



**Town of Amherst
Regular Council Meeting
Agenda**

Date: **Monday, February 26, 2018**
Time: **7:00 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. PUBLIC HEARING	
2. CALL TO ORDER	
3. O'CANADA	
4. HEARINGS/PRESENTATIONS/PETITIONS	
4.1 Provincial Volunteer of the Year Nominations	
5. APPROVAL OF AGENDA/MINUTES	
5.1 Approval of the Agenda	
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10.	ADJOURNMENT	

TOWN OF AMHERST

Regular Council Meeting

Minutes

Date: January 22, 2018
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
Bill Schurman, Director Recreation
Greg Jones, Fire Chief
Rebecca Purdy, Executive Assistant
Natalie LeBlanc, Executive Assistant
Tom McCoag, Corporate Communications Officer
Kim Jones, HR
Sarah Wilson, Accountant

1. CALL TO ORDER

Mayor Kogon called the meeting to order at 7:00PM and introduced special guests, Youth Councillor Olivia Pulsifer and National Anthem singer Michelle LeBlanc.

2. O'CANADA

3. APPROVAL OF AGENDA/MINUTES

3.1 Approval of the Agenda

Moved By Deputy Mayor Christie
Seconded By Councillor Byrne
To approve the agenda.

Motion Carried

3.2 Approval of Minutes

Moved By Councillor Rhindress
Seconded By Councillor MacKenzie
To approve the minutes of the December 18, 2017 regular meeting of Council.

Motion Carried

4. REQUESTS FOR DECISION

4.1 Council Appointment to Tourism Committee (7213)

Moved By Councillor MacKenzie

Seconded By Councillor Blanch

That Council appoint Councillor Jones to the adhoc inter-municipal tourism committee, with Deputy Mayor Christie as the alternate member.

Motion Carried

4.2 Tender - Design East Pleasant Street (7197)

Moved By Deputy Mayor Christie

Seconded By Councillor Rhindress

That Council accept the proposal for the engineering design of the East Pleasant Street reconstruction project from EXP Consulting Engineering Services of Halifax in the amount of \$25,440 plus HST.

Motion Carried

4.3 Temporary Borrowing Resolution (7190)

Moved By Councillor Byrne

Seconded By Deputy Mayor Christie

That Council approve a Temporary Borrowing Resolution in the amount not exceeding \$1,712,500 for the following items, and it's submittal to the Department of Municipal Affairs for Ministerial approval:

East Victoria Street – water main replacement (water utility)	\$183,000
Production Well Blow Off for 2 Wells (water utility)	\$50,000
Alma Street – water main replacement (water utility)	\$50,000
Highfield Street – water main replacement (water utility)	\$50,000
Freeman Street – water main replacement (water utility)	\$30,000
Trench Box (water utility)	\$20,000
E. Victoria St. – sanitary sewer, street reconstruction, curb	\$367,000
Station Street – storm water separation	\$412,500
Fire Truck	<u>\$550,000</u>

\$ 1,712,500

Motion Carried

4.4 Council Committee Appointments (6628)

Moved By Councillor Jones

Seconded By Councillor Blanch

That the following committee appointments be further extended to February 28, 2018:

Mayor Kogon

- **Audit Committee**
- **Committee of the Whole**
- **A. Animal Shelter**
- **Regional Emergency Management Committee**

Deputy Mayor Christie

- **Audit Committee**
- **Committee of the Whole**
- **Amherst Board of Police Commissioners (October 31, 2018)**
- **Planning Advisory Committee**
- **Susan Taylor Theatre Advisory Committee**
- **VON Board of Directors**
- **YMCA Board of Directors**

Councillor Blanch

- **Audit Committee**
- **Committee of the Whole**
- **Amherst Board of Police Commissioners (October 31, 2019)**
- **Municipal Alcohol Project**
- **Tree Advisory Committee**
- **Tyndall Wellfield Advisory Committee**

Councillor Byrne

- **Committee of the Whole**
- **Cumberland Joint Services Management Authority (CJSMA)**
- **Regional Emergency Management Committee**

Councillor Jones

- **Audit Committee**
- **Committee of the Whole**
- **Amherst Board of Police Commissioners (October 31, 2019)**
- **Senior Safety Advisory Group**
- **Tyndall Wellfield Advisory Committee**

Councillor MacKenzie

- **Audit Committee**
- **Committee of the Whole**
- **Cumberland Public Libraries Board**
- **Planning Advisory Committee**
- **West Highlands Redevelopment Committee**

Councillor Rhindress

- **Audit Committee**
- **Committee of the Whole**
- **Cumberland Joint Services Management Authority**
- **Northern Region Solid Waste Committee**
- **Planning Advisory Committee**
- **West Highlands Redevelopment Committee**

Motion Carried

4.5 Cumberland Business Connector - Inter-Municipal Agreement (7211)

Moved By Councillor Blanch

Seconded By Councillor MacKenzie

That Council approve the Cumberland Business Connector Intermunicipal Agreement amendment to Section 7 Paragraph 1 to read "There shall be a Liaison and Oversight Committee, with the functions and responsibilities set out in this section and section 8 below, comprised as follows:

- the three CAOs of the Municipalities, or their designate, as voting members;**
- one person appointed by the Nova Scotia Department of Municipal Affairs, as a voting member; and**
- one person appointed by the Nova Scotia Department of Labour and Advanced Education, as a non-voting member.**

Motion Carried

4.6 Banning of Single Use Plastic Bags

Moved By Councillor Rhindress

Seconded By Councillor Blanch

That the Town of Amherst supports a province-wide ban on single-use plastic bags, provided that the ban is part of a province-wide strategy and promotional campaign to reduce the use of all single-use plastic products.

Motion Carried

5. INTERNAL COMMITTEE REPORTS

5.1 Planning Advisory Committee (7259)

Deputy Mayor Christie presented the report from the Planning Advisory Committee. This being an information item, no direction was given or action required.

5.2 Amherst Board of Police Commissioners (7258)

Councillor Blanch presented the report for the Amherst Board of Police Commissioners, noting particularly the presentation given by members of the Cumberland Integrated Street Crime Unit on their teams efforts to combat the spread of criminal activities that affect both Amherst and the entire region. In speaking further to the presentation, Chief Naylor suggested that members would be willing to give the presentation to Council.

5.3 Amherst Youth Town Council (7260)

Olivia Pulsifer presented the report from the Amherst Youth Town Council. This being an information item, no direction was given or action required.

6. EXTERNAL COMMITTEE REPORTS

6.1 Cumberland Senior Safety Society (7265)

Councillor Jones presented the report for the Cumberland Senior Safety Society. As this was an information item, no direction was given or action required.

6.2 Cumberland YMCA (7266)

Deputy Mayor Christie presented the report for the Cumberland YMCA. She indicated that YMCA Community Support Co-ordinator Alison Laird contacted her about the possibility of doing a presentation on her work with homelessness in the area. Council agreed they would like to have a presentation.

6.3 Cumberland Joint Services Management Authority (7267)

Councillor Byrne presented the report for the Cumberland Joint Services Management Authority. As this was an information item, no direction was given or action required.

6.4 Northern Region Solid Waste Committee (7272)

No report given.

6.5 L. A. Animal Shelter (7257)

Mayor Kogon presented the report for the L.A. Animal Shelter. As this was an information item, no direction was given or action required.

7. **ADJOURNMENT**
Moved By Councillor Rhindress
Seconded By Councillor Jones
To adjourn the meeting at 7:30PM.

Motion Carried

Following the meeting, long-time employee Rebecca Purdy, Executive Assistant to Mayor, Council and the CAO was recognized for her 24 years of dedicated service to the Town of Amherst, and congratulated on her upcoming retirement. Mayor Kogon presented her with a plaque, while the CAO presented her with flowers.

Gregory D. Herrett, CPA, CA
Town Clerk and CAO;

David Kogon
Mayor

Synopsis

Amendment to the Solid Waste Bylaw

Historically the partnering municipal units in the Cumberland Joint Services Management Authority have utilized a single stream recycling program - in fact we are the only area in Nova Scotia that does not utilize a dual stream system. With the destruction of the recycling facility at CJSMA Little Forks site, all participating units are being requested to move to a two-stream recycling system so our recycling materials can be processed at other processing sites in Nova Scotia while the new recycling facility is being designed and constructed. Once our new recycling facility is constructed, two stream recycling will also improve our efficiency at the sorting site and improve the marketability of our sorted recycling materials.

In order to enact a two-stream recycling system, amendments to the Solid Waste Bylaw are required.

MOTION :

That Council approve second reading of the Bylaw to Amend the Solid Waste Bylaw to facilitate the implementation of a two-stream recycling system



REQUEST FOR DECISION

RFD# 2018053

Date: February 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council
SUBMITTED BY: Jason MacDonald, Deputy CAO
DATE: February 26, 2018
SUBJECT: Dual Stream Recycling Collection Solid Waste Bylaw Amendments

ORIGIN:

Motion of Council, November 27, 2017 That Council accept the staff and CJSMA recommendation and give approval in principle to a conversion to dual stream recycling collection and that this approval in principle be communicated to the CJSMA, the Town of Oxford and the County of Cumberland; and further, that Council direct staff to incorporate a dual stream option in the procurement documents currently being prepared for the upcoming tender call for residential solid waste collection; and further, that Council direct staff to draft a bylaw to amend the Solid Waste Bylaw D-20 to reflect this change for the consideration of Council; and finally, that Council request the CJSMA to hold and host a public information session, in Amherst, on this topic before the final decision (second reading) on the bylaw amendment is considered by Council.

LEGISLATIVE AUTHORITY:

Municipal Government Act Section 172 (1) A council may make by-laws, for municipal purposes, respecting (k) services provided by, or on behalf of, the municipality.

RECOMMENDATION:

That Council approve second reading of the Bylaw to Amend the Solid Waste Bylaw

DISCUSSION:

Historically the partnering municipal units in the CJSMA have utilized a single stream recycling program - we are the only area in Nova Scotia that does not utilize a dual stream system. With the destruction of the recycling facility at the Cumberland Joint Services Management Authority Little Forks site, all participating units are being requested to move to a dual stream recycling system so our recycling materials can be processed at other processing sites in Nova Scotia. Once our new recycling facility is constructed, dual stream recycling will also improve our efficiency at the sorting site and improve the marketability of our sorted recycling materials.

In order to enact a dual stream recycling system, amendments to the Solid Waste Bylaw are required. Such amendments are detailed in the attached bylaw.

The collection of dual stream recycling is being dealt with through the current process of developing a request for proposals for our new residential solid waste collection contract.



In addition to the changes to the residential sector, the Industrial, Commercial and Institutional (ICI) sector will also have to convert to two stream recycling. This will result in additional sorting and storage requirements for these businesses. As always when changes to our system are implemented, an educational period will be conducted prior to strict enforcement.

FINANCIAL IMPLICATIONS:

It is expected that a dual stream recycling system will save money in the form of reduced sorting being required at the recycling facility. The dual stream system could also improve the marketability of our recyclables through reduced contamination.

The cost of residential collection of a dual stream system to a single stream system is not known but is not expected to be significant. We have included this change in service in our draft RFP for residential collection services and will have solid numbers when those responses are received.

COMMUNITY ENGAGEMENT:

Staff of the CJSMA are preparing a public information session on the dual stream recycling topic in the new year.

ENVIRONMENTAL IMPLICATIONS:

Dual stream recycling reduces contamination at the source of the material and therefore improves the actual recycling rate of the material at the sorting site.

ALTERNATIVES:

1. Do not move to a dual stream recycling system and continue to pay the additional costs of having the material sorted at the recycling facility.

ATTACHMENTS:

Bylaw to Amend the Solid Waste Bylaw
Solid Waste Bylaw with amendments highlighted

Report prepared by: Jason MacDonald, Deputy CAO, Operations

Report and Financial approved by:

Bylaw to Amend the Solid Waste Bylaw, D-20

1. This is a Bylaw to Amend the Town of Amherst Solid Waste Bylaw, number D-20, approved by Council on April 26, 2011.

2. The Town of Amherst Solid Waste Bylaw is hereby amended as follows:

a. Under the heading “**Definitions**” by adding the following definition as 2 (10) and renumbering the subsequent paragraphs:

“container recyclables” means redeemable beverage containers, steel, tin or aluminum food containers and cans, glass food containers, jars and bottles, low density polyethylene bags and packaging, high density bags, containers and packaging, polycoat containers for milk, milk products, soya milk, concentrates or other liquids or powders, and any such other items as may, from time to time, be identified in public education documents distributed by the Town of Amherst or CJSMA as suitable for municipal container recyclables collection;

And by adding the following definition as 2 (18) and renumbering subsequent paragraphs:

“fibre recyclables” means corrugated cardboard, newsprint, catalogues, bond paper, glossy flyers and magazines, paper egg cartons, boxboard, computer paper, telephone and other soft cover books, and any such other items as may, from time to time, be identified in public education documents distributed by the Town of Amherst or CJSMA as suitable for municipal fibre recyclables collection.

Deleting the definition “recyclable material” at paragraph 2. (28).

b. Under the heading **Source Separation**, by removing “(2) recyclable materials” and replacing it with “(2) (i) container recyclable materials” and “(ii) fibre recyclable materials”

c. Under the heading **Solid Waste Collection**, paragraph 6 (4) becomes 6(4)(i) and the first word “general” is replaced with the word “container” and the last sentence, “Not more than six such bags or bundles per dwelling unit shall be placed for collection on any one collection date.” is deleted; a new sub-paragraph 6 (4)(ii) is added: “paper recyclable materials shall be placed for collection in securely tied, transparent plastic disposable water-proof bags of a dimension no smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag;” and a new sub-paragraph 6(4)(iii) is added: Not more than six [6] such bags or bundles per dwelling unit shall be placed for collection on any one collection date.”

- d. In the **INDUSTRIAL COMMERCIAL AND INSTITUTIONAL SECTOR (ICI)** section, under the heading **Industrial, Commercial, Institutional Solid Waste Disposal**, paragraph 10 (3)(i), by replacing the words “recyclable materials” with the words “container recyclable materials and fibre recyclable materials”; paragraph 10 (4)(i) replace the words “and recyclable materials” with the words “container recyclable material and fibre recyclable material”.

