



**Town of Amherst
Regular Council Meeting
Agenda**

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

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1. PUBLIC HEARING	
1.1 Land Use By-Law Amendment - Electronic Signage - 6:30 p.m	
2. CALL TO ORDER	
3. O'CANADA	
4. HEARINGS/PRESENTATIONS/PETITIONS	
4.1 Alison Lair - Cumberland YMCA	
5. APPROVAL OF AGENDA/MINUTES	
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9.4	Northern Region Solid Waste Committee	
9.5	L. A. Animal Shelter	
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10.	ADJOURNMENT	

TOWN OF AMHERST
Regular Council Meeting
Minutes

Date: February 26, 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
Vince Arbing, Treasurer
Bill Schurman, Director Recreation
Greg Jones, Fire Chief
Natalie LeBlanc, Deputy Clerk
Tom McCoag, Corporate Communications Officer
Kim Jones, Municipal Clerk
Sarah Wilson, Manager of Financial Services
Andrew Fisher, Manager of Planning & Strategic Initiatives

Others Present Rajan McKenney, Amherst Youth Town Council

1. **PUBLIC HEARING**
No public hearings.

2. **CALL TO ORDER**
Mayor Kogon called the meeting to order at 7:00p.m.

3. **O'CANADA**
Three students sang O Canada; Curtis Smith, Alyssa Kierstead and Halle Humphrey.

4. HEARINGS/PRESENTATIONS/PETITIONS

4.1 Provincial Volunteer of the Year Nominations

Mayor Kogon recognized the Provincial Volunteer of the Year nominees.

Receiving the 2018 Youth Volunteer of the Year was Rohin Minocha-McKenney, receiving the 2018 Family Volunteer of the Year was the MacLeod family, and receiving the 2018 Volunteer of the Year was Daren White.

5. APPROVAL OF AGENDA/MINUTES

5.1 Approval of the Agenda

Moved By Councillor Byrne

Seconded By Councillor Blanch

To approve the agenda.

Motion Carried

5.2 Approval of Minutes

5.2.1 20180122 Council Minutes

Moved By Councillor MacKenzie

Seconded By Councillor Jones

To approve the minutes of the January 22, 2018 regular meeting of Amherst Town Council.

Motion Carried

6. REQUEST FOR DECISIONS

6.1 Amend Solid Waste Bylaw - 2nd Reading

Moved By Councillor Byrne

Seconded By Councillor Blanch

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

Motion Carried

6.2 Solid Waste Collection RFP Award

Moved By Councillor Rhindress

Seconded By Councillor Blanch

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

Motion Carried

6.3 Alternative Voting Bylaw - 1st Reading

Moved By Deputy Mayor Christie

Seconded By Councillor Byrne

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

Motion Carried

6.4 Land Use Bylaw Amendment - PAC Recommendation

Moved By Councillor MacKenzie

Seconded By Councillor Rhindress

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 further that a public hearing on the matter be scheduled for Monday, March 26, 2018 at 6:30 p.m.

Against (2): Deputy Mayor Christie, and Councillor Blanch

Motion Carried

6.5 Budget Amendment - Reservoir Generator

Moved By Councillor Blanch

Seconded By Deputy Mayor Christie

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.

Motion Carried

- 6.6 **Mandatory Provincial Contribution Area Rate**
Moved By Deputy Mayor Christie
Seconded By Councillor Rhindress

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.

Motion Carried

- 6.7 **Salary Administration Policy**
Moved By Councillor Byrne
Seconded By Councillor Jones

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.

Motion Carried

6.8 Rainbow Bridge- Nappan

Moved By Councillor Rhindress

Seconded By Councillor Blanch

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.

Motion Carried

6.9 Appointment of Members of Councils to External Boards, Committees & Commissions Policy

Moved By Councillor Jones

Seconded By Councillor Byrne

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

Motion Carried

6.10 Council Committee Appointments

Moved By Councillor Jones

Seconded By Deputy Mayor Christie

That Council approve the following committee appointments expiring October 31, 2018:

Mayor Kogon

- **A. Animal Shelter**
- **Regional Emergency Management Committee**

Deputy Mayor Christie

- **Amherst Board of Police Commissioners**
- **Planning Advisory Committee**
- **YMCA Board of Directors**

Councillor Blanch

- **Amherst Board of Police Commissioners**
- **Municipal Alcohol Project**
- **Tree Advisory Committee**
- **Tyndall Wellfield Advisory Committee**

Councillor Byrne

- Cumberland Joint Services Management Authority (CJSMA)
- Regional Emergency Management Committee

Councillor Jones

- Amherst Board of Police Commissioners
- Senior Safety Advisory Group
- Tyndall Wellfield Advisory Committee

Councillor MacKenzie

- Cumberland Public Libraries Board
- Planning Advisory Committee

Councillor Rhindress

- Cumberland Joint Services Management Authority
- Northern Region Solid Waste Committee
- Planning Advisory Committee

Motion Carried

6.11 General Accounts Receivable Write-offs

Moved By Councillor Blanch

Seconded By Councillor Byrne

That Council authorize staff to write-off uncollectable accounts in the amount of \$4,217.36.

Motion Carried

- 6.12 Victorian Arms Ltd**
Moved By Councillor MacKenzie
Seconded By Councillor Jones
That Council authorize staff to write off \$96,490.82 in outstanding taxes and interest for this account.

Against (1): Councillor Rhindress

Motion Carried

- 6.13 Tourism Strategic Planning Committee Terms of Reference**
Moved By Councillor Jones
Seconded By Deputy Mayor Christie
That Council approve the Terms of Reference and that Council approval be communicated to the Council of the Town of Oxford and the Municipality of Cumberland County.

Motion Carried

8. INTERNAL COMMITTEE REPORTS

- 8.1 Planning Advisory Committee**
Deputy Mayor Christie presented the Planning Advisory Committee report. This being an information item, no action was required or direction given.
- 8.2 Amherst Board of Police Commissioners**
Councillor Blanch presented the Amherst Board of Police Commissioners report. This being an information item, no action was required or direction given.
- 8.3 Amherst Youth Town Council**
AYTC Member Rajan McKenney presented the Amherst Youth Town Council report. This being an information item, no action was required or direction given.

9. EXTERNAL COMMITTEE REPORTS

- 9.1 Cumberland Public Libraries**
Councillor MacKenzie presented the Cumberland Public Libraries report. This being an information item, no action was required or direction given.

9.2 Cumberland YMCA

Deputy Mayor Christie presented the Cumberland YMCA report. This being an information item, no action was required or direction given.

9.3 Cumberland Joint Services Management Authority

Councillor Byrne gave a verbal Cumberland Joint Services Management Authority report. This being an information item, no action was required or direction given.

