



**Town of Amherst
Regular Council Meeting
Agenda**

Date: **Monday, December 17, 2018**
Time: **7:00 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. PUBLIC HEARING - 6:30 P.M.	
1.1 Land Use Bylaw Amendments - Cannabis Related Uses	3 - 4
2. CALL TO ORDER	
3. O'CANADA	
4. APPROVAL OF AGENDA/MINUTES	
4.1 Approval of the Agenda	
4.2 Approval of Minutes	5 - 7
5. REQUESTS FOR DECISION	
5.1 Capital Budget Amendment - Erncliff CNR Crossing - MACKENZIE	8 - 16
5.2 Fundy Winds Project - RHINDRESS	17 - 19
5.3 Police Sustainability Report - BYRNE	20 - 28
6. INFORMATION / DISCUSSION ITEMS	
6.1 Physician Recruitment Report - KOGON	29 - 29
7. INTERNAL COMMITTEE REPORTS	
7.1 Planning Advisory Committee - CHRISTIE	30 - 30
7.2 Amherst Board of Police Commissioners - BLANCH	31 - 31
7.3 Amherst Youth Town Council - No Report	

8. EXTERNAL COMMITTEE REPORTS

8.1 Cumberland Public Libraries - No Report

8.2 Cumberland YMCA - CHRISTIE 32 - 32

8.3 Cumberland Joint Services Management Authority - No Report

8.4 Northern Region Solid Waste Committee - RHINDRESS 33 - 33

8.5 L. A. Animal Shelter - No Report

8.6 Tourism Strategic Planning Committee - JONES 34 - 34

9. ADJOURNMENT

Town of Amherst

By-Law P-2-24 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 cannabis-related uses.
2. In the Land Use By-law *Section 1.0 Definitions*, add section 17a that provides a definition for *Cannabis Production Facility*, add section 17b that provides a definition for *Cannabis Lounge*, and add section 17c that provides a definition for *Cannabis Retail Sales*.

17(a) **Cannabis Lounge** means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales.

17(b) **Cannabis Production Facility** means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products,

(a) including

(i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and

(ii) associated activities permitted by the federal license, such as research and development, storage, and destruction, and

(b) excluding

(i) industrial hemp, and

(ii) premises used for personal production permitted by federal legislation.

17(c) **Cannabis Retail Sales** means premises used for the retail sale of cannabis, cannabis products or any of its derivatives, such as oils or edible products, to the general public.

3. In the Land Use By-law, Section 8.0 General Provisions for Commercial Zones add section 8.1.4 as follows:

8.1.4 Cannabis-Related Uses

Notwithstanding any other provision in this Bylaw, cannabis retail sales and cannabis lounges are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC).

4. In the Land Use By-law, Section 8.2.1 Highway Commercial Zone Uses Permitted, add *Cannabis Lounges and Cannabis Retail Sales subject to section 8.1.4* to the list of permitted uses after the words '*Business and Professional Offices*', and before the words '*Commercial Recreation Centres*'.
5. In the Land Use By-law, Section 8.3.1 Downtown Zone Uses Permitted, add *Cannabis Lounges and Cannabis Retail Sales subject to section 8.1.4* to the list of permitted uses after the words '*Business and Professional Offices*', and before the words '*Commercial Recreation Centres*'.

6. In the Land Use By-law, Section 9.1 *Industrial Zone Uses Permitted*, add Cannabis Production Facility to the list of permitted uses

9.1 Industrial Zone Uses Permitted

The following uses shall be permitted in the Industrial Zone:

- Any manufacturing, industrial, assembly or warehousing operation
- Any activity connected with the automotive trade, excluding salvage yards
- Boat and Marine Supplies and Sales
- Building supply and equipment depots including the bulk storage of sand or gravel
- Railway uses
- Recycling Collection and Storage Facilities, excluding salvage yards
- Retail and office uses incidental to the main industrial use

Cannabis Production Facility, subject to section 9.6

7. In the Land Use By-law, add section 9.6 regarding Cannabis Production Facilities:

9.6 Cannabis Production Facilities

Where a lot containing a cannabis production facility abuts a lot

- (i) zoned or used for residential purposes, or
- (ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

TOWN OF AMHERST
Regular Council Meeting
Minutes

Date: November 26, 2018
Time: 7:00 pm
Location: Council Chambers, Town Hall

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

Members Absent Councillor Jason Blanch

Staff Present Greg Herrett, CAO
Jason MacDonald, Deputy CAO Operations
Bill Schurman, Director Recreation
Natalie LeBlanc, Deputy Clerk
Tom McCoag, Corporate Communications Officer
Kim Jones, Municipal Clerk
Rebecca Taylor, Business Development Officer
Andrew Fisher, Manager of Planning & Strategic Initiatives
Dwayne Pike, Acting Police Chief

1. CALL TO ORDER

Mayor Kogon called the meeting to order at 7:00 p.m, and introduced Amherst Youth Town Council member Rohin Minocha-McKenney.

2. O CANADA

Reverend Dan Green did the singing of O Canada.

3. APPROVAL OF AGENDA/MINUTES

3.1 Approval of the Agenda

Moved By Deputy Mayor Christie

Seconded By Councillor MacKenzie

That item 4.3 Capital Budget Amendment - Erncliff CNR Crossing be deferred to the December 17, 2018 regular meeting of Council.

