



**Town of Amherst
Regular Council Meeting
Agenda**

Date: **Monday, February 25, 2019**
Time: **7:00 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. CALL TO ORDER	
2. TERRITORIAL ACKNOWLEDGEMENT	
"We [I] would like to begin by acknowledging that the land on which we gather is the traditional unceded territory of the Mi'kmaw Peoples."	
3. O CANADA	
4. HEARINGS/PRESENTATIONS/PETITIONS	
4.1 Provincial Volunteers of the Year Award Recognition	
5. APPROVAL OF AGENDA/MINUTES	
5.1 Approval of the Agenda	
5.2 Approval of Minutes	3 - 25
6. REQUESTS FOR DECISION	
6.1 150 East Victoria Street Development Agreement 2nd Reading - CHRISTIE	26 - 37
6.2 196 East Victoria Street - MACKENZIE	38 - 67
6.3 59 Church Street - RHINDRESS	68 - 115
6.4 Appointment of Auditors - RHINDRESS	116 - 117
6.5 Mandatory Provincial Contribution Rate - BYRNE	118 - 129
6.6 Temporary Borrowing Resolution - CHRISTIE	130 - 134

6.7	Council Remuneration - BYRNE	135 - 138
6.8	Salary Administration Policy - MACKENZIE	139 - 149
6.9	Joint Council Committee Terms of Reference - JONES	150 - 155
6.10	April and May Meeting Dates - BLANCH	156 - 158
6.11	RCMP Correspondence - KOGON	159 - 161
7.	INTERNAL COMMITTEE REPORTS	
7.1	Planning Advisory Committee - RHINDRESS	162 - 162
7.2	Amherst Board of Police Commissioners - No Report - Meeting February 27, 2019	
7.3	Amherst Youth Town Council - AYTC REP MASON CARTER	163 - 163
7.4	Audit Committee Report - BYRNE	164 - 180
8.	EXTERNAL COMMITTEE REPORTS	
8.1	Cumberland Public Libraries - MACKENZIE	181 - 181
8.2	Cumberland YMCA - No Report	
8.3	Cumberland Joint Services Management Authority - No Report	
8.4	Northern Region Solid Waste Committee - No Report	
8.5	L. A. Animal Shelter - No Report	
8.6	Senior Safety - No Report	
8.7	Inter-Municipal Tourism - No Report	
9.	ADJOURNMENT	

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: January 28, 2019
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
Bill Schurman, Director Recreation
Greg Jones, Fire Chief
Dwayne Pike, Acting Police Chief
Tom McCoag, Corporate Communications Officer
Andrew Fisher, Manager of Planning & Strategic Initiatives
Shelley Rector, Chief Financial Officer
Rebecca Taylor, Business Development Officer
Kim Jones, Municipal Clerk
Natalie LeBlanc, Deputy Clerk

Others Present Dan Osborne, AYTC Representative

1. CALL TO ORDER

Mayor Kogon called the meeting to order at 7:00 p.m.

2. O CANADA

Emily Black did the singing of O Canada.

3. APPROVAL OF AGENDA/MINUTES

3.1 Approval of the Agenda

Moved By Councillor Jones

Seconded By Councillor Rhindress

To approve the agenda with the addition of item 5.3 the Amherst Youth Town Council Report.

Motion Carried

3.2 Approval of Minutes

Moved By Councillor MacKenzie

Seconded By Councillor Byrne

To approve the minutes of the December 17, 2018 minutes as circulated.

Motion Carried

4. REQUESTS FOR DECISION

4.1 LUB Amendments Re: Cannabis - Second Reading

Moved By Councillor Blanch

Seconded By Councillor MacKenzie

That Council give Second Reading to the Bylaw P-2-24 to amend the Land Use Bylaw to regulate cannabis-related uses as shown in the attachment.

Motion Carried

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 Commission (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.

4.2 150 East Victoria Street DA Application - First Reading

Moved By Deputy Mayor Christie

Seconded By Councillor Jones

That Council approve first reading of the development agreement regarding 150 East Victoria Street, with a Public Hearing to be held on February 20, 2019 at 12:00 p.m.

Motion Carried

Case No. DA-2018-01

This Agreement made this _____ Day of _____ 2019.

Between:

Jack Van Der Donk (Owner of property located at 150 East Victoria Street [PIDs 25343187 & 25005224], hereinafter called the "Owner")

of the one part

- and-

The Town of Amherst (a body corporate hereinafter called the "Town")

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy CP-15 of the Municipal Planning Strategy of the Town of Amherst, to convert a 15-unit motel into a 10-unit motel with 6 dwelling units on properties located at 150 East Victoria Street (PIDs 25343187 & 25005224).

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

AND WHEREAS the Council of the Town, at its meeting on the _____ Day of _____ 2019, approved the said development agreement subject to the registered owner of the land described herein entering into this agreement;

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

- (a) Schedule 'A' - Terms and Conditions
- (b) Schedule 'B' - Site Map
- (c) Schedule 'C' - Building Floor Plans

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

- 1) That the Owner is the registered owner of the aforesaid lands in the Town of Amherst, hereinafter called the Lands. The aforesaid Lands are the only lands in the Town of Amherst to which this agreement applies, and the Lands are illustrated in the plan shown on Schedule B attached hereto and forming part of this agreement.
- 2) That the owner may convert the existing 15-unit motel to a 10-unit motel and a 6-unit apartment complex, subject to the following Schedules A and B, attached.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property (other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.
- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this agreement, the Town shall retain the right to discharge the agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.

- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the Municipal Government Act, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the Municipal Government Act.

SIGNED, SEALED AND DELIVERED

FOR THE TOWN OF AMHERST

in the presence of

David Kogon
Mayor

Gregory D. Herrett, CA
Chief Administrative Officer

FOR THE OWNER
Jack Van Der Donk

Schedule A

150 East Victoria Street - Development Agreement

Terms and Conditions:

1. The use of the property shall be limited to a 10-unit motel and a 6-unit apartment dwelling in a 2-building complex.
2. The bulk and height of the buildings shall not be altered, and the character of the apartment buildings shall remain largely the same.
3. Solid waste management shall be in conformance with the Town of Amherst Solid Waste Bylaw.
4. **A minimum of one (1) parking space per dwelling unit and motel unit shall be maintained on the site.**
5. All driveway and parking areas shall be maintained with asphalt and kept clear of snow, and shall otherwise be unobstructed at all times so as to be passable by emergency vehicles.
6. All asphalt surfaces shall be repaired within twelve (12) months of issuance of an Occupancy Permit.
7. All areas not used for buildings, parking or driveways shall be landscaped with grass or other manicured vegetation. Existing overgrown vegetation on the property shall be removed to the satisfaction of the Development Officer.
8. The green space between the lower building and the asphalt shall contain maintained grass or other manicured vegetation, to the satisfaction of the Development Officer.
7. No outdoor storage shall be permitted on the property.
8. Exterior lighting shall be carefully designed to not shine directly onto adjacent properties.
9. The exterior rear wall of the lower building, including the foundation, shall be scraped and painted prior to August 1, 2018, and all other exterior cladding shall be maintained.
10. The subject properties, including buildings, shall be kept in good repair, and be continuously maintained to be aesthetically pleasing.
11. The existing office space at the front of the building may be used for the administrative purposes of the apartment complex as well as laundry facilities for residents of the complex.
12. A minimum of 2 benches and/or 2 patio and chair sets shall be provided out of doors for the residents of the property.

13. A minimum of 600 square feet of designated amenity space shall be created within the existing parking lot area that will be demarcated by fencing and / or vegetation, to the satisfaction of the Development Officer.
13. Upon entering into this agreement, the Owner shall submit an application for a Building Permit along with documentation that shows any necessary alterations to the building to meet current National Building Code requirements. In particular, any vents on the north side of the building shall also meet current National Building Code requirements.
14. Variations from the requirements of the development agreement in relation to the built structures are permitted in order to meet the Nation Building Code and nova Scotia Building Code requirements. Specifically, should non-combustible material be required along the outside walls this material will be permitted, with the design subject to the satisfaction of the Development Officer.

4.3 PAC Public Participation & Notification Policy

Moved By Councillor Rhindress

Seconded By Councillor MacKenzie

That Council approve the following amendments to the Public Participation and Notification Policy, namely to remove the requirement to conduct public participation sessions at a Planning Advisory Committee meeting, and permit them to be scheduled independently.

Motion Carried

TOWN OF AMHERST POLICY

NUMBER 66000-03

PAGE 1 of 1

DEPARTMENT: PLANNING AND DEVELOPMENT

TITLE: **POLICY FOR PUBLIC PARTICIPATION and NOTIFICATION**

Minutes reference date: May 25, 2015 January 28, 2019

PURPOSE:

To establish a policy for public participation, and notification for the adoption of the Municipal Planning Strategy (MPS), Subdivision By-law, Land Use By-law (LUB), Development Agreements, Variances, Site Plans, and amendments thereto.

AUTHORITY:

This policy carries out MGA section 204 that requires Council to adopt a public participation policy concerning the preparation and administration of planning documents. This policy also provides for public notification where required under MGA sections: 205 (Requirements for adoption of planning documents), 206 (Public hearings), 210 (LUB amendments), 221 (Notifications and costs), 230 (Adoption or amendment of development agreement), 232 (Site-plan approval), 236 (Variance procedures), and 237 (Variance appeals and costs).

~~The Deputy CAO, or designate, is responsible for administration of this policy.~~

POLICY:

Public Participation Session

1. A public participation session will take place, ~~at a meeting of the Planning Advisory Committee~~, prior to making a recommendation to Council. Notification of the session shall adhere to the Procedure for Public Participation and Notification.
3. A summary of the public participation session will be provided to **all members of the Planning Advisory Committee and Council** prior to First Reading.

Public Hearing

1. A public hearing will generally take place prior to a meeting of Council, and prior to giving second reading of the planning document, Development Agreement, or amendment thereto.
2. Advertisement and notification of the public hearing shall adhere to the Municipal Government Act, and the Procedure for Public Participation and Notification.

Documentation and Coordination

Documentation and coordination shall adhere to the Procedure for Public Participation and Notification.

4.4 Territorial Acknowledgement

Moved By Councillor Blanch

Seconded By Councillor Jones

That Council approve an amendment to the Proceedings of Council Policy to add the following statement to our Council meeting agenda, which would be read aloud by the Chair immediately following the Call to Order:

“We[!] would like to begin by acknowledging that the land on which we gather is the traditional unceded territory of the Mi’kmaw Peoples.”

Against (1): Councillor Byrne

Motion Carried

Moved By Councillor Byrne

Seconded By Deputy Mayor Christie

To amend the motion so that Statement will be read at special events and ceremonies, rather than at every Council meeting.

Against (5): Mayor Kogon, Councillor Blanch, Councillor Jones, Councillor MacKenzie, and Councillor Rhindress

Motion Defeated

TOWN OF AMHERST POLICY

NUMBER 10350-24

PAGE 1 of 12

DEPARTMENT: COUNCIL

TITLE: **PROCEEDINGS OF COUNCIL**

Minutes reference date: 23 February 2015 22 June 2015 2019 January 2019

General

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

Definitions

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

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

3. Unless otherwise specified pursuant to section 5, regular meetings of Council shall be held:
 - (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
 - (b) On the fourth Monday of every month except that there shall be no regular meeting during the months of July and August;
 - (c) Commencing at 7:00 PM and concluding not later than 9:00 PM; when public hearings are scheduled, the hearing will commence at 6:30 PM and the Council meeting will commence at 7:00 PM.