9.4 Northern Region Solid Waste Committee

No report.

9.5 L. A. Animal Shelter

Mayor Kogon presented the LA. Animal Shelter report. This being an information item, no action was required or direction given.

10. ADJOURNMENT

Moved By Councillor Jones

Seconded By Deputy Mayor Christie

That the meeting adjourn at 7:55 p.m.

Motion Carried

Kimberlee Jones
Municipal Clerk

David Kogon
Mayor

**Amherst Town Council
Special Council Meeting
Minutes**

Date: March 14, 2018
Time: 3:30 pm
Location: Council Chambers, Town Hall

Members Present Mayor David Kogon
Deputy Mayor Sheila Christie
Councillor Vince Byrne
Councillor Darrell Jones
Councillor Terry Rhindress

Members Absent Councillor Jason Blanch
Councillor Wayne MacKenzie

Staff Present Greg Herrett, CAO
Tom McCoag, Corporate Communications Officer
Kimberlee Jones, Municipal Clerk
Natalie LeBlanc, Deputy Clerk

1. CALL TO ORDER

Mayor called the meeting to order at 3:30p.m.

2. REQUEST FOR DECISION

2.1 Salary Administration Policy Amendment

Moved By Councillor Rhindress

Seconded By Councillor Byrne

That Council approve amendments to the Salary Administration Policy #4530-01 by renaming the Deputy CAO category to Senior Officer; and that the position of Chief Financial Officer be reclassified from the Director category to the Senior Officer category.

Motion Carried

2.2 Appointment of Chief Financial Officer

Moved By Councillor Jones

Seconded By Deputy Mayor Christie

That Council appoint Shelley Rector, CPA, CMA to the position of Chief Financial Officer effective April 23, 2018

Motion Carried

3. ADJOURNMENT

Moved By Councillor Rhindress

Seconded By Councillor Jones

To adjourn the meeting at 3:40 p.m.

Motion Carried

Kimberlee Jones
Municipal Clerk

David Kogon, MD
Mayor

SYNOPSIS

Alternative Voting Bylaw

This new Alternative Voting Bylaw will allow for alternative voting methods such as internet and telephone voting for the 2020 Municipal Election. With the enabling Bylaw, Amherst voters will have the option to cast ballots via telephone or through the internet for an extended advanced voting period. Traditional paper ballots will remain available on Election Day. This Bylaw was given first reading at the February 26, 2018 regular meeting of Council.

MOTION:

That Council give second reading of the attached Alternative Voting Bylaw.



AMHERST TOWN COUNCIL

RFD# 2018067

Date: March 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council
SUBMITTED BY: Kimberlee Jones, Municipal Clerk
DATE: March 26, 2018
SUBJECT: **Second 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 second 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

Flag Protocol Policy

This new Flag Protocol Policy has been created to provide a protocol on how flags shall be flown when displayed at Town of Amherst events or on flag poles, which are owned or used by the Town of Amherst. Creation of this policy is in line with the established flag etiquette as defined by the Government of Canada and provides the requirements for displaying flags, maintenance of flags and flying flags at half mast.

MOTION:

That Policy 02300-04 - Flag Protocol be approved by Council.



AMHERST TOWN COUNCIL

RFD# 2018077

Date: March 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Greg Jones, Fire Chief

DATE: March 26, 2018

SUBJECT: **POLICY 02300-04 – FLAG PROTOCOL (New policy)**

ORIGIN: Created to provide clarification on the presentation of flags as requested by the Chief Administrative Officer

LEGISLATIVE AUTHORITY: MGA sections 47 and 48 authorize council to make, amend and repeal bylaws and policies.

RECOMMENDATION: That the attached Policy 02300-04 - Flag Protocol be approved by Council.

BACKGROUND: To create a policy that would provide guidance as to how stationary flags on Town of Amherst owned / used flag poles or municipal buildings shall be flown.

DISCUSSION: This policy has been designed to provide a protocol on how flags shall be flown when displayed at Town of Amherst events or on flag poles, which are owned or used by the Town of Amherst. Creation of this policy is in line with the established flag etiquette as defined by the Government of Canada and provides the requirements for displaying flags, maintenance of flags and flying flags at half mast.

FINANCIAL IMPLICATIONS:

Acceptance of this policy will have no financial implications on the Town of Amherst.

COMMUNITY ENGAGEMENT:

Not applicable

ENVIRONMENTAL IMPLICATIONS:

Not applicable

ALTERNATIVES:

Council may choose to not accept this policy.

ATTACHMENTS:

1. Proposed Town of Amherst Policy 02300-04 – Flag Protocol

Report prepared by: Greg Jones, Fire Chief

Report and Financial approved by:



DEPARTMENT: ALL DEPARTMENTS

TITLE: FLAG PROTOCOL

Minutes reference date:

1 PURPOSE

The purpose of this policy is to provide guidance as to which stationary flags on Town of Amherst properties shall be flown and how they will be presented at half-mast.

2 DISPLAY AND MAINTENANCE OF FLAGS

- a. All flags shall be maintained in a condition fitting their significance. Frayed flags shall be replaced and/or repaired as soon as possible. Any flag that is removed from service shall be destroyed in a dignified manner.
- b. When the Canadian flag is displayed on a speaker's platform, it should be placed on a flag pole on the left (from the point of view of the audience) and when it is displayed in an auditorium, it should be placed on a flag pole on the right (from the point of view of the audience).
- c. At no time shall any flag touch the ground or be displayed at a level higher than the Canadian flag.
- d. When the Canadian flag is flown alone on top or in front of a building where there are
 - i. Two flagpoles - the Canadian flag shall be flown on the flagpole to the left.
 - ii. More than two flagpoles - the Canadian flag should be flown as near as possible to the center
- e. When the Canadian flag is flown in a line of flags
 - i. Three flags - the Canadian flag shall be displayed in the center, with the other flags being placed from left to right in alphabetical order.
 - ii. More than three flags - the Canadian flag shall be displayed on the left side, with the other flags being placed from left to right in order based on the level of government and then organized in alphabetical order. (For example: Canadian flag > Other countries > Provincial flags > Municipal flags > All other flags)
- f. Town of Amherst flag locations
 - Town hall
 - Amherst Fire Station
 - Amherst Stadium
 - Amherst Police Department
 - Community Credit Union Business Innovation Center
 - Community flag poles (In front of YMCA)
 - Victoria square

DEPARTMENT: ALL DEPARTMENTS

TITLE: FLAG PROTOCOL

Minutes reference date:

3 FLYING FLAGS AT HALF MAST

- a. The CAO's office will arrange for the half-masting of the flags at all Town of Amherst Facilities, and will advise the Mayor, Council and staff of the Town's Administrative offices, of the name of the individual, and any known details of the funeral or memorial service for the individual. In addition, the CAO's office will define the date and time in which all flags will be placed back to full mast. Regardless of the situation, the Canadian flag shall be at full mast on Victoria Day and Canada day.
- b. Recognition of Prominent Public Figures and Others
The flag will be flown at half-mast to mark the passing of any of the following individuals, for a period beginning when the Town is notified of the individual's death, until and including the date of the funeral or memorial service, or at the discretion of the CAO:
- i. Canadian and Abroad
 - The Sovereign, or a member of the Royal Family related in the first degree to the Sovereign (spouse, son or daughter, father, mother, brother or sister);
 - The Governor General or a former Governor General of Canada;
 - The Prime Minister of Canada.
 - ii. Nova Scotia
 - The Lieutenant Governor;
 - The Premier.
 - iii. Town of Amherst
 - The Mayor, or a former Mayor of the Town;
 - A Councilor, or a former Councilor of the Town;
 - A Town of Amherst employee
 - A Member of Canadian Parliament, or a former Cabinet Member who represented a constituency that included the Town;
 - A Member of the Legislative Assembly, or a former MLA, who represented a constituency that included the Town.
 - iv. Protective Services Personnel
 - Individuals from the Town of Amherst whose duties can be described as "Protective Services", who have died in the line of duty, including but not

DEPARTMENT: ALL DEPARTMENTS

TITLE: FLAG PROTOCOL

Minutes reference date:

limited to police, fire, emergency health services, DNR Conservations Officers and Fisheries Officers.

- v. Canadian Military Personnel
 - Members of the Canadian Armed Forces from the Town of Amherst or surrounding area who have died while on a peacekeeping or combat mission.
- c. Other Circumstances

All Town of Amherst flags will be lowered to half-mast from sunrise to sunset for the following events:

 - April 28th** – Day of Mourning for Persons Killed or Injured in the Workplace
 - November 11th** - Remembrance Day
 - December 6th** – National day of Remembrance and Action on Violence Against Women
 - i. The flag will be flown at half-mast to mourn lives lost in tragic national and international events. In such cases, a decision to lower the flag and the period during which it remains at half-mast will generally mirror the practice of the Province of Nova Scotia but will be at the discretion of the CAO.
 - ii. Other individuals and events may be recognized by lowering the flag at the direction of the CAO.
- d. Any citizen, councilor or staff member of the Town of Amherst, who becomes aware of an individual whose passing should be recognized under this Policy, should contact the CAO’s office as soon as possible.
- e. The CAO will determine if the request conforms to the criteria of the Policy.

DEPARTMENT: ALL DEPARTMENTS

TITLE: FLAG PROTOCOL

Minutes reference date:

4 PROCEDURE FOR LOWERING FLAGS TO HALF MAST

a. LOWERING FLAGS AT HALF MAST

Upon receiving authority to lower the flags to half mast the following shall occur:

- i. All flags shall be first raised to the top of the mast and then slowly lowered to half mast
- ii. All flags which are flown together will be lowered to half-mast. The Canadian flag shall be the last one to be lowered.
- iii. Only those flags that have halyards and pulleys will be flown at half-mast;

b. PLACING FLAGS BACK TO FULL MAST

At the assigned date and time flags will be returned to full mast. The following shall occur:

- i. All flags shall be returned to full mast
- ii. Where multiple flags are flown together, the Canadian flag shall be returned to full mast first; followed by the remaining flags from left to right.

5 DISPLAYING NON -GOVERNMENTAL FLAGS

- a. Details on how non-governmental flags may be displayed can be found in Policy 10350-14 (REQUESTS FOR PROCLAMATIONS AND FLAG RAISING CEREMONIES).

6 REFERENCE DOCUMENTS

- a. Government of Canada – Rules for flying the national Flag of Canada
<https://www.canada.ca/en/canadian-heritage/services/flag-canada-etiquette/flying-rules.html>
- b. Government of Canada – Rules for half-masting the National Flag of Canada
<https://www.canada.ca/en/canadian-heritage/services/flag-canada-masting-rules.html>
- c. Government of Canada – Position of honour of the National Flag of Canada
<https://www.canada.ca/en/canadian-heritage/services/flag-canada-etiquette/position-honour.html>

SYNOPSIS

Inter-Municipal Emergency Services Agreement Amendment

This amendment to the Inter-Municipal Services Agreement takes into account the dissolution of the Town of Springhill and the Town of Parrsboro, and therefore has removed these parties from the agreement and incorporated them under the Municipality of the County of Cumberland. This amendment to the agreement was reviewed, accepted and recommended by the Regional Emergency Management Organization Advisory Committee at their March 13, 2018 meeting.

MOTION:

That this amendment to the Inter-Municipal Services Agreement be approved by Council.



AMHERST TOWN COUNCIL

RFD# 2018079

Date: March 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Greg Jones, Fire Chief

DATE: March 26, 2018

SUBJECT: Amendment to the "Inter-Municipal Emergency Services Agreement"

ORIGIN: Following a review by the Regional Emergency Management Coordinator, it was identified that several changes were needed to bring this agreement up to date.

LEGISLATIVE AUTHORITY: MGA section 61 authorizes Council the ability to enter into agreements.

RECOMMENDATION: That this amendment to the Inter-Municipal Emergency Services Agreement be approved by Council.

BACKGROUND: First established 2013, the Inter-Municipal Emergency Services Agreement was created to establish an agreement between all parties within the Cumberland region to provide provisions with respect to mutual aid services and joint provisions for emergency management services through the Regional Emergency Management Organization.

DISCUSSION: Following a recent review, it was established that the current Inter-Municipal Emergency Services Agreement needed to be amended to be in line with the current parties of this agreement. This amendment to the agreement has been reviewed, accepted and recommended by the Regional Emergency Management Organization Advisory Committee at their March 13th, 2018 meeting.

This amendment to the Inter-Municipal Emergency Services Agreement takes into account the dissolution of the Town of Springhill and the Town of Parrsboro, and therefore has removed these parties from the agreement. These parties have been incorporated under the Municipality of the County of Cumberland.

The governance model as identified in section 5, para (b) has been changed to incorporate a new Advisory Committee representation model for the parties of this agreement. This amendment establishes that the Municipality of the County of Cumberland will have 3 voting members, the Town of Amherst will have 2 voting members and the Town of Oxford will have 1 voting member.

Further, this amendment changes the provisions of the cost sharing formula, as it relates to the operation of the Regional Emergency Management Organization (REMO). With this change the Municipality of Cumberland will increase their share in operational costs, as a result of the addition of the Town of Springhill and the Town of Parrsboro, into the Municipality of the County of Cumberland.