In the same section, under the heading **Commercial Containers**, paragraph 11 (1)(v) add the word “CONTAINER” before the word “RECYCLABLES” and add the word “container” before the word “recyclables”; and by adding an additional sentence, “has displayed thereon the following message “FIBRE RECYCLABLES” where fibre recyclables are to be deposited in the commercial container.”

Town of Amherst Solid Waste By-Law

1. This By-Law is entitled the “Town of Amherst Solid Waste By-Law” and is developed in accordance with *the Municipal Government Act 1998, Chapter 18, Section 325.*

Definitions

2. In this By-Law:

- (1) “**backyard composting**” means composting at a residential premise of organic solid waste comprised of yard waste and food scraps and spoiled or waste food or foodstuff excluding meat, fish, eggs or dairy products where:
 - (i) the waste is generated by the residents of the residential premise;
 - (ii) the annual production of compost on any property lot does not exceed 2 cubic metres;
 - (iii) the composter or compost pile is not located within 15 metres of any window or door of a structure on an adjacent property;
- (2) “**biomedical waste**” means and is limited to carcasses of animals exposed to pathogens, disease waste, cultures and stocks, human blood and blood products, pathological waste, sharps waste, and other waste determined to be infectious;
- (3) “**CJSMA**” means the Cumberland Joint Services Management Authority or its successors who manage the operation of the Little Forks Landfill at Cumberland County;
- (4) “**collector**” means any person or corporation collecting solid waste in the Town for gain or profit licensed in accordance with section 7 of this by-law;
- (5) “**collector license**” means a license to transport solid waste generated within the town of Amherst and issued by the Solid Waste Manager.
- (6) “**commercial container**” means any container used for the storage of solid waste or any container used for the storage of organic materials or recyclable materials originating from industrial, commercial, or institutional premises on properties located in the Town of Amherst for collection by a hauler;
- (7) “**compostables / organics**” means food scraps and spoiled or waste food or foodstuff including vegetable peelings, meat, fish, eggs, bones, waste food products, soiled and wet paper and soiled paper products such as table napkins, paper towels, pizza boxes, wet ashes, leaves and yard waste, together with such other organic materials as may, from time to time, be identified in public education documents suitable for municipal collection in compost bins;

- (8) “**compost bin**” means a wheeled aerated cart designed to be emptied by hydraulic lifting devices for the storage and municipal collection of compostables made available by or through the Town for that purpose;
- (9) “**composting**” means the nuisance-free biological decomposition of organic materials, substances or objects under controlled circumstances to a condition sufficiently stable for nuisance-free and safe storage and use in land applications;
- (10) “**container recyclables**” means redeemable beverage containers, steel, tin or aluminum food containers and cans, glass food containers, jars and bottles, low density polyethylene bags and packaging, high density bags, containers and packaging, polycoat containers for milk, milk products, soya milk, concentrates or other liquids or powders, and any such other items as may, from time to time, be identified in public education documents distributed by the Town of Amherst or CJSMA as suitable for municipal container recyclables collection;
- (11) “**construction, demolition and renovation debris**” means materials which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material and includes, but is not limited to, soil, asphalt, brick, mortar, drywall, plaster, cellulose, fiberglass fibers, gyproc, lumber, wood, asphalt shingles, and metals and such other materials as may be permitted from time to time by regulations of the Province of Nova Scotia for disposal at a disposal site for construction, demolition and renovation debris;
- (12) “**contaminated soil**” means soil which
- (i. has been contaminated with and contains in excess of 2,000 parts per million of total petroleum hydrocarbons; or
 - (ii. Has been removed from a site because of actual or suspected contamination pursuant to a requirement or order of the Nova Scotia Department of Environment;
- (13) “**contamination**” generally refers to any item which is not acceptable in any given source-separated stream according to the definition of that stream. In the case of recyclable materials, contamination also refers to recyclable items which may be soiled or dirty, which renders such items non-recyclable;
- (14) “**Council**” means the council for the Town of Amherst;
- (15) “**curb**” means that portion of the public street right-of-way between the traveled portion of the street and the property line which parallels the street center line;
- (16) “**Cumberland Central Landfill**” means the solid waste processing and disposal complex at Little Forks which includes a sanitary landfill, a recycling plant, a compost processing facility, leachate treatment facility, leaf and yard waste area, contaminated soils area, a metal salvage area, and a demolition debris disposal site;

- (17) **“Enforcement Officer”** means the person appointed by the Town to be the Enforcement Officer or their designate;
- (18) **“fibre recyclables”** means corrugated cardboard, newsprint, catalogues, bond paper, glossy flyers and magazines, paper egg cartons, boxboard, computer paper, telephone and other soft cover books, and any such other items as may, from time to time, be identified in public education documents distributed by the Town of Amherst or CJSMA as suitable for municipal fibre recyclables collection.
- (19) **“hazardous waste”** means waste that may be harmful to humans, animals, plant life or natural resources including, but not restricted to, industrial chemicals, toxic, flammable, corrosive, radioactive, reactive, pathological and PCB waste, oil, gasoline, paint solvent, wood preservatives, ink, battery acid, pesticides and insecticides;
- (20) **“hospital and pharmaceutical waste”** means waste generated at hospitals, clinics, pharmacies, veterinary clinics, dentist offices and includes used needles, drugs, dressings, excluding pathological waste;
- (21) **“householder”** means owner, occupant, lessee, tenant or other person in charge of a dwelling, mobile home, hotel, restaurant, apartment unit, office building, public institution or other building or property, and includes the person assessed for the building pursuant to the Assessment Act, R.S.N.S. 1989, c.23;
- (22) **“ICI Sector”** means motel, restaurant, office building, public institution, manufacturing plant, retail sales outlet or any other premise not a residential premises as defined by this by-law;
- (23) **“owner”** means:
- (i. a part owner, joint owner, tenant in common or joint tenant of the whole or any part of the land or a building;
 - (ii. In the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; or
 - (iii. In the absence of proof to the contrary, the person assessed for the property;
- (24) **“pathological waste”** means any part of the human body excepting hair, nail clippings and the like, any part of a dead animal infected with a communicable disease, and non-anatomical waste infected with a communicable disease;
- (25) **“premise”** means any building or property in the Town;
- (26) **“public education documents”** includes newspaper or radio advertisements, newsletters, pamphlets, flyers or other material circulated by mail or delivery by or for the Town, CJSMA, the Nova Scotia Department of Environment or the Nova Scotia Resource Recovery Board;

- (27) **“reactive waste”** means a waste that reacts violently with water or is readily capable of detonation or explosive reaction including calcium carbide;
- (28) ~~**“recyclable material”** means corrugated cardboard, newsprint, bond paper, glossy flyers and magazines, egg cartons, box board, computer paper and redeemable beverage containers, steel, tin or aluminum food containers or cans, glass food containers, jars and bottles, low density polyethylene bags and packaging, high density bags, containers and packaging, polycoat containers for milk, milk products, soya milk, concentrates or other liquids or powders, tetrapacks and any such other items as may, from time to time, be identified in public education documents distributed by the Town or CJSMA as suitable for municipal general recyclable material collection;~~
- (29) **“redeemable beverage container”** means a container of less than 5 litres which contains or has contained a beverage and was sealed by the manufacturer after the beverage was placed in it, other than a container for milk, mild products, soya milk or concentrates;
- (30) **“residential premises”** included single family dwellings, duplexes and apartment buildings with three dwelling units or less, but does not include a motel, hotel or inn;
- (31) **“residential solid waste”** includes compostables, recyclable materials and residual garbage generated at a residential premise;
- (32) **“residual waste”** means waste other than:
- (i. recyclable material;
 - (ii. compostables;
 - (iii. construction, demolition and renovation debris, pathological waste, reactive waste, septic waste, hospital and pharmaceutical waste, contaminated soils, friable asbestos, leaf and yard waste, sharps waste, white goods, or other material identified in this by-law as to be placed for collection only upon special collection dates;
 - (iv. notwithstanding subparagraphs (i and (ii hereof, residual waste may include compostables or recyclable materials to the extent separation of compostable and recyclable material was not reasonably possible for the waste generator because of the fusing or bonding together of materials in the state in which the waste generator received them or because of the reasonable cross-contamination of materials in the ordinary course of use by the waste generator if such contamination was unavoidable by the exercise of due diligence by the waste generator;
- (33) **“scrap metal / white goods”** includes items such as washers, dryers, dishwashers, stoves and refrigerators;

- (34) **“septic waste”** means the liquid and solid material removed from septic tanks, sewage treatment plants, and manholes, cesspools, privies and portable toilets;
- (35) **“sharps waste”** means hypodermic needles, syringes with needles attached, IV tubing with needles attached, dental scalers, scalpel blades and lancets that have been removed from the original sterile package;
- (36) **“solid waste”** includes recyclable material, compostables, and residual waste, construction, demolition and renovation debris, leaf and yard waste, contaminated soils and any other waste or discarded tangible personal property;
- (37) **“Solid Waste Manager”** means the Solid Waste Manager of the CJSMA;
- (38) **“stream”** means waste of the same kind being:
 - (i. compostables;
 - (ii. Recyclable material;
 - (iii. Residual waste;
 - (iv. Construction and demolition debris;
 - (v. contaminated soil;
 - (vi. solid waste of any type which is not acceptable at a municipal solid waste management facility; or
 - (vii. solid waste of any type which is only accepted on the occasion of special collections, or by contract, or by express approval in advance of the operator of a municipal solid waste management facility;
- (39) **“Town”** means the Town of Amherst;
- (40) **“unacceptable materials”** shall be defined as materials not accepted for disposal at the Cumberland Central Landfill, this includes but is not limited to biomedical waste and household hazardous waste;
- (41) **“yard and leaf waste”** means vegetative matter resulting from gardening, horticulture or landscaping, including materials such as tree and shrub trimmings, plant remains, grass clippings, leaves, trees and stumps, but excludes construction and demolition debris or contaminated organic matter.

Source Separation

- 3. Owners and occupants of property in the Town shall separate solid waste at the time of generation, and provide storage, placement for collection and disposal into uncontaminated separate solid waste streams as follows:
 - (1) compostables;
 - (2) **(i. container** recyclable materials;
(ii. fibre recyclable materials;
 - (3) residual waste;
 - (4) construction, demolition and renovation debris;

- (5) contaminated soil;
- (6) solid waste of any type which is not accepted at a municipal solid waste management facility, each such type in its own stream; and
- (7) solid waste of any type which is only accepted on the occasion of special collections, or by contract or by express approval in advance of the operator of a municipal solid waste management facility, each such type in its own stream.

RESIDENTIAL SECTOR

Residential Solid Waste Disposal

- 4. Except for the placement of solid waste for collection in accordance with this by-law, no person shall deposit, cause to be deposited or permit to be deposited solid waste at any place in the Town provided, however, that:
 - (1) backyard composting carried out in such manner as not to constitute a nuisance is permissible;
 - (2) no person shall place, cause to be placed for collection any solid waste that is not separated as required by Section 3 of this by-law or which is falsely or misleadingly presented or packaged as solid waste of a particular kind, type, stream or place of origin or which is concealed within or intermingled with solid waste of another kind, type, stream or place of origin;
 - (3) no householder in the Town shall permit the accumulation of solid waste in or around the property to the extent that it is or is likely to become a nuisance, unsightly or a hazard to public health;
 - (4) subject to statutes, regulations or laws of the Province of Nova Scotia or Canada to the contrary, the unconcentrated disposal of waste trees, brush or portions thereof or other organic farm or forestry waste by decay on forest or farm land is permitted; and
 - (5) subject to statutes, regulations or laws of the Province of Nova Scotia or Canada or other by-laws of the Town to the contrary, the nuisance-free disposal of aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill is permitted.

Municipal Residential Collection

- 5. Council may, by resolution, provide for municipal collection of solid waste by a contractor in some or all areas of the Town and, for greater certainty and without limiting Council's discretion to use different collection classifications, Council may limit collection to particular types of solid waste to properties containing not more than a specified number of residential households, and/or to commercial solid waste generators of a particular type or size or generating not more than a specified volume of solid waste, and may provide different collection services for any different class of waste generator.