4. Unless otherwise specified to section 5, regular meetings of Committee of the Whole shall be held:
 - (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
 - (b) On the third Monday of every month except that there shall be no regular meeting during the months of July and August;
 - (c) Commencing at 4:00 PM and concluding not later than 6:00 PM.
 - i. Should there remain unfinished business on the agenda at 6:00 PM, the meeting shall be adjourned until 4:00 PM on the fourth Monday when the balance of the business on the agenda shall be addressed.

5. Regular meetings of Council or Committee of the Whole may be rescheduled, relocated or cancelled:
 - (a) By resolution of Council at a previous meeting three or more days in advance of the additional or special meeting;
 - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
 - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances, provided the Mayor believes that the majority of Council Members would support such a step.

6. Additional or special meetings of Council or Committee of the Whole may be convened
 - (a) By resolution of Council at a previous meeting three or more days in advance of the additional meeting;
 - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
 - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances provided the Mayor believes that the majority of Council Members would support such a step.
 - (d) Business conducted at a special meeting must conform to what is specified in the call of the meeting.

7. Specific notice to Council Members and to the public need not be provided of
 - (a) Meetings held pursuant to section 3 or 4; or
 - (b) Meetings held pursuant to subsection (a) and (b) of section 5 or 6;

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

Within 30 days following the first meeting of Council after a municipal election or by-election:

- (a) The CAO shall provide a cellular phone to each Council Member which the Council Member will check at least once per day; and
 - (b) The CAO shall provide an electronic email address to each Council Member, and the Council Member will check at least once per day;
8. Subject to section 7, notice of meetings shall be provided by electronic mail to each Council member through the Town electronic mail address as provided in section 8.

9. Subject to section 7, notice of meetings shall be provided to the public by posting in the lobby of the Dominion Public Building and in a prominent place on the Town's website, a "Notice of Council Meeting" containing the time, date and place of the meeting.

Conduct of Meetings

10. It shall be the duty of the Chair to:
 - (a) Open the meeting of Council by taking the chair and calling the Council Members to order;
 - (b) Receive and submit to Council motions properly presented by a Council Member;
 - (c) Put to a vote a question which is regularly moved and seconded or necessarily arising in the course of the proceedings and to announce the result of the vote.
 - (d) Decline to put to a vote, a motion which infringes upon the rules of procedure;
 - (e) Restrain the Council Members, when engaged in debate, within the rules of conduct of debate;
 - (f) Enforce on all occasions, the observance of order and decorum;
 - (g) Call by name any Council Member persisting in a breach of the rules of order of Council thereby ordering him or her to vacate the Council Chambers;
 - (h) Inform the Council when necessary, or when referred to, on a point of order;
 - (i) Permit the Chief Administrative Officer to speak on any point upon request;
 - (j) Permit proper questions to be asked through the Chair or any official or employee of the Town of Amherst, to provide information to assist any debate;
 - (k) Declare a meeting dissolved if no quorum has been achieved within 15 minutes of the scheduled meeting time. And
 - (l) Adjourn the meeting when the business is concluded or, when an adjournment time has been set and approved by majority vote or when the adjournment time has been reached, except when it is extended by unanimous consent.

Council Agenda

11. All items appearing on the Council agenda will only consist of items that have been:
 - (a) Recommended or referred to Council by motion through either Committee of the Whole or a committee of Council;
 - (b) Placed on the agenda by Council through a motion or notice of motion at a previous meeting;
 - (c) Submitted by a member of Council prior to the issuing of the final agenda;
 - (d) Approved as an addition to the agenda of a regular meeting at the time the agenda is approved at the meeting.
12. Except for matters arising from correspondence, committee or other reports, agenda items, or notices of motion or other material circulated to Council Members on or before the business day before the meeting, and except for matters arising from an *in camera* meeting, no motion committing the Town of Amherst to the expenditure of funds shall be accepted by the Chair for the consideration of Council except with the unanimous consent of Council Members present.
13. Preliminary Council agendas will be issued by 4:30 PM on the Friday preceding the regularly scheduled meeting.
14. Final Council agendas will be issued by noon on the day of the meeting.
15. Items included on the Council agenda will include a copy of the motion to be made when the item arises on the agenda.
16. Copies of the agenda and supporting documentation will be made available to the public in electronic format by 9:00 AM the day of the meeting except for the supporting documents related to matters to be dealt with *in camera*.
17. At Council meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:
 - (a) Call to Order

- (b) **Territorial Acknowledgement**
 - (c) National anthem
 - (d) Presentations
 - (e) Approval of agenda, including additions or deletions
 - (f) Approval of minutes from the previous meeting
 - (g) Follow up action list
 - (h) Requests for Decision
 - (i) Information / Discussion Items
 - (j) Additions
 - (k) Internal Committee Reports
 - (l) External Committee Reports
 - (m) Adjournment
18. Councillors who have been appointed to outside Boards and Agencies shall provide a written report to the Council to be included in the agenda package. Recognizing that such reports provide Council with the ability to make informed decisions, reports may contain such elements as:
- (a) The date the meeting was held;
 - (b) A review of the key issues or discussion points covered that have an impact on the Town;
 - (c) Information and decisions that may impact a current Council position, or future Council course of action;
 - (d) A summary of the organization's key operations and events.

Committee of the Whole Agenda

19. The Committee of the Whole will meet for the purpose of discussion and possible referral to Council and no formal decisions will be made by Committee of the Whole, except to the extent that Committee of the Whole is specifically designated bylaw, policy or delegated by a resolution of Council as having the authority to make a decision.
20. Items appearing on the Committee of the Whole agenda will only consist of items as follows:
- (a) Placed on the agenda by Council or Committee of the Whole through a motion or notice of motion from a previous meeting;
 - (b) Submitted by a member of Council prior to the issuing of the final agenda;
 - (c) Staff reports;
 - (d) Items from the administration requiring a decision or direction;
 - (e) Items approved as an addition to the agenda at the time the agenda is approved at the meeting.
21. Preliminary Committee of the Whole agendas will be issued by 4:30 pm on the Friday preceding the regularly scheduled meeting.
22. Final Committee of the Whole agendas will be issued by noon on the day of the meeting.
23. Items included on the Committee of the Whole agenda will include a copy of the motion to be made when the item arises on the agenda.
24. Copies of the Committee of the Whole agenda and supporting documentation will be made available to the public in electronic format by 9:00 AM the day of the meeting, except for the supporting documents related to matters to be dealt with in camera.
25. At Committee of the Whole meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:
- (a) Call to Order
 - (b) Approval of Agenda

- (c) Approval of Minutes
- (d) Presentations
- (e) Council Direction Requests
- (f) Information / Discussion Items
- (g) Monthly Departmental Reports
- (h) Adjournment

Minutes

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

Motions, Voting and Speaking

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

- (a) To refer to a committee;
- (b) To defer the consideration of the question;
- (c) To close the debate at a specified time;
- (d) That the question be put to a vote;
- (e) To adjourn

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

37. A motion:

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

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

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

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

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

40. The following questions shall be decided without debate:

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

41. Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be decided or withdrawn before the main question is put to a vote. Only one amendment shall be allowed to an amendment and any further amendment must be to the main question.

42. Any notice of motion given by a Council Member for a subsequent meeting may, in the absence of the Council Member giving such notice, be taken up by any other Council Member.

43. Every Council Member, prior to speaking on any question or motion, shall raise a hand and wait to be recognized by the Chair. When two or more Council Members raise their hands to speak, the Chair shall designate as the Council Member who has the floor the Council Member who, in the opinion of the Chair, first raised a hand.

44. No Council Member may speak more than twice, without the leave of Council, on any motion except to explain a misconception of his remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate.

45. When a Council Member wishes to explain, the Council Member shall raise a hand and ask leave of the Chair, without further comment, and if permitted by the Chair, shall explain only an actual misunderstanding of language.

46. No Council Member shall speak more than two minutes upon any matter at one time, without the leave of Council.
47. During a meeting Council may adjourn for short periods or move to another place, without ending the meeting.

Reconsideration

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

Rescission

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

Points of Order

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

interpretation of the rules of Council after being called to order by the Chair or otherwise disrupts the proceedings of council, the Council Member may be ordered by the Chair to leave the Council Member's seat provided that a majority vote of Council shall be required to sustain the expulsion.

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

Presentations to Council

72. Persons wishing to make a presentation to Council shall write one week in advance of the next Committee of the Whole meeting to the CAO outlining their issue and the decision they wish Council to consider, and request to make a presentation.
73. The request will be added to the next Committee of the Whole agenda to be issued.
74. Committee of the Whole will discuss the matter when it appears on the agenda, and will determine if they wish to have the presentation at a future meeting.
75. The CAO shall advise the person or group requesting to make a presentation of the decision of Committee of the Whole including, if approved, the date and time of the presentation.
76. Presentations shall be limited to 15 minutes, unless Committee of the Whole determines a longer period of time is needed.
77. When a delegation is recognized and offered an opportunity to speak, the Mayor or Chairperson of the meeting will request the spokesperson to come forward from the gallery to present. Only one person shall be permitted to speak.
78. No debate or decision on the presentation will occur during the meeting in which the presentation is made, unless the item was previously an agenda item for that meeting.

Petitions

79. Persons wishing to present a petition to Council shall file a copy of the petition with the CAO before 12:00 noon on the Wednesday prior to the meeting of Council at which it is proposed to be presented.
80. The CAO shall circulate a copy of any such petition to each member of Council before the meeting at which it is proposed to be presented.
81. The body of the petition itself, excluding the list of names, shall, if determined by the Chairperson to be practical, be read by the CAO on behalf of the group supporting the petition.
82. No petition shall be presented which Council determines to contain impertinent or improper matter.

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

4.5 Council Remuneration

Moved By Councillor Byrne

Seconded By Councillor Rhindress

That Council approve the amendment to the Salary Administration Policy #04530-01, to reflect an increase in Council Remuneration with salaries reflection the increased outlined below:

<u>Salary Increase</u>	<u>Current</u>	<u>Future</u>
Councillor	\$21,542	\$25,050
Deputy Mayor	\$24,375	\$27,723
Mayor	\$36,447	\$41,178

Motion Tabled

Moved By Deputy Mayor Christie

Seconded By Councillor Byrne

That Council defer a decision to the February Committee of the Whole meeting, and direct staff to do a report on what other municipalities have independent committees setting remuneration for Council, and what the salaries of other comparable municipal Councillors are.

Against (1): Councillor Jones

Motion Carried

4.6 Snow and Ice Management Policy Amendments

Moved By Councillor MacKenzie

Seconded By Councillor Rhindress

That Council approve amendments to the Snow and Ice Management Policy, which would revise the list of Town-owned and leased parking lots and include the Community Credit Union Business Innovation Centre to the list of public buildings.

