separate the storm sewer from the sanitary sewer system in this area.

**LEGISLATIVE AUTHORITY:**

Municipal Government Act section **50 (1)** A municipality may acquire and own property granted or conveyed to the municipality either absolutely or in trust for a public or charitable purpose; Section **65** The council may expend money required by the municipality for **(x) lands and buildings required for a municipal purpose; (ak) wastewater facilities and stormwater systems;**.

**RECOMMENDATION:**

1. That Council approve entering into an agreement to acquire an easement with William and Margaret MacDonald to construct, maintain, inspect and repair a sewer outfall main including all appurtenances to it, on and under the lands on Spring Street, PID 25364811 described in Schedule A of the easement and authorize the Mayor and CAO to sign these agreements on behalf of the Town; and
2. That Council approve entering into an agreement to acquire an easement with Vincent and Judith Williston to construct, maintain, inspect and repair a sewer outfall main including all appurtenances to it, on and under the lands on Queen Street Extension and Albion Street, PID's 25009853 and 25028481 described in Schedule A of the easement and authorize the Mayor and CAO to sign these agreements on behalf of the Town

**BACKGROUND:**

In the late summer of 2016 the Town was notified that our Clean Water and Waste Water Fund (CWWF) application for the \$1,650,000 Station Street Storm Sewer Separation project was approved. Since that time we have hired consultants to develop the final design and tender documents. Our consultants have confirmed that the new storm sewer line should be constructed over the properties identified in the recommendation (above). The new storm sewer line will eventually outfall into Dickey Brook, just south of these properties in Christie Park.



**DISCUSSION:**

On March 20, 2017 Council gave direction to staff to acquire easements over the properties of Vincent and Gail Williston and Willie and Margaret MacDonald for the purpose of constructing a storm sewer line as part of the Station Street Sewer Separation Clean CWWF project. Easement agreements have been with reached with both property owners, with the following details:

- \$10,000 to acquire an easement over the properties of Vincent and Gail Williston, identified by PID's 25009853 and 25028481,
- \$7,500 worth of asphalt paving, without warranty, to be carried out on the property identified by PID 25364811 to Willie and Margaret MacDonald

**FINANCIAL IMPLICATIONS:**

The acquisition of land or easements is NOT an eligible CWWF project expense for cost sharing purposes; however the acquisition of these easements can be included in the project, with the Town paying 100% of the cost. The latest estimate on the project would indicate that these expenses can be accommodated within the overall project budget.

**COMMUNITY ENGAGEMENT:**

Community engagement has not taken place other than with the other parties to the easements. This qualifies for "In-Camera" under section 22(2)(a) of the Municipal Government Act.

**ENVIRONMENTAL IMPLICATIONS:**

There are no direct environmental implications to the acquisition of these easements. However, the overall project will have significant benefits to the environment, as outlined in the CWWF funding application.

**ALTERNATIVES:**

1. Direct staff to find an alternative route for the new storm sewer line;
2. Direct staff to commence the process to expropriate these easements.

**ATTACHMENTS:**

1. Agreement and Easement with William and Margaret MacDonald
2. Agreement and Easement with Vincent and Judith Williston

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Report prepared by: Jason MacDonald, Deputy CAO  
Report and Financial approved by:



**THIS EASEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**BETWEEN:**

**WILLIAM ARCHIBALD GERALD MACDONALD and MARGARET ANN MACDONALD** both of Amherst, in the County of Cumberland and Province of Nova Scotia, being the owners of the lands described in Schedule A Hereinafter called the **GRANTOR**

**OF THE ONE PART**

-and-

**THE TOWN OF AMHERST**, a municipal corporation in the County of Cumberland and Province of Nova Scotia Hereinafter called the **GRANTEE**

**OF THE OTHER PART**

**IN CONSIDERATION** of the sum of One Dollar (\$1.00) and other good and valuable consideration, now paid by the Grantee to the Grantor, receipt of which is acknowledged, the Grantor grants to the Grantee, its successors and assigns a eight (5) meter wide easement and rights:

1. To enter, construct, maintain, inspect and repair a sewer outfall main including all appurtenances to it, on and under the lands described in Schedule A, and as outlined in Schedule B, plan of survey prepared by \_\_\_\_\_, Nova Scotia Land Surveyor, dated \_\_\_\_\_; and
2. For the servants, agents, contractors and workers of the Grantee to enter with machinery, material, vehicles and equipment necessary for the use of the easement.