Solid Waste Collection

6. Except to the extent authorized by contract with the Town or by public education documents distributed from time to time, including but not restricted to public education documents or notices published in connection with special collection days, persons placing solid waste for collection shall comply with the following:
- (1) the frequency and schedule of collection of residual residential solid waste within the Town shall be determined by resolution of Council;
 - (2) all solid waste shall be placed for collection within three meters of the curb, placed in such a manner as to interfere as little as possible with pedestrian traffic and snow removal;
 - (3) residual waste shall be placed for collection in securely tied, transparent, colourless, plastic disposable water-proof bags of a dimension not smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag and not more than six [6] such bags per dwelling unit shall be placed for collection on any one collection day;
 - (4) ~~general~~ **(i. container** recyclable materials shall be placed for collection in securely tied, transparent plastic disposable water-proof bags of a dimension no smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag. ~~Not more than six such bags or bundles per dwelling unit shall be placed for collection on any one collection date;~~
 - (ii. paper recyclable materials shall be placed for collection in securely tied, transparent plastic disposable water-proof bags of a dimension no smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag.**
 - (iii. Not more than six such bags or bundles per dwelling unit shall be placed for collection on any one collection date.**
 - (5) the collection of organic materials (compostables) shall be subject to the following conditions or such further conditions as the Town may establish by resolution:
 - (i. each residential premises shall have a compost bin as approved by the Town in which organics are to be placed for collection;
 - (ii. the compost bins are the property of the Town. The owner of the residential premises shall be responsible to ensure that such bins are kept secure on their premises and are kept in good repair;
 - (iii. storage of food scraps and spoiled or waste food or foodstuff, except as disposed of by backyard composting, shall be removed from every property by the occupant no less than once every two weeks and disposed of according to this by-law;

- (iv. leaf and yard waste placed for collection shall, in the case of leaves, be placed in compostable/paper bags of a dimension no smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag and not more than 10 such bags per residential premise shall be placed for collection on any one collection day. Brush and tree branches shall not exceed 1.5 m in length or 25 kg in weight and individual limbs shall have a diameter not exceeding 5 cm in diameter;
- (6) bulky items placed for special collection shall not exceed 50 kg in weight for any one item or 150 kg for all items for any one residential premise on any one special collection date and no individual item shall measure greater than 2.0 meters in any dimension;
- (7) except to the extent authorized by contract with the Town or by public education documents distributed from time to time, no person shall place for collection:
- (i. hazardous waste
 - (ii. hospital and pharmaceutical waste
 - (iii. pathological waste
 - (iv. asbestos
 - (v. septic waste
 - (vi. hot or dry ashes
 - (vii. dead animals
 - (viii. industrial waste, including non-residential farm, forestry or fishing waste
 - (ix. tires
 - (x. waste generated outside the Town
 - (xi. other materials or solid waste as may be identified as unacceptable for collection in public education documents distributed from time to time;
- (8) Scavenging
- (i. no person shall pick over, interfere with, disturb, remove or scatter any waste or bundled article placed out for collection, whether in a concealed container or otherwise;
 - (ii. no person shall permit or suffer any animal owned or harboured by him or under his control to pick over, interfere, disturb, eat, remove or scatter any waste placed out for roadside collection;

- (iii. except as authorized by the Town, no person shall remove recyclable material or other solid waste placed or apparently placed for municipal collection by waste generators, owners or occupants and all recyclable materials are the property of the Town from the moment of placement for municipal collection. Nothing in this section relieves an owner or occupant from the duties set out in subsection [(12)] of section [6];
 - (iv. this section does not apply to the person who placed the waste material for collection or to the Town, its contractors or authorized Town collection contractors;
- (9) no person shall place solid waste for collection on a property other than solid waste generated on that property;
 - (10) no person shall place waste from premises other than residential premises on municipal property for collection or other reason without written permission from the Town;
 - (11) waste refrigerators and freezers shall either be stored inside or enclosed, locked child-proof building or shall have their doors removed from the appliance;
 - (12) solid waste containers, compost carts, uncollected waste and any waste scattered by animals, pests or weather shall be removed by the householder from the place where such solid waste was placed for collection not later than midnight on the day of collection.
7. Only the contractor hired by the Town is permitted to regularly collect solid waste from residential premises in Amherst.

Special Collections

- 8. Council may, by resolution, provide for special municipal solid waste collections on an occasional basis or may provide for municipal collection from a drop-off site, of particular types of solid waste, such as discarded Christmas trees, bulky items not eligible for regular municipal collection, household hazardous waste or other specified solid waste, and may limit such special collection in particular areas of the Town, to properties containing not more than a specified number of residential households and/or to commercial solid waste generators of a particular type or size or generating not more than a specified volume of solid waste.

Solid Waste Containers

- 9. The owner and occupant of every property in the Town shall provide sufficient and adequate receptacles or containers for solid waste which may accumulate from time to time on the property, and, without limiting the generality of the foregoing:
 - (1) food scraps and spoiled or waste food shall be stored in compost bins or in other receptacles or containers that are water-proof, impervious to domestic and wild animals and rodents and which are designed to avoid the entrapment of children;

- (2) compost bins or other receptacles or containers used for storage of food scraps and spoiled or waste food shall not be placed or kept within 2 meters of a window or door situated on an abutting or adjacent property;
- (3) recyclable material and residual garbage shall be stored inside buildings or in receptacles or containers that are water-proof, impervious to domestic and wild animals and rodents, and which are designed to avoid the entrapment of children.

INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL SECTOR (ICI)

Industrial, commercial, Institutional Solid Waste Disposal

- 10. (1) Owners and occupants of properties in the ICI Sector which generate the following waste shall, either personally or by employees, contractors or agents and in compliance with all applicable federal, provincial and municipal laws, remove and dispose of such waste:
 - (i) all solid waste generated by industrial, commercial or institutional premises, facility or operation;
 - (ii) all solid waste resulting from construction of any kind, including renovation or repair;
 - (iii) all solid waste resulting from the demolition of a building or structure.
- (2) The Town, by contract with solid waste generators in the ICI Sector, may provide collection of solid waste and may, in such contract, vary any of the limitations or restrictions applicable to general municipal collection as set out herein.
- (3) The property owner of an industrial, commercial or institutional property shall ensure that:
 - (i) adequate space is provided on the property to accommodate containers for the collection of source-separated residual waste, organic materials, **container** recyclable materials **and fibre recyclable materials** generated at the property;
 - (ii) where food is consumed on site, receptacles must be present to accommodate the collection and separation of residual waste, organic material, and recyclable materials for people disposing of such material;
 - (iii) signage clearly defined for the sorting of recyclables, organic materials and residual waste is to be located within three [3] meters of the commercial container(s);
 - (iv) where industrial, commercial or institutional properties have a chute, signage is required to be posted on every floor where access to a chute is provided to instruct tenants to the location of commercial containers for residual waste, recyclables, and organic materials.

- (4) The occupant of an industrial, commercial or institutional property shall:
- (i) source separate all waste generated in the occupant's unit or portion of the building at the point of generation into residual waste, organic material, **and container** recyclable material **and fibre recyclable material**, so as to comply with the disposal bans and to facilitate their recycling, composting or disposal in accordance with the Town's waste resource management system;
 - (ii) place for collection source separated material in containers in accordance with Section 11 at the storage areas on the property as designated by the property owner;
 - (iii) place all residual waste in securely tied, transparent, colourless plastic disposable water-proof bags of a dimension not smaller than 60cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag;
 - (iv) where food is consumed on site, clearly label bags of solid waste generated and sorted by consumers of food with identifying labels or markers provided by the Solid Waste Manager for this purpose. This provision does not relieve the occupant of the requirement to source separate waste generated or handled by employees on site.

Commercial Containers

11. (1) Any person who makes use of a commercial container for the temporary storage of waste shall ensure that such commercial container:
- (i) is sturdily constructed of weather-proof and animal-proof material, and is capable of containing the material deposited within;
 - (ii) has displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;
 - (iii) has displayed thereon the following message "GARBAGE" or "WASTE" where residual waste is to be deposited in the commercial container;
 - (iv) has displayed thereon the following message "ORGANICS" where organic materials are to be deposited in the commercial container;
 - (v) has displayed thereon the following message "**CONTAINER** RECYCLABLES" where **container** recyclables are to be deposited in the commercial container;
- has displayed thereon the following message "**FIBRE** RECYCLABLES" where **fibre** recyclables are to be deposited in the commercial container

- (vi) where it is not possible to display the appropriate message as outlined in this subsection directly on the commercial container, then appropriate signage shall be posted within three [3] meters of the commercial containers with the message indicating the materials to be deposited therein, and
- (vii) any message required by this section shall use lettering not less than 10 centimeters in height and 4 centimeters in width;
- (viii) is equipped with a lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded;
- (ix) is cleaned regularly and periodically, as necessary to avoid the build-up of odours;
- (x) where tenants are required to place materials in the container, the container shall be designed and situated to be reasonably accessible for this purpose.

(2) The owner of any premises on which a commercial container is placed shall ensure that:

- (i) where possible, any such container is kept behind or beside the building which it serves;
- (ii) if kept in front of the building due to lot size and/or property configuration, such container is located at least six (6) meters from the front property line;
- (iii) any such container is reasonably screened so as not to be visible from any street; and
- (iv) any such container is kept in a manner that is not unsightly and does not cause a nuisance or health-related problem.

(3) No person shall place a commercial container on any public street within the Town without the written permission of the Town Engineer.

(4) The owner of any premises upon which a commercial container is located shall be responsible to:

- (i) keep the area surrounding any such container free from litter and waste;
- (ii) cause any such container to be emptied at least once in every seven [7] days or more frequently if the container becomes filled before the seven day period elapses unless the material is of a nature such that longer storage will not cause a nuisance or health related problem (e.g. dry or inert type materials, recyclable material, scrap metals, etc.);
- (iii) to ensure that any such container is loaded uniformly and is loaded such that waste material is completely contained within the container when

closed.

- (5) The owner of any industrial, commercial or institutional premises shall ensure that commercial containers on the premises:
 - (i) accommodate source separated waste generated at that location;
 - (ii) are designed and constructed such that the waste (residual waste, organic materials, recyclable materials) remains in a source separated condition; and
 - (iii) are easily accessible to the occupants.
- (6) The owner of any industrial, commercial or institutional premises may make use of aerated organics containers specifically designed and approved for the storage and collection of source-separated organic materials from industrial, commercial or institutional premises provided the owner complies with the other applicable requirements of this Section 11.
- (7) Bulk commercial containers used during construction or repair work need not comply with paragraphs [11. (1)] and [11. (2)] of this by-law for temporary period of not more than six [6] months or until the completion of the construction or repair work, whichever is sooner.

GENERAL

Inspections

12. Where an inspection is required or conducted pursuant to this by-law:
 - (1) the Enforcement Officer may enter in or upon land or premises at a reasonable time without a warrant;
 - (2) except in an emergency, the Enforcement Officer shall not enter a room or place actually being used as a dwelling without the consent of the owner or occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the owner or occupier at least twenty-four hours in advance; and
 - (3) where a person refuses to allow the inspector to exercise, or attempts to interfere or interferes with the Enforcement Officer in the exercise of a power granted pursuant to this by-law, the Enforcement Officer may apply to a judge of the Supreme Court of Nova Scotia for an order,
 - (i) to allow the Enforcement Officer entry to the building, and
 - (ii) restraining a person from further interference;
 - (iii) to recover all costs associated with any such order.

Solid Waste Collectors

13. No person shall engage in the business of collection or transporting solid waste generated within the Town of Amherst, nor shall they deposit solid waste at the Cumberland Central Landfill unless the person holds a current collector License from the Town of Amherst for that purpose, obtained or renewed before March 31 in each calendar year.
14. The application for a Collector's License shall be made in writing, in duplicate, on such form as may be specified by the solid Waste Manager from time to time, and signed by the person applying therefore. Every application for a Collector License, including each annual renewal, shall contain the following information:
 - (1) the name, address and phone number of the applicant;
 - (2) the provincial motor vehicle registration number and description by make, model and year of any vehicles to be used by the applicant in connection with the collection or transportation of solid waste in the Town of Amherst;
 - (3) a description of the types of solid waste for which a Collector License is sought;
 - (4) an annual license fee as determined from time to time by Council.
15. Licensed collectors shall use collection and transportation equipment which:
 - (1) is insured for third party liability in such amount as may be required from time to time by the Solid Waste Manager or as listed in tender documents;
 - (2) is registered under the Motor Vehicle Act and which complies with all provisions of that Act or of any other applicable statute or regulation in effect from time to time;
 - (3) is driven by an operator with valid operator's permits of the requisite class for that type of vehicle;
 - (4) is designed and utilized in a manner which prevents any solid waste or liquid waste from falling out, being spilled, blown or scattered from the vehicle during collection or transportation and, in particular:
 - (i) must be equipped with a tailgate or other restraining device which shall be closed while the vehicle is in motion;
 - (ii) must be equipped with a cover, tarpaulin or other adequate protective device to prevent littering during collection or transportation of solid waste;
 - (5) if used in the collection of more than one type of solid waste, be designed, constructed and used in such a manner as to prevent cross-contamination between different solid waste streams;
 - (6) displays the name of the Licensed Collector in characters not less than 2.5 cm in

height.

16. Licensed collectors shall:
 - (1) refuse collection of solid waste which is not separated or otherwise placed for collection in accordance with the requirements of this by-law;
 - (2) haul in separate loads of solid waste collected in different municipal units, except as may be expressly authorized by the Solid Waste Manager;
 - (3) comply with the provisions of this by-law, including but not restricted to those concerning the placement or deposit of solid waste at municipal solid waste management facilities;
 - (4) attend courses or training seminars, as stipulated from time to time by the Solid Waste Manager regarding the collection and transportation of solid waste, the use of solid waste management facilities and the public education of solid waste generators;
 - (5) comply with any directives or restriction on collection or transportation routes, or the timing, procedures or methods to be utilized in connection with the collection or disposal of solid waste at a municipal solid waste management facility as may be specified by the solid Waste Manager from time to time.
17. The Solid Waste Manager may refuse to issue or renew or may revoke or suspend a Collector's license for breach of the by-law or of the terms or conditions of a License. The Solid Waste Manager may suspend a Collector's License on reasonable and probable grounds without hearing or notice in the event of a willful breach of the by-law or a loss or apparent loss of vehicle/driver licensing, registration or insurance, in which event an interim suspension shall remain in effect for a period of up to 30 days pending a hearing. In all other instances, a refusal to issue or renew or a revocation or suspension of the license shall only be made by Council after convening a hearing.

Prohibitions

18. No person shall export or remove solid waste material generated within the Town of Amherst outside the boundaries of Cumberland County and all such solid waste shall be disposed of within the boundaries of Cumberland County and in accordance with this by-law.
19. For the purpose of Section 18., solid waste means solid waste materials including but not limited to residual waste, industrial/commercial/institutional waste, construction and demolition waste, mixed waste, and organic materials but does not include recyclable materials from industrial, commercial and institutional premises, pathogenic or biomedical waste, hazardous waste materials.

Enforcement and Penalty

20. Proof that solid waste that was deposited or placed somewhere in contravention of this by-law originating from a particular person shall be evidence that the person so deposited or placed it, or caused or permitted it to be so deposited or placed, in the absence of

evidence to the contrary.

21. Any person who contravenes any provision of this by-law is punishable on summary conviction by a fine of not less than \$200 and not more than \$5,000 and to imprisonment of not more than 60 days in default of payment thereof.
22. Each day that a person commits an offence under this by-law constitutes a separate offence.

Solid Waste Disposal

23. It is the policy of the CJSMA that all materials brought for disposal to the Cumberland Central Landfill are source separated at the time of generation as per Section 3 of this by-law.
24. No person shall place, cause to be placed or permit to be placed at, in, or adjacent to a municipal solid waste management facility any solid waste when the facility is not open or when the operator or municipal staff of the municipal solid waste management facility refuses to accept a load or loads of items of solid waste.

Scavenging

25. No person shall remove material from the Cumberland Central Landfill without permission from Cumberland Joint Services Management Authority.