Motion Carried

TOWN OF AMHERST POLICY

NUMBER 31600-25

PAGE 14 of 230

DEPARTMENT: OPERATIONS

TITLE: **SNOW AND ICE MANAGEMENT POLICY**

Minutes reference date: 24 November 2014 23 November 2015 28 January 2019

PURPOSE:

The purpose of this policy is to provide direction to staff involved in snow and ice management operations to ensure streets, sidewalks, fire hydrants and parking lots are cleared in a safe and timely manner.

POLICY STATEMENT:

1. Snow and ice management operations will commence after 5 – 10 cm of snow has fallen and snowfall is continuing.
2. Salting of streets on the 'salt route' will commence when conditions warrant and salting of remaining streets not on the salt route will occur as needed.
3. Upon completion of the public streets, sidewalk operations will commence.
4. Priority will be given to heavily travelled streets and sidewalks, as defined in this policy.
5. Safety of the public and our operators is paramount in all aspects of our work.
6. Additional street widening and intersection clearing will occur upon the completion of the priority operations and as time and budget allow.

SERVICE LEVEL EXPECTATIONS

Level of Service for Roadway Types

The objective is that all streets will be cleaned of snow within 6 hours from the end of a snow storm of up to 30 centimetres.

Street Priority 1

- Plow continuously during storm, visibility permitting
- Plow to bare pavement, whenever possible
- Normally plow curb to curb within 4 hours after storm ends

Street Priority 2

- Plow continuously during storm, visibility permitting
- Salting of hills, intersections, as needed
- Normally plow curb to curb within 6 hours after storm ends

Level of Service for Sidewalk Types

The objective is that all sidewalks will be cleaned of snow within 24 hours from the end of snow plowing operations, for snow storms up to 30 centimetres.

Sidewalk Priority 1 (Cleared within 12 hours)

- Sidewalks in school zones
- Sidewalks in the Core Area District (Downtown)
- Arterial streets

Sidewalk Priority 2 (Cleared within 24 hours)

- Collector streets
- Local streets

The sidewalks in the Downtown will be maintained with salt. Other sidewalks will receive sand to improve traction, as needed.

Level of Service for Fire Hydrants

The objective is that all fire hydrants will be accessible by emergency personnel 96 hours from the end of snow plowing operations, for snow storms up to 30 centimetres.

The Streets Foreman will decide if the accumulation of snow around the fire hydrants, and/or the snow bank along the street in front of the fire hydrant, warrants the clearing operation to be activated.

Town crews are available to clear hydrants in an emergency, whenever required.

MAJOR STORMS

A major storm will be declared by the Transportation Foreman, or on-call supervisor, when snow clearing crews are no longer able to keep all Town streets cleared of snow and the storm continues.

During a major snowstorm, crews will attempt to keep at least one lane of the following streets open:

- | | |
|--------------------------------|--------------------------------------|
| - Abbey Road | - Lawrence Street |
| - Albion & South Albion Street | - McCully Street |
| - Anson Avenue | - Pleasant (East & West) |
| - Chamberlain Street | - Spring Street |
| - Chandler Road | - Robert Angus Drive |
| - Church Street | - Rupert Street |
| - Havelock Street | - Townshend Avenue |
| - Hickman Street | - Tupper Blvd |
| - Industrial Park Drive | - Victoria Street |
| - LaPlanche Street | - Willow Street |
| - King Street | - Prince Arthur (Church to Havelock) |
| - Electric Street | |

During a major snowstorm, the Town Hall Parking Lot, Fire Station and Stadium parking lots will be kept open to allow emergency off-street parking.

To provide quick response in an emergency, a "storm line" will be activated during major storms (664-6000). This line will be monitored 24 hours a day until all of the streets have been opened.

As snowfall intensity decreases, Town equipment will commence snow plowing operations on other streets.

PRIORITY STREETS – BARE PAVEMENT

Town snow clearing crews will attempt to create a “bare pavement” condition within 12 hours following a snowfall event of up to 30 cm on the following streets:

- Victoria Street
- Church Street
- Willow Street
- Albion / West Pleasant intersection
- Albion Street
- South Albion Street
- Lawrence Street
- LaPlanche Street
- Robert Angus Drive
- East Pleasant
- West Pleasant
- Hickman Street

SNOW HAULING

Within 48 hours of the accumulation of 10 or more centimeters of snow, the snow will be hauled away from the boulevards of the Town streets listed below:

- Victoria Street from Herbert Street to C.N.R. Tracks
- Church Street from Victoria Street to YMCA Driveway
- Havelock Street from Victoria Street to Prince Arthur Street
- Ratchford Street
- King Street
- Princess Street
- Electric Street
- Prince Arthur Street from Acadia to Station Street
- Acadia Street from Victoria Street to Prince Arthur Street
- Albion Street from Church Street to the Lord Amherst Drive
- LaPlanche Street from Victoria Street to Civic # 12
- Lawrence Street from Victoria Street to Civic # 17
- Academy Street from Spring Street to Queen Street on (West side only)
- Charles Street from Spring to Dunlap (West side only)
- Spring (Albion to Church)
- Maltby Court
- Cornwall Avenue (West Side)
- Hickman Street (Mission to Park)
- Mission Street (Hickman to Cornwall)

TOWN OWNED PROPERTY

Town staff will take necessary steps to minimize public hazards due to snow/ice conditions on Town-owned/leased property.

Public Parking Lots

When a snow event of 5cm or more has occurred over night, snow will be removed by private contractors before 8:00 a.m. each day for the following Town owned parking lots:

- **Town Hall**
- **Police Station**
- **Fire Station**
- **Library**
- **Works Garage**
- **Stadium**
- **Ratchford Street**
- **Corner of Maple and Electric**

AND

For private parking lots that are leased by the Town of Amherst.

The lots will then be checked for slippery conditions by Town staff and appropriate measures taken, using salt and sand **as required** to alleviate any hazard to the public. Further periodic checks are to be made as conditions warrant throughout the day.

- ~~Town Hall~~
- ~~Library~~

- ~~Ratchford Street~~
- ~~George Blanche~~
- ~~Corner of Maple and Electric~~
- ~~Corner of Church and Electric~~
- ~~Bounded by Church, Prince Arthur, Maple and Electric~~
- ~~Trinity~~
- ~~Baptist Church and Church of England~~
- ~~YMAC~~
- ~~Stadium~~
- ~~Fire Station~~

Public Buildings

The public entrances and adjacent sidewalks to Town operated facilities will be checked by Town staff for hazardous snow and ice conditions each day, before the building is open to the public. Excess snow will be removed and slippery conditions will be addressed using salt, sand and other suitable ice control material. Further periodic checks are to be made as conditions warrant throughout the day.

- Town Hall
- Police Station
- Fire Station
- Library
- Works Garage
- Stadium
- **Community Credit Union Business Innovation Center**

SALT MANAGEMENT

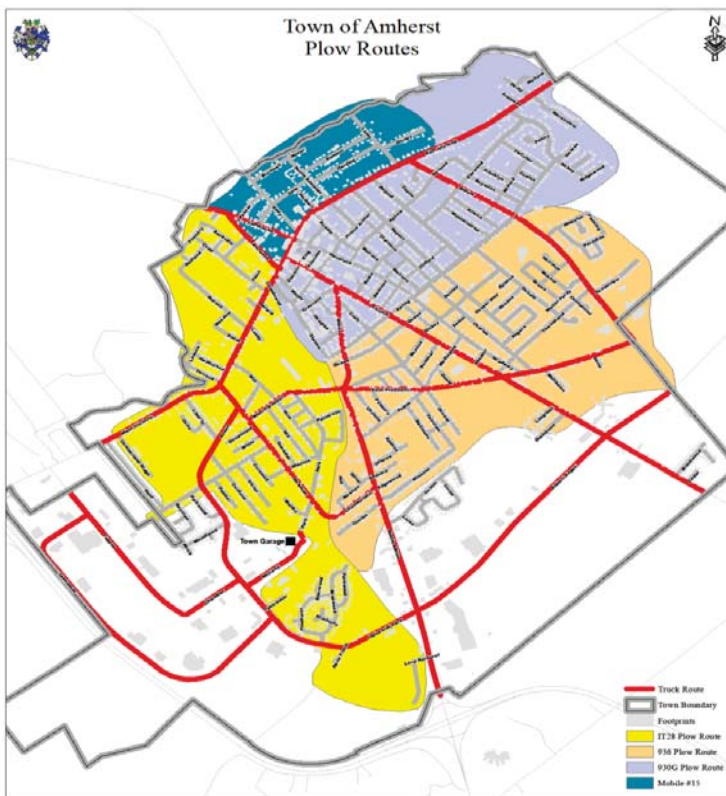
The Town of Amherst is committed to the efficient management of its road salt, while continuing to provide effective winter maintenance for the safety of motorists and winter maintenance workers.

The Town will demonstrate environmental responsibility by implementing and maintaining a Salt Management Plan (SMP) and associated best management practices.

To ensure the Town successfully meets its commitment, it will:

- Conduct operational activities in a manner that protects the environment and prevents or minimizes pollution;
- Continue to provide snow and ice control on Town streets so that service level standards are achieved;
- Address concerns raised by the federal government's review of road salts and their effect on the environment;
- Comply with environmental legislation, relevant standards, and industry codes of practice that apply to the Town's facilities and operations;
- Provide all winter maintenance personnel with appropriate training and resources so they are able to complete their assigned tasks in a manner that is consistent with the requirements of this Policy;
- Establish and track objectives and targets to verify effectiveness and identify opportunities for continual improvement of processes and operations;
- Monitor operations and implement appropriate corrective and/or preventive actions to improve performance;
- Communicate the requirement of this Policy and the Salt Management Plan to all employees.





4.7 Poverty Reduction Circle

Moved By Deputy Mayor Christie

Seconded By Councillor Blanch

That Council endorse and support the creation of an adhoc Poverty Reduction Advisory Circle to:

- provide advice and assistance to Council in understanding and addressing poverty in Amherst;
- engage a broad range of stakeholders and government departments at all levels on the issues related to poverty in Amherst;
- through engagement, develop a better understanding of the capacity and roles of stakeholders to address poverty in the community;
- identify opportunities for short term actions;
- development of a poverty reduction action plan.

And further that the ad hoc Advisory circle consist of:

Deputy Mayor Sheila Christie	Town of Amherst
Bill Schurman	Town of Amherst
Sarah MacMaster	Executive Director Maggie's Place
HeeYeon Son	Volunteer, Newcomer
Colleen Dowe	Community Health Board Coordinator, NSHA
Veronica Richards	Volunteer, St. Vincent de Paul, Empowering Beyond Barriers
Connie Fisher	Academic Chair, Health & Human Services, NSCC
Dawn Ripley,	Health Equity Consultant, NSHA
Allison Lair	Community Support Coordinator, YMCA
Janine DeWitt	Health Promoter, Public Health, NSHA

And further that the Poverty Reduction Circle set a target date of March 31, 2019 to present to Council a detailed terms of reference with timelines.

Motion Carried

4.8 February Meeting Dates

Moved By Councillor Jones

Seconded By Councillor Rhindress

That Council change the regular Committee of the Whole meeting date from Monday, February 18, 2019 to Tuesday, February 19, 2019 due to the Heritage Day holiday.