**THE GRANTEE** covenants:

1. To fill in all excavations and as far as practicable restore the surface to the same condition as prior to the commencement of construction or of any subsequent work to it;
2. To dispose of surplus fill from the excavation;

**IN WITNESS WHEREOF** the parties have executed this agreement the day, month and year first above written.

**SIGNED, SEALED AND DELIVERED**

in the presence of

) \_\_\_\_\_  
 ) **WILLIAM ARCHIBALD GERALD**  
 ) **MacDONALD**  
 )  
 )  
 ) \_\_\_\_\_  
 ) **MARGARET ANN MacDONALD**  
 )  
 )  
 ) **TOWN OF AMHERST**  
 )  
 ) Per: \_\_\_\_\_  
 )  
 )  
 ) Per: \_\_\_\_\_

**PROVINCE OF NOVA SCOTIA  
COUNTY OF CUMBERLAND**

I CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2017, William Archibald Gerald MacDonald and Margaret Ann MacDonald two of the parties mentioned in the foregoing and annexed indenture, signed and executed the said Indenture in my presence and I have signed as a witness to such execution.

---

A Barrister/Commissioner of the  
Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA  
COUNTY OF CUMBERLAND**

ON THIS \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, the subscriber personally came and appeared \_\_\_\_\_, a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that the Town of Amherst, one of the parties mentioned in the foregoing indenture, caused the same to be executed in its name and its official seal thereunto affixed by its duly appointed officers in his/her presence.

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A Barrister/Commissioner of the  
Supreme Court of Nova Scotia

## SCHEDULE A

**PID 25364811** **ALL** that certain lot or tract and premises lying and being in the Town of Amherst, in the County of Cumberland, and Province of Nova Scotia, bounded and described as follows: **BEGINNING** on Spring Street on the Southerly side thereof at the Northwest corner of a lot of land now owned or occupied by Alice Cormier, **THENCE** running along said last mentioned lot and a continuation of its West side line South Nine Degrees East One Hundred and Fifty-four Feet and Six Inches or to a lane or street laid out through said Moffatt property; **THENCE** running westerly along said lane fifty feet to W.R. Parker's lot, **THENCE** North Nine Degrees West One Hundred and Fifty Feet to Spring Street aforesaid, **THENCE** along said Spring Street to the place of beginning. **MGA** Compliance Statement: The parcel was created by a subdivision that predates subdivision control or planning legislation or by-laws in the municipality and therefore no subdivision approval was required for creation of this parcel.





**PROVINCE OF NOVA SCOTIA  
COUNTY OF CUMBERLAND**

I CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2017, Hilburn Vincent Williston and Judith Gail Williston, two of the parties mentioned in the foregoing and annexed indenture, signed and executed the said Indenture in my presence and I have signed as a witness to such execution.

---

A Barrister/Commissioner of the  
Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA  
COUNTY OF CUMBERLAND**

ON THIS \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, the subscriber personally came and appeared \_\_\_\_\_, a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that the Town of Amherst, one of the parties mentioned in the foregoing indenture, caused the same to be executed in its name and its official seal thereunto affixed by its duly appointed officers in his/her presence.

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A Barrister/Commissioner of the  
Supreme Court of Nova Scotia