Against (1): Councillor Rhindress
Motion Carried

Moved By Councillor Byrne

Seconded By Councillor MacKenzie

To approve the agenda as amended.

Motion Carried

3.2 Approval of Minutes

3.2.1 October 22, 2018 Regular Council

Moved By Councillor Byrne

Seconded By Deputy Mayor Christie

To approve the minutes of the October 22, 2018 regular meeting of Council.

Motion Carried

3.2.2 October 25, 2018 Special Council

Moved By Councillor MacKenzie

Seconded By Councillor Jones

To approve the minutes of the October 25, 2018 special meeting of Council.

Motion Carried

4. REQUESTS FOR DECISION

4.1 Travel Expense Policy & Hospitality Policy

Moved By Deputy Mayor Christie

Seconded By Councillor Byrne

That Council approve the proposed Expense Reimbursement Policy and Hospitality Policy, and further that the existing Travel Policy #3000-01 be repealed.

Motion Carried

4.2 CIBC Children's Foundation Funding

Moved By Councillor Jones

Seconded By Deputy Mayor Christie

That Council accept a donation of \$8,000 from the CIBC Children's Foundation to fund a corresponding contribution of \$5,000 to Fundy Hockey School, and \$3,000 to Amherst Bantam Baseball.

Motion Carried

4.3 Capital Budget Amendment - Ernclyff CNR Crossing

Deferred to the December 17, 2018 regular meeting of Council.

4.4 Downtown Parking Lot Leases

Moved By Councillor Jones

Seconded By Deputy Mayor Christie

That Council approve the lease agreements for public parking lots and authorize the Mayor and CAO to sign them.

Motion Carried

4.5 Planning Advisory Committee Citizen Appointment

Moved By Councillor Rhindress

Seconded By Councillor Jones

That Council appoint Larry Pardy to the Planning Advisory Committee for a term ending March 31, 2021.

Motion Carried

4.6 Land Use Bylaw Amendment - Cannabis - First Reading

Moved By Deputy Mayor Christie

Seconded By Councillor Byrne

That Council give First Reading to the Bylaw P-2-24 to amend the Land Use Bylaw to regulate cannabis-related uses as shown in the attachment, and schedule a Public Hearing for December 17, 2018.

Motion Carried

5. INFORMATION / DISCUSSION ITEMS

5.1 Legal Opinion - Residency Status

Information item; no direction given or action required.

5.2 Asphalt Plant Update

Information item; no direction given or action required.

6. INTERNAL COMMITTEE REPORTS

6.1 Planning Advisory Committee

Information item; no direction given or action required.

6.2 Amherst Board of Police Commissioners

Information item; no direction given or action required.

6.3 Amherst Youth Town Council

Information item; no direction given or action required.

7. EXTERNAL COMMITTEE REPORTS

7.1 Cumberland Public Libraries

Information item; no direction given or action required.

7.2 Cumberland YMCA

Information item; no direction given or action required.

7.3 Cumberland Joint Services Management Authority

Information item; no direction given or action required.

7.4 Northern Region Solid Waste Committee

No report.

7.5 L. A. Animal Shelter

No report.

7.6 Tourism Strategic Planning Committee

Information item; no direction given or action required.

7.7 Senior Safety Committee

Information item; no direction given or action required.

8. ADJOURNMENT

Moved By Councillor Jones

Seconded By Deputy Mayor Christie

To adjourn the meeting at 7:45 p.m.

Motion Carried

Kimberlee Jones
Municipal Clerk

David Kogon, MD
Mayor

Synopsis

Erncliff Street CNR Crossing – Capital Budget Amendment

In May of this year staff were made aware that CN and the Town were required to make upgrades to 4 railway crossings within the Town due to changes made by Transport Canada to safety regulations at all CN street crossings across Canada. The street crossings impacted within Amherst include Industrial Park Drive, Chamberlain Street, Victoria Street and Erncliff Street.

Since that meeting CN has made an application to Transport Canada to help fund the cost of the new gates. The application was successful and under the Railway Safety Act the Road Authority (Town) is required to pay 12.5% of the project cost. In this case the project includes the installation of new gates and warning system at a total project cost of \$423,012. The Town's portion would be \$52,877. In order to qualify for the grant, the work has to be complete by March 31, 2019.

The current capital budget does not include funding for this project. However, we are proposing to reallocate funds and fund this project within existing capital budgeting funding.

MOTION:

That Council authorize approval of \$52,877 to be allocated in the current (2018/19) Capital Budget for the Town's contribution to the installation of new warning gates at the Erncliff Street railway crossing and that the Mayor and CAO be authorized to sign the attached Crossing Warning System Modification Agreement.



AMHERST TOWN COUNCIL

RFD# 2018146

Date: November 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Jason MacDonald, Deputy Chief Administrative Officer

DATE: November 26, 2018

SUBJECT: **Erncliff Railway Crossing Upgrades**

ORIGIN: May 15, 2018 Letter from Canadian National Railways.

LEGISLATIVE AUTHORITY: Municipal Government Act Section 65; The council may expend money required by the municipality for (aa) streets. Railway Safety Act.

RECOMMENDATION: That Council authorize approval of \$52,877 to be allocated in the current (2018/19) Capital Budget for the Town's contribution to the installation of new warning gates at the Erncliff Street railway crossing and that the Mayor and CAO be authorized to sign the attached Crossing Warning System Modification Agreement.