Motion Carried

4.9 VIA Station

Moved By Councillor Byrne

Seconded By Deputy Mayor Christie

That Council authorize the Mayor and CAO to execute the following agreements:

- 1. Agreement of Purchase & Sale between the Town & VIA Rail Canada INC.**
- 2. Lease Agreement between the Town & VIA Rail Canada INC.**
- 3. Agreement of Purchase & Sale between the Town & J.E. Bembridge Enterprises Limited.**
- 4. Access and Use Agreement between the Town & VIA Rail Canada INC.**
- 5. Contribution Agreement between the Town, VIA Rail Canada INC., & J.E. Bembridge Enterprises Limited.**

that provide for the transfer of Station Street, adjacent parking areas, and the Train Station to the Town, with eventual transfer of the Train Station to J.E. Bembridge Enterprises Limited, with a closing date of March 1, 2019.

Motion Carried

4.10 12 Havelock Street

Moved By Councillor Jones

Seconded By Councillor MacKenzie

That Council approve the renewal of a 5-year lease agreement with the owner of 10 Havelock Street to lease a portion of the park space at 12 Havelock Street for the purpose of a walkway and a ground sign.

Motion Carried

THIS LEASE made this ___ day of _____, 2018 effective as of _____

BETWEEN:

TOWN OF AMHERST, a body corporate,

(herein called the "Lessor")

OF THE ONE PART

- and -

Kevin Nelson of the County of Cumberland, Province of Nova Scotia

(herein after called the "Lessee")

OF THE OTHER PART

WITNESSETH THAT:

1. In this Lease,

- (a) The "Lessor's Lands" means the lands of the Lessor situate at 12 Havelock Street, Amherst, Cumberland County, Province of Nova Scotia (PID No. 25028713);
- (b) "Demised Premises" means the lot of land forming part of the Lessor's lands known as PD 25028713, 12 Havelock Street, Amherst, County of Cumberland, Nova Scotia, and more particularly shown in Schedule "A" to this Lease;
- (c) "Lessor" means Town of Amherst, a body corporate;

- (d) "Lessee" means Kevin Nelson, owner of 10 Havelock Street, successors, assigns, servants, agents, licensees, workmen, contractors and guests;

DEMISE

2. In consideration of the rents hereby reserved and the covenants herein contained, the Lessor hereby leases to the Lessee the Demised Premises, for a term of five (5) years beginning December 1, 2018 and ending November 31, 2023 and upon agreement of both parties renewable for two five-year terms thereafter, for the following purposes:
- (a) A six (6) foot wide walkway on the Demised Premises from the sidewalk on Ratchford Street to the side of the building located at 10 Havelock Street, the purpose of said walkway being to allow employees and patrons access to the said building.
 - (b) A ground sign in compliance with the Amherst Land Use Bylaw and no greater than eight (8) square feet in area located within ten (10) feet of said walkway to be used for the sole purpose of advertising the business located at 2 Ratchford Street, a tenant of the Lessee.

RENT

3. The Lessee shall pay to the Lessor as rent the sum of One Hundred and Six Dollars (\$106) per year together with the Harmonized Sales Tax, payable yearly in advance from the date upon which the lease term commences.

The rent for any additional five year term shall be adjusted upward (but not downward) in an amount proportionate to the increase, if any, of the value of the Demised Premises as established by the "Consumer Price Index" published by Statistics Canada and compounded annually as appropriate.

LESSOR'S COVENANTS

4. The Lessor covenants with the Lessee as follows:
- (a) The Lessor has good and marketable title to the Demised Premises and full and absolute right to lease the Demised Premises and so long as the Lessee is not in default of any of the terms of this Lease, the Lessee shall have the right to utilize the Demised Premises for employee and customer access to the building located at 10 Havelock Street;
 - (b) The Lessee may terminate this Agreement upon three (3) months' written notice given by the Lessee to the Lessor, provided however any rent paid in advance to the Lessor shall not be refundable to the Lessee;
 - (c) The Lessee may not sub-lease any portion of the land or sign to another party without written consent of the Lessor. Such consent may cause a change in the amount of rent paid by the Lessee to the Lessor.

LESSEE'S COVENANTS

5. The Lessee covenants with the Lessor as follows:
- (a) The Lessee shall indemnify and save harmless the Lessor from and against all or any actions, claims or demands that may be lawfully brought against the Lessor by reason of anything done by the Lessee, its agents or contractors or anything placed on the Demised Premises by the Lessee its agents or contractors;
 - (b) Upon expiry or earlier termination of this Lease, and within three months thereafter, the Lessee shall remove the walkway and restore the Demised Premises to its original condition.
 - (c) The Lessee will promptly discharge any Mechanics Liens filed against the Demised Premises with respect to work done for the benefit of or at the request of the Lessee, provided that the Lessee may in good faith contest any lien in a court or tribunal having jurisdiction and, further provided that the entry into this Lease by the Lessor shall not constitute a consent by the Lessor under the *Builders' Lien Act*, R.S.N.S., 1989, c. 277 in respect of Section 8(2) of the *Act*.
 - (d) The Lessee will make good any damage to the Lessor's Lands resulting from installation of and subsequent maintenance to the Walkway and related equipment.
 - (e) The Lessee will, in its occupancy of the Demised Premises, comply with all laws, regulations and rulings of any government or governmental organization having lawful jurisdiction.
 - (f) The Lessee shall not have exclusive rights over the Demised Premises and for further clarity, members of the public utilizing the park located at 12 Havelock Street shall have the right to cross the walkway in their utilization of the said park.
 - (g) The Lessee shall not install any obstruction, fence, barrier or other device which will obstruct the full utilization of the park located at 12 Havelock Street.

(h) The Lessor may terminate this Agreement upon three (3) months' written notice given by the Lessor to the Lessee.

FOREFEITURE AND RE-ENTRY

6. If the Lessee should be in default of any of the terms of this Lease and if the Lessee should fail to cure such default within thirty (30) days after the Lessor gives the Lessee written notice of such default or if the Lessee shall become bankrupt or make a general assignment for the benefit of its creditors, then the Lessor may enter upon the Demised Premises and every part thereof and thence forth this Lease shall be void; provided, however, if the default by the Lessee can only be cured by the performance of labour or the furnishing of materials and if such labour cannot easily be completed or such materials reasonably obtained and utilized within thirty (30) days, such default shall not be deemed to continue if the Lessee proceeds promptly with such work as may be necessary to cure the default and continues diligently to complete the same. The Lessee shall thereupon remove all its fixtures in accordance with Article 5 of this Lease.

ARBITRATION

7. Any unresolved disputes between the parties arising out of this Lease shall be resolved by arbitration between the parties by reference to a single arbitrator subject to the provisions of the *Commercial Arbitration Act* of Nova Scotia.

NOTICES

8. Any notice in writing which either party may give to the other with regard to any matter or thing in this Lease may be validly given by mailing the same by prepaid registered post addressed, if intended for the Lessor, to:

Town of Amherst
98 Victoria Street
PO Box 516
Amherst NS B4H 4A1

Attention: Gregory D. Herrett, CPA, CA, Chief Administrative Officer

And, if intended for the Lessee, to:

Kevin Nelson
745 Green Road, RR2
Amherst, NS B4H 3X9

SUCCESSORS AND ASSIGNS

9. This Lease shall enure to the benefit of and be binding upon the Lessor, their heirs, executors, administrators, successors and assigns, the owners from time to time of the Lessor's Lands and upon the Lessee and its successors and assigns, the holders from time to time of the Lessee's leasehold interest in the Demised Premises.

IN WITNESS WHEREOF the Parties have duly executed these presents the day and year first above mentioned.

SIGNED, SEALED AND DELIVERED)

In the presence of:)
)
)
)
_____)
Witness)
)
)
_____)
Witness)
)

TOWN OF AMHERST

Per: _____
Per: _____

KEVIN NELSON

Per: _____

5. INTERNAL COMMITTEE REPORTS

- 5.1 **Planning Advisory Committee**
Information item; no direction given or action required.
- 5.2 **Amherst Board of Police Commissioners - No Report**
- 5.3 **Amherst Youth Town Council**
Dan Osborne, PR Director for AYTC, presented the AYTC report to Council. Information item; no direction given or action required.

6. **EXTERNAL COMMITTEE REPORTS**

- 6.1 **Cumberland Public Libraries - No Report**
- 6.2 **Cumberland YMCA**
Information item; no direction given or action required.
- 6.3 **Cumberland Joint Services Management Authority**
Information item; no direction given or action required.
- 6.4 **Northern Region Solid Waste Committee – No Report**
- 6.5 **L.A. Animal Shelter – No Report**
- 6.6 **Senior Safety – No Report**
- 6.7 **Tourism – No Report**

7. **ADJOURNMENT**

Moved By Councillor Jones
Seconded By Councillor Byrne
To adjourn the meeting at 7:55 p.m.

Motion Carried

Kimberlee Jones
Municipal Clerk

David Kogon, MD
Mayor

Synopsis

150 East Victoria Street – Development Agreement Application

An application has been received by the property owner of 150 East Victoria Street for a development agreement to permit the conversion of an existing 15-unit motel with one dwelling unit, to a 10-unit motel with six dwelling units.

The subject property consists of two parcels, one contains a ten-unit motel, and the other contains five motel units that were converted from ten units. There is also an existing two-bedroom apartment unit on the second floor of the upper building. The property is located in the Downtown Commercial Zone (outside the Core Area District) where ground floor residential uses are permitted by development agreement.

The proposal generally conforms to the relevant policies of the MPS and LUB. Staff do not anticipate significant negative impacts on the surrounding neighbourhood as result of this proposal.

The Planning Advisory Committee held an advertised Public Participation Opportunity on December 3, 2018. The Planning Advisory Committee met again on December 14, 2018 and passed a motion recommending Council enter into the Development Agreement with amendments. Council gave first reading of the amended Development Agreement at their regular meeting on January 28, 2019, and held an advertised Public Hearing on February 20, 2019.

Motion:

That Council approve second reading of a Development Agreement for 150 East Victoria Street to allow the conversion of a 15-unit motel with one dwelling unit to a 10-unit motel with six dwelling units.

REQUEST FOR PLANNING DECISION

RPD# 2019016

Date: February 25, 2019

SUBJECT: 150 East Victoria Development Agreement Application

RECOMMENDATION: That Council approve second reading of the development agreement regarding 150 East Victoria Street and schedule a Public Hearing.

RECOMMENDATION: **Report/Document:** Draft Agreement, Staff report to PAC

KEY ISSUE(S) CONCEPTS DEFINED: The property owner requests a development agreement to change the use of 5 motel units to 5 dwelling units. The remaining 10 motel units and 2-bdrm owner apartment would remain unchanged.

Within the Downtown Zone, MPS Policy CP-15 regulates the conversion of ground floor commercial space to residential uses. The proposal generally conforms to this policy and all other relevant policies of the MPS.

The existing use of the building as a motel with both short and long term rentals can continue indefinitely without the benefit of a development agreement. It can be argued that reducing the number of units from 21 to 11 will reduce traffic on the property. Furthermore, the renovations, including doubling the size of the units and the addition of kitchens, may result in a safer situation than the potential alternative of people trying to cook with inadequate resources.

Outdoor balconies are provided and high-quality parks are nearby for the use of the residents. The buildings are obviously in existence in their current location, and due to the proximity to property lines landscaped buffers cannot be provided, nor are they required by the current policies of the MPS or regulations of the LUB.