**SCHEDULE 2A@**

**PID 25028481**

**ALL AND SINGULAR THAT CERTAIN LOT** lying and being situate on the southerly side of Queen Street Extension in the Town of Amherst, Province of Nova Scotia and being shown on a plan of survey of lands of Henry Joseph LeBlanc and Ruth Marie LeBlanc prepared by Jerry L. Borden, N.S.L.S. dated the 1st day of June, A.D. 2004, and filed at the Registry of Deeds Office for the County of Cumberland, Province of Nova Scotia, on June 2, 2004, as No. 75604901 and being more particularly described as follows:[Directions in the following are oriented to the Nova Scotia Co-ordinate Grid 3 deg. MTM Zone 5 Central Meridian 64 deg. 30 min. West Longitude]**BEGINNING** at an iron bar on the southerly boundary of Queen Street Extension, said iron bar also being the northwesterly corner of lands of Allan G. Porter and Mary I. Porter, said iron bar being S 39 deg. 05 min. 21 E sec a distance of 2087.53 feet from Nova Scotia Control Monument No. 28874;**THENCE** S 17 deg. 12 min. 51 sec. E a distance of 65.26 feet along lands of Allen G. Porter and Mary I. Porter to and iron bar on lands of Hilburn V. Williston and Judith G. Williston; **THENCE** S 71 deg. 04 min. 51 sec. W a distance of 55.75 feet along lands of Hilburn V. Williston and Judith G. Williston to an iron bar at a corner;**THENCE** S 21 deg. 03 min. 31 sec. E a distance of 59.98 feet along lands of Hilburn V. Williston and Judith G. Williston to an iron bar at a corner;**THENCE** S 67 deg. 26 min. 29 sec. W a distance of 70.00 feet along lands of Hilburn V. Williston and Judith G. Williston to a survey marker at the southeasterly corner of lands of W.B. Wells Limited (Book 623, Page 13);**THENCE** N 24 deg. 34 min. 41 sec. W a distance of 121.13 feet along lands of W.B. Wells Limited to a survey marker at the southwesterly corner of Queen Street Extension; **THENCE** N 65 deg. 00 min. 00 sec. E a distance of 90.44 feet along the southerly boundary of Queen Street Extension to a survey maker;**THENCE** N 71 deg. 41 min. 07 sec. E a distance of 47.32 feet along the southerly boundary of Queen Street Extension to an iron bar at the northwesterly corner of lands of Allan G. Porter and Mary I. Porter being the place of beginning.**SAID DESCRIBED LOT** to contain 12,840 square feet. **THE ABOVE DESCRIBED LOT** of land being and intended to be the lands described in a deed to Henry Joseph LeBlanc and Ruth Marie LeBlanc dated the 9th day of January, A.D. 1976 and recorded in the Cumberland County Registry Office in Amherst in Book 337 at Page 92.