BACKGROUND: In May of this year staff were made aware that CN and the Town were required to make upgrades to 4 railway crossings within the Town. On June 8, 2018 staff met with CN representatives to provide information to the Town on the changes made by Transport Canada which affect safety regulations at all CN street crossings across Canada. The street crossings impacted include Industrial Park Drive, Chamberlain Street, Victoria Street and Erncliff Street.

DISCUSSION: Since that meeting CN has made an application to Transport Canada to help fund the cost of the new gates. The application was successful and under the Railway Safety Act the Road Authority (Town) is required to pay 12.5% of the project cost. In this case the project includes the installation of new gates and warning system at a total project cost of \$423,012. The Town's portion would be \$52,877. In order to qualify for the grant, the work has to be complete by March 31, 2019.

FINANCIAL IMPLICATIONS: The current capital budget does not include funding for this project. However, we are proposing to reallocate funds and fund this project within existing capital budgeting funding as follows:

- a) gas tax cannot be used to fund the railway project thus we are proposing to reallocate gas tax. Discussions with DMA have confirmed this is allowable with a motion from council.
- b) the Victoria Street sidewalk project was completed in-house thus the total project cost will be approximately \$35,000 rather than \$100,000 saving \$65,000 in gas tax.



- c) the unused gas tax from the Victoria Street sidewalk will be used to fund the portion of the Robert Angus Drive sidewalk that was to be funded from the Operating Reserve (\$32,220) and the Capital Reserve (\$12,500).
- d) This provides funding of \$44,720 to be used for the Ernclyff Street project from Operating and Capital Reserves leaving a balance of gas tax of \$20,280 to be used.
- e) Funding for the Racetrack Road project will be adjusted to use the remainder of the gas tax (\$20,280) and the operating reserve amount will be decreased.
- f) The remainder of the cost (\$8,157) can be taken from the funding for the Racetrack Road project that was coming from the operating reserve (this will decrease because of the gas tax).

This is summarized in the table below:

<u>Project</u>	<u>Current Funding</u>	<u>Proposed Funding</u>	<u>Reallocation Tally of Remaining Funding</u>
Victoria Street Sidewalk	\$100,000 Gas Tax	\$35,000 Gas Tax	\$65,000 Gas Tax
Robert Angus Drive Trail	\$17,780 Gas Tax \$12,500 Capital Reserve \$32,220 Operating Reserve	\$62,500 Gas Tax	\$12,500 Capital Reserve \$32,220 Operating Reserve \$20,280 Gas Tax (65,000–12,500-32,220)
Racetrack Road Pumping Station	\$35,000 Operating Reserve \$15,000 Sewer Operating	\$20,280 Gas Tax \$14,720 Operating Reserve \$15,000 Sewer Operating	\$12,500 Capital Reserve \$52,500 Operating Reserve \$0 Gas Tax
Ernclyff Rail Gates	-	\$12,500 Capital Reserve \$40,377 Operating Reserve	\$0 Capital Reserve \$12,123 Operating Reserve \$0 Gas Tax

<u>Funding</u>	<u>Current Capital Budget</u>	<u>Proposed</u>	<u>Difference</u>
Gas Tax	\$117,780	\$117,780	0
Capital Reserve	\$12,500	\$12,500	0
Operating Reserve	\$67,220	\$55,097	\$12,123
	\$197,500	\$185,377	\$12,123

COMMUNITY ENGAGEMENT: No community engagement has been undertaken for this project. The project will be administered by CN. A communications plan (including traffic detours) will be developed prior to construction being undertaken.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications to the addition of the new traffic gates and warning system.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications of installing warning gates at this rail way crossing.

ALTERNATIVES:

- (a) Close Erncliff Street. Closing the street on both sides of the rail line will not impact access to private property but it will make snow plowing operations cumbersome. In addition, residents of this area of Town would have to use Copp or Russell Streets to exit this area of Town, causing somewhat of an inconvenience. As there are still two exists, emergency vehicles will still have access at all times.
- (b) Request that the ban on train whistles approaching this crossing be lifted, as allowing the whistle will remove the requirement for the gates.

ATTACHMENTS: None

Report prepared by: Jason MacDonald, Deputy CAO

Report and Financial approved by:

STANDARD FUNDED CROSSING WARNING SYSTEM MODIFICATION AGREEMENT

THIS AGREEMENT effective as of the _____ day of _____, 20_____.

BETWEEN: **CANADIAN NATIONAL RAILWAY COMPANY**, a corporation having its head office at 935 de La Gauchetière Street West, Montréal, Québec H3B 2M9

(hereinafter the "Railway")

AND: **TOWN OF AMHERST**
98 East Victoria Street
Amherst, NS, B4H 1X6

(hereinafter the "Road Authority")

WHEREAS Order No. 41527 of the Board of Railway Commissioners for Canada, dated October 4th 1928, ordered the railway to install a grade crossing warning system consisting of a bell and wigwag, at the grade crossing at Mileage 77.16, on the Springhill Subdivision, in the Town of Amherst, in the Province of Nova Scotia;

WHEREAS, Order No. 71361 of the Board of Railway Commissioners for Canada, dated October 20th 1948, ordered the railway to modify the grade crossing warning system by replacing the bell and wigwag with two flashing lights signals and one bell, at the grade crossing of Erncliffe Street, at Mileage 77.16, on the Springhill Subdivision, in the Town of Amherst, in the Province of Nova Scotia;

WHEREAS, Order No. 29072 of the Railway Transport Committee, dated May 30th 1979, ordered the railway to modify the grade crossing warning system by upgrading the circuits, at the grade crossing of Erncliffe Street, at Mileage 77.16, on the Springhill Subdivision, in the City of Amherst, in the Province of Nova Scotia;

AND WHEREAS the parties are contemplating a modification to the existing crossing warning system, that modification consisting of adding gates and constant warning control (hereinafter the "crossing warning system"), at the grade crossing of Erncliffe Street, at Mileage 77.15, on the Springhill Subdivision, in the Town of Amherst in the Province of Nova Scotia.