Should Council agree to enter into the development agreement the applicant must obtain a building permit, which will require that the subject building meet current Building Code standards for a multi-unit dwelling.

Following an Public Participation Session noted below, the Planning Advisory Committee passed a motion recommending that Council enter into the proposed Development Agreement, but amended it to include maintenance to all cladding, creation of a green space between the lower building and Herbert Street where possible, create a minimum of 600 square feet of amenity space, that any vents on north side of the lower building meet the national building code, and that there is repair of pavement within 12 months of an occupancy permit. These amendments are incorporated into the attached development agreement and shown in red text.

PUBLIC PARTICIPATION OPPORTUNITY SUMMARY: An advertised Public Participation Opportunity was held on December 3, 2018 and attended by two residents and the proponents. The major issues raised were related to the lack of landscaped open space, building code compliance and current esthetics of the property.

Council gave first reading of the Development Agreement at their regular meeting on January 28, 2019, and held an advertised Public Hearing on February 20, 2019. Although there were no members of the public in attendance to speak on the matter, one letter of objection was received and is included in the package.

RELEVANT MUNICIPAL PLANNING STRATEGY POLICY:

CP-15 – Ground Floor Residential Uses in the Downtown by DA (Summarized in the original PAC Report)

SP-1 It shall be the intention of Council to encourage high density residential development in the Downtown Zone

RP-11 It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by:

- (a) encouraging a mix of housing types and densities;

RP-8 It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.

RESPONSE OPTIONS:

1. Approve Second Reading of the Development Agreement;
2. Approve Second Reading of the Development Agreement with specific changes.
3. Refuse to enter into the agreement.

IMPLICATIONS OF PAC RECOMMENDATION:

GENERAL: The proposed Development Agreement is in general conformance with the Town's policies and regulations.

COMMUNICATION: An advertised Public Participation Opportunity was held on December 3, 2018 and attended by two residents and the proponents. Council gave first reading of the Development Agreement at their regular meeting on January 28, 2019, and held an advertised Public Hearing on February 20, 2019.

OTHER COMMENTS:

Submitted by: Andrew Fisher, Manager of Planning and Strategic Initiatives

Approved by: Gregory D. Herrett, CA, Chief Administrative Officer

Case No. DA-2018-01

This Agreement made this _____ Day of _____ 2019.

Between:

Jack Van Der Donk (Owner of property located at 150 East Victoria Street [PIDs 25343187 & 25005224], hereinafter called the "Owner")

of the one part

- and-

The Town of Amherst (a body corporate hereinafter called the "Town")_

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy CP-15 of the Municipal Planning Strategy of the Town of Amherst, to convert a 15-unit motel into a 10-unit motel with 6 dwelling units on properties located at 150 East Victoria Street (PIDs 25343187 & 25005224.

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

AND WHEREAS the Council of the Town, at its meeting on the ____ Day of _____ 2019, approved the said development agreement subject to the registered owner of the land described herein entering into this agreement;

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

- (a) Schedule 'A' - Terms and Conditions
- (b) Schudule 'B' – Site Map
- (c) Schedule 'C' - Building Floor Plans

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

- 1) That the Owner is the registered owner of the aforesaid lands in the Town of Amherst, hereinafter called the Lands. The aforesaid Lands are the only lands in the Town of Amherst to which this agreement applies, and the Lands are illustrated in the plan shown on Schedule B attached hereto and forming part of this agreement.
- 2) That the owner may convert the existing 15-unit motel to a 10-unit motel and a 6-unit apartment complex, subject to the following Schedules A and B, attached.

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

SIGNED, SEALED AND DELIVERED

in the presence of

FOR THE TOWN OF AMHERST

David Kogon
Mayor

Gregory D. Herrett, CA
Chief Administrative Officer

FOR THE OWNER
Jack Van Der Donk

Schedule A

150 East Victoria Street - Development Agreement

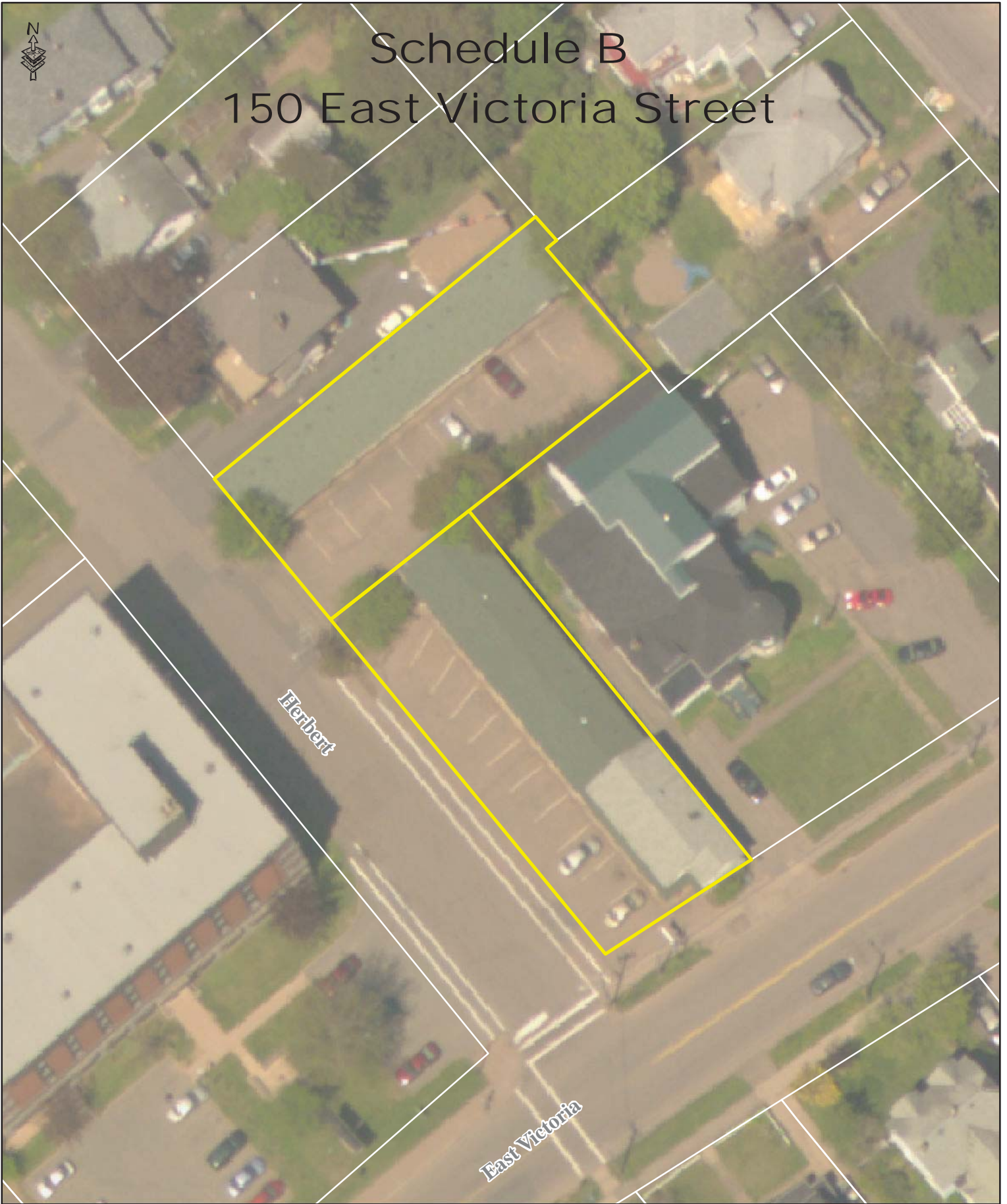
Terms and Conditions:

1. The use of the property shall be limited to a 10-unit motel and a 6-unit apartment dwelling in a 2-building complex.
2. The bulk and height of the buildings shall not be altered, and the character of the apartment buildings shall remain largely the same.
3. Solid waste management shall be in conformance with the Town of Amherst Solid Waste Bylaw.
4. A minimum of one (1) parking space per dwelling unit and motel unit shall be maintained on the site.
5. All driveway and parking areas shall be maintained with asphalt and kept clear of snow, and shall otherwise be unobstructed at all times so as to be passable by emergency vehicles.
6. All asphalt surfaces shall be repaired within twelve (12) months of issuance of an Occupancy Permit.
7. All areas not used for buildings, parking or driveways shall be landscaped with grass or other manicured vegetation. Existing overgrown vegetation on the property shall be removed to the satisfaction of the Development Officer.
8. The green space between the lower building and the asphalt shall contain maintained grass or other manicured vegetation, to the satisfaction of the Development Officer.
7. No outdoor storage shall be permitted on the property.
8. Exterior lighting shall be carefully designed to not shine directly onto adjacent properties.
9. The exterior rear wall of the lower building, including the foundation, shall be scraped and painted prior to August 1, 2018, and all other exterior cladding shall be maintained.
10. The subject properties, including buildings, shall be kept in good repair, and be continuously maintained to be aesthetically pleasing.
11. The existing office space at the front of the building may be used for the administrative purposes of the apartment complex as well as laundry facilities for residents of the complex.
12. A minimum of 2 benches and/or 2 patio and chair sets shall be provided out of doors for the residents of the property.

13. A minimum of 600 square feet of designated amenity space shall be created within the existing parking lot area that will be demarcated by fencing and / or vegetation, to the satisfaction of the Development Officer.
13. Upon entering into this agreement, the Owner shall submit an application for a Building Permit along with documentation that shows any necessary alterations to the building to meet current National Building Code requirements. In particular, any vents on the north side of the building shall also meet current National Building Code requirements.
14. Variations from the requirements of the development agreement in relation to the built structures are permitted in order to meet the Nation Building Code and nova Scotia Building Code requirements. Specifically, should non-combustible material be required along the outside walls this material will be permitted, with the design subject to the satisfaction of the Development Officer.