**PID 25009853**

**ALL** that lot of land situate in Amherst in the County of Cumberland, Province of Nova Scotia, and lying on the westerly side of Albion Street and more particularly described as follows:**COMMENCING** on the westerly margin of said street at the southeasterly corner of lands formerly owned by Enamel & Heating Products Limited, now or formerly owned by Allan G. Porter and Mary I. Porter, **THENCE** running in a southeasterly direction along the various courses of the westerly margin of Albion Street, for a distance of 99.81 feet, or to the northeasterly corner of lands, at one time owned by Gilbert G. Collicutt, now or formerly owned by Sybil K. Shipley; **THENCE** running in a southwesterly direction and at right angles to said Albion Street, along the northwesterly boundary line of the said lands now or formerly owned by Sybil K. Shipley and continuing in the same direction along the northwesterly boundary line of lands now or formerly owned by the Town of Amherst, for the total distance of 246 feet more or less, or until it comes to the northeasterly boundary line of lands now or formerly owned by Canadian National Railway; **THENCE** running in a northwesterly direction along the northeasterly boundary line of the said lands now or formerly owned by Canadian National Railway line, for a distance of 30 feet more or less, or until it comes to the southwesterly corner of the said lands at one time owned by Enamel & Heating Products Limited, now or formerly owned by W. B. Wells Ltd.; **THENCE** running in a northeasterly direction along the southeasterly boundary line of the said lands now or formerly owned by W. B. Wells Ltd., for a distance of 63.38 feet, to a survey marker set at the southwesterly corner of lands now or formerly owned by Henry Joseph LeBlanc and Ruth Marie LeBlanc; **THENCE** running North 67 degrees 26 minutes 29 seconds East along a portion of the southeasterly boundary line of the said lands now or formerly owned by Henry Joseph LeBlanc and Ruth Marie LeBlanc, for a distance of 70 feet, to a found iron bar; **THENCE** running North 21 degrees 03 minutes 31 seconds West along a portion of the northeasterly boundary line of the said lands now or formerly owned by Henry Joseph LeBlanc and Ruth Marie LeBlanc, for a distance of 59.98 feet, to another found iron bar; **THENCE** running North 71 degrees 04 minutes 51 seconds East along the remaining portion of the southeasterly boundary line of the said lands now or formerly owned by Henry Joseph LeBlanc and Ruth Marie LeBlanc, for a distance of 55.75 feet, to an iron bar found whereat the southeasterly corner of the said lands now or formerly owned by Henry Joseph LeBlanc and Ruth Marie LeBlanc intersects the southwesterly corner of the said lands now or formerly owned by Allan G. Porter and Mary I. Porter; **THENCE** running in a northeasterly direction along the southeasterly boundary line of the said lands now or formerly owned by Alan G. Porter and Mary I. Porter, for a distance of 72.63 feet, to the point of beginning. **BEING AND INTENDED TO BE** the lot of land conveyed by Stephen W. Benjamin and S. Melanie Benjamin to Hilburn Vincent Williston and Judith Gail Williston, as Joint Tenants, by Warranty Deed dated the 30th day of May, 2002, and registered at the Registry of Deeds Office for the County of Cumberland, Province of Nova Scotia, on the same date, in Book 764, at Pages 270-272, as No. 1896. **TOGETHER WITH** the benefit of, and also **SUBJECT TO** the burden of a Town of Amherst sewer line easement, apparently prescriptive insofar as it crosses the said described lot of land, extending across, or near, the southwesterly corner of the said described lot of land, as shown on a Plan of the Town of Amherst filed at the Registry of Deeds Office aforesaid, on August 13, 1984, as No. P-2357, the said easement also shown on the Plan of Survey Lands of Henry Joseph LeBlanc and Ruth Marie LeBlanc prepared by Rayworth and Roberts Surveys Limited, bearing date the 1st day of June, A.D., 2004, and filed at the Registry of Deeds Office aforesaid, on June 2, 2004, as No. 75604901.

# SYNOPSIS

## Willow Street Sewer Project – PCAP Application

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One of the major projects being recommended in the 2017-18 general capital budget is replacement of a section of the sanitary sewer on Willow Street, pulverize and replace the remainder of the street and install new curbs during the project. This will renew the entire infrastructure along this portion of the arterial street.

This project fits the criteria for 50% funding under the Provincial Capital Assistance Program (PCAP). The “approval” of this project by Council is necessary to be able to finalize the application for funding. This does not however, commit Council to the full project should the application be denied. The project can be reconfigured if necessary, at Council’s direction and approval.

The value of the project is \$488,982, once the HST and rebate were accounted for. Staff are seeking Council’s approval of this project prior to approval of the entire 2017-18 capital budget so it can be included in the PCAP for 50% funding.

### **MOTION:**

**That Council approve the following resolution:**

**Whereas the Provincial Capital Assistance Program is designed to enable the Province to contribute financially towards the cost of high priority municipal infrastructure projects in order that this cost burden might be reduced to an affordable level; and**

**Whereas eligible projects include construction of sanitary sewage collection systems; and**

**Whereas components of an eligible project qualify for cost sharing under PCAP include:**

- **Engineering – cost of preparing design drawings and specifications; and**

**Whereas funding of up to 50% is available towards the cost of eligible projects;**

**Therefore be it resolved that the Council of the Town of Amherst approve the Willow Street Sanitary Sewer Replacement in the amount of \$488,982 in the 2017-18 Capital Budget and submit an application for 50% assistance through the Provincial Capital Assistance Program**

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**TO:** Mayor Kogon and Members of Council

**SUBMITTED BY:** Jason MacDonald, Deputy CAO - Operations

**DATE:** 24 April 2017

**SUBJECT:** Willow Street Sewer Project – PCAP Application

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**ORIGIN:**

2017-18 Capital Budget and the Provincial Capital Assistance Program (PCAP)

**LEGISLATIVE AUTHORITY:**

*MGA Section 65 - Council may expend money required by the municipality for: (ak) wastewater and storm water systems*

**RECOMMENDATION:**

That Council approve the 2017-18 capital budget item of \$488,982 to replace 325 meters of sanitary sewer main, street and curb on Willow Street and authorize an application to the Provincial Capital Assistance Program (PCAP) for 50% funding of the project

**CAO COMMENT:**

The “approval” of this project is necessary to be able to finalize the application for funding, as staff have indicated. This does not however, commit Council to the full project should the application be denied. The project can be reconfigured if necessary, at Council’s direction and approval.