NOW THEREFORE THIS AGREEMENT WITNESSES THAT, in consideration of the mutual covenants and agreements herein and subject to the terms and conditions set out in this Agreement, the parties agree as follows:

- 1. The Railway, as the party proposing to undertake the work, will file an application pursuant to the *Railway Safety Act* ("the Act"), for a grant in respect of the cost of this proposed railway work as defined in the Act.

Initials: _____ Page 1
Railway _____
Road Authority _____

2. Upon confirmation from the Minister that funding has been authorized, the Railway will carry out the proposed railway work. The parties acknowledge that the Minister's funding is discretionary and as such the Minister may decide not to fund some of the costs established under the Agency's Guide to Railway Charges for Crossing Maintenance and Construction such as overhead rates. For further information on those costs which have been established under the Agency's Guide but which may not be fully funded by Transport Canada, reference may be made to the Applicant Guide for Railways: Grade Crossing Improvement Program, published by Transport Canada. The determination by the Minister not to fund certain costs under the Grade Crossing Improvement Program shall not relieve the parties of their respective payment obligations hereunder.
3. 12.5% of the total cost of the crossing warning system modification (as determined pursuant to clause 5) shall be paid by the Road Authority.
4. The cost of maintaining the crossing warning system shall be paid by the Railway.
5. The Railway shall prepare all accounts for work performed by the Railway for both installation and maintenance using rates as stipulated in the latest Guide to Railway Charges for Crossing Maintenance and Construction as issued by the Canadian Transportation Agency (the "Agency"). In the event that the Agency should discontinue publishing same, the accounts shall be based on the Railway's costs including overheads.
6. For greater certainty, the Road Authority's financial responsibility associated with the crossing shall include the cost of flagging, which shall be calculated in accordance with the latest Guide to Railway Charges for Crossing Maintenance and Construction, or as agreed to by the Parties in the Work Permit.
7. If at any time during the continuance of this Agreement the parties agree on the requirement for modification to the crossing warning system, the terms associated with the modifications will be agreed to by the parties in a separate agreement.
8. This Agreement shall be governed by and construed in accordance with the laws of the Province of Nova Scotia and all applicable federal laws and regulations.
9. This Agreement is not assignable without the prior written consent of both parties, which consent will not be unreasonably withheld. Notwithstanding the above, in the event of the transfer of its line for continued operations, the Railway will have the right to assign this Agreement to any subsequent owner. The Road Authority will also have the right to assign responsibility for the highway to another road authority on condition that the highway maintains its public status.
10. This Agreement shall become effective on the date appearing on page 1 of this Agreement and shall continue until either the Railway discontinues its operations at this location, or the Road Authority closes the highway at this location, or the Minister notifies the parties that funding will not be provided, or upon the written consent of both parties.
11. Upon termination of the Agreement, the Railway shall be responsible for dismantling the crossing warning system at the Railway's cost.

Initials:

Page 2

Railway _____

Road Authority _____

- 12. The parties agree to settle disputes by way of negotiations. Should negotiations fail, either party may make an application to the Agency for matters within the Agency's jurisdiction. For matters not within the Agency's jurisdiction, either party may refer the matter to a court of competent jurisdiction.
- 13. Upon execution, the Railway may file this Agreement with the Agency.
- 14. Subject to clause 13, this Agreement is confidential and the Agreement or any of its terms and conditions shall not be disclosed to any third party, person or association except and to the extent as may be required by law or upon the prior written consent of all parties hereto.
- 15. The preamble to this Agreement forms an integral part of the Agreement.

IN WITNESS WHEREOF, the parties have caused the Agreement to be executed by their respective representatives hereunto duly authorized, as of the date first above written.

CANADIAN NATIONAL RAILWAY COMPANY

Signed in the presence of:

 Witness Signature

 Witness Name [please print]

 Date

 Signature

 Name [please print]

 Title [please print]

 Date

TOWN OF AMHERST

Signed in the presence of:

 Witness Signature

 Witness Name [please print]

 Date

 Signature

 Name [please print]

 Title [please print]

 Date

Initials:
 Railway _____
 Road Authority _____

ESTIMATE/DEVIS ESTIMATIF

ESTIMATE/DEVIS ESTIMATIF NO:	SP 77.15	DATE:	2018/06/07
MILEAGE POINT/POINT MILLIAIRE :	77.15	SUBDIVISION:	Springhill
LOCATION:	Erncliffe Street	PROVINCE:	NS
DESCRIPTION:	Warning system modification - Addition of gates and constant warning control		

MATERIAL/MATÉRIEL:

Total material / Matériel total signalisation		\$154,264
Track Material / Matériel de voie		\$7,218
TOTAL MATÉRIEL:		\$161,482
Material Overhead / Frais Généraux de Matériel =	31.0%	\$50,059