Inspection and Enforcement at Cumberland Central Landfill

26. Loads entering the Cumberland Central Landfill site will be inspected. Waste haulers and generators are advised that CJSMA reserves the right to reject non-compliant loads or portions of loads and to recover additional waste management cost incurred due to the improper disposal of non-compliant materials by haulers and/or generators.

In the event materials are not in compliance with regulations for disposal at the site not identified by the site owners and operators until dumping of the materials has commenced or has been concluded, the collector and the originator of such materials shall be responsible to immediately remove the non-compliant materials from the site.

Any waste hauler/generator disposing of solid waste at the Cumberland Central Landfill must provide a manifest upon request.

Repeal

27. The Town of Amherst Solid Waste By-law, D-20, approved by Council on April 22, 2002 with amendments dated February 24, 2003 and April 30, 2007 is hereby repealed.

Clerk's Annotation for Official By-Law Book

Date of First Reading: _____ 28 March 2011 _____

Date of Notice of Intent to Consider: _____ 12 April 2011 _____

Date of Second Reading: _____ 26 April 2011 _____

Date of Advertisement/Notice of Publication _____ 16 May 2011 _____

Date of mailing to Minister a certified copy: _____ 16 May 2011 _____

I certify that this **Solid Waste By-law** was adopted by Council and published as indicated above.

Gregory D. Herrett,
Town Clerk and CACHief Administrative Officer

Date

*Effective Date of the By-Law unless otherwise specified in the text of the By-Law.

Synopsis

Solid Waste Collection RFP Award

The current 5 ½ year residential solid waste collection contract is due to expire on March 31, 2018. A new contract is required to continue with this service.

A request for proposals was issued and three companies provided bids; Miller Waste Systems Inc., Fero Waste and Recycling Inc., and GFL Environmental Inc.

The proposals were reviewed with regards to price, company experience, proposed equipment, organization and clarity of the proposal and social considerations. For the proposed services to be provided, Miller Waste Systems Inc. scored the highest on the evaluation matrix while also having the lowest bid.

The services chosen by Council for the contract include residential three stream solid waste collection (including dual stream recycling); spring and fall leaf and yard waste collection; bi-weekly bulky item collection and weekly summer organics collection from June 15 to September 15.

MOTION :

That Council award the new five-year residential solid waste collection contract for three stream collection, yard waste, bi-weekly bulky item pickup and six extra summer organic collections to Miller Waste Systems Incorporated in the amount of \$1,351,287.17.



AMHERST TOWN COUNCIL

RFD# 2018071

Date: February 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council
SUBMITTED BY: Jason MacDonald, Deputy CAO
DATE: February 26, 2018
SUBJECT: Residential Solid Waste Collection RFP - Award

ORIGIN:

The current 5 ½ year residential solid waste collection contract is due to expire on March 31, 2018. A new contract is required to continue with this service.

LEGISLATIVE AUTHORITY:

Municipal Government Act Section 65; The council may expend money required by the municipality for (q) collecting, removing, managing and disposing of solid waste.

RECOMMENDATION:

That Council award the new five-year residential solid waste collection contract for three stream collection, yard waste, bi-weekly bulky item pickup and six extra summer organic collections to Miller Waste Systems Incorporated in the amount of \$1,351,287.17.

DISCUSSION:

An RFP for three stream residential solid waste collection (with dual stream recycling collection) was issued and three bids were received. Bids were requested on the following services:

Mandatory Three stream residential (dual stream recycling) collection from 3180 residential properties.

Optional price for a special yard waste collection each Spring and Fall

Optional price for a special bulky item collection each Spring

Optional price for Christmas tree collection in May of each year (January included in mandatory bid)

Optional price for six extra organic collections resulting from a possible weekly organics collection program from June 15 to September 15

Optional Price for C & D special collection each Spring

Optional price for weekly pickup of approximately 30 public solid waste receptacles on streets and within parks between April 1 and November 30

Optional price for the bi-weekly collection of one special bulky item



Thirty percent of the evaluation is based on experience, age and type of equipment, organization and clarity of the proposal, and social considerations. Seventy percent of the evaluation is based on price. The following table illustrates the scores of the RFP evaluation.

	FERO	GFL	Miller
Non-Price Related Score	19	25	28
Financial Score	66	44	70
Combined scoring evaluation with proposed services	85	69	98

FINANCIAL IMPLICATIONS:

The residential collection cost is captured within the residential solid waste charge which is currently \$160 per year. This charge can be adjusted by Council depending on the cost of the service. Historically, the solid waste charge was first implemented in 2002/03 at \$150. It gradually increased to \$174 in 2011/12 and 2012/13 before gradually reducing to \$160 in 2016/17 and 2017/18.

The annual bulky item collection which has previously taken place each spring be replaced with a bi-weekly collection of one bulky item. This change will result in a higher level of service in that residents do not have to store their bulky item waste until the spring, rather one item can be disposed of curbside every two weeks. In addition to the increased level of service, moving to this service will reduce the new contract by approximately \$48,000.

The elimination of the May Christmas tree pickup will save \$14,910.36; and the elimination of the spring construction and demolition debris collection will save an additional \$78,981.80 over the life of the contract.

These changes in solid waste collection services would, with all other things being equal result in the maintenance of the current uniform charge or perhaps even a small reduction. However, the draft CJSMA budget calls for an increase in the residual tip fee from \$175/tonne to \$215/tonne and an increase in the organics tip fee from \$75/tonne to \$90/tonne. With these tipping fee increases being considered, it is estimated that the uniform charge for solid waste will likely rise from the current \$160 to approximately \$175. While Council is being asked to award the residential solid waste contract today, the final solid waste charge will be approved by Council during the budget process.

|

COMMUNITY ENGAGEMENT:

No specific community engagement has been contemplated for the release of the RFP, other than the usual procurement process. CJSMA staff did hold a public information session on dual stream recycling at which there was overwhelming support of this move. Should Council accept the recommended levels of service in the solid waste collection contract staff and CJSMA will develop a public engagement strategy to raise awareness of the changes.

ENVIRONMENTAL IMPLICATIONS:

The award of the RFP will not impact the environment, however, the change to dual stream recycling will result in less contamination in the recycling stream therefore a higher diversion rate may be achieved. In addition the new contract will result in a new vehicle being utilized for the collection, possibly resulting on reduced emissions.

ALTERNATIVES:

1. Do not award the RFP and negotiate with our current service provider for a one-year extension
2. Direct staff to analyse different levels of service to be awarded in the RFP.

ATTACHMENTS: N/A

Report prepared by: Jason MacDonald, Deputy CAO, Operations

Report and Financial approved by:

Synopsis

Alternative Voting Bylaw

As directed by Council at the December 18, 2017 Committee of the Whole meeting, staff have prepared a Bylaw respecting Alternative Voting, which would allow alternative voting methods such as internet and telephone voting for the 2020 Municipal Elections. With an enabling By-law, Amherst voters will have the option to cast ballots via telephone or through the internet for an extended advance polling period. Traditional paper ballots will remain available on election day.

MOTION :

That Council approve first reading of the attached Alternative Voting By-law.



REQUEST FOR DECISION

RFD# 2018067

Date: February 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council
SUBMITTED BY: Kimberlee Jones, Municipal Clerk
DATE: February 26, 2018
SUBJECT: First Reading Alternative Voting By-Law

ORIGIN: As directed by Council at the December 18, 2017 Committee of the Whole meeting, staff have prepared a Bylaw respecting Alternative Voting, which would allow alternative voting methods such as internet and telephone voting for the 2020 Municipal Elections.

LEGISLATIVE AUTHORITY: Municipal Government Act Section 172 (1) A council may make by-laws, for municipal purposes, respecting (k) services provided by, or on behalf of, the municipality.

Section 146A of the *Municipal Elections Act* bestows municipal council with the legislative authority to select the method and system of voting. "Section 146A(1) A council may by by-law authorize voters to vote by mail, electronically or by another voting method."

RECOMMENDATION: That Council give first reading of the attached Alternative Voting By-law.

DISCUSSION: With an enabling By-law, Amherst voters will have the option to cast ballots via telephone or through the internet for an extended advance polling period. Traditional paper ballots will remain available on election day.

FINANCIAL IMPLICATIONS: Using a combination of traditional paper ballots and alternative voting technology, the costs of an election will increase.

COMMUNITY ENGAGEMENT: Staff will include an educational component in the voter engagement plan to ensure that voters are aware that alternative voting will be used and know how to use it.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications

ALTERNATIVES: Do not approve Alternative Voting By-law and continue to conduct elections with traditional paper ballots only

ATTACHMENTS: Alternative Voting By-Law

Report prepared by: Kimberlee Jones, Municipal Clerk
Report and Financial approved by:



Town of Amherst
Bylaw Respecting Alternative Voting

BE IT ENACTED by the Council of the Town of Amherst, under the authority of Section 146A of the Municipal Elections Act, R.S., c. 300, s.1. as amended, as follows:

Short Title

- 1) This bylaw shall be known as Bylaw number A – 7 and may be cited as the “Alternative Voting Bylaw.”

Interpretation

- 2) In this bylaw:
 - a) “Act” means the Municipal Elections Act, R.S., c. 300, s.1., as amended;
 - b) “advanced poll” means the Tuesday immediately preceding ordinary polling day, and either:
 - i) One other day fixed by the Council by resolution that is either Thursday, the ninth day before ordinary polling day, or Saturday, the seventh day before ordinary polling day; or
 - ii) If Council has delegated its authority to fix a day to the Returning Officer, one other day fixed by the Returning Officer that is either Thursday, the ninth day before ordinary polling day, or Saturday the seventh day before ordinary polling day;
 - c) “alternative polling days” means any hours and dates fixed by a resolution of Council for alternative voting;
 - d) “alternative voting” means voting by telephone or via the internet and includes a combination of telephone and internet voting;
 - e) “ballot box” means a computer database in the system where cast internet ballots and telephone ballots are put;
 - f) “candidate” means a person who has been nominated as a candidate pursuant to the Act;
 - g) “Council” means the Council of the Town of Amherst;
 - h) “Education Act” means the *Education Act*, 1995-1996 S.N.S..c.1 as amended;
 - i) “election” means an election held pursuant to the Act, including a school board election, a special election and a plebiscite;
 - j) “Election Officer” means an election official under the Act;
 - k) “elector” means a person:

- i) Qualified to vote pursuant to the *Act* and the *Education Act*; and
 - ii) Entitled to vote for an election pursuant to section 7 of this bylaw;
- l) “friend voter” means a friend who votes for an elector pursuant to section 9 of this bylaw;
- m) “internet ballot” means an image of a ballot on a computer screen including all the choices available to an elector and the spaces in which an elector marks a vote;
- n) “list of electors” means:
- i) Prior to the list of electors being completed and certified by the Returning Officer pursuant to section 50(a) of the *Act*, the list of electors that has been amended and corrected by the Returning Officer pursuant to subsections 2 and 3 of section 38 of the *Act*, or
 - ii) The list of electors that has been completed and certified by the Returning Officer pursuant to section 50(a) of the *Act*;
- o) “municipality” means the Town of Amherst;
- p) “normal business hours” means the time between 8:30 am and 4:30 pm Monday through to and including Friday;
- q) “ordinary polling day” means the third Saturday in October in a regular election year and in the case of any other election means the Saturday fixed for the election;
- r) “PIN” means the Personal Information Number issued to:
- i) An elector for alternative voting on alternative polling days; or
 - ii) To a System Elections Officer;
- s) “plebiscite” means a plebiscite directed to be held by the Council pursuant to Section 56 of the *Act*;
- t) “procedures and forms” means the procedure and forms established by the Returning Officer pursuant to subsection 145 (a)(4) of the *Act*;
- u) “proxy voter” means an elector who votes by a proxy pursuant to the *Act*;
- v) “regular election year” means 2016 and every fourth year thereafter;
- w) “rejected ballot” means the refusal by an elector to accept a ballot in a race;
- x) “Returning Officer” means a Returning Officer appointed pursuant to the *Act*;
- y) “seal” means to secure the ballot box and prevent internet and telephone ballots from being cast;
- z) “special election” means a special election held pursuant to the *Act*, including a special election for a vacancy on a school board;

- aa) “spoiled ballot” means an internet ballot or telephone ballot that is accepted by the elector that:
 - i) Is not marked for a candidate in a race; or
 - ii) Is marked by an elector indicating a refusal to cast a vote for any candidate in a race;
- bb) “system” means the technology, including software, that:
 - i) Records and counts votes; and
 - ii) Processes and stores the results of alternative voting during alternative polling days;
- cc) “Systems Elections Officer” means:
 - i) A person who maintains, monitors, or audits the system; and
 - ii) A person who has access to the system beyond the access necessary to vote by alternative voting;
- dd) “telephone ballot” means:
 - i) An audio set of instructions which describes the voting choices available to an elector; and
 - ii) The marking of a selection by an elector by depressing the number on a touch tone keypad.

Alternative Voting Permitted

- 3) Subject to the bylaw, alternative voting shall be permitted on alternative polling days.

Notification of Electors

- 4)
 - a) The Returning Officer shall cause notice of alternative polling days to be published in a newspaper circulating in the municipality.
 - b) The notice of alternative polling days shall:
 - i) Identify the alternative polling days for alternative voting; and
 - ii) Inform the elector that telephone voting and internet voting is permitted during alternative polling days.
 - c) The notice may include any other information the Returning Officer deems necessary.

Form of Telephone and Internet Ballots

- 5)
 - a) A telephone and internet ballot shall:
 - i) Identify by the title “Election for Mayor” or “Election for Council” or “Election for School Board Member” as the case may be;
 - ii) Identify the name or names by which they are commonly known of the candidates with given names followed by surnames, arranged alphabetically in order of their surnames and, where necessary, their given names; and

- iii) Warn the electors to “vote for one candidate only” or “vote for not more than (the number of candidates to be elected) candidates” as the case may be.
- b) No title, honour, decoration or degree shall be included with a candidate(s) name on an internet ballot or telephone ballot.

Oath

- 6) Any oath that is authorized or required shall be made:
 - a) In the form specified by the procedures and forms; or
 - b) If the form is not specified by the procedures and forms, in the form required by the *Act*.