This amendment to the Inter-Municipal Emergency Services Agreement is proposed to take effect on the 1st day of June, 2018, following the acceptance of all established parties of this agreement.

FINANCIAL IMPLICATIONS: Acceptance of this agreement will have no financial implications on the Town of Amherst.

COMMUNITY ENGAGEMENT: Not applicable

ENVIRONMENTAL IMPLICATIONS: Not applicable

ALTERNATIVES: Council may choose to not accept this amendment to the agreement.

ATTACHMENTS: Proposed Amendment to the Inter-Municipal Emergency Services Agreement

Report prepared by: Greg Jones, Fire Chief

Report and Financial approved by:



Inter-Municipal Emergency Services Agreement

THIS AGREEMENT is made in three copies this 1st day of June, 2018

AMONG;

The **MUNICIPALITY OF THE COUNTY OF CUMBERLAND**, a municipal body corporate pursuant to the Municipal Government Act;

-and-

The **TOWN OF OXFORD** a municipal body corporate pursuant to the Municipal Government Act;

-and-

The **TOWN OF AMHERST** a municipal body corporate pursuant to the Municipal Government Act; hereinafter called the “Parties.

THE PARTIES HERETO AGREE AS FOLLOWS:

1. The Purpose of this inter-municipal services agreement, hereafter called the “Agreement” is to provide for a coordinated response to an emergency occurring within Cumberland County, including the Municipality of the County of Cumberland, the Town of Oxford, and the Town of Amherst, referred to in this Agreement as the “region”.
2. This Agreement also provides for the Parties to render mutual aid with respect to personnel and equipment during an emergency.
3. This Agreement is to provide for the joint provision of services and facilities by the municipal units in the region pursuant to Part III - 60 (1) of the Municipal Government Act and section 10 (2) {c} of the Emergency Management Act.
4. The planning for and coordination of emergency service delivery during a real or imminent emergency as defined by the Emergency Management Act shall be provided by the Regional Emergency Management Organization, referred to in this Agreement as the REMO.
5. The REMO shall consist of a Regional Emergency Management Advisory Committee, Regional Emergency Management Planning Committee and the Regional Emergency Management Coordinator.
 - a. The Regional Emergency Management Advisory Committee shall be responsible for the direction and management of emergency preparedness activities within the region and to advise the appointing Councils pursuant to section 10 (1) {d} of the *Emergency Management Act*.
 - b. Each party to this agreement shall appoint members of its Council to the Regional Emergency Management Advisory Committee, according to the following formula. These members will have voting privileges at the committee meetings. County of Cumberland 3, Town of Amherst 2 and the Town of Oxford 1. For the County of Cumberland and the Town of Amherst one of the members shall be the Warden and Mayor respectively.
 - c. Members of the Regional Emergency Management Advisory Committee are appointed for the same term of office as the Council that appoints them and hold office until their successors are named. (subject to i. below)
 - d. In the event of a vacancy occurring, the Council that appointed the member shall appoint a replacement within six weeks after the vacancy occurs.
 - e. The Regional Emergency Management Planning Committee shall be responsible for recommending policy and procedures to the Regional Emergency Management Advisory Committee for maintaining a reasonable state of preparedness for emergencies and shall

- consist of representatives of emergency services and other agencies which may have direct operational responsibilities in an emergency.
- f. Each party to this agreement shall appoint staff members, or where it is appropriate volunteer agency representatives, to the Regional Emergency Management Planning Committee.
 - g. The Regional Emergency Management Coordinator (REMC) shall chair the Regional Emergency Management Planning Committee.
 - h. All parties agree that the Regional Emergency Management Coordinator shall be an employee of the Municipality of the County of Cumberland and shall serve as the staff member of REMO.
 - i. Should the position of the Regional Emergency Management Coordinator become vacant, it will be the responsibility of the CAO of the Municipality of the County of Cumberland to fill the vacancy in accordance with the hiring policies of the Municipality of the County of Cumberland. The selection committee shall consist of the CAOs of the participating municipalities.
 - j. The Parties agree that each Municipality shall appoint a staff member to act as a liaison with the REMC.
6. The REMO shall be the organization directly responsible for the control and conduct of emergency response operations according to the plans and procedures adopted by the parties from time to time. When the capacity of REMO is exceeded, or is likely to be exceeded, REMO will activate support from other agencies in accordance with formal or informal arrangements.
 7. The REMO is authorized to operate, maintain and manage physical facilities for emergency activities both at the scene of the emergency and at a centralized coordination facility.
 8. The REMO is empowered to acquire or contract for the use of equipment, facilities and personnel necessary or advisable to carry out the responsibilities assigned to it by this Agreement.
 9. The REMO may contract with any person or organization, including a municipal unit and a municipal unit which is party to this agreement, for the provision of any service or facility necessary or advisable to carry out the responsibilities assigned to the REMO by this Agreement.
 10. Any capital asset created or acquired by the REMO shall be owned jointly by the parties in the proportion they currently contribute except for assets contributed by a particular municipality and those assets shall remain the property of that municipality.
 11. The REMO shall establish its own rules of procedure.
 12.
 - a. The Regional Emergency Management Advisory Committee shall annually name one of its members to be chair and one to be vice-chair, to act in the absence or incapacity of the chair.
 - b. The chair or other person presiding shall vote on every question before the Regional Emergency Management Advisory Committee.
 - c. The Regional Emergency Management Advisory Committee shall appoint a person to be secretary of the REMO.
 13.
 - a. The Parties recognize that an emergency may require the sharing or redeployment of personnel and equipment in order to save lives or minimize damage to property or the environment, and undertake to provide personnel and equipment as deemed appropriate by the Regional Emergency Management Advisory Committee and recommended by the Regional Emergency Management Planning Committee.
 - b. Any cost associated with the deployment of resources will be borne by the responding municipality.