**BACKGROUND:**

One of the major projects being recommended in the 2017-18 general capital budget is replacement of a section of the sanitary sewer on Willow Street, pulverize and replace the remainder of the street and install new curbs during the project. This will renew the entire infrastructure along this portion of the arterial street. This project fits the criteria for 50% funding under the Provincial Capital Assistance Program (PCAP); the deadline to apply was April 17, 2017 and the CAO authorized staff to go ahead and submit the application. Provincial representatives have advised that we need to submit a resolution from Council authorizing the project, but it can be submitted after the April 17<sup>th</sup> deadline.

**DISCUSSION:**

The value of the project is \$488,982, once the HST and rebate were accounted for. Staff are seeking Council’s approval of this project prior to approval of the entire 2017-18 capital budget so it can be included in the PCAP for 50% funding.

**FINANCIAL IMPLICATIONS:**

The total value of the project is \$488,982. The Town and the Province would each pay \$244,491.



**COMMUNITY ENGAGEMENT:**

No community engagement has been undertaken at this point. Our normal public procurement process will be followed, and prior to construction work taking place a public notification program will be undertaken.

**ENVIRONMENTAL IMPLICATIONS:**

Replacing the sanitary sewer main will ensure that the sewer is not leaking into the subsurface of the street in this area.

**ALTERNATIVES:**

1. Approve the project and authorize the PCAP application for 50% funding;
2. Consider the capital project with the total 2017-18 budget for the full cost of the project.

**ATTACHMENTS:**

Draft resolution

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Report prepared by: Jason MacDonald, Deputy CAO - Operations

Report and Financial approved by:

## **RESOLUTION – PCAP Application**

Whereas the Provincial Capital Assistance Program is designed to enable the Province to contribute financially towards the cost of high priority municipal infrastructure projects in order that this cost burden might be reduced to an affordable level; and

Whereas eligible projects include construction of sanitary sewage collection systems; and

Whereas components of an eligible project qualify for cost sharing under PCAP include:

- Engineering – cost of preparing design drawings and specifications; and

Whereas funding of up to 50% is available towards the cost of eligible projects;

Therefore be it resolved that the Council of the Town of Amherst approve the Willow Street Sanitary Sewer Replacement in the amount of \$488,982 in the 2017-18 Capital Budget and submit an application for 50% assistance through the Provincial Capital Assistance Program.

# **Internal Committee Report**

## **Amherst Board of Police Commissioners**

### **April 24, 2017**

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The Amherst Board of Police Commissioners held a special meeting on Wednesday, April 5<sup>th</sup> in Council Chambers. New citizen appointees to the Board, Holly MacDonald and Robin Latta were sworn in by CAO Greg Herrett, and welcomed by the Chair and Board members. The Board is now at its full complement of three citizen appointees, three Council appointees and one appointee from the Province.

The special meeting was called for the operating and capital budgets for the 2017-18 fiscal year to be presented to the Board. Chief Naylor presented an overview of the Police Department and the budget process. He reviewed the revenue and expenditures included in the operating budget and highlighted any significant amounts and/or changes.

The Chief also reviewed the capital budget items for the 2017-18 fiscal year and briefly touched on the years 2 through 10. Board Secretary Vince Arbing pointed out that years 2018-19 to 2026-2027 are for planning purposes only, that this is not the authority to spend, nor is it the final and complete listing. The Board approved a motion to forward the 2017-2018 operating and capital budgets to Council with the recommendation that they be approved as submitted.