LABOUR & EQUIPMENT/MAIN D'ŒUVRE & ÉQUIPEMENT:

Labour / Main d'œuvre S&C		\$26,950
Labour Testing all modification / Vérification des dispositifs de signalisation main d'oeuvre		\$2,126
Track Labour / Main d'œuvre voie		\$3,360
Labour Engineering Design / Plan de l'ingénierie main d'oeuvre		\$2,500
Unproductive factor / Facteur Improductif =	20%	\$6,987
Labour Overhead / Frais généraux de main d'oeuvre =	69.0%	\$28,927
Living Allowance / Dépenses d'allocations		\$8,280
Equipment CN / CN équipement		\$3,965
Rental Equipment / Location d'équipement / excavation		\$15,750
Rental Equipment / Location d'équipement / shop vac		\$2,500
Rental Equipment / Location d'équipement /transport		\$750
Rental Equipment / Location d'équipement /push pipe - forage		\$4,200
Other / autres		\$0
Hydro charge / Frais d'électricité		\$50,000
Contingencies/Imprévus =	15%	\$55,175

TOTAL \$423,012

LES TAXES FÉDÉRALES ET PROVINCIALES SERONT APPLIQUÉES SI REQUIS
 CE DEVIS EST ETABLI EN FONCTION DE TRAVAUX EXECUTE EN PERIODE DE DEGEL

CE DEVIS ESTIMATIF EST SUJET A RÉVISION APRÈS 07-Dec-18

FEDERAL AND PROVINCIAL TAXES WILL BE APPLIED IF REQUIRED
 ESTIMATE BASED ON WORK DURING FROST FREE CONDITION
 ESTIMATE IS SUBJECT TO REVISION AFTER Dec - 01-2018

Estimated by/Devis estimatif par: **Jean Benoit Gilbert**

Eastern Division Engineering/Division de l'ingénierie de l'Est
 Moncton, NB

Synopsis

Fundy Winds Project

This development is located in Cumberland County one mile east of the Trans-Canada Highway and one mile north of Amherst with access via the Eddy Road as was the subject of a recent presentation to Council by Daren White and the property owner Bill Barrow. Work on the area has been ongoing for several years with no government assistance to date. We are advised that Fundy Winds has recently been designated a Conservation Easement Property and will be available for outdoor Education, Recreation and Conservation. Mr. Barrow is seeking financial assistance from the Town for the project.

While the intention of the motion is to provide a couple of benches for the project, it is also felt that further information and stakeholder engagement is necessary before further direct funding is approved.

MOTION:

That Council approve of the purchase of two park benches to be located in a rest area of Fundy Winds at a cost no greater than \$1200. The benches are to include a nameplate indicating the contribution is from the Town of Amherst. Further, that before any further funding is considered that staff attempts to, along with Mr. Barrow, arrange for a stakeholders meeting to discuss in more detail the project. Stakeholders to include the County of Cumberland and the Province of Nova Scotia (Communities Sport & Recreation).



AMHERST TOWN COUNCIL

RFD# 2018154

Date: December 17, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Bill Schurman, Director of Recreation

DATE: December 17, 2018

SUBJECT: Fundy Winds Project

ORIGIN: Mr. W.R Barrow & Darren White presented an over view of the Fundy Winds Project to the Committee on November 19, 2018. On December 4 2018 a written request from Mr. Barrow was received requesting assistance from the Town for the project.

LEGISLATIVE AUTHORITY: MGA, Section 65(k) Power to expend money states: *"the council may expend money required by the municipality for ... recreational programs, and (l) advertising the opportunities of the municipality for business, industrial, and tourism purposes, and encouraging tourist traffic, with power to make a grant to a non-profit society for this purpose."*

RECOMMENDATION: That Council approve of the purchase of two park benches to be located in a rest area of Fundy Winds at a cost no greater than \$1200. The benches are to include a nameplate indicating the contribution is from the Town of Amherst. Further, that before any further funding is considered that staff attempts to, along with Mr. Barrow, arrange for a stakeholders meeting to discuss in more detail the project. Stakeholders to include the County of Cumberland and the Province of Nova Scotia (Communities Sport & Recreation).

BACKGROUND: The Fundy Winds Project is approximately 50 acres in size of which half will be flooded and maintained by one mile of dyke. The focal point for the development will be a 23-acre flooded marsh with a perimeter trail through the marsh and a small wooded area. The development is located in Cumberland County one mile east of the Trans-Canada Highway and one mile north of Amherst. Access is by Eddy Road. Work on the area has been ongoing for several years with no government assistance to date. Fundy Winds has recently been designated a Conservation Easement Property available for outdoor Education, Recreation and Conservation.

FINANCIAL IMPLICATIONS: \$1200 expenditure can be accommodated within existing budget envelope

COMMUNITY ENGAGEMENT: While the Town of Amherst has not engaged the community on this project, many residents, educators, students and citizens have visited Fundy Winds.

ENVIRONMENTAL IMPLICATIONS: The designation of Fundy Winds as a Conservation Easement Property is significant for the region and can prove to be very beneficial.



SOCIAL JUSTICE IMPLICATIONS: Parks that include green space and natural environments can improve health outcomes in traditionally underserved communities. Careful planning and continued engagement are important to these projects.

ALTERNATIVES: Council could decide to provide additional resources at this time, consider support for the project during its 2019-20 budget deliberations or council could decide not to support this project in the 2018-19 fiscal year.