- c. Other resources that may be required by REMO during an emergency will be cost shared as per the finding formula in section 14.
14. The parties shall share the cost of operations of the REMO based on the following formula:
 - a. The participating units will contribute a base amount of \$1,500, with the balance of the budget cost shared based on 50% uniform assessment and 50% population for the participating municipalities.
 - b. Municipalities interested in joining the REMO will be required to contribute a base amount of \$2,500 in the first fiscal year of such participation.
15. REMO shall have its budget submitted to the municipal units so it may be approved by March 31 of that fiscal year.
16. The actual dollar contribution of the Municipalities shall be based on the annual budget of the REMO. Operating surpluses and deficits will be included in the following years' budget.
17. The Municipality of Cumberland will invoice the other contributing Municipality(s) for their portion of the approved budget.
18. In the event the REMO requires additional money for capital or operating purposes, any such increase shall be approved by the parties or such of them as agree to contribute.
19. The Municipality of Cumberland shall also be the unit responsible to look after the financial arrangements for REMO.
20. The Municipality of Cumberland shall have the REMO included in its liability insurance policy.
21. Individual participating units commit to providing the appropriate resources for staff training and municipal specific equipment and supplies necessary for EMO preparedness.
22. The fiscal year of the REMO shall be from April 1 to March 31 of the following year.
23. Each Municipal Party's participation in this Agreement is conditional on that party passing a complementary by-law respecting the coordinated response to an emergency pursuant to the Emergency Management Act
24. This Agreement has effect from June 1st 2018, and thereafter from year to year unless otherwise agreed by all Parties, provided any Municipality may withdraw pursuant to section 25.
25. Any Municipal Party may withdraw from this agreement by giving written notice to the other parties not less than one year prior to the intended withdrawal date, which must be March 31st of the applicable year.
26. Any party withdrawing from this Agreement remains responsible for its share of any liabilities of the REMO incurred up to the date of the withdrawal and any severance, penalty or other costs necessarily incurred by the REMO as a result of the withdrawal.
27. Any party withdrawing from this Agreement shall not be entitled to compensation for assets owned jointly by the participating municipalities.
28. Upon dissolution of the REMO by unanimous consent of the parties, the assets of the REMO are vested in the parties and the parties are responsible for the liabilities of the REMO in proportion to the amounts contributed by the parties.
29. Each party shall indemnify its representatives from any liability that may arise as a result of that member acting as a member of the REMO.
30. If any disagreement arises among the parties as to the proper interpretation of this agreement that cannot be resolved, the parties shall submit the area of disagreement to an arbitrator as provided by the Arbitration Act.

31. This Agreement is governed by the laws of Nova Scotia.

IN WITNESS WHEREOF the parties hereto have this Agreement to be executed by the hands of their duly authorized officers and the affixing of their respective seals the day and year first above (see section 23).

Dated this 1st day of June, 2018 A.D.

SIGNED, SEALED AND DELIVERED

In the presence of:

)
)
)
) **THE MUNICIPALITY OF THE COUNTY**
) **OF CUMBERLAND**
)
)
)
) Per: _____
) Warden
)
Per: _____)
Witness)
)
)
) Per: _____
) C.A.O
)
)
) **TOWN OF OXFORD**
)
)
)
) Per: _____
) Mayor
)
Per: _____)
Witness)
)
)
) Per: _____
) C.A.O
)
)
) **TOWN OF AMHERST**
)
)
)
) Per: _____
) Mayor
)
Per: _____)
Witness)
)
)
) Per: _____
) C.A.O
)
)
)

SYNOPSIS

Tax Sale by Tender

A property Tax Sale by Tender closed on March 6, 2018, with bids being received for all three properties.

MOTION:

That Council accept the bids for the three properties, and further that staff be authorized to write off the difference between the selling price and outstanding taxes.



AMHERST TOWN COUNCIL

CDR# 2018076

Date: MARCH 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Vince Arbing, CPA, CA – Director of Corporate Services

DATE: March 26, 2018

SUBJECT: Tax Sale by Tender – Acceptance of Bids

ORIGIN:

January 2018 Council Direction to advertise a For Sale by Tender for 3 properties.

LEGISLATIVE AUTHORITY:

MGA 141(2); 143(4), and 149(1)

RECOMMENDATION:

That Council accept the of bids for the three properties listed below, and further that staff be authorized to write off the difference between the selling price and the outstanding taxes.

BACKGROUND:

A property Tax Sale by Tender closed March 6, 2018. Bids were received for all three properties.

Property Owner	Property Description	Outstanding Taxes	2018 Assessment	Amount of Bid Received	Bid Received From	Treasurer's Recommendation
Christine J. Dimichelle	3 Fullerton Street Land – AAN 03746356	\$10,976	\$7,500	\$1,585	David Dickie	Accept
Dyllon Stephen Marshal MacLean	26 Park Street Land – AAN 02462168	\$7,780	\$14,600*	\$385 \$1,000	David Dickie Roderick Sinacsi	Do Not Accept Accept
Dean Allison Simpson	23 ½ West Pleasant Street Resource Land – AAN 00801003	\$6,543	\$200	\$156	David Dickie	Accept

*Assessment value of \$14,600 reflects the value when there was a building on this property. We will notify PVSC to re-evaluate.



DISCUSSION:

All of these properties have had dangerous and unsightly charges applied to their accounts due to an order from the Town. All three contained a building which we had removed when the owner refused to clean up their property. The owners are refusing to pay their outstanding taxes, and therefore the properties were put up for tax sale. The Town is better served if these properties are sold and developed, generating revenue for the Town.

The Municipal Government Act (MGA) states:

149(1) Where a municipality calls tenders for land to be sold for taxes, the municipality may reject all tenders if:

- (a) the price tendered is less than the taxes, interest and expenses; and**
- (b) the council considers that the best price offered is inadequate, and may again put the land up for tax sale by tender or by public auction.**

FINANCIAL IMPLICATIONS:

The difference between the selling price and the outstanding taxes will be written off.

COMMUNITY ENGAGEMENT:

Bidders will be notified of Council decision and the current owners will be notified by letter of the sale and that they have 6 months to redeem their property by paying the outstanding taxes.

ENVIRONMENTAL IMPLICATIONS:

None at this time.

ALTERNATIVES:

1. Do not accept the treasurer's recommendation.

ATTACHMENTS:

Property On Line maps

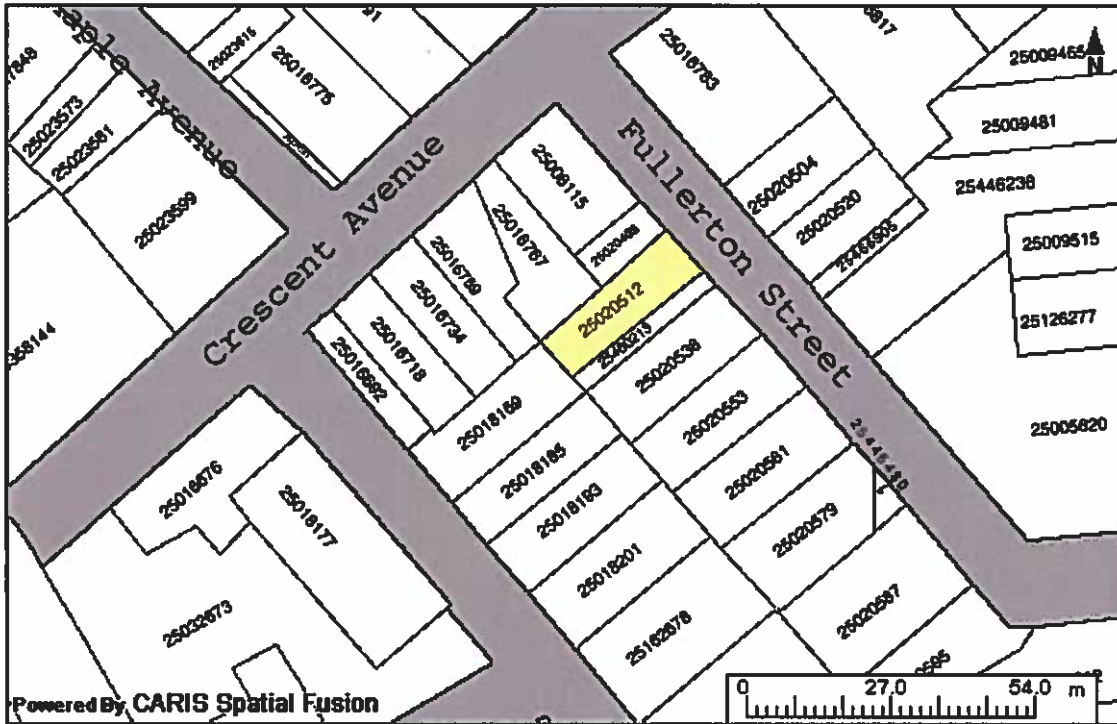
Report prepared by: Vince Arbing, Director of Corporate Services

Report and Financial approved by:



Property Online Map

Date: Mar 8, 2018 1:28:31 PM



PID: 25020512 **Owner:** CHRISTINE J DIMICHELE **AAN:** 03746356
County: CUMBERLAND COUNTY **Address:** 3 FULLERTON STREET **Value:** \$7,500 (2018 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION **AMHERST**

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [*Land Registration Act* subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

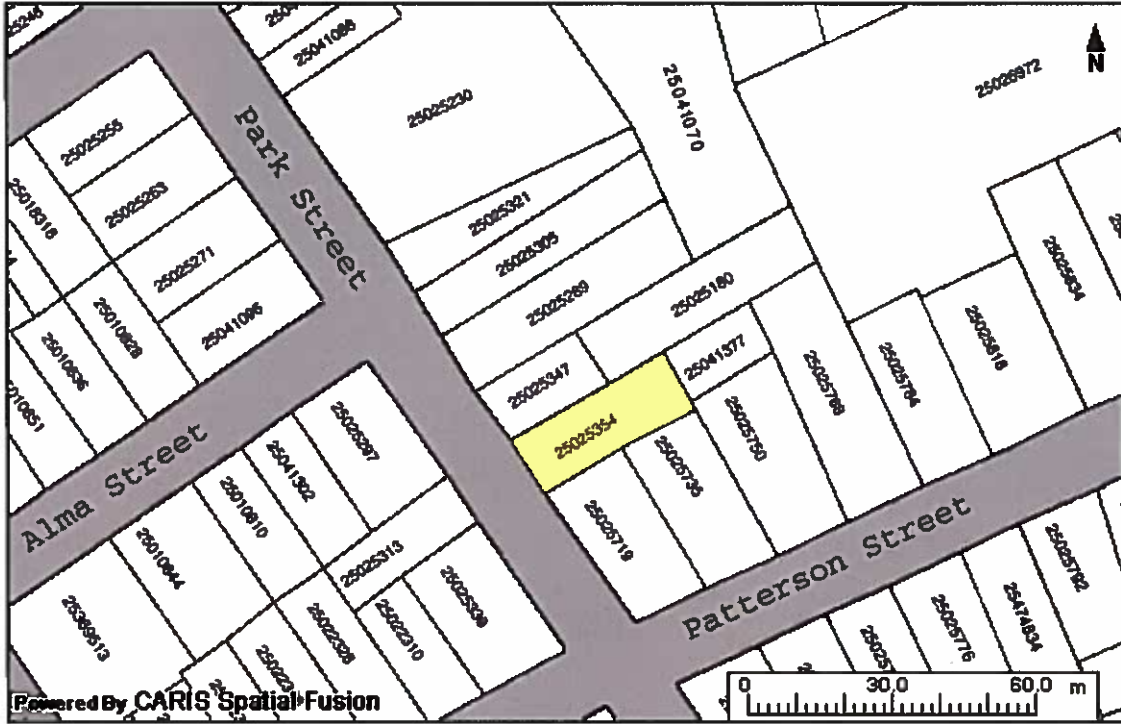
Property Online version 2.0

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Property Online Map

Date: Mar 8, 2018 1:32:14 PM



PID: 25025354 **Owner:** DYLLON STEPHEN MARSHAL MACLEAN **AAN:** 02462168
County: CUMBERLAND COUNTY **Address:** 26 PARK STREET AMHERST **Value:** \$14,600 (2018 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [*Land Registration Act* subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

Property Online version 2.0

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SYNOPSIS

Citizen Appointments to the Police Commission

The Police Commission Bylaw sets out the membership requirements for this Board, which includes two community volunteers for one year terms and one community volunteer for a two year term. Two of these terms expire March 31, 2018.

We canvassed the community for expressions of interest by advertising in the Amherst News, on the Town's website and in our social media. We received four response, with two being from the current citizen appointees expressing interest to be re-appointed.

Council reviewed the submissions during an In-Camera Committee of the Whole meeting held March 19, 2018.

MOTION:

That Council re-appoint Robin Latta and Holly MacDonald to the Amherst Board of Police Commissioners for another one-year term ending March 31, 2019.

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Kimberlee Jones, Municipal Clerk

DATE: March 26, 2018

SUBJECT: Citizen Appointments to the Amherst Board of Police Commissioners

ORIGIN: Current terms expiring March 31, 2018

LEGISLATIVE AUTHORITY: Bylaw Respecting the Amherst Board of Police Commissioners

RECOMMENDATION: That Council review the submissions received and select two citizens to be appointed to the Amherst Board of Police Commissioners with the appropriate terms.

BACKGROUND: The Police Commission Bylaw sets out the membership requirements, which includes two community volunteers for one year terms and one community volunteer for a two year term. These positions are currently held by Sandy Fairbanks for a 2 year term that expires March 31, 2019 and Robin Latta and Holly MacDonald, whose one year terms expire March 31, 2018

DISCUSSION: We advertised for expressions of interest to serve on the Board (attached). This resulted in submissions from both current members and two new submissions, namely Peter Barrett and Amanda MacLeod. Copies of their expressions of interest are attached.