Electors

- 7) No person shall vote by alternative voting unless:
 - a) The person’s name appears on the applicable list of electors; or
 - b) The person is added to the applicable list of electors pursuant to section 36 of the *Act*.

Proxy Voting

- 8) A proxy voter shall not vote for an elector by alternative voting.

Friend Voting

- 9)
 - a) A friend voter shall only vote for an elector by alternative voting if:
 - i) An elector is unable to vote because:
 - (1) The elector is blind;
 - (2) The elector cannot read; or
 - (3) The elector has a physical disability that prevents him or her from voting by alternative voting.
 - ii) The elector and the friend appear, in person, before the Returning Officer or the Deputy Returning Officer and take the prescribed oaths.
 - b) A candidate shall not act as a friend voter unless the elector is a child, grandchild, brother, sister, parent, grandparent, or spouse of the candidate.
 - c) The elector shall take an oath in the prescribed form set out in the procedures and forms providing that he or she is incapable of voting without assistance.
 - d) The friend of the elector shall take an oath in the prescribed form set out in the procedures and forms that:
 - i) The friend has not previously acted as a friend for any other elector; and
 - ii) The friend will mark the ballot as requested by the elector; and
 - iii) The friend will keep secret the choice of the elector.
 - e) The Returning Officer shall enter in the poll book:
 - i) The reason why the elector is unable to vote;
 - ii) The name of the friend; and
 - iii) The fact that the oaths were taken.

System Elections Officer

10)

- a) A System Elections Officer shall have access to the system prior to the commencement of alternative voting during advance polling days to verify the count for each candidate is zero.
- b) Notwithstanding the day and time set for alternative voting, alternative voting shall not commence until the counts for each of the candidates is zero.
- c) A Systems Elections Officer shall comply with the procedures and forms established by the Returning Officer pursuant to the subsection 146A(4) of the *Act*.

Voting

11)

- a) The system shall put internet ballots and telephone ballots cast by an elector in the ballot box.
- b) The system shall put spoiled ballots in the ballot box.

Seal

12)

- a) Where alternative voting closes before the close of polls on ordinary polling day, the system shall seal the ballot box until after the close of the poll on ordinary polling day.
- b) The system shall seal the ballot box even where fewer than ten persons from any polling district voted for a candidate during alternative polling days.

List of persons who voted

13) Where alternative voting closes before the close of polls on ordinary polling day, the system shall:

- a) Generate a list of all electors who voted by alternative voting; and
- b) On the applicable list of electors, cause a line to be drawn through the names of all the electors who voted during alternative polling days.

14) A printed and electronic copy of the lists under section 13 shall be delivered to the Returning Officer within 24 hours of the close of alternative voting.

15) Where alternative voting closes at the close of polls on ordinary polling day, the system shall generate a list of all electors who voted by alternative voting.

Counting

16)

- a) At the close of ordinary polling day, the system shall generate a count of the telephone ballots and internet ballots in the ballot box that were cast for each candidate during alternative polling days.

- b) In counting the votes that were cast for each candidate during alternative polling days, the system shall count spoiled ballots and shall not count rejected ballots.

Tallying of Rejected Ballots

- 17) At the close of ordinary polling day, the system shall tally the number of rejected ballots that were cast during alternative polling days and the tally shall be delivered to the Returning Officer.

Recount by system

- 18) In the event of a recount, the system shall regenerate the election count and a printed copy of the regenerated count shall be given to the Returning Officer.
- 19) If the initial count and the regenerated count match, the regenerated count shall be the final count of the votes cast by alternative voting.
- 20)
 - a) If the regenerated count and the initial count do not match, the Returning Officer shall:
 - i) Direct one final count be regenerated by the system of the votes cast by alternative voting; and
 - ii) Attend while the final count is being regenerated.
 - b) The regenerated final count pursuant to subsection (a) shall be the final count of the votes cast by alternative voting.

Recount by Court

- 21)
 - a) For a recount, the judge shall only consider the final count by the system, as determined by section 19 or 20, of the total number of votes that were cast by alternative voting for each candidate.
 - b) The final count by the system, as determined by section 19 or 20, of the total number of votes that were cast by alternative voting for each candidate shall be added to the judge's count of the number of votes for each candidate cast by non alternative voting.

Secrecy

- 22) An Election Officer and System Election Officer shall maintain and aid in maintaining the secrecy of the voting.
- 23) Every person in attendance at a polling station, or at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

Other Methods of Voting

24) If voting via the internet through the unsupervised use of a personal computing device is permitted during an election, voting shall be permitted by some other means on each advance polling day and on ordinary polling day.

Severability

25) If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force.

Prohibitions

26) No person shall:

- a) Use another person's PIN to vote or access the system unless the person is a friend voter;
- b) Take, seize, or deprive an elector of his or her PIN; or
- c) Sell, gift, transfer, assign or purchase a PIN.

27) No person shall:

- a) Interfere or attempt to interfere with an elector who is casting an internet ballot or telephone ballot;
- b) Interfere or attempt to interfere with alternative voting; or
- c) Attempt to ascertain the name of the candidate for whom an elector is about to vote or has voted.

28) No person shall, at any time, communicate or attempt to communicate any information relating to the candidate for whom an elector has voted.

Offences and Penalty

29)

- a) A person who:
 - i) Violates any provision of this bylaw; or
 - ii) Permits anything to be done in violation of any provision of this bylaw is guilty of an offence.
- b) A person who contravenes subsection a) of this section is guilty of an offence and is liable, on summary conviction, to a penalty of not less than five thousand dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of two years less a day, or both.
- c) In determining a penalty under subsection b), a judge shall take into account:
 - i) The number of votes attempted to be interfered with;
 - ii) The number of votes interfered with; and
 - iii) Any potential interference with the outcome of an election.
- d) Pursuant to section 146A of the *Act*.

- i) The limitation period for the prosecution of an offence under this bylaw is two years from the later of the date of the commission of the offence and the date on which it was discovered that an offence had been committed; and
- ii) The Remission of Penalties Act, 1989, S.N.S. c.397, as amended, does not apply to a pecuniary penalty imposed by this bylaw.

Clerk's Annotation for Official By-Law Book

Date of First Reading: _____

Date of Notice of Intent to Consider: _____

Date of Second Reading: _____

Date of Advertisement/Notice of Publication _____

Date of mailing to Minister a certified copy: _____

I certify that this **Alternative Voting By-Law** was adopted by Council and published as indicated above.

Kimberlee Jones,
Municipal Clerk

Date

*Effective Date of the By-Law unless otherwise specified in the text of the By-Law.

Synopsis

Application to Amend the Land Use Bylaw

An application by the property owner of 63 Church Street (Holy Family Parish) to amend the Land Use Bylaw to allow a LED messaging sign. The subject property is located in the Core Area District of the Downtown Zone, which comes with additional regulations aimed at maintaining the traditional downtown commercial built form and character. The Planning Advisory Committee held two Public Participation Session on this matter.

MOTION :

That Council approve First Reading of a Bylaw to amend the Land Use Bylaw section 6.14 to allow electronic signs in the Downtown Core Area District with conditions; and in particular, that electronic signage be permitted for ground, fascia wall, and canopy signs as recommended by the Planning Advisory Committee, and schedule a public hearing on the matter for Monday, March 26, 2018 at 6:30PM.



AMHERST TOWN COUNCIL

RFPD# 2018074

Date: February 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council

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

DATE: February 26, 2018

SUBJECT: **Application to Amend the Land Use Bylaw to Allow Electronic Signs in the Downtown Core Area District**

SUBJECT:

An application to amend the *Land Use Bylaw to allow Electronic signs in the Downtown Core Area District*.

RECOMMENDATION OF THE PLANNING ADVISORY COMMITTEE:

That Council amend the Land Use Bylaw section 6.14 to allow electronic signs in the Downtown Core Area District with conditions; and in particular, that electronic signage be permitted for ground, fascia wall, and canopy signs.

NEXT COURSE OF ACTION:

Give first reading of the amendment and schedule a public hearing to be held at the March 26, 2018 Council meeting.

PLANNING MANAGER COMMENTS:

All relevant policies and procedures have been followed with respect to Land Use Bylaw amendments. PAC held two advertised public participation sessions. Three people attended each session.

RECOMMENDATION: Report/Document: Attached X Available ___ Nil ___

KEY ISSUE(S) CONCEPTS DEFINED:

An application by the property owner of 63 Church Street (Holy Family Parish) to amend the Land Use Bylaw to allow a LED messaging sign. The subject property is located in the Core Area District of the Downtown Zone, which comes with additional regulations aimed at maintaining the traditional downtown commercial built form and character. These special regulations were adopted in 2013 as part of a suite of downtown area design requirements that stemmed from the *2010 Centre First: Downtown Amherst Action Plan*. As such, new internally illuminated signs such as LED signs are not currently permitted.



On January 8, 2018 PAC held a public participation session on this matter, and subsequently passed the following motion:

To request that staff further investigate what other communities permit, and propose to amend the Land Use Bylaw by adding a section 6.14 (h) that would permit LED message signs in the Downton Core Area with guidelines around them similar to other communities.

On February 5, 2018 PAC held a second public participation session on this matter, where consideration was given to the particular conditions with which electronic signs would be permitted in the downtown Core Area District. The conditions are aimed at eliminating or mitigating the potential negative impacts of electronic signs, such as flashing, pulsating images, and bright lights that might cause distraction to drivers and the public. Other conditions are intended to limit the maximum size of the sign, and the ability to provide advertising space/time for businesses and products not offered on the property where the sign is located.

RELEVANT POLICY:

MPS Policies CP-3 and CP-5 speak to creation of the downtown Core Area District and its intent. MPS Policy A-5 *Amendment Criteria* applies to the amendment of planning documents. Policy A-5 addresses general planning matters such as the Town's financial and servicing capacity to accommodate the development; as well as, the consideration of the extent to which the development might conflict with adjacent land uses. In general, the subject amendment conforms to the intent of Policy A-5. The amendment process required to conform to the MGA is being followed.

RESPONSE OPTIONS:

1. Give first reading of the amendment as recommended by PAC, and schedule a public hearing.
2. Give first reading of the amendment with changes, and schedule a public hearing.
3. Deny the request to amend the Land Use Bylaw.

IMPLICATIONS OF PAC RECOMMENDATION:

GENERAL:

Regulating signs is a subjective attempt to strike a balance between sufficient advertisement and community aesthetics. The amendment being considered applies to the entire Downtown Zone Core Area District, not just the subject property. It should also be noted electronic signs are permitted in all commercial zones outside the Downtown Core Area District.

FOLLOW UP ACTION:

First reading; public hearing; second reading

COMMUNICATION:

Upon first reading, a public hearing will be advertised as per MGA requirements. Upon second reading, the right to appeal will be advertised, and the Provincial Director of Planning will be given notice of the amendment.

OTHER COMMENTS:

Submitted by: Andrew Fisher
Manager of Planning & Strategic Initiatives

Reviewed by:

Town of Amherst

By-Law P-2-22 to amend the Land Use By-Law, P-2

1. This is a by-law to amend the Land Use By-Law of the Town of Amherst with respect to the matter of regulating electronic signs in Section 6.14 Sign Standards in the Core Area District.
2. In the Land Use By-law, Section 6.14 *Sign Standards in Core Area District* is amended by adding the words, “and electronic signs subject to section 6.14 (i)”, to subsection (c), and adding subsections (h) and (i) as shown below in bold type:

6.14 Sign Standards in Core Area District

Signage within a Downtown District shall conform to the following, and shall take precedence over any conflicting signage requirement of this Bylaw:

- a) A sign board for commercial signage or awnings is required above the ground floor windows, and must be integrated into the architecture of the building.
- b) Signs on the top storey are permitted provided they are no greater than 0.3 sq m times the number of storeys (i.e. a 6 storey building can have 1.8 sq m sign).
- c) New Back-Lit or internally illuminated signs are not permitted in the Core Area District, except for backlight raised lettering only, where letters are greater than 200 mm high and no deeper than 150 mm, **and electronic signs subject to section 6.14 (i)**.
- d) Projecting signs are permitted and encouraged. Projecting signs can be no larger than 3 sq metres, and have a minimum clearance of 2.7 m above grade.
- e) Spot lights, gooseneck light fixtures and other decorative light fixtures are permitted and encouraged for illuminating signs.
- f) Directory signs no larger than 2.5 sq m in area are permitted.
- g) Other than sandwich board signs, portable, and free-standing reader board signs are not permitted.
- h) Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;**
- i) Electronic signs are permitted as part of a freestanding, fascia, or canopy sign subject to the general provisions and the following standards:**
 - (i) the message duration shall not be less than 10 seconds;**
 - (ii) the message transition shall be instantaneous;**
 - (iii) message transition shall not involve any visible effects including but not limited to scrolling, fading, dissolving, intermittent or flashing light, or the illusion of such effects;**
 - (iv) the maximum brightness levels of the electronic sign shall be 5,000 nits during daytime and 500 nits at nighttime;**
 - (v) the sign shall use automatic dimming technology which automatically adjusts the sign copy's brightness in direct correlation with ambient light conditions;**
 - (vi) the sign shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. (Atlantic time) unless the business is open or in operation during those hours;**
 - (vii) the sign shall be turned off in the case of a malfunction; and,**
 - (viii) in any case, no electronic sign in the Downtown Zone shall exceed 3 m² (32 sqft) in area.**

Clerk's Annotation for Official By-Law Book

Date of First Reading: _____

Date of Notice of Intent to Consider: _____

Date of Second Reading: _____

Date of Advertisement/Notice of Publication (to be published following Ministerial approval)

Date of mailing to Minister a certified copy:

I certify that this **By-Law P-2-22, a By-Law to Amend the Land Use By-Law**, was adopted by Council and published as indicated above.

Kimberlee Jones
Municipal Clerk

Date _____

*Effective Date of the By-Law unless otherwise specified in the text of the By-Law.

Synopsis

Mobile Generator Purchase

While not included in the original contract for the replacement of the water reservoir, it was anticipated by staff that should the budget allow, they would recommend that a change order be approved for the purchase of a generator at this site. With the project being approximately \$2,000,000 below the approved budget, it makes sense to purchase this generator at this time.