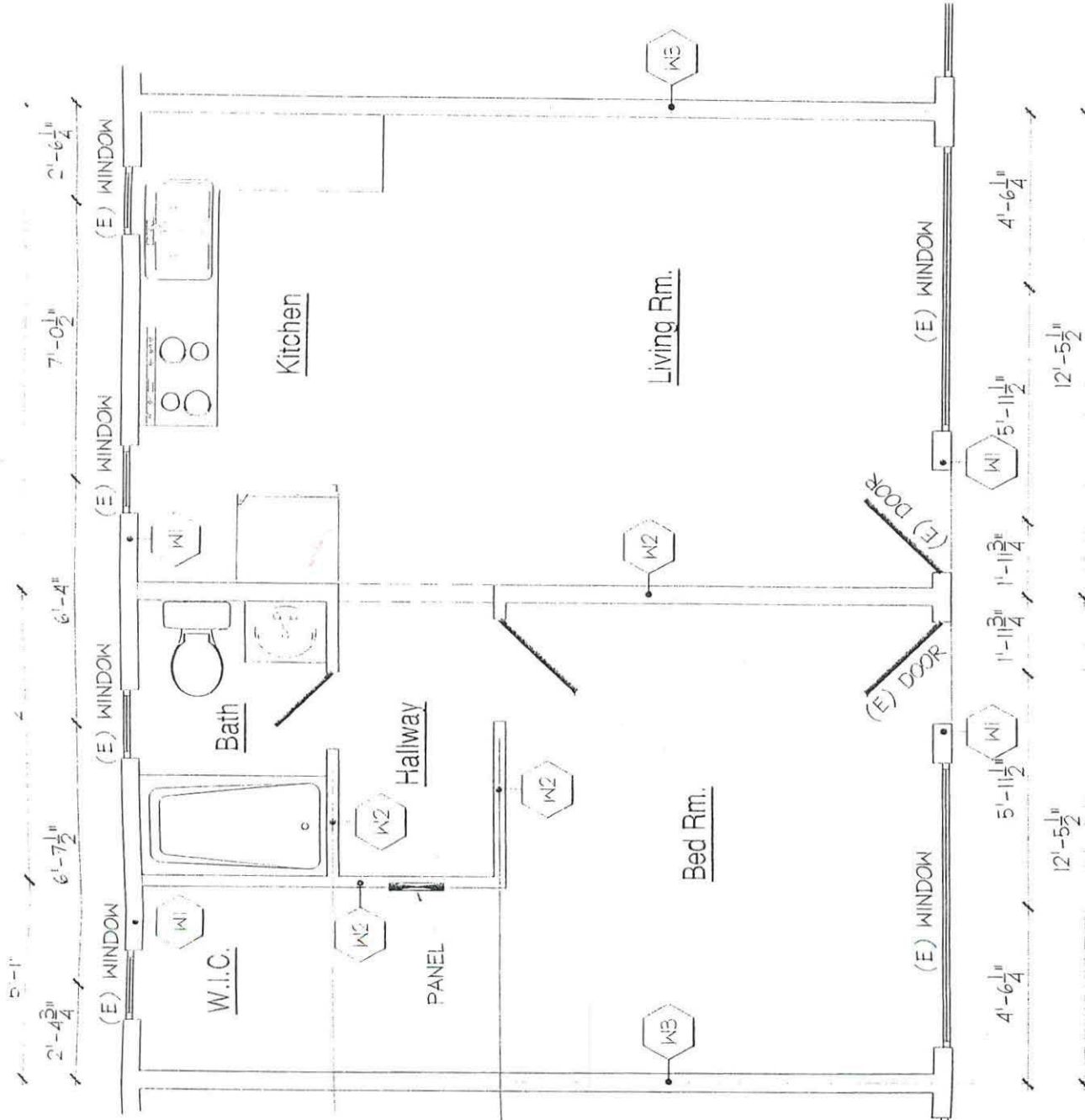
Schedule B 150 East Victoria Street



Schedule "C"

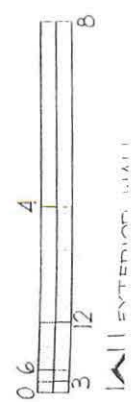
NOTE:

INSTALL 5/8" TYPE X DRYWALL ON CEILING, OR A FIRE RATED PARTITION IS TO BE CONSTRUCTED FROM TOP OF EXISTING WALL TO UNDERSIDE OF ROOF DECKING. OWNERS CHOICE.



MAIN FLOOR PLAN

477 SQ.FT.



W1 | EXTERIOR WALL

W3 RENOVATED DEMISING WALL ESTIMATED STC=51 F.R. = 1 HR.

**Ms. Kim Jones
Town Clerk
Town of Amherst
98 Victoria Street East
Amherst, NS
B4H 1X6**

Dear Ms. Jones:

150 Eastern Victoria Street Amherst, NS

Further to the proposed Development Agreement covering the referenced property, I wish to voice my objection to the approval of the Proposed Development Agreement for the following reasons:

- **It is my opinion that the Property Setbacks with the neighbouring properties is insufficient for Fire protection purposes. This will most likely increase my insurance costs and diminish the value of my property**
- **As a motel, the property was supervised daily by the owner and clientele were transient, providing no unsightly or noise complaints to adjacent properties.**
- **With the establishment of apartments, the units will not be supervised daily and given the permanent residence that will be established, the adjacent properties will be subject to noise and garbage given the limited spacing between the properties. This will further affect the value of my property**
- **There is limited green space for the tenants to utilized**
- **There is limited space for garbage bins to meet the requirements of the tenants. This will result in rodent issues.**
- **The property in question has been substantially renovated based on my physically inspection. Will these existing renovations be subject to building code requirements and will the building inspection as well plumbing and electrical inspections be carried out to ensure conformity to the current building codes?**
- **The exterior of the building requires maintenance to conform to the neighbor. Will this maintenance be addressed?**
- **Given the age of the buildings, will it be required to meet current fire codes?**
- **Dose the Development Agreement cover both buildings?**

- Is there a time frame being established for completion of this work as I do not expect my tenants to be subject to an unsightly premise for an extended period should the project be approved, or the developer run short of funds?
- Is there any requirement for the developer to demonstrate to the Town that the developer has sufficient cashflow to complete the development as proposed?
- Are there any planning documents that we, as adjacent property owners, can view to determine what the completed project will look like as compared to the neighborhood and how parking, green space and garbage bins will be located ?

Sincerely

George B Chapman

A handwritten signature in cursive script that reads "George B. Chapman" followed by a horizontal line.

Contact Info:

Email: 1gbchapman@gmail.com

Phone: 902-664-7473

SYNOPSIS

196 East Victoria Street Demolition Order

Various complaints have been received on this property since 2013. A number of orders have been issued as have a number of fines. The current issue is in regards to the structural integrity of the two buildings on the site. A Building Official from the Municipality of the County of Cumberland has identified a number of issues with the main building including electrical and plumbing deficiencies, rot, and various locations of structural failure. Notwithstanding numerous orders to address the structural integrity of the building, the owner of the property has not addressed any of the concerns of the Dangerous and Unsightly Premises Administrator or Planning Advisory Committee.

Given the size of the buildings and the deficiencies listed above and the likely cost of remedying those deficiencies; combined with the owner's unwillingness or inability to address the deficiencies, the Administrator has recommended demolition as the remedy to address the dangerous and unsightly condition of the property. The PAC, in their motion of November 13, 2018 also chose demolition as the method to remedy the situation.

A hearing was held on February 20 to allow the property owner and the complainants an opportunity to provide input on the appeal of the order of the Planning Advisory Committee to demolish the buildings.

MOTION:

That Council uphold the recommendation of the Administrator and order of the Planning Advisory Committee and order the property owner to remove the contents of and demolish the buildings located at 196 East Victoria Street within 30 days of this meeting. Both foundations are to be backfilled. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the buildings to an appropriate solid waste disposal facility with all costs charged to the property owner's tax account.



AMHERST TOWN COUNCIL

RFD# 2019018

Date: February 25, 2019

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Jason MacDonald, Deputy Chief Administrative Officer

DATE: February 25, 2018

SUBJECT: **196 East Victoria Street – Appeal of Demolition Order**

ORIGIN: Since 2013 the Town has received numerous complaints regarding the physical condition of the buildings located on the property.

LEGISLATIVE AUTHORITY: Section 346 (1) of the Municipal Government Act: *Where a property is dangerous or unsightly, the council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.*

RECOMMENDATION: That Council uphold the recommendation of the Administrator and order of the Planning Advisory Committee and order the property owner to remove the contents of and demolish the buildings located at 196 East Victoria Street within 30 days of this meeting. Both foundations are to be backfilled. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the buildings to an appropriate solid waste disposal facility with all costs charged to the property owner's tax account.

BACKGROUND: A complete history of Dangerous and Unsightly Premises issues has been provided to the Planning Advisory Committee as well as Council during the appeal hearing. In summary, various complaints have been received on this property since 2013. A number of orders have been issued as have a number of fines.

While a number of the issues have been in regard to garbage and derelict vehicles, the current issue is in regards to the two buildings on the site. Notwithstanding numerous orders to address the structural integrity of the buildings, the owner of the property has not address any of the concerns of the Administrator or PAC.

DISCUSSION: A January 24, 2018 inspection by a Building Official with the Municipality of the County of Cumberland identified the following issues:

- 1 - Front and side exterior columns and porches are in threat of failure.
- 2 – Exposed soffit and roofing
- 3 – Exposed and compromised foundation at rear and side of structure
- 4 – Compromised and exposed electrical system throughout
- 5 – Compromised and modified plumbing throughout
- 6 – Evidence of structural rot in the basement
- 7 – Structural failure of the attic floor and roof in at least two locations
- 8 – Illegal storage throughout the structure posing a fire hazard



- 9 – Open flame heaters operating while unoccupied
- 10 – Illegal use of extension cords throughout structure to the extent that they are uncountable
- 11 – Significant signs of possible mould growth
- 12 – Water accumulation and standing water in the basement
- 13 – Various signs of possible structural failure throughout the structure
- 14 - The large shed at the end of the driveway is structurally compromised

Given the size of the building and the deficiencies listed above and the likely cost of remedying those deficiencies; combined with the owner's unwillingness or inability to address the deficiencies, the Administrator has recommended demolition as the remedy to address the dangerous and unsightly condition of the property. The PAC, in their motion of November 13, 2018 also chose demolition as the method to remedy the situation.

FINANCIAL IMPLICATIONS: Should the property owner comply with an order to demolish the buildings there will be no financial implications to the Town. Should the owner not comply with the order, the Town will carry out the work and charge all costs to the property owner's property tax account.

COMMUNITY ENGAGEMENT: Various complaints have been received about this property from the public. Complainants were notified of the meeting of the Planning Advisory Committee when demolition was considered and of the appeal hearing before Council. Since 2013 the Town has sent no less than six letters requesting compliance and five orders of the Administrator ordering compliance. Three fines have been issued. Various conversations between the Administrator and the owner have taken place.

ENVIRONMENTAL IMPLICATIONS: There are no direct environmental implications of the demolition. All materials and contents will be disposed of at an appropriate solid waste disposal facility.

SOCIAL JUSTICE IMPLICATIONS: The removal of the buildings will eliminate this dangerous and unsightly premises from the neighborhood, thus improving community safety and negative impacts on nearby property values.

ALTERNATIVES: Council can make any decision that the Planning Advisory Committee Council have made. The options are:

1. Uphold the recommendation of the Administrator and order of the Planning Advisory Committee and order that the buildings on the property be demolished.
2. Order the property owner to undertake repairs to both buildings to bring them into compliance with all relevant provisions of the Nation Building Code and Minimum Standards for Residential Occupancy Bylaw, including a timeline for such work.

Should Council choose the second alternative Council would have to adhere to MGA Section 346 (3A) which states: *Where the council or the committee varies or overturns the order of the administrator, the council or committee shall provide reasons to be recorded in the minutes of the council or committee meeting.*

Given the long history of non-compliance the option to repair the buildings will likely result in further deterioration of the buildings over time and a continued dangerous and unsightly condition on the property.

ATTACHMENTS: Appeal hearing agenda package.