FINANCIAL IMPLICATIONS: As these are volunteer positions there are no financial implications

COMMUNITY ENGAGEMENT: The ad seeking expressions of interest appeared in the Amherst paper, our website and was promoted through our social media channels (facebook and twitter)

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications

ALTERNATIVES: Continue to solicit expressions of interest and extend the current members terms.

ATTACHMENTS:

- Bylaw Respecting the Amherst Board of Police Commissioners, C-1
- Ad soliciting expressions of interest
- Expression of interest from the following: Robin Latta, Holly MacDonald, Peter Barrett, and Amanda MacLeod

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



Town of Amherst

A BYLAW RESPECTING THE BOARD OF POLICE COMMISSIONERS FOR THE TOWN OF AMHERST

BE IT ENACTED by the Council of the Town of Amherst, under the authority of the Police Act, Chapter 31, ACTS OF NOVA SCOTIA 2004.

Short Title

- 1 This By-Law shall be known as the "Amherst Board of Police Commissioners By-Law".

Definitions

- 2 In this By-Law
 - (a) "Board" means the Board of Police Commissioners for the Town of Amherst
 - (b) "Council" means the Council for the Town of Amherst.
 - (c) "Chief of Police" means the Chief of Police of the Amherst Police Department.
 - (d) "Amherst Police Department" means the Chief and members of the municipal police force of the Town of Amherst.
 - (e) "Minister" means the Minister of Justice for the Province of Nova Scotia

Board Established

- 3 The Council establishes the Board of Police Commissioners for the Town of Amherst, with membership as follows:

One Year Term	Two community volunteers
Two Year Term	One member of Council One Community Volunteer
Three Year Term	Two members of Council
Other	One Ministerial appointment

Membership

4

- (a) The member of the Board appointed by the Minister shall be appointed pursuant to subsection 44(4)(c) of the Police Act.
- (b) The members of the Board appointed by Council shall be appointed pursuant to subsections 44(4)(a) and (b) of the Police Act.
- (c) Dismissal of members of the Board shall be carried out in accordance with subsection 44(7)(a) with regard to a member appointed by the Minister and subsection 44(7)(b) with regard to members appointed by Council.
- (d) An absence from two consecutive meetings without just cause as determined by the chair and Board members shall be cause for the replacement of a member appointed by Council.
- (e) Where a vacancy occurs on the Board or where a member is unable to carry out his/her duties as a member of the Board by reason of illness or absence, Council shall appoint a replacement as soon as is practicably possible.
- (f) The members of the Board appointed from Council shall serve without remuneration.
- (g) The Board shall, at its first meeting each calendar year or as soon as practicable thereafter, choose its chairperson and vice-chairperson.
- (h) The chairperson shall preside at all meetings of the Board and in his/her absence the vice-chairperson shall preside.
- (i) Should the chair become vacant due to resignation or replacement, an election for the Chair shall be held within 60 days of such vacancy occurring.

Procedure

- 5 (a) The Board shall conduct its business according to the bylaws, regulations and policies established by Amherst Town Council, the Amherst Board of Police Commissioners, the Police Act and, where applicable the Municipal Government Act.

- (b) The Board shall hold a meeting at least every three months. The Board may meet in camera at any time on 24 hours notice by the Chairperson or any two members or at any time with unanimous consent of all members concerning all matters relating to discipline, personal conduct, contract negotiations and security of the police operations.
- (c) A majority of the members of the Board shall constitute a quorum.
- (d) The Chief Administrative Officer of the Town or his appointee, shall be the Secretary to the Board and shall have charge of all minutes, records and accounting procedures to be followed and maintained by the Board.

Chief Officer

- 6 (a) The Chief of Police shall be appointed by the council, and following a year's period of probation, may not be suspended, dismissed or otherwise disciplined except with cause, and in such event, he shall have the right to appeal, within fifteen days of such disciplinary action, to the Chairman of the Nova Scotia Police Commission. The Commission shall conduct a hearing therein and may confirm, overrule, or modify such action and its decision therein, shall be final.
- (b) The Chief of Police shall advise the Board with respect to the provision of efficient and effective municipal police service delivery. S/he may, in consultation with the Board, undertake in a timely manner research, strategic planning, policy development and implementation, and the reporting of results in response to inquiries by the Board pertaining to its community governance responsibilities as defined in the Police Act.
- (c) The Chief of Police and/or the Deputy Chief of Police shall whenever requested by the Chairman and where practicable attend meetings of the Board, whether public or in-camera.
- (d) The Chief of Police or his Deputy shall be in charge of the management, direction and control of the day to day operation of the police force, including the enforcement of law and the maintenance of discipline within the force. Should such discipline, in the opinion of the Chief Officer, require that an employee be dismissed, such dismissal shall be by the Board on the recommendation of the Chief Officer.

Board Powers

- 7
- (a) The Board shall conduct its responsibilities in accordance with the requirements established by the Police Act,
 - (b) The Board shall, each year, submit to the council for its consideration and approval its estimates of all monies required for the year to pay the remuneration of the members of the police force and staff and to pay for the accommodation, arms and equipment and other things for the use and maintenance of the force.
 - (c) All collective agreements or other agreements with members of the police force or its bargaining agent shall be contracted in the name of the Town of Amherst, and the Town of Amherst shall be the employer of all members of the police force.
 - (d) The Board shall submit all requests for all capital equipment proposed to be purchased to the council, together with the recommendation of the Board for the purchase consideration in accordance with the purchasing policy of the Town of Amherst.
 - (e) The Board shall have the jurisdiction without interference by the Council over all matters relating to the enforcement of all criminal law, federal statutes, provincial statutes, and Town by-laws and ordinances.
 - (g) The Board shall further have jurisdiction over all matters relating to the enforcement of provincial statutes having local effect and Town by-laws and ordinances, but Council shall have the right to request the enforcement of such statutes or by-laws as may be required for the proper administration thereof within the Town.
 - (h) The Chief of Police or his designate shall give all necessary orders, directions and instructions to the police force and no Board member, other than the Chair or his or her designate except when communicating a decision of the Board, shall issue any order, direction or instruction to any member of the police force relative to his duties as a member of the force.

General

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- The Chief Administrative Officer and the Chief of Police shall be members of any committee appointed for the purpose of negotiating a collective agreement with any union representing members of the Town police force.

MINISTERIAL APPROVAL

Pursuant to subsection 55(2) of the *Police Act*, S.N.S. 2004, c.31, I hereby approve they bylaws for the Amherst Municipal Board of Police Commissioners, attached hereto as Schedule "A".