ATTACHMENTS: Letter from Bill Barrow

Report prepared by Bill Schurman, Director of Recreation
Report and Financial approved by:

SYNOPSIS

Acceptance of the Amherst Police Sustainability Review Report and the Phase II Terms of Reference

The report provides information on the services and related costs for the Town as well as for policing costs in other municipalities in Nova Scotia. It also explores some of the drivers of increasing policing costs across the country.

One of the considerations in the original Terms of Reference was to request a proposal from the RCMP. The conclusion was reached that moving forward with a proposal from the RCMP was not the recommended course of action at this time as there were many risks associated with it including:

- a) There is uncertainty around costs for the RCMP as staff are moving forward with unionizing;
- b) We do not fully understand the potential impacts to service of moving from APD to RCMP;
- c) There has been at least one recent case where municipalities have voted to move from RCMP back to a municipal force and another where this alternative is being considered.

In addition, since the initial draft of the report, correspondence has been received from the Minister of Public Safety and Emergency Preparedness that they are unable to accept any proposal at this time due to capacity concerns.

There were four options considered for next steps of the review and the recommended option is to not pursue a proposal from the RCMP, to allow staff and APD to work on increasing efficiencies as an on-going part of work, to see if there is opportunity to expand the areas of service offered by APD, and to revise the TOR for Phase II.

MOTION:

That Council accept the Amherst Police Sustainability Review report and the recommendation to move forward with option 2 which is to do an expanded internally focused review based on the revised terms of reference and not proceed with a proposal from the RCMP.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Shelley Rector CFO

DATE: December 17, 2018

SUBJECT: **Police Services Sustainability Review Report**

ORIGIN: Strategic Priorities set by Council for 2018.

LEGISLATIVE AUTHORITY: MGA 65(d)

RECOMMENDATION: That Council accept the Amherst Police Sustainability Review report and the recommendation to move forward with option 2 which is to do an expanded internally focused review based on the revised terms of reference and not proceed with a proposal from the RCMP.

BACKGROUND: One of Council's strategic priorities is to conduct a review of policing services and costs. Town staff, with assistance of the Chief and Deputy Chief, have compiled a report in response to the Phase I Terms of Reference. The report recommends extending the work completed to date into an internally focused Phase II review. This will allow Town staff and APD to work on increasing efficiencies and service delivery while also investigating the opportunity to expand the areas of service offered by APD.

A second report has also been compiled which provides supporting information in relation to the Amherst Police Department, the services they offer and process maps and documentation. The second report is a consultative draft and will be revised as additional work and feedback are received.

DISCUSSION: The work completed to date has provided information on the services and related costs for the Town as well as for policing costs in other municipalities in Nova Scotia. It also explores some of the drivers of increasing policing costs across the country.

The reports provide an increased understanding of policing costs and the cost drivers both at a macro and micro level. One of the considerations in the original Terms of Reference was to request a proposal from the RCMP. The conclusion was reached that moving forward with a proposal from the RCMP was not the recommended course of action at this time as there were many risks associated with it including:

- a) There is uncertainty around costs for the RCMP as staff are moving forward with unionizing;
- b) We do not fully understand the potential impacts to service of moving from APD to RCMP;



c) There has been at least one recent case where municipalities have voted to move from RCMP back to a municipal force and another where this alternative is being considered. Since the initial draft of the report, correspondence has been received from the Minister of Public Safety and Emergency Preparedness that they are unable to accept a proposal at this time.

There were four options considered for next steps of the review and the recommended option is to not pursue a proposal from the RCMP, to allow staff and APD to work on increasing efficiencies as an on-going part of work, to see if there is opportunity to expand the areas of service offered by APD, and to revise the TOR for Phase II.

Extending the review to include an internally focused Phase II would allow for a more in-depth analysis of services with the goal of finding efficiencies internally as well as exploring extended service areas to offset anticipated increases in costs. The report and Phase II TOR are supported by the Police Commission.

FINANCIAL IMPLICATIONS: There will be some work done by a business student over the 2019 summer term which will be included in budget. There may be some ancillary costs associated with Phase II of the study, but they are not expected to be more than what can be absorbed within the existing budget. Staff time will be required to assist with Phase II of the project which could impact completion of other workload items.

COMMUNITY ENGAGEMENT: A communication plan and strategy for community conversation will be developed as areas are identified for change and/or pilot project opportunities are identified.

ENVIRONMENTAL IMPLICATIONS: None

SOCIAL JUSTICE IMPLICATIONS: None

ALTERNATIVES:

1. Council could direct staff to revise the Reports and the Terms of Reference for Phase II.
2. Council can reject the Reports and the Terms of Reference completely. This would delay the process significantly.

ATTACHMENTS:

Phase II Terms of Reference

Executive Summary

Amherst Police Sustainability Review Report

Policing in Amherst Today Services and Costing Report (Consultative Draft 1.0)

Report prepared by: Shelley Rector

Report and Financial approved by: Shelley Rector



**Town of AMHERST
POLICE SUSTAINABILITY REVIEW
PHASE II
TERMS OF REFERENCE**

BACKGROUND

Council approved a Terms of Reference (TOR) for Phase I of the Police Sustainability Review in June 2018. As a result of the Phase I work, it has been determined that a Phase II would be required involving a more in-depth analysis of services with the goal of finding efficiencies internally to offset anticipated increases in costs.