The vigilante activity of baiting and recording suspected criminals and posting live to social media (facebook), commonly known as "creep catchers" or "monster hunters" was discussed. Chief Naylor and Deputy Chief Pike provided information on these concerns and distributed some media articles related to this issue. Board members were advised to refer any future concerns of this nature to the Department.

# Internal Committee Report

## Amherst Youth Town Council

### April 24, 2017

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The past few Council meetings the AYTC has been working very hard on planning our 150 minutes of physical activity that we are holding at the YMCA on May 27<sup>th</sup>. It will include many activities such as Zumba, a swim, ball hockey, arts and crafts, a guided painting class and yoga. We are also trying to put together a selfie scavenger hunt to hold that day as well. We've found a few student volunteers to help out.

A couple other activities/partnerships we've been working on are:

- A new partnership with the Amherst Pride Parade committee, one that we are very excited to be part of (slated to be June 3, 2017)
- We set up a Facebook page in January and have been using it to post about things going on in our town, from sports to arts, and it seems to be working. We currently have 95 followers and are working on getting more. More followers would be much more responsive.
- AYTC involvement/assistance at Amherst's Canada Day celebration in July.
- Looking into setting up study/tutor groups for students, as high school final exams are coming up soon

Back in January we set up a survey for youth in the town to fill out and tell us what opportunities Amherst youth would like to see more of. Responses are varied and include dances, cleaning up the downtown and offering more variety of activities in the summer generated towards teens. One suggestion was to improve the salting of sidewalks as walks to school were icy and quite dangerous for many students this past winter.

If there are any comments or questions relating to my monthly report I would be happy to answer them.

# **External Committee Report**

## **Cumberland Public Libraries**

### **April 24, 2017**

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#### **Public Meeting regarding Library Funding**

The Cumberland Public Library Board held their Annual General Meeting in public for the first time, in order to discuss the future of libraries in Cumberland County. Board Chair Dale Fawthrop introduced the Library Board and discussed a possible Library Foundation. Chief Librarian Denise Corey discussed how libraries in Nova Scotia are funded, presented the meeting with a tentative working budget for the 2017-18 fiscal year and announced that the Nova Scotia Provincial government had a one-time grant of \$474,003 to all Nova Scotia Public Libraries, our portion of which is \$52,667. Deputy Chief Chantelle Taylor and Youth Services Librarian Jenn Atkinson presented end of year statistics. The meeting included time for the public to ask questions and/or express opinions.

#### **Election of Officers**

The Board re-elected Mr. Fawthrop as Chair, Councillor Chase as Vice Chair, and Councillor MacKenzie as Treasurer.

#### **Library Funding Decisions**

The Board decided that due to the one time provincial grant of \$52,667 there would be no loss of hours or services for Cumberland Public Libraries in 2017-18.

#### **Statistics**

In the month of March, Cumberland Public Libraries signed out over 10,000 items, 4,232 items in Amherst alone. This includes books, movies, TV shows, magazines and more.

Also, in March the Four Fathers Library held 29 programs for children and adults, with 629 people in attendance.