Report prepared by: Jason MacDonald, Deputy CAO

Report and Financial approved by:



TO: Mayor Kogon and Members of Amherst Town Council

FROM: Jason MacDonald, LPP, MCIP, Deputy CAO

DATE: February 20, 2019

RE: 196 East Victoria Street – Demolition Order APPEAL

Issue

An appeal by the property owner of a November 13, 2018 motion of the Planning Advisory Committee to accept the recommendation of the Dangerous and Unsightly Premises Administrator and order the buildings on the property located at 196 East Victoria Street be demolished:

That the Planning Advisory Committee order the buildings at 196 East Victoria Street be demolished, and back fill the hole within 30 days from the date of this Committee meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work and send all contents of the building to the Cumberland Joint Services Management Authority land fill with all costs charged to the property owner's tax account.

Process

The meeting of February 20, 2019 is a hearing on the appeal of the PAC decision to order the demolition of the buildings located at 196 East Victoria Street. The process for the hearing is as follows:

- a) The report of the Administrator will be summarized;
- b) Council members may ask questions of staff;
- c) The owner or representative may address Council;
- d) Council members may ask questions of the owner;
- e) The complainant may address Council;
- f) Council members may ask questions of the complainant;
- g) Upon motion, Council may make any decision that the PAC could have made



History

A complete history of Dangerous and Unightly Premises issues is attached. In summary, various complaints have been received on this property since 2013. A number of orders have been issued as have a number of fines.

While a number of the issues have been in regard to garbage and derelict vehicles, the current issue is in regards to the two buildings on the site. Notwithstanding numerous orders to address the structural integrity of the buildings, the owner of the property has not addressed any of the concerns of the Administrator or PAC.

A January 24, 2018 inspection by a Building Official with the Municipality of the County of Cumberland identified the following issues:

- 1 - Front and side exterior columns and porches are in threat of failure.
- 2 – Exposed soffit and roofing
- 3 – Exposed and compromised foundation at rear and side of structure
- 4 – Compromised and exposed electrical system throughout
- 5 – Compromised and modified plumbing throughout
- 6 – Evidence of structural rot in the basement
- 7 – Structural failure of the attic floor and roof in at least two locations
- 8 – Illegal storage throughout the structure posing a fire hazard
- 9 – Open flame heaters operating while unoccupied
- 10 – Illegal use of extension cords throughout structure to the extent that they are uncountable
- 11 – Significant signs of possible mould growth
- 12 – Water accumulation and standing water in the basement
- 13 – Various signs of possible structural failure throughout the structure
- 14 - The large shed at the end of the driveway is structurally compromised

Section 346 (1) of the Municipal Government Act states:

Where a property is dangerous or unsightly, the council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.

Municipal Government Act Definition of Dangerous or Unightly

“dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing

- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
- (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material, is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or
- (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property or a building or structure with or without structural deficiencies**
- (iv) that is in a ruinous or dilapidated condition,**
- (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,**



-
- (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
(vii) that is an allurement to children who may play there to their danger,
(viii) constituting a hazard to the health or safety of the public,
(ix) that is unsightly in relation to neighboring properties because the exterior finish of the building or structure or the landscaping is not maintained,
(x) that is a fire hazard to itself or to surrounding lands or buildings,
(xi) that has been excavated or had fill placed on it in a manner that results in a hazard, or
(xii) that is in a poor state of hygiene or cleanliness;

Given the size of the building and the deficiencies listed above and the likely cost of remedying those deficiencies; combined with the owner's unwillingness or inability to address the deficiencies, the Administrator has recommended demolition as the remedy to address the dangerous and unsightly condition of the property. The PAC, in their motion of November 13, 2018 also chose demolition as the method to remedy the situation.

Correspondence

It is important for Council to understand the correspondence that the Town has had with the property owner regarding the condition of this property.

The Town has given the property owner every opportunity to remedy the structural deficiencies listed above. Since 2013 the Town has sent no less than six letters requesting compliance and five orders of the Administrator ordering compliance. Three fines have been issued. To date, the owner has not addressed any of the structural issues of the buildings on the property. In addition, the Town has hired contractors to clean up the interior of the building and surrounding yard / driveway. Four vehicles have been towed from the property. Furthermore, the property owner has received numerous letters indicating that the cost of work undertaken by the Town has been charged to his property tax account. To say the least, various Administrators have had face to face discussions with Mr. Wells regarding this property.

Recommendation

Council can make any decision that the Planning Advisory Committee could have made. The options are:

1. Uphold the recommendation of the Administrator and order of the Planning Advisory Committee and order that the buildings on the property be demolished.
2. Order the property owner to undertake repairs to both buildings to bring them into compliance with all relevant provisions of the National Building Code and Minimum Standards for Residential Occupancy Bylaw.

Given the long history of non-compliance the option to repair the buildings will likely result in further deterioration of the buildings over time and a continued dangerous and unsightly condition on the property.



It is my recommendation that Council uphold the order to demolish the buildings on the property.

Motion:

That the property owner be ordered to remove the contents of and demolish the buildings located at 196 East Victoria Street within 30 days of this meeting. Both foundations are to be backfilled. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the buildings to an appropriate solid waste disposal facility with all costs charged to the property owner's tax account.





To: Planning Advisory Committee
From: Marc Buske, Dangerous & Unsightly Premises Administration
Date: November 5, 2018
Re: Recommendation for Demolition

Re: PID # 250304422, 196 East Victoria Street, Amherst, NS

Issue

Many complaints on this property over the years have been received. This property poses an immediate and real threat to not only the inhabitants of the structure but also to the general public. The Town has carried out work several times to cleanup around and inside the building. The buildings show signs inside and out of extreme hoarding and signs of potential fire hazards.

History

2013

July 8, 2013

Received a complaint about the above property.

July 9, 2013

- 1 - Letter was sent out to complainant and owner.
- 2 - Owner was asked to clean up around his property by August 31, 2013.

September 4, 2013

An order to clean up the site was placed on the property.

October 7, 2013

4 vehicles were towed from the property on this date.

page 1 of 7



October 8, 2013

A letter was sent to the property owner informing him of the cost to remove the 4 vehicles and the cost will be charged to his tax account.

October 17, 2013

The administrator went to the property with a contractor on this date to clean up the property. Work was not completed as the owner would not let them on his property.

October 18, 2013

A summary offence ticket was issued and delivered by Camille J. LeBlanc.

October 31, 2013

A second summary offence ticket was issued and delivered by Camille J. LeBlanc.

2014

January 21, 2014

Letter sent to owner stating that a SOT ticket was issued on the property.

February 19, 2014

- 1 – The SOT ticket was returned on this date as unclaimed.
- 2 – Second SOT ticket was issued.

February 24, 2014

The SOT ticket was withdrawn from the courts by Solicitor.

March 3, 2014

Camille J LeBlanc was hired to serve a SOT ticket to the property owner.

July 11, 2014

- 1 – Site visit by the Town.
- 2 – Letter sent to property owner asking him to clean up the yard of rubbish or junk.
- 3 – SOT ticket issued.

July 21, 2014

- 1 -A contractor was hired to remove the items in the driveway and on the lawn.
- 2 -A letter was sent to the home owner stating the work that had been completed and where he could pick up the stored items.



July 30, 2014

- 1 – Letter sent to owner stating that the property is no longer dangerous or unsightly.
- 2 – The property owner received a letter stating the work that was completed and the price that was going to be added to the property tax account.

August 8, 2014

Letter sent to property owner stating that the property was deemed unsightly and the owner will have until August 12, 2014 to clean his yard up of junk, rubbish.

September 2, 2014

- 1 - The work has been completed by owner.
- 2 – the dwelling has had no significant repairs done since a previous file was opened July 9, 2013. The file will remain open until work is completed.

September 11, 2013

Site visit to the property by the administrator. No improvements have been made. There appears to be a large amount of debris or garbage inside the dwelling that can be seen from the back steps.

2015

April 24, 2015

- 1 - Site visit on this date. No improvements have been made on the dwelling.
- 2 – Large amount of what appears to be garbage and debris, rubbish and other items are being stored inside the dwelling.
- 3 – The dwelling must be inspected by the Building Official, the Fire Inspector and also the Unsightly and Dangerous Administrator to determine if the dwelling is fit for human habitation.
- 4 – Letter sent to the property owner stating the Town of Amherst is requesting access into the dwelling to assess the interior condition and determine if it is fit for human habitation. This will happen on Thursday, May 14.

May 12, 2015

2nd notice to enter Dwelling posted.

May 14, 2015

- 1 - The Unsightly and Dangerous Administrator, Chief Building Official, Fire Chief, and two Town Police officers enter the dwelling.
- 2 – The property owner was on site and allowed access to the dwelling.
- 3 – An inspection was completed and the following issues:

Page 3 of 7



-
- 1) Exterior supports for the roof and second floor at the front of the dwelling are in a state of disrepair and signs of structural failure are visible, the eaves have deteriorated to allow birds to live within the eaves.
 - 2) The Fire load at the basement level due to the accumulation of goods is high.
 - 3) The fire load on 1st and 2nd floors due to the accumulation of goods is extreme, which in the event of a fire would be disastrous for the owner and emergency responders.
 - 4) Several cats are living there for the most part unattended, throughout the dwelling visible signs of rat droppings were seen.
 - 5) The dwelling, as it stands now, is at a high risk for vandalism and a potential safety threat to the neighbouring properties.

 - 6) The front and rear decks appear to be structurally unsafe and are not supported properly.
 - 7) The odours from animal droppings were bad, and ammonia levels high on 1st and 2nd floors.
 - 8) Some access routes were blocked by an extreme accumulation of goods, and all others restricted to a point where exiting would be extremely difficult, especially in an emergency.

4 – An order was placed on the property stating:

- 1) Remove the debris, rubbish and garbage and contents inside the dwelling, to ensure safe passage from room to room and to exits. There are excessive amounts of items that must be removed.
- 2) Remove contents from the exterior of the dwelling and place in storage or remove from site.
- 3) Make repairs to the roof to provide weather protection, to the soffit and fascia to prevent wildlife penetration, and paint as needed.
- 4) Make repairs to the front pillars and overhangs to support with proper permanent supports or remove completely, make repairs to the front porch area to rebuild or remove completely.
- 5) Make repairs to the back deck to provide proper support, safe walking surface, proper rail and guards and steps or remove completely.

All work must be completed by June 9, 2015

May 21, 2015

Order to Vacate and Close was issued on this date by the Municipal Fire Inspector and Deputy Fire Marshal.

June 12, 2015

Letter sent to property owner stating The Planning Advisory Committee granted an “adjournment” to allow the property owner time to first focus on the clean-up of the dwelling and then to present a plan to the Administrator to make repairs of the exterior. The clean-up date of June 19, 2015 date was not changed.

Page 4 of 7



July 09, 2015

Town of Amherst Planning Advisory Committee meeting to discuss what the next steps with the above property. It was determined that they would hire an engineer to assess the structure and develop a plan on what to do and a cost estimate. The clean up is still a go.

August 7, 2015

A contractor was hired and a date of August 18th, 2015 was set for the clean up.

August 18, 2015

Two vehicles were moved from the drive way to the side yard by a towing service. Two garbage bins were dropped off this date.

August 19, 2015

1 - Started the clean up the outside and removal of back deck. Inside the dwelling they started clean the front entry and proceeded to the hallway downstairs and then into the far room at the end of the hall. They then continued in the front two rooms. Then proceeded down the hall leading to the kitchen partially completing it and the room off the hall was also cleaned out enough to provide access and freedom to move. The stairs leading to upstairs was cleaned off and then the middle landing was reorganized upstairs.