A project team made up of staff members from Town Hall and the Amherst Police Department will complete the work over the next 12-36 months. Complete implementation of efficiencies could take two years or more. Identifying and implementing efficiencies would continue as part of ongoing operations into the future.

PROJECT COMMITTEE ROLES AND RESPONSIBILITIES

SCOPE OF AUTHORITY

The Project Committee is made up of staff from Town Hall and the APD and will be responsible for Phase II of the Terms of Reference.

REPORTING RESPONSIBILITY

The Project Committee will be responsible for:

1. Completing the work in Phase II
2. Reviewing drafts of the report as it is completed
3. Regular reporting to the CAO and periodic reporting to Council and the Police Commission

MEMBERSHIP

The Project Committee membership shall include the following:

1. Chief Administrative Officer (CAO)
2. Police Chief
3. Chief Financial Officer

Additional Optional Members

4. 1-2 Staff from relevant service area (will vary depending on service area)
5. A Corporate Services staff during available times through the year



6. Administrative support as necessary

MEETINGS

The first three members of the Project Committee will meet at least once per month to review steps and information received to date. Additional meetings may be scheduled in order to ensure the project is completed in a timely manner.

TERM

It is intended the term of the Project Committee shall extend until such time as the mandate has been fulfilled at which point a final report will be presented to the CAO, Council and the Police Commission. Ongoing implementation may require meetings of the Project Committee from time to time.

CONFORMITY

The Project Committee, when fulfilling their scope of work, must conform to the requirements of various pieces of Provincial and Municipal legislation and agreements including but not limited to:

- The Municipal Government Act where applicable
- The Town's Procurement Policy
- The Town's Proceedings of Council Policy
- The Police Act (Nova Scotia)
- The APA Collective Agreement

MANDATE & SCOPE OF WORK - PROJECT COMMITTEE

The mandate of the Project Committee is to provide advice and recommendations to the CAO after examining options related to police service provision in the Amherst Police Department. The CAO will consider these recommendations in providing his advice to Council. The Committee will be expanding the existing review to address, educate and/or understand service provision costs and the level of services those costs provide to administrative services and to determine priority projects for implementation.

Items 1 and 2 below are targeted to be completed by May 31, 2019.

The following scope of work applies to Phase II:

1. Identification Phase

- a. Conduct an identification and designation of all systems and services provided by the APD that have not yet been completed.

- i. Place all services (ones not yet mapped and those already completed) into three main categories: Essential, important and discretionary;
 - ii. These designations should be made with reference to service authorities/requirements and any applicable provincial legislation/municipal bylaw/policy.
- b. Perform and document an anecdotal WWW/AA (what works well/areas for attention) analysis for each service identified.

2. Ranking Phase

- a. Assess areas already identified in the review as well as any additional areas for further consideration.
- b. Rank services for further review after considering at least the following criteria:
 - i. Affordability;
 - ii. Legislative ease;
 - iii. Municipal bylaw/policy ease;
 - iv. Contractual ease;
 - v. Political ease;
 - vi. Organizational capacity;
 - vii. Potential savings to be realized;
 - viii. Potential time efficiency to be realized;
 - ix. Timeframe for results;
 - x. Likelihood of success;
 - xi. Other considerations.
- c. Based on the rankings, make recommendations with respect to whether services should be:
 - i. Continued without further review;
 - ii. Discontinued without further review;
 - iii. Continued but selected for further review and placed into the queue for a service adjustment report with a recommended timeline.
- d. Seek Council's direction on services to select for further review, progression to the service adjustment strategy phase, with timelines. Recommendations for selections should address:
 - i. Risks associated with existing service delivery as well as potential modifications to service delivery;
 - ii. Potential savings or service level improvements possible.
 - iii. External pressures/factors and risks that may impact service delivery over the next ten years;
 - iv. Internal pressures including succession planning.

3. Service Adjustment Strategy Phase

- a. Assess the information obtained in the identification and ranking phases as well as the Phase I review.
- b. To ensure an in-depth, evidence-based understanding of each of

the selected services is achieved:

- i. Review, adjust as appropriate and confirm the anecdotal WWW/AA analysis for each service that was completed in the identification phase.
- ii. Complete process narrative and mapping for each of the services not yet completed.
- iii. Identify costs for each service not yet completed.
- iv. Identify potential efficiencies and/or service delivery standards modifications.
- v. Review each service from at least the following points of view:
 1. Stewardship – finance;
 2. Customer satisfaction;
 3. Internal processes;
 4. Organization capacity (human resources, It, capital assets, organizational culture).
- c. Review and confirm the information gathered in 3(b) with management and staff providing the service, requesting additional input and feedback from staff regarding potential service efficiency improvements.
- d. Determine and set an appropriate cost per officer target for the next five years and use the information from the study to date to determine steps for achieving the target.
- e. Determine the appropriate service adjustment strategy for each service by considering at least the following potential adjustments:
 - i. Additional revenue sources
 1. User fees
 2. Special purpose taxes/levies
 3. Donations
 4. Interagency cost sharing
 5. Sales of services
 - ii. Alternate Levels of service
 1. Frequency of service
 2. Standards of service
 3. Variable service levels
 - iii. Potential alternate service providers
 1. Joint ventures and partnerships
 2. Privatization
 - iv. Potential alternate service delivery strategies
 1. Volunteers
 2. Self help
 3. Delegation
 4. Vouchers & Subsidies
 5. Contracting out
 6. Leasing