7,931 people visited in the Four Fathers Library during the month of March

**Next Board meeting June 1, 2017.**



# CUMBERLAND JOINT SERVICES MANAGEMENT AUTHORITY

SOLID WASTE SERVICES

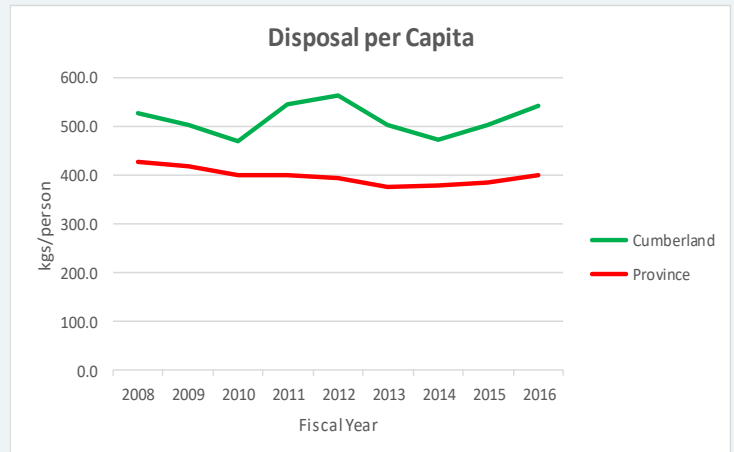
April 2017



## Solid Waste Matters

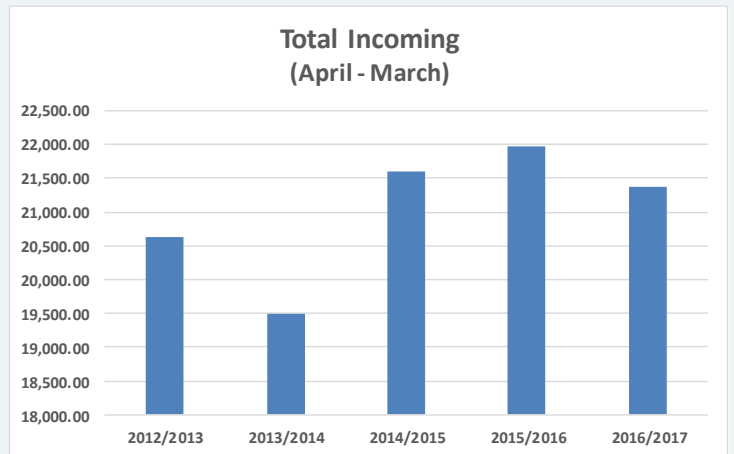
### Provincial Efficiency Study

Phase 1 of the Provincial Solid Waste Efficiency Study has been awarded to Maclaren Municipal Consulting of Ottawa. The consultant will be in Nova Scotia meeting with stakeholders during the week of April 18 – 21. Other stakeholder meetings outside of those dates will occur via conference call.



### Datacall

Information from the latest datacall submissions has been released. It shows we have the 4<sup>th</sup> highest disposal rate per person in the Province at 543 kgs/person disposed. The provincial disposal rate is 401 kgs/person. The datacall numbers will be presented and discussed at the May CJSMA Board meeting.



### Additional Recycling Storage

All sea containers (additional storage to address fire code issues) have arrived, and we are preparing the area for construction of the concrete pad once the ground is dry enough. In addition to addressing the fire code issue(s), this will provide much needed storage space for baled product accumulating due to poor market conditions.



*Your Partners in Waste Reduction*

[www.cjsma.ns.ca](http://www.cjsma.ns.ca)

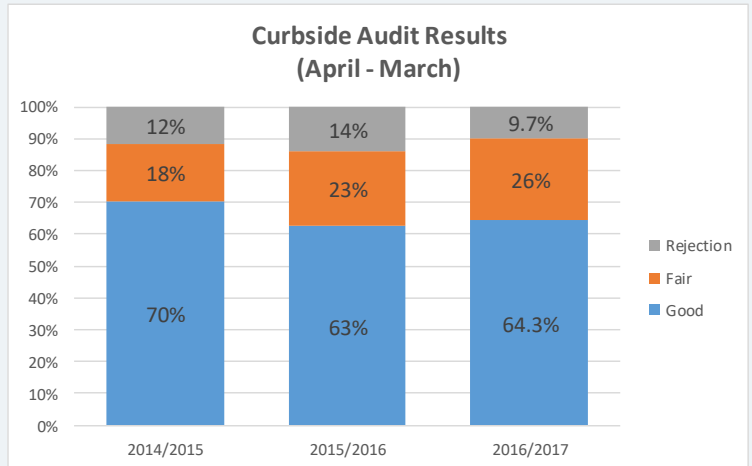
902-667-5141

[solwaste@cjsma.ns.ca](mailto:solwaste@cjsma.ns.ca)