Dated at Halifax Regional Municipality, Nova Scotia this 16th day of February, 2011.



Ross Landry
Minister of Justice and Attorney General

Service Nova Scotia
and Municipal Relations

Approved this 10th day
of March 2011.



Minister of Service Nova Scotia and Municipal Relations



TOWN OF AMHERST CITIZEN APPOINTMENTS

Amherst Board of Police Commissioners Citizen Appointments

The Town of Amherst is looking for interested citizens to fill two positions on the Amherst Board of Police Commissioners, effective April 1, 2018.




The role of the Police Commission is to act as a liaison between the Amherst Police Department and Amherst Town Council. It is a link between the community and the police with a mandate to balance the requirements of public accountability and those of police independence. To be a candidate for appointment as a board member, a person must demonstrate all of the following qualifications to the satisfaction of Council:

- Reside within the Town of Amherst;
- Possess a knowledge of community issues;
- Be of good character;
- Possess the skills and abilities to make the commitment of time and effort required to carry out Board responsibilities; and
- Consent to criminal record and background checks.

Please provide a written letter of your background and interests to Kimberlee Jones, Municipal Clerk, PO Box 516, 98 East Victoria Street, Amherst, NS, B4H 4A1 or by email to clerk@amherst.ca

All applications must be received by 4:00 PM Friday, March 2, 2018.

7609440

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Friday, Feb 16/18

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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 signs. 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, and recommended that Council amend the Bylaw to allow electronic signs. Council gave first reading of the amendment at their regular meeting on February 26, 2018.

MOTION :

That Council approve Second 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, facia wall, and canopy.



AMHERST TOWN COUNCIL

RFPD# 2018074

Date: March 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council

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

DATE: March 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 second reading of the amendment.

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.

First reading of this amendment took place at the February 26, 2018 regular meeting of Amherst Town Council.

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:

Second reading

COMMUNICATION:

Upon second reading, the right to appeal will be advertised, following which 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

April and May Meeting Dates

As there are 5 Monday's in April, and as there are a number of other meetings scheduled during the month staff are suggesting that the regularly scheduled Committee of the Whole and Council meetings scheduled for the 3rd and 4th Mondays of the month be changed to the 4th and 5th Mondays in April. Further, as the regularly scheduled May meeting of Committee of the Whole conflicts with Victoria Day, staff are also requesting that the regularly scheduled Committee of the Whole meeting on May 21st, 2018 be changed to May 22nd, 2018.

MOTION:

That the regular Committee of the Whole meeting scheduled for Monday, April 16, 2018 be changed to Monday, April 23, 2018, the regular Council meeting scheduled for Monday, April 23, 2018 be changed to Monday, April 30, 2018, and that the regular Committee of the Whole meeting scheduled for Monday, May 21, 2018 be changed to Tuesday, May 22, 2018.



AMHERST TOWN COUNCIL

RFD# 2018081

Date: March 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council

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

DATE: March 26, 2018

SUBJECT: Meeting Dates

ORIGIN: Request to change meeting dates

LEGISLATIVE AUTHORITY: Proceedings of Council Policy, 10350-24, paragraph 5: "Regular meetings of Council or Committee of the Whole may be rescheduled, relocated or cancelled: (b) by resolution of Committee of the Whole at a previous meeting three or more days in advance of the addition or special meeting."

RECOMMENDATION: That the regular Committee of the Whole meeting scheduled for Monday, April 16, 2018 be changed to Monday, April 23, 2018, the regular Council meeting scheduled for Monday, April 23, 2018 be changed to Monday, April 30, 2018, and the regular Committee of the Whole meeting scheduled for Monday, May 21, 2018 be changed to Tuesday, May 22, 2018.

BACKGROUND: The Town's Proceedings of Council Policy sets the third and fourth Mondays of the month for the Committee of the Whole and Council meetings, respectively. The Policy also permits the rescheduling of such meetings by resolution of Council or Committee of the Whole.

DISCUSSION: As there are 5 Monday's in April, and given the number of meetings scheduled for April, staff are requesting that the regularly scheduled Committee of the Whole and Council meetings scheduled for the 3rd and 4th Mondays of the month be changed to the 4th and 5th Mondays in April. Further, as the regularly scheduled May meeting of Committee of the Whole conflicts with Victoria Day, staff are also requesting that the regularly scheduled Committee of the Whole meeting on May 21st, 2018 be changed to May 22nd, 2018.

FINANCIAL IMPLICATIONS: There are no financial implications to changing the meeting date.

COMMUNITY ENGAGEMENT: The public and media will be notified of any meeting date changes.

ENVIRONMENTAL IMPLICATIONS: No environmental implications with adjusting the meeting schedule

ALTERNATIVES:

1. Keep the April meeting dates on the 3rd and 4th Mondays in April;
3. Pick an alternate date for the May Committee of the Whole meeting date.

ATTACHMENTS: N/A

Report prepared by: Gregory D. Herrett, CA, CPA, Chief Administrative Officer

Report and Financial approved by:



Internal Committee Report

Amherst Board of Police Commissioners

March 2018

The Amherst Board of Police Commissioners met on March 21, 2018 in Council Chambers. The Police Chief reviewed the Chief's report as an information item. Also on the agenda was a review of all of the press releases relating to the work the Street Crime Unit has done since August 2017. These were also included as part of the agenda package. ABPC 3rd quarter financial reports were also reviewed by the Board. The Board will be scheduling a special meeting during the next the week to review the ABPC 2018-19 budget.

The next regular meeting is scheduled for Wednesday, May 16, 2018 at 3 PM.

Internal Committee Report

Amherst Youth Town Council

March 2018

At our last meeting the Amherst Youth Town Council discussed two items:

- Ways to help mental health, and smoking. Some of our ideas included getting someone to come and speak at our schools or have a call line for kids to call for assistance. This will be discussed more at the next meeting
- Cumberland Pride. We discussed joining in on the movie night for Cumberland Pride (They are hosting). Also considering writing letters to Justin Trudeau about coming to the pride parade this year!

External Committee Report

Cumberland Senior Safety Society

March 2018

The Cumberland Senior Safety Society met on March 1, 2018 at the Continuing Care Small Board Room. Items discussed included a quote for Financial Statement year-end audit review, reaching out to Oxford Town Council to do an information presentation on the Senior Safety Program, as well as contacting the Town of Amherst on their Senior Strategy Policy.

In January and February a total of 6 separate formal presentations were conducted with 125 participants. Presentations were on Fraud and Scams, Fall Prevention as well as an Overview on the Senior Safety Program, which provides services, such as ambulance rebates and home improvement grants, directly to seniors either in their homes or in a place where they feel most comfortable.