7. Internal realignment
- v. Potential Efficiency Efforts
 1. Performance measurement/benchmarking
 - a. Conduct an analysis of how the Town of Amherst costs and staffing levels compare to other jurisdictions at the detailed level.
 - b. Verify information from other NS municipal organizations: Bridgewater, Truro, New Glasgow, etc. for proper comparisons.
 - c. Conduct an environmental scan of other municipal service organizations for relevant cost-effective options not already identified.
 2. Use of technology
 3. Process improvement
- f. Prepare a service adjustment strategy report with recommendations to the CAO for each selected service. The CAO will consider these recommendations in providing his advice to Council. The report should clearly:
 - i. Identify the issue/problem to be addressed;
 - ii. Desired outcomes – key result if the problem is addressed with timelines;
 - iii. Options considered;
 - iv. Recommended action required resources, supports and projected timelines.

MEMORANDUM

TO: Members of Amherst Town Council
FROM: Mayor Kogon, MD
DATE: December 17, 2018
SUBJECT: Physician Recruitment Update

1. Family Medicine

NS Family Medicine Forum Digby - 70 contacts

National Family Medicine Forum Toronto - 24 contacts— one coming July 2020 when completes training, another arranging a site visit

Family Medicine residents currently training at the Moncton Hospital:

Brittany McDougall is starting here this July.

Another is 99% certain he will work here.

A third has spoken to me and has a serious interest in looking at Amherst

Recent site visits:

Richard Gale coming to work in Springhill in April.

Dalhousie Family Medicine Residency program in Amherst:

Begins with 2 residents this July and will be 2 each year

(Retention of residents who train at a site is 90%)

2. Specialities

2 anaesthesiologists moving here from elsewhere in NS

ER/Hospitalist starting in March

Financial Support:

Letter to Health Minister Delorey requesting financial support was sent. No response as yet.

Hospital Foundation is considering financial support for local recruitment efforts.

Medical Site Lead and Surgery Program Director met with the Premier for 3 hours.

Internal Committee Report

Planning Advisory Committee

December 2018

The Planning Advisory Committee held a Public Participation Opportunity on Monday, December 3rd at which time the Committee considered an application by the property owner of 150 East Victoria Street for a development agreement to permit the conversion of an existing motel to a 10-unit motel with six apartment units.

The Planning Advisory Committee met again on Friday, December 14th and made a motion to recommend that Council enter into the development agreement for 150 East Victoria Street. This will go to Council for first reading in January 2019.

Internal Committee Report

Amherst Board of Police Commissioners

December 2018

The Amherst Board of Police Commissioners held a special meeting on December 13th to review the updated Police Sustainability Report. A motion was passed supporting the Report.

External Committee Report

YMCA Report

December 2018

Membership

Total member numbers are 939 Subsidized members are 154

Try the Y PROGRAM had 40 signed up, follow up calls will be started this week.

Our Member Appreciation will start mid-week now that the apples are in.

Home for the Holidays (the Christmas Promotion will start mid-December) as well.

120 letters throughout the town have been hand delivered for the Holiday Silent Auction and donations are coming in. Silent Auction Starts on Monday

Child Care: 223 Children use this service throughout Amherst and the County.

The Oxford afterschool program will be participating in the new before and after school pre-primary pilot project starting in January.

Friday Night Fun participation numbers

Ages 5-8 year olds – average of 32 each night

Ages 9-14 year olds – average of 25 each night

Health, Fitness and Aquatics

Winter Programming has been confirmed and promotions are underway.

Donations and Fundraising

Upcoming fundraisers include the holiday auctions - membership's silent auction in the lobby and the online holiday baked good auction - staff and volunteers donate their favorite holiday baked goods and people bid for them online.

The public launch for Coldest Night of the Year was on December 1, 2018. We will be starting to publicly advertise and recruit captains with our goal is to recruit the majority of captains by December 31, 2018 with donation requests starting in early January.

Monthly Report

Nothorn Region Waste – Resource Committee

December 2018

Regional Chairs Committee Update

1. Efficiency Study

Mr. Rayworth updated that the project is continuing to move forward. There have been some challenges collecting all of the required information from some municipalities, which is causing some delays with the completion of the study.

2. Meeting Request with Minister

The committee and municipal units are frustrated with the lack of leadership from the Minister of Environment. A request will be sent for a sit-down meeting with the Regional Chairs Committee and the Minister early in the New Year.

Regional Coordinator Committee – Update

1. The next meeting of the Regional Coordinator Committee will be January 16th

Education

1. Staff have been busy educating residents and businesses on the new Dual Stream Recycling Program, as Phase 2 – The Mandatory Phase started on December 1st.

Enforcement

1. The Enforcement Office continues to inspect materials curbside as well as onsite
2. The Enforcement Office is focusing on residential curbside recycling audits. She is tracking the number of residents that have made the change to dual stream recycling and 'reminding' those residents which have not made the switch of the deadline of December 1st.

External Committee Report

Tourism Strategic Planning Committee

December 2018

At this month's meeting we approved our Vision Statement:

“ To be recognized as a four season tourism destination, improving the economy and quality of life through facilitating the development, enhancement, preservation and collective marketing of our natural, historic and cultural assets.”

We are working on establishing goals and deciding on priorities that will be practical, feasible and doable. Once the goals have been defined and prioritized, we will move on to setting objectives for each goal.