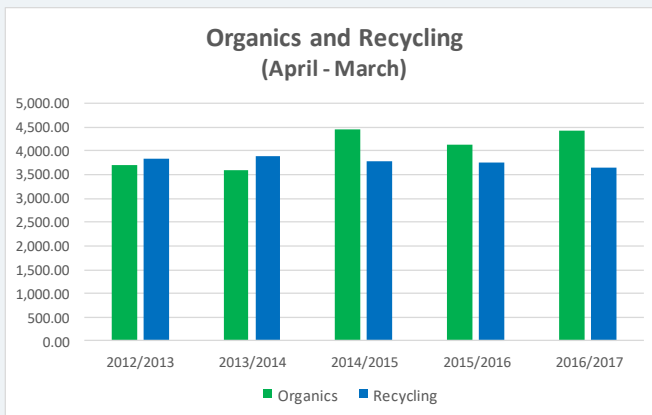


**Education**

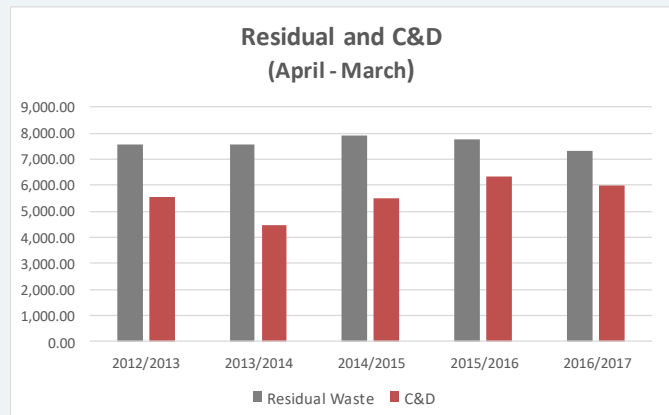
- The RFP for the collection and transportation of hazardous waste was awarded to Terrapure for a period of three years. We are in the process of scheduling events for the 2017 year.
- Compost Giveaway– staff will be holding the annual giveaway from May 8-13. Residents will be given 2 free bags of compost.
- Home Show– staff will be setting up a booth at the Home Show from April 28-30 where our focus will be promoting our mobile app.
- The annual newsletters for the municipalities are currently being worked on. This is where we promote our upcoming events and the special collections. We are hoping to have them mailed by the end of the month.
- ReCollect Stats 15 weeks: 533 Mobile App Installs; 610 Service Alerts; 1318 items searched.
- Audits were conducted on 6 schools and 16 food service establishments. Some non-compliance was found and was addressed with follow up visits from the Waste Reduction Coordinator.



**Total Diverted**



**Total Disposed**



**Upcoming Meetings**

**Solid Waste Priorities Group**  
**CJSMA Board**  
**Regional Chairs**  
**Northern Region**  
**Regional Coordinators**  
**CAO Advisory Committee**  
**Managers & Directors**

**April 18, 2017**  
**April 20, 2017**  
**April 21, 2017**  
**April 28, 2017**  
**May 3, 2017**  
**May 4, 2017**  
**June (TBT)**

**East Hants**  
**Amherst**  
**Kempton**  
**Upper Nappan**  
**Cape Breton**  
**Upper Nappan**  
**TBT**

# **External Committee Report**

## **L.A. Animal Shelter Board**

### **April 24, 2017**

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The L. A. Animal Shelter Board of Directors met on April 13, 2017.

The election of officers was held with the following results:

- President: Terri McCormick
- Vice President: Barb Bowes
- Secretary: Julien Robichaud
- Treasurer: Tammy Ross

The Board members include:

- Maryanne Jackson
- Mayor David Kogon
- Dan Rector
- Sonya Siddall
- Bonnie Maxwell Carter
- Dawn MacDonald
- Brenton Colborne
- Meagan Cormier.

# External Committee Report

## Seniors Safety Advisory Group

### April 24, 2017

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Cumberland Seniors Safety Society meeting was held March 2, 2017 at the Continuing Care, Small Board Room.

The Cumberland County Seniors Safety Program has developed and published a website [www.ccseniorsafety.ca](http://www.ccseniorsafety.ca) and also a Facebook page [ccseniorsafety](https://www.facebook.com/ccseniorsafety).

The Program has established a monthly “Senior Café” in partnership with the Cumberland Regional Libraries. The Senior Café will be the second Thursday of each month.

There was a Computer Basic training camp for an 8 to 10 week period.

Upcoming:

April/May – Safe Driving course in planning stage for Amherst and area;

Planning is beginning for the Seniors’ Celebration Day in June.