This new mobile generator will operate the new reservoir, backup well, and communications tower at the site in the event of a power outage. In addition, the mobile generator will also provide the Town with greater flexibility for backup electrical generation at other locations during power outage events.

MOTION :

That Council approve the purchase of a new mobile generator, to be added to the contract with Maritech Construction Limited for the replacement of the Willow Street Reservoir CWWF project.



AMHERST TOWN COUNCIL

RFD# 2018069

Date: February 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Jason MacDonald, Deputy CAO

DATE: February 26, 2018

SUBJECT: Reservoir Replacement Project – Mobile Generator Purchase

ORIGIN: Clean Water and Waste Water Fund – Reservoir Replacement Project.

LEGISLATIVE AUTHORITY: Town of Amherst Procurement Policy #3700-01

RECOMMENDATION: That Council approve the purchase of a new mobile generator, to be added to the contract with Maritech Construction Limited for the replacement of the Willow Street Water Reservoir CWWF project.

BACKGROUND: The Willow Street reservoir is being replaced as part of the CWWF project. Currently, when power outages occur, Public Works Crews move a mobile generator from another location to the reservoir site to operate the reservoir, scada system, backup well as well as the repeater for the first responder communication system. While this situation has been manageable in the past, it does create logistical issues in that it diverts the crews from other work during weather events, and it takes a generator away from other critical infrastructure such as the well field or sewer lift stations. Currently the Town utilizes two mobile generators to operate the wellfield, reservoir and six sewer lift stations. In addition, one of these generators does not have the required voltage to be used at all of these sites.

DISCUSSION: While not included in the original contract, it was anticipated by staff that should the budget allow, we would recommend that a change order be approved for the purchase of a generator at this site. Our contractor has provided quotes of \$114,000 for a permanent natural gas generator and \$84,000 for a mobile generator. The mobile generator, while still requiring a Public Works crew to mobilize and set up, will also provide the Town with greater flexibility for backup electrical generation during storm events.

FINANCIAL IMPLICATIONS: Currently, this project is running approximately \$2,200,000 below the budget amount of \$7,700,000, including the engineering work awarded to EXP Consulting for the design of the infrastructure replacement on Willow, Spring and Church Streets. This addition to the contract is good use of senior government funding. The Water Utility's portion of this cost is 25%.

COMMUNITY ENGAGEMENT: As this purchase will be undertaken under an existing contract there has been no public engagement.



ENVIRONMENTAL IMPLICATIONS: The purchase of a new generator should result in a decrease in emissions through the potential reduced usage of our existing older generators.

ALTERNATIVES: Do not purchase a new generator and continue operating our various sites with our existing mobile generators during power outages.

ATTACHMENTS: n/a

Report prepared by: Jason MacDonald, Deputy CAO

Report and Financial approved by:

Synopsis

Mandatory Provincial Contribution Area Rate

The Budget Management Policy states in section 15 that Council will consider setting the Mandatory Provincial Contribution Area Rate by the end of February each year based on the available information from the province at the time, and will communicate it to the public through various media channels.

Through the operation of this policy Council, levies an area rate to cover the cost of services which are provided by provincial government agencies and the funding for which simply flows through the Town of Amherst. The applicable services are: Education, Property Valuation Services Corporation (PVSC) Assessments, Corrections Services and Housing. In each case the Town simply writes a cheque to the agency.

In segregating these costs and levying an area rate Council seeks to highlight that it has no control over or input into each of these costs. Last year the Mandatory Provincial Contribution Area Rate was 41 cents. This year's reduction is driven mainly by a reduction in budgeted costs of housing.

MOTION :

2018-2019 Area Rate

Mandatory Provincial Contributions

WHEREAS the Mandatory provincial contributions for the 2018-19 fiscal period of \$2,044,623 must be rated;

THEREFORE BE IT RESOLVED THAT for the Town of Amherst for the fiscal year ending March 31, 2019, the Mandatory Provincial Contribution Area Rate on all property assessments within the boundary of the Town of Amherst are as follows:

Residential / Resource	\$0.39 per \$100 of assessment
Commercial	\$0.39 per \$100 of assessment

AND THAT these area rates are due and payable on September 28, 2018 with interest to be charged on all final tax accounts outstanding on or after October 1, 2018 at the rate of 1% per month, 12% per annum.

TO: Mayor Kogon and Members of Council

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

DATE: February 26, 2018

SUBJECT: **Setting the Mandatory Provincial Contribution Area Rate**

ORIGIN: Budget Management Policy 03450-04.

LEGISLATIVE AUTHORITY: Town of Amherst Budget Management Policy 03450-04.

RECOMMENDATION: That Council approve the Mandatory Provincial Contribution Area Rate to be set at \$0.39 for the 2018-19 fiscal year.

BACKGROUND: The Budget Management Policy states in section 15 that Council will consider setting the Mandatory Provincial Contribution Area Rate by the end of February each year based on the available information from the province at the time, and will communicate it to the public through social media.

DISCUSSION: There are 4 components to the Mandatory Provincial Contribution Area Rate – Education, Property Valuation Services Corporation (PVSC) Assessments, Corrections Services and Housing.

Education –Uniform assessment for 2018-19 is \$525,177,657. The rate has not been set yet. However the rate has not changed in 7 years at .30480. Assuming that the rate does not change, education costs to the Town for 2018-19 will be \$1,600,741, an increase of \$17,046.

PVSC Assessment Services – We will not know our share of PVSC costs until sometime in March. Last year saw a .3% increase. Previously it had decreased 4 consecutive years. Assuming a .5% increase the increased cost for this year is estimated to be \$583.

Correction Services – Our share of correction services costs will is not yet know with complete certainty. Last year there was a .1% increase. Before that it had decreased 4 consecutive years. Assuming a .5% increase the increased cost for this year is estimated to be or \$576.

Housing – The Housing Authority has provided its budget. Amherst’s share based on their budget would be \$211,000. The actual amount will be based on their actuals and not this budget figure. Actuals will not be known for some time. Last year Amherst’s share of the Authority’s budget was \$340,000, however actuals came in at \$238,071. Again this year, this rate is being set using the budgeted amount. This generates a decrease, budget to budget, of \$129,000.



Table Summary – Mandatory Provincial Contribution Area Rate

	<u>2017/18</u>	<u>2018/19</u>	<u>Change</u>
Education	\$1,583,695	\$1,600,741	\$ 17,046
PVSC	116,575	117,158	583
Corrections	115,148	115,724	576
Housing	<u>340,000</u>	<u>211,000</u>	<u>(129,000)</u>
	<u>\$2,155,418</u>	<u>\$2,044,623</u>	<u>\$(110,795)</u>
.01 on Tax Rate	<u>\$52,691</u>	<u>\$52,682</u>	<u>(9)</u>
<u>Mandatory Provincial Contribution Area Rate</u>	<u>\$0.41</u>	<u>\$0.39</u>	<u>(\$0.02)</u>

FINANCIAL IMPLICATIONS: The Mandatory Provincial Contribution Area Rate will see a decrease of \$0.02.

COMMUNITY ENGAGEMENT: Communication coordinated by Corporate Communications Officer including media releases, the Town’s website and social media.

ENVIRONMENTAL IMPLICATIONS: None

ALTERNATIVES: Wait until the figures are released by the Province before the Mandatory Provincial Contribution Area Rate is set.

ATTACHMENTS: Budget Management Policy 04350-04.

Report prepared by: Vince Arbing
Report and Financial approved by:

DEPARTMENT: All Town Departments**TITLE: Budget Management Policy**Minutes reference date: November 27, 2017

Policy Statement:

1. The Town of Amherst (hereinafter referred to as “the Town”) strives for a high level of public confidence in its budgeting process and recognizes that the resulting tax burden has an impact on the overall financial burden of the taxpayers of the Town. The Operating and Capital Budgets will be posted on the Town’s website in order to create public awareness and understanding of the budget process, to educate the public about the financial position of the Town, and to facilitate their engagement in the financial decision making of the Town.
2. Public accountability is rooted in the belief that the public has the right to know and the right to be provided with reliable financial information. It is this sharing of information that opens the dialogue between citizens and elected representatives.

Policy Objectives:

3. The Town is committed to:
 - a) Preparing budgets in a fair, open, consistent, and transparent manner to establish the confidence of the taxpayer and other stakeholders;
 - b) Complying with the *Municipal Government Act* and other applicable laws or policies and resolutions of Council;
 - c) Promoting strategic business planning;
 - d) Ensuring Town operations function in an efficient and effective manner;
 - e) Being accountable for budget decisions.

Definitions:

4. For the purpose of this policy, the following definitions are provided:
 - a) Operating Budget: Budget document containing operating costs for day to day operations, transfers to other governments and agencies, transfers to reserves, and other fiscal expenditures; this document, as presented to and approved by Council, is used to calculate the tax rates, user fees and other charges;
 - b) Capital Budget: Budget document containing the capital plan for the current and future years; outlines the source of funding for each project and anticipated spending and the first year is approved by Council, with subsequent years approved in principle only;
 - c) Uniform Assessment (UA): An amount calculated by the Province of Nova Scotia which is calculated as the sum of all taxable assessments plus the capitalized value of all grants or payments received in lieu of taxes;

- d) **General Tax Rate:** This rate covers all operating costs, other than those costs covered by the area rates for Mandatory Provincial Contribution and Community Support. These costs include all municipal services such as fire, police, public works, recreation, economic development and administrative costs, less the revenue generated from such things as services provided to other local governments, sale of services, equalization, conditional grants, etc.

Not included in the general tax rate are costs for sewer and solid waste operations. Both sewer and solid waste have their own uniform charge that funds their operating expenditures.

User fees are set by the User Fee Policy (03470-03); sewer charges are set pursuant to the Sanitary Sewer Rates Bylaw (D-19), and the Solid Waste Management Uniform Charge is set by Council resolution.

The water rates are set pursuant to an Order of the Nova Scotia Utility and Review Board (NSUARB). Operating and capital budgets are approved annually by Council and submitted to the NSUARB.

- e) **Mandatory Provincial Contribution Rate** includes the cost of:
- i. **Education** – The Town is required (as are all municipalities) to provide funding to the Regional School Board under the *Education Act*. This mandatory education contribution is determined by taking the Town's Uniform Assessment figure and multiplying by the education rate as set by the Province of Nova Scotia.
 - ii. **Property Valuation Services Corporation (PVSC - Assessment)** – The Town is required (as are all municipalities) to provide funding to pay a share of the cost of operating the provincial assessment system. The Town pays a portion of the total PVSC costs, based on the Town's share of Uniform Assessment and the Town's share of assessment accounts across the province.
 - iii. **Correction Services** – the Town is required (as are all municipalities) to make a mandatory contribution to the Province to fund the cost of operations of the provincial correctional facilities for all of Nova Scotia. This includes youth and adult correctional facilities. The contribution is set by the Province of Nova Scotia and is based on the Town's share of Uniform Assessment (50%) and the Town's dwelling units (50%).
 - iv. **Housing** – The Cobequid Housing Authority administers and manages 262 (2017) public non-profit housing units for seniors and families on low incomes within the Town. The Town is required to fund a portion of the prior year deficit of the Cobequid Housing Authority annually.
- f) **Community Support Area Rate** includes:
- i. **Community Support Grants Policy** - All costs that are covered in Policy 72000-08
 - ii. **Tax Exemption Bylaw** – All costs that are covered by Bylaw B-1
 - iii. **Tax Reduction Policy** - All costs that are covered by Policy 03800-02

- iv. Community Events – The Community Events covers costs for such things as the Town’s holiday events (Christmas light up, New Year’s Eve, Music in the Park, etc.), festivals and other events.
- v. Cumberland YMCA – The Town contributes to maintain the community YMCA pool by way of a one-cent levy on the Town’s commercial and residential tax rates. The Town also provides several in-kind services such as snow clearing and financial services.

Application:

- 5. This policy applies to budget activities of all departments of the Town effective (*date approved by Council*).
- 6. This policy applies to budgeting by the Town for Operating and Capital funds, including budgets for the Town of Amherst Water Utility.
- 7. The CAO will ensure budgeting practices are consistent with the *Municipal Government Act* and all other relevant provincial statutes.
- 8. The CAO will ensure a procedure is in place to guide Town staff in the budget process.

Governance and the Budget Process:

- 9. The Town of Amherst is governed by Town Council and operates under the Council/Chief Administrative Officer (CAO) system. As outlined in the *Nova Scotia Municipal Government Act*, it is the responsibility of the CAO to provide advice to Council and to administer the operations of the Town in accordance with the policies and programs approved by Council.
- 10. The fiscal year of the Town is April 1 to March 31. The annual budgeting process is preceded by a planning process that identifies priority initiatives for the upcoming fiscal year, based on the strategic directions previously established by Council.
- 11. Municipalities in Nova Scotia are not permitted to accumulate deficits. Municipal debt, with few exceptions is permitted only for the acquisition of capital assets which the municipality defines as acquisitions of tangible capital assets greater than \$5,000 with an estimated useful life in excess of one year.
- 12. On an annual basis, costs are established for programs and initiatives and are reflected in the Operating and Capital budgets. Tax rates are calculated to generate the revenue required to fund the various programs and services. These rates are determined in conjunction with the annual assessments of properties in the Town, as established annually through the Assessment Roll generated by the Nova Scotia Property Valuation Services Corporation (PVSC).

Calculation of Rates

- 13. Each of the Residential and Commercial rates has three components, which are listed below and defined in Section 4. All rates in this section are expressed as per \$100 of assessment. The calculation to determine each one is:

- a) Mandatory Provincial Contribution Area Rate
The sum of the costs of Education, Property Valuation Services Corporation Assessment, Corrections Services and Housing, divided by the sum of all the taxable property assessment values as provided by PVSC, including grants in lieu.
 - b) The Community Support Area Rate
The sum of the costs of Community Support Grants Policy, Tax Exemption Bylaw, Tax Reduction Policy, Community Events, and the Cumberland YMCA divided by the sum of all the taxable property assessment values as provided by PVSC, including grants in lieu.
 - c) General Tax Rate
 - 1. Residential – total operating expenditure budget (excluding solid waste and sewage) less the revenue generated by the area rates for the Mandatory Provincial Contribution and Community Support, as well as other non-tax revenue (i.e.: own source revenue, equalization, etc.) divided by the taxable residential and resource property assessment values as provided by PVSC .
 - 2. Commercial – Total operating expenditure budget (excluding solid waste and sewage) less the revenue generated by the area rates for the Mandatory Provincial Contribution and Community Support, as well as other non-tax revenue (i.e.: own source revenue, equalization, etc.) divided by the Commercial taxable property assessment values as provided by PVSC, including grants in lieu.
14. To meet the objective of preparing budgets in a fair, open, consistent, and transparent manner, the tentative budgets will be prepared and posted on the Town’s website in the late winter/early spring, and will be placed on the Council agenda for approval in the month following.