2 - All furniture was left in the dwelling. The outside cleanup was completed along with the deck removal.

August 24, 2015

Received a letter from Creighton Shatford Hirbour Lawyers. Stating the best course of action would be for the Town of Amherst would be to have an engineer price out the difference in the cost of cleanup, make a decision on receipt of some and finish the cleanup of the property.

August 25, 2015

Order was posted to enter dwelling to complete clean-up of interior.

August 27, 2015

Started the second round of clean up.

- 1) Cleaning the kitchen and the back room
- 2) The laundry/downstairs bathroom was cleaned
- 3) The basement stairs and the middle stairs to the upstairs was completed along with the rest of the hallway downstairs.
- 4) The upstairs hallways were completed along with the entry to each of the rooms upstairs and a clean-up of the landing at the top of the stairs was completed.

The areas not completed are the following:

- 1) The bedrooms upstairs are completed so that you can easily enter and leave the doorway.
- 2) The bathrooms upstairs were completed except for some clothes at the end of the room.
- 3) Basement was not touched, but the stairs were cleaned off.

Page 5 of 7



-
- 4) The 3rd level, which appears to be fine in its current state and is not part of the required clean-up.

September 3, 2015

Sent letter to property owner with the total amount added to his property tax account, with a breakdown of the work completed.

September 8, 2015

Letter send Department of Health and Wellness concerning the wellbeing of the property owner.

September 30, 2015

1 - Order placed on the property to clean-up and remove garbage and debris from around the property. October 6, 2015 will be the date to complete the work.

2 – There was a meeting with the administrator and a P.Eng to go over improvement for dwelling. The items discussed were the two front overhangs, pillars and the roof system improvements.

October 6, 2015

A letter was sent to the property owner stating that the property is no longer considered to be dangerous or unsightly in regards to the garbage and debris.

October 9, 2015

1 - Fire Chief Greg Jones called and said order was lifted to vacate the property. The property owner can move back in.

2 – Letter send from Jong H. Baxter, P.Eng. with the quotes:

1) Is to replace foundation elements under the overhanging roofs and structural integrity without going all of the way in completing the finishes and decorative work.
Cost of \$ 21,000.

2) Is to remove the roof overhang above the existing pillars so that no support is required their while supporting the overhanging roof section over the front door and repairing the 2nd storey deck above this. Cost of \$ 17,400

2016

May 17, 2016

Site visit on this date no significant improvements have been made to dwelling. Administrator will meet with the director to determine the next course of action.



September 9, 2016

A letter was sent to the property owner stating that no significant improvements have been completed on the property and that the Town of Amherst will proceed with hiring a contractor to complete the work.

May 25, 2017

Complaint was put into Town hall about this property.

2018

January 19, 2018

Posted "Notice to enter dwelling" on the property today.
Mailed owner "Notice to enter dwelling" by register mail today.
Hire Mr. Leblanc to sever the "Notice to enter the dwelling" to the property owner.
Took picture of the posted Notice.

January 23, 2018

Drove by the property today. There were no foot prints in the new snow. The "Order" was removed from the door by someone.

January 24, 2018

1 - Entered the property on this day with two Cumberland building inspectors David Buell and Monty Maddison and one APD Sgt Kevin Girouard, Mr. Wells was there as well and let us into the dwelling. Mr. Wells was pleasant to deal with.
2 - The dwelling is filled with items again and there is only a path to get from room to room.
3 - The Building inspectors will provide me with a report on the structure.
4- E-mail the Amherst Fire Chief to have a fire inspection on the dwelling as there are portable heater, extension chords and open wiring through out the building so the Furness does not work. There is a extremely high fire load in dwelling.

Discussion

Mr. Buell's report indicated:

1 - front columns in severe need of attention and in imminent threat of failure.
2 - Front portico in severe need of attention and in imminent threat of failure.
3 - Side columns and roof in severe need of attention and in imminent threat of failure.
4 - front and side steps, stairs, rails and guards, in severe need of attention and in imminent threat of failure.

Page 6 of 7



-
- 5 – exposed soffit and roofing
 - 6 – exposed and compromised foundation at rear and to side of structure.
 - 7 – unpermitted work (uncompleted) carried out in the basement, breaching foundation wall.
 - 8 – compromised electrical system throughout
 - 9 – exposed electrical throughout
 - 10 – compromised and modified plumbing throughout
 - 11 – evidence of structural rot in the basement
 - 12 – structural failure of the attic floor and roof in at least two locations
 - 13 – illegal storage throughout the structure posing an imminent fire hazard
 - 14 – open flame heaters operating while unoccupied
 - 15 – illegal use of extension cords rampant throughout structure to the extent that they are uncountable under current conditions
 - 16 – significant signs of possible mould growth.
 - 17 – water accumulation and standing water in the basement
 - 18 – various signs of possible structural failure throughout the structure.

It was Mr. Buell's opinion that this structure poses an immediate and real threat to not only the inhabitants of the structure but also to the general public. The outside requires immediate attention and at the very least should be made secure from trespassing in the event of structural failure. The inside shows signs of many fire concerns compounded by the extreme hoarding apparent at the time of the visit.

The large shed at the end of the driveway is also structurally compromised and should be removed.

I would recommend immediate action be taken to secure the public and inhabitants of this property.

Recommendation

- 1 - The main building and shed at 196 East Victoria Street be demolished.
- 2 - The property owner be instructed that he has 30 days from the PAC meeting to remove the contents, demolish the buildings and backfill the foundation at his expense.
- 3 - Failure to comply within that 30 days will result in the Town completing the work, which will include sending all demolition material and contents to the landfill. Costs of the work will be charged to the owner's property tax account.

Page 7 of 7



Emily Wainwright

From: David Buell <dbuell@cumberlandcounty.ns.ca>
Sent: January 31, 2018 4:00 PM
To: Marc Buske
Cc: Jason MacDonald
Subject: RE: visit to 196 Victoria St

Marc,

RE: site visit and inspection at 196 Victoria Street, Amherst.

I thought it prudent to address the concerns I have regarding safety and health, after visiting the above noted property, sooner then later.

I have noted the following points:

- 1 - front columns in severe need of attention and in imminent threat of failure.
- 2 - Front portico in severe need of attention and in imminent threat of failure.
- 3 – Side columns and roof in severe need of attention and in imminent threat of failure.
- 4 – front and side steps, stairs, rails and guards, in severe need of attention and in imminent threat of failure.
- 5 – exposed soffit and roofing
- 6 – exposed and compromised foundation at rear and to side of structure.
- 7 – unpermitted work (uncompleted) carried out in the basement, breaching foundation wall.
- 8 – compromised electrical system throughout
- 9 – exposed electrical throughout
- 10 – compromised and modified plumbing throughout
- 11 – evidence of structural rot in the basement
- 12 – structural failure of the attic floor and roof in at least two locations
- 13 – illegal storage throughout the structure posing an imminent fire hazard
- 14 – open flame heaters operating while unoccupied
- 15 – illegal use of extension cords rampant throughout structure to the extent that they are uncountable under current conditions
- 16 – significant signs of possible mould growth.
- 17 – water accumulation and standing water in the basement
- 18 – various signs of possible structural failure throughout the structure.

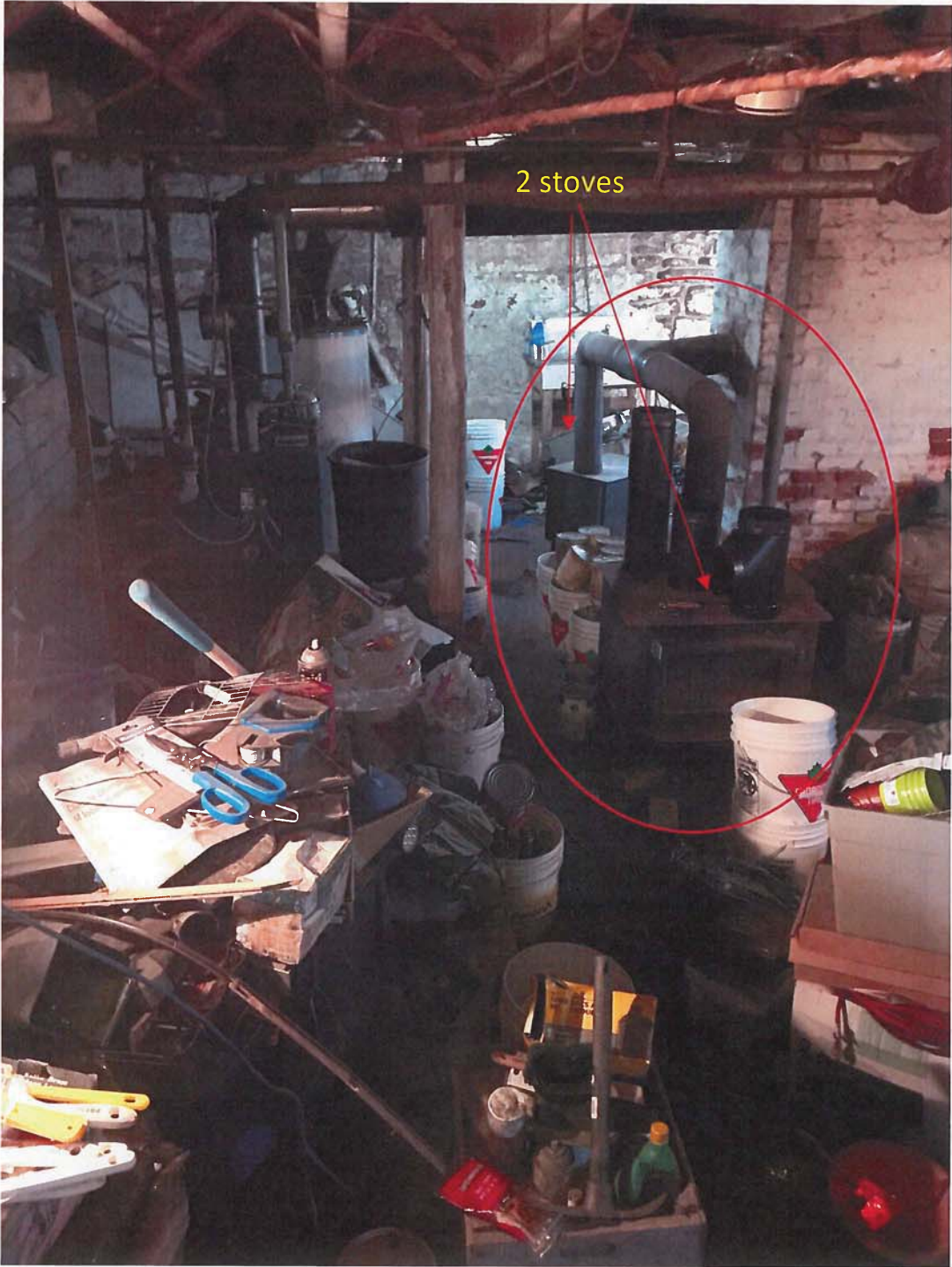
It is my professional opinion that this structure posses an immediate and real threat to not only the inhabitants of the structure but also to the general public. The outside requires immediate attention and at the very least should be made secure from trespassing in the event of structural failure. The inside shows signs of many fire concerns compounded by the extreme hoarding apparent at the