Council Approval

15. Council will consider setting:
- a) The Mandatory Provincial Contribution Area Rate by the end of February of each year based on the available information from the Province at that time, and will communicate it to the public through social media;
 - b) The Community Support Area Rate and the General Tax Rate in the month following the posting of the tentative budgets on the Town’s website which will be in the late winter/early spring of each year.

Resolutions of Council are required to approve the rates and the operating and capital budgets.

Authority of CAO:

- 16. The Chief Administrative Officer (CAO) of the Town has authority to manage the Town within approved budgets, under this policy, and in compliance with any other Council policy or resolution in effect.
- 17. The CAO is responsible for ensuring compliance with this policy. The CAO may delegate his/her authority to spend approved budgets to any employee of the Town. All Town staff to whom the

CAO delegates authority to make expenditures within approved budgets shall comply with all applicable bylaws, policies or resolutions of Council, the *Public Procurement Act*, Trade Agreements, and with any other restriction imposed by law.

18. In any given year there may be operating budget overruns that are unpredictable and unavoidable. Examples of such overruns include increases in amounts paid for Mandatory Provincial Contribution (Education, Regional Library, Housing, etc.) as well as expenditures for services that are dependent on forces that are uncontrollable by staff (snow management impacted by weather conditions, EMO situations, decisions of Council for action but with no dollar value approved in the budget, etc.). Such cost overruns may be approved by the CAO without prior approval of Council but must be reported to Council as per section 23 of this policy.
19. The CAO has additional authority to exceed the operating budget provided that the Town is still within the overall budget. The CAO has authority to expend these funds for any purpose that the Town has authority to spend but cannot use the funds to create new programs or services that are material in amount or that may be seen to commit the Town to material funding beyond the current fiscal year.
20. The CAO may authorize expenditures in excess of the capital budget on approved capital items or projects as outlined in the Procurement Policy, 03700-01 Section 9. Such authorization will be reported to Council as per section 23 of this policy.
21. The CAO may authorize expenditure of capital funds where the expenditure will be financed by an outside party (i.e. a developer, other level of government, agency, etc.) and where the expenditure is consistent with a prior action of Council (development approval, bylaw, policy, resolution, etc.). The CAO shall not have the authority to approve overages under this section if it stems from a significant change in scope subsequent to the award of the contract.
22. In an emergency situation the CAO is authorized to make reasonable and informed procurement decisions (Operating and Capital) which are determined by him/her to be necessary, as outlined in the Procurement Policy, 03700-01 Section 9. Authorizations for such expenditures are considered to be over and above the other authorities given under this policy to exceed approved budget amounts; these must be reported to Council as per Section 23 of this policy.

Reporting :

23. The CAO is responsible for timely reporting to Council on the Capital and Operating budget variances and general / emergency related over-expenditure approvals; this will be done in conjunction with the Quarterly Financial Reporting to the Audit Committee. However, over-expenditures approved by the CAO that exceed \$50,000 will be reported to Council at the earliest opportunity. Interim reporting may also be done at the discretion of the CAO.

Synopsis

Salary Administration Policy Amendment

The Chief and Deputy Chief of Police wages are historically linked to the Police Collective Agreement which expired in 2014.

Since the contract has expired, the salaries for the Chief and Deputy Chief have remained unchanged.

MOTION :

That Council approve an amendment to Town of Amherst Salary Administration Policy Appendix A-1 to change the salary for the Chief of Police and Deputy Chief of Police, effective April 1, 2017 to \$120,549 and \$111,138 respectively and further that 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% respectively of the first class constable rates.



AMHERST TOWN COUNCIL

RFD# 2018073

Date: February 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Kimberlee Jones, Municipal Clerk

DATE: February 26, 2018

SUBJECT: Amendment to the Salary Administration Policy

ORIGIN:

Release of Police Contract Arbitration Ruling in January 2018.

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 approve an amendment to Town of Amherst Salary Administration Policy Appendix A-1 to change the salary for the Chief of Police and Deputy Chief of Police, effective April 1, 2017 to \$120,549 and \$111,138 respectively and further that 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% respectively of the first class constable rates.

BACKGROUND:

The Chief and Deputy Chief of Police wages are historically linked to the Police Collective Agreement which expired in 2014. Notes in the file (not in the policy) from several years ago comment that:

- Chief of Police will be \$25,587 higher than sergeant's salary combined with CPI;
- Deputy Chief of Police will be \$16,176 higher than sergeant's salary combined with CPI.

Up until the APA collective agreement expired, the two salaries were adjusted using this formula. Since the contract has expired, the salaries for the Chief and Deputy Chief have remained unchanged.

DISCUSSION:

Going forward, base the Chief's salary on the recently released Arbitration Order that bases all other salaries on the first class constable salary. Using this formula, the Chief's salary (\$120,549) at April 1, 2017 would be 141% of the first class constable's salary (\$85,551). This would result in a salary of \$124,246 at April 1, 2018. This puts the Amherst Chief's salary in line with the other Nova Scotia police forces.

Deputy Chief of Police: Use the notes in the file to set his salary on April 1, 2017 at \$16,176 above the base salary of a sergeant. This would result in a salary of \$111,138. Going forward, also base



the Deputy Chief's salary on the Arbitration Order that bases all other salaries on the first class constable salary. Take the midpoint between the Chief's 141% and the staff sergeant of 117% to get 129%. This would result in a salary of \$113,672 at April 1, 2018. This also puts the Deputy Chief's salary in line with the other Nova Scotia police forces.

FINANCIAL IMPLICATIONS:

The money for these increases has been accrued each year in anticipation of the settlement of the APA contract negotiations.

COMMUNITY ENGAGEMENT:

Media Release pending Council approval

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications to this recommendation

ALTERNATIVES:

- Amend the policy as presented
- Do not amend

ATTACHMENTS:

Salary Administration Policy #4530-01 with proposed amendments

Report prepared by: Kimberlee Jones, Municipal Clerk

Report and Financial approved by:

DEPARTMENT: ALL DEPARTMENTS

TITLE: **SALARY ADMINISTRATION POLICY**

Minutes	December 12, 2000	November 2, 2004 (See April 26, 2004 Minutes)	November 27, 2006
reference	December 18, 2006	February 26, 2007	July 16, 2008
date	September 29, 2008	March 30, 2009	March 29, 2010
	April 26, 2010	March 28, 2011	August 2, 2011
	May 23, 2012	November 26, 2012	December 17, 2012
	September 23, 2013	October 28, 2013	December 16, 2013
	May 21, 2015	March 29, 2016	May 25, 2016
	May 23, 2017	June 26, 2017	September 25, 2017
	February 26, 2018		September 2, 2016
			December 18, 2017

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 their 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.

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 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 of departments shall receive a monthly vehicle allowance of \$150. Mayor and Council shall receive the same monthly vehicle allowance of \$150 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.

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. The next overall market review shall be completed by January 31, 2019.
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.

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.

APPENDIX A

**Town of Amherst
Salary Grid**

April 1, 2017

Job Level	Salary Amount	
Mayor	Stipend	\$ 24,298
	Allowance for expenses incidental to the discharge of duties	12,150
		\$ 36,447
Deputy Mayor	Stipend	\$ 16,250
	Allowance for expenses incidental to the discharge of duties	8,125
		\$ 24,375
Councillor	Stipend	\$ 14,361
	Allowance for expenses incidental to the discharge of duties	7,181
		\$ 21,542

APPENDIX A-1

April 1, 2017

Salary Grid
Other Non-Union Positions

Salary Amounts

<u>Job Level</u>	
Chief of Police	\$ 120,549
Deputy Chief of Police	\$ 111,138

** 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% respectively of the first class constable rates.

<u>Job Level</u>	
Incumbent Town Engineer	\$ 90,098

**Town of Amherst
Hourly Rate Grid - Casual**

APPENDIX B

April 1, 2017

Job Title	Hourly Rate				
	Step 1	Step 2	Step 3	Step 4	Step 5
Casual Firefighter	16.93	17.21	17.51	17.81	18.10
Jail Guards	12.16	12.56	12.98	13.39	13.87
Canine Control Officer	12.16	12.56	12.98	13.39	13.87
School Crossing Guards	12.16	12.56	12.98	13.39	13.87
Ice Marshall	12.11	12.49	12.91	13.32	13.80
Other	Provincial Minimum Wage				

APPENDIX C JOB CATEGORIES

Category	Position
Deputy CAO	Deputy CAO
Director	Director of Finance/Corp Serv May 1, 2018
	Director of Recreation
	Chief Financial Officer May 1, 2018
Manager	Fire Chief
	Operations Manager
	Manager of Land Use Planning and Strategic Initiatives February 1, 2018
	Manager of Financial Services February 1, 2018
Officer	Planner February 1, 2018
	Accountant February 1, 2018
	Business Development Officer
	Building Official
	IT Manager
	Municipal Clerk February 1, 2018
Supervisor	Exec Asst/Dispatch Coordinator
	Transportation Foreman
	Facility Manager
	Capital Asset Coordinator/Property Manager
Admin/Cust Serv 4	HR Coordinator February 1, 2018
	Exec Asst-CAO February 1, 2018
	Fire Inspector
	Deputy Clerk February 1, 2018
Admin/Cust Serv 3	GIS Coordinator
	Exec Asst Planning February 1, 2018
	Corporate Communications Officer (CCO)
	Horticulturalist
	Fire Fighter
	Procurement Coordinator
	Revenue Officer
	Accounts Payable Coordinator
	Cashier/Receptionist
	Water Sewer Billing Clerk
	IT Coordinator
Admin/Cust Serv 2	Admin Asst Recreation
	Admin Clerk Public Works
	Active Living Coordinator
	Culture/Marketing/Tourism Coordinator (Term)
	Administrative Assistant – Clerk’s Office February 1, 2018

Admin/Cust Serv 1	Bylaw Enforcement Officer
	Criminal Records Checks
	Dispatcher

**APPENDIX C-1
April 1, 2017**

CATEGORY	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
Deputy CAO	104,169	105,396	106,623	107,850	109,076	110,303	111,530	112,757
Director	86,092	87,900	89,708	91,516	93,323	95,131	96,939	98,747
Manager	71,162	72,208	73,254	74,300	75,347	76,393	77,439	78,485
Officer	59,295	61,092	62,890	64,687	66,484	68,281	70,079	71,876
Supervisor	52,569	53,998	55,426	56,855	58,283	59,712	61,140	62,569
Admin/Cust Serv 4	51,017	52,311	53,604	54,898	56,191	57,485	58,778	60,072
Admin/Cust Serv 3	42,895	44,626	46,358	48,089	49,820	51,551	53,283	55,014
Admin/Cust Serv 2	39,458	40,443	41,427	42,412	43,396	44,381	45,365	46,350
Admin/Cust Serv 1	36,829	37,698	38,568	39,437	40,306	41,175	42,045	42,914

MEMORANDUM

TO: Mayor Kogon and Members of Council
FROM: Councillor Rhindress
DATE: February 26, 2018
SUBJECT: Nappan Rainbow Bridge

Many in our community have expressed concerns to me about the status of the Rainbow Bridge in Nappan. While it is not within the boundary of the Town of Amherst, its closure does impact travel to and from the town. Its continued closure can only hurt our economy and be a significant inconvenience for our residents. It may also impact the response times of emergency service providers, like the Amherst Fire Department when responding to emergencies in their coverage areas.

Motion:

I move that the Town of Amherst write to the Minister of Transportation and Infrastructure Renewal expressing our concerns and requesting an update on the plan for repair or replacement of the Rainbow Bridge in Nappan.

Synopsis

Appointment of Members of Council to External Boards, Committees & Commissions Policy

Council has been discussing the purpose and need for appointment of its members to the list of various boards, commissions and committees that has evolved over the years. A previous report to Committee of the Whole on this topic on January 22, 2018 resulted in the above noted direction to staff. With that report, Council was provided with the materials from a similar review completed by HRM.

This new draft policy delineates three levels of outside committees in which members of Council may be involved – those required by legislation, by-law or formal agreement, those which clearly have municipal interest and those which members of Council may be involved with on their own accord without an appointment by Council.

This proposed new policy does not apply to appointments to the standing and ad hoc committees of Council itself – Committee of the Whole, Audit, Planning Advisory, North Tyndal Wellfield Advisory, and Tree Advisory.

MOTION :

That Council approve the proposed new policy – Appointment of Members of Council to External Boards, Committee & Commissions.



AMHERST TOWN COUNCIL

RFD# 2018072

Date: February 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Gregory D. Herrett, CPA,CA Chief Administrative Officer

DATE: February 26, 2018

SUBJECT: Council Committee Review and Appointments

ORIGIN: Direction from the January 22, 2018 meeting of Committee of the Whole : *“That Council direct staff to draft a policy on appointments to committees that includes requirements for Terms of Reference and funding arrangements, if any, and further that appointments continue to be made to the Municipal Alcohol Project and Seniors Safety Advisory Group.”*

LEGISLATIVE AUTHORITY: Section 24 of the Municipal Government Act provides the statutory authority to Council with respect to standing, special and advisory committees.

RECOMMENDATION: That Council approve the proposed new policy – Appointment of Members of Council to External Boards, Committee & Commissions.

DISCUSSION: Council has been discussing the purpose and need for appointment of its members to the list of various boards, commissions and committees that has evolved over the years. A previous report to Committee of the Whole on this topic on January 22, 2018 resulted in the above noted direction to staff. With that report, Council was provided with the materials from a similar review completed by HRM.

This proposed new policy does not apply to appointments to the standing and ad hoc committees of Council itself – Committee of the Whole, Audit, Planning Advisory, North Tyndal Wellfield Advisory, and Tree Advisory.

This new draft policy delineates three levels of outside committees in which members of Council may be involved – those required by legislation, by-law or formal agreement, those which clearly have municipal interest and those which members of Council may be involved with on their own accord without an appointment by Council.

The appendices to the draft policy outline the suggested categorization of the various committees to which Council now appoints members. Most have been slotted into one of the two categories. There are exceptions. 1)The Susan Taylor Theatre Advisory Committee which meets very infrequently and, in the writer’s view, has little direct municipal impact; 2)The Victorian Order of Nurses which has no direct municipal impact; and 3) The West Highland



Redevelopment Committee which was an adhoc committee established to provide advice with regard to the park established on the site of the former West Highlands Elementary School. Therefore it is proposed that Council cease making formal appointments to these three committees. It is important to point out that this would not preclude these committees from inviting an individual member or members of Council to sit on their committee but in doing so they would not be Council's representative on that committee and would not file a regular report to Council from the committee.

There is a grey area and much discussion across the province with respect to the operation of the Municipal Conflict of Interest Act and the involvement of members of Council on external committees that may, from time to time, have issues being discussed and decided upon by Council. This draft policy does not address that issue and members are still advised to reflect at each such instance as to whether they are in a potential conflict of interest when an issue involving an external committee upon which they sit is discussed by Council.

FINANCIAL IMPLICATIONS: There are no direct financial implications arising from the potential adoption of this policy.

COMMUNITY ENGAGEMENT: It is recommended that should this policy be adopted that the Clerk write to each of the impacted committees and advise them of the new policy and the implications for the involvement of Council.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications arising from the adoption of this policy.

ALTERNATIVES:

- Status quo – Council could simply continue to make the same appointments that it has made in the past
- Make appointments only where required by legislation, by-law or agreement

ATTACHMENTS: Proposed Policy – Appointment of Members of Council to External Board, Committees & Commissions

Report prepared by: GD Herrett, CPA,CA - Chief Administrative Officer

DEPARTMENT: COUNCIL

TITLE: **APPOINTMENT OF MEMBERS OF COUNCIL TO EXTERNAL BOARDS,
COMMITTEES & COMMISSIONS**

Minutes reference date:

Short Title

1. This Policy may be known as the *Appointments of Members of Council to External Bodies Policy*.

Purposes

2. The purposes of this Policy are to determine
 - (a) when Council may appoint or refuse to appoint Members to external bodies;
 - (b) which external bodies Council may consider appointing Members;
 - (c) the reporting requirements regarding other bodies on which Members may choose to serve without the appointment of Council.

Interpretation

3. In this Policy,
 - (a) "CAO" means the Chief Administrative Officer of the Municipality;
 - (b) "Clerk" means the Clerk of the Municipality, and includes a person acting under the direction or supervision of the Clerk;
 - (c) "Council" means the Council of the Town;
 - (d) "External body" means any board, commission, committee, body or local authority of any kind established to exercise or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or parts thereof or of two or more municipalities or parts thereof, or to which a municipality or municipalities are required to provide funds.
 - (e) "Member" means a member of Council, including the Mayor; and
 - (f) "Municipality" means the Town of Amherst.

Roles and Responsibilities

4. (1) Only Council may appoint Members to external bodies.
(2) Any appointment by Council of Members to external bodies shall be made pursuant to section 9 or 10 of the Policy.
5. The Clerk shall keep a list of the appointments of Members to external bodies made by Council.
6. A Member who sits on an external body that has not been appointed to such body by Council shall provide the name of that external body to the Clerk.

External Bodies

7. Council shall not be bound by the by-laws or articles of incorporation adopted by an external body providing for the appointment of a Member to such body.

Council Appointments Required by Enactment, By-law or Agreement

8. (1) Council may appoint Members to external bodies
 - (i) in accordance with any enactment of the Government of Canada or Province of Nova Scotia;
 - (ii) in accordance with the By-laws of the Municipality or an agreement to which the Municipality is a party; or
 - (iii) as otherwise directed by Council.
- (2) An external body Council considers meets the purpose of subsection 1 of this section shall be named in Appendix A.
- (3) Council may amend Appendix A to add or remove the name of an external body.

External Bodies by Council Appointment

9. (1) Council may appoint Members to bodies, including external bodies, which in the opinion of Council:
 - (a) are community wide in scope;
 - (b) affect or may affect a municipal interest; or
 - (c) are community organizations with a mandate to provide an alternative service delivery in respect of municipal property on behalf of the Municipality, and to which the Municipality is the primary funder.
- (2) An external body Council considers meets the purpose of subsection 1 of this section shall be named in Appendix B.
- (3) Council may amend Appendix B to add or remove the name of an external body.

External Bodies Without Council Appointment

10. (1) A Member who sits on a body that has not been appointed to such body by Council shall advise the Clerk of the name of the body on which he or she sits.
- (2) The Clerk shall retain a list of the names of the bodies provided by the Members pursuant to subsection 1 of this section and the list shall indicate the name of the Member and the name of the body provided.
- (3) The Clerk shall retain the list created pursuant to subsection 2 of this section in the Office of the Municipal Clerk as a public record.
- (4) The Clerk shall provide the list annually to the Members for their review and the Members shall advise the Clerk of any errors or omissions on such list.

Appendices

11. Any Appendix attached to this Policy shall form part of the Policy.

Appendix A
External Bodies to which Members
are appointed pursuant to section 9

Board, Committee or Commission	Members Appointed	Act, Legislation, By-Law Agreement or Membership
Cumberland Public Libraries Board	1 Member appointed	By-laws of Board
Cumberland Joint Services Management Authority	2 Members appointed	Intermunicipal Agreement
Regional Emergency Management	2 Members appointed	Intermunicipal Agreement
Amherst Board of Police Commissioners	3 Members appointed	Bylaw – Amherst Board of Police Commissioners
Northern Region Solid Waste	1 Member appointed	Intermunicipal Agreement
Cumberland YMCA	1 Member appointed	Contribution Agreement
LA Animal Shelter	1 Member appointed	Contribution Agreement

Appendix B
External Bodies to which Members
are appointed pursuant to Section 10

Board, Committee or Commission	Members of Council Appointed	Comments
Municipal Alcohol Project	1 Member appointed	By Request of Organization Council may appoint member
Senior Safety Advisory Committee	1 Member appointed	

Internal Committee Report

Planning Advisory Committee

February 2018

The Planning Advisory Committee met on Monday, February 5, 2018. On the agenda was an application from the Holy Family Parish Church at 63 Church Street to amend the Land Use Bylaw to allow new internally illuminated signage (including LED signs) in the Core Area District of the Downtown Commercial Zone.

Following a meeting and a Public Participation Opportunity on this matter held Monday, January 8, 2018, the PAC passed the following motion:

To request that staff further investigate what other communities permit, and propose to amend the Land Use Bylaw by adding a Section 6.14 (h) that would permit LED message signs in the Downtown Core Area with guidelines around them similar to other communities.

At the February 5, 2018, the PAC passed the following motion

That the Planning Advisory Committee recommend that Council amend the Land Use Bylaw section 6.14 to allow electronic signs in the Downtown Zone with conditions; and in particular, that electronic signage be permitted for ground, fascia wall, and canopy signs.

Internal Committee Report

Amherst Board of Police Commissioners

February 2018

The Amherst Board of Police Commissioners met on February 22, 2018 in Council Chambers. The Police Chief reviewed the Chief's report as an information item. An update on the current Arbitration Report was also given to the Board.

The next meeting is scheduled for Wednesday, March 21, 2018 at 3 PM.

Internal Committee Report

Amherst Youth Town Council

February 2018

The Amherst Youth Town Council met on January 10th and 24th at the Amherst Regional High School Library and discussed and acted on the following:

- New positions were assigned on the Youth Council; Treasurer to Mason Carter and Public Relations to Rajan McKenney
- Discussions on potential revisions to the Amherst Youth Town Council Policy
- Interest in volunteering at Amherst Valentine's Run
- AYTC received optional apparel from their own funds and none from the committee account
- Council participated in a section of music video for the town to the song "Can't Stop The Feeling" by Justin Timberlake
- Public Relations created an Amherst Youth snapchat account with the username amherstyouth (no spaces and all lowercase) for another way that youth can be notified about events and announcements in the Town of Amherst.

On January 31st the Amherst Youth Town Council had a special meeting at the Amherst Stadium to plan and prepare for the Hawaiian Winter Luau which took place February 17th at the Outdoor Skating Rink as part of the Amherst Winter Carnival.

This concludes the January 2018 monthly report for the Amherst Youth Town Council. If there are any comments or questions relating to my monthly report I would be happy to answer them. Thank you.

External Committee Report

Cumberland Public Libraries

February 2018

New Youth Services Librarian

Youth Services Librarian Fiona Watson started on January 2, 2018. Fiona is originally from Dartmouth and is a recent graduate of the University of British Columbia.

Patron Survey

The Cumberland Public Libraries will be conducting a survey during the month of March. Residents of Cumberland can fill in a survey online, or pick up a copy at their local library.

Financial

The Library Board had recently decided to reduce operating hours at most locations as a cost saving measure to address upcoming budget shortfalls. However a recent one-time grant from the Province will allow operations to continue a current service levels for the next year.
(attached is new article from Cumberland News Now February 22, 2018)

Public Meeting

The Cumberland Regional Library Board will be hosting a public meeting on April 12th at 7pm at the Four Fathers Library to discuss the future of the Cumberland Public Libraries. Topics of discussion will include current funding issues and what actions need to be taken with frozen funding.

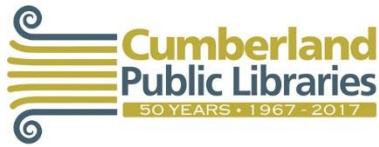
Statistics

In the month of December, Cumberland Public Libraries signed out over 8,000 items, 3,400 items in Amherst alone. This includes books, movies, TV shows, magazines and more.

Also in December, the Four Fathers Library held 9 programs for children and adults, with 200 people in attendance.

4,513 people visited in the Four Fathers Library during the month of December

Next Board meeting will be April 5, 2018.



PRESS RELEASE

For Immediate Release
February 21, 2018

Cumberland Public Libraries hours to remain the same.

On February 20, 2018, the Department of Communities, Culture and Heritage announced that each library region would receive a one-time grant of \$52,667 to allow for time to work on a long-term funding strategy.

This means Cumberland Public Libraries will not be operating on a deficit in 2018/19 consequently there will be no hours cut this year.

Chief Librarian, Denise Corey, said: "I'm very pleased by this funding. While it does not address the long-term issues it does allow us to continue to provide service to the residents of Cumberland County and the rest of Nova Scotia".

Currently, public libraries in Nova Scotia are taking part in a core services review and there is indication from the government that the review and resulting funding formula changes should happen in the next fiscal year.

The Cumberland Public Libraries serves the residents of Cumberland County through seven locations in Advocate Harbour, Amherst, Oxford, Parrsboro, Pugwash, River Hebert, and Springhill, and a Borrow by Mail service. Last year, the Cumberland Public Libraries saw an overall increase of 4% in circulation, a 4.2% increase in holds, a 4.3% increase in reference questions asked and a 42% increase in program attendance. The library's complete annual report can be seen in the About Us section of the website at www.cumberlandpubliclibraries.ca.

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External Committee Report

Cumberland YMCA

February 2018

At the meeting held February 7th the Board listened to an informative presentation by Alison Lair, the Community Outreach Coordinator, about her observations since the start of this new program in 2017. This was followed by an update on the Strong Kids Campaign Launch and the Risk Management Action plan for 2018.

Membership: 1192 total number of members (previous month 884), 198 Subsidized Members (previous month 146). There are plans in February to finalize the updated Membership Assistance Application and also update the procedure that the YMCA uses to process/approve applications.

Childcare Information: Registration has started for all childcare and after school programs for 2018-2019 year. The Department of Education and Early Childhood Development has announced that as of February 1, 2018 families will have the option of accessing part-day child care programs with Child Care Subsidy Funding. Agreements were signed and sent for our offsite programs.

The Child Protection Self-Assessment is due this month and staff are working hard on this, as it will determine the process and timing for Child Protection reviews this coming year.

A First Aid Course was offered January 25th and 26th. 7 participants completed the course, 2 of which were Staff.

Winter Swim Lessons are ongoing. Numbers are as follows:

- Group Lessons - 108 total participants
- Semi / Private Lessons - 62 weekly lessons

The Y is currently offering the swimming portion of the Multisport Program, in partnership with Sport Nova Scotia, the Town of Amherst and the Municipality of Cumberland County. There are 25 participants that join us for an hour of instruction two times per week. (3 weeks total)

Donations and Fundraising: The Strong Kids Campaign will be launching mid-February through until the end March 2018. Along with the annual campaign communications, The Cues for Kids was held on February 23rd & 24th at Dooly's. The Staff Pledge Event and the Spin-A-Thon (tentatively set for March 28) are upcoming. During the month from February 15 – March 15 we have the book sale in our lobby.

The community support program has again shown how much this program is needed in our community. Client numbers are up nine from last month, Alison has 24 clients on record for housing services and homelessness prevention. The Community Kitchen program has officially launched, serving up to 30 people for a drop-in meal service each Wednesday from 12:00 – 1:30 p.m.

External Committee Report

L.A. Animal Shelter

February 2018

The Board met on February 22, 2018.

Upcoming fundraising includes an event at the Elm Tree Tavern on March 23rd, an April spring tea party at the Apothic Inn and grocery bagging at Sobey's on April 27, 2018.

Weekend volunteer staff roles and responsibilities was discussed. The shelter is limited due to inexperience.

A dog bite event has now been fully investigated. The dog remained aggressive and at risk, and regrettably had to be put down.

The new security system is still not yet complete due to electrical issues. The drop box has been purchased and it will soon be installed. There have been sufficient donors to complete the play area.

Financially things remain a struggle at the Shelter. A lack of puppies has reduced revenues. In 2017 the shelter was in black by \$1800, mainly because donations after the break in exceeded losses.

Worth noting, the shelter is/will be requesting an increase in funding from Amherst, Oxford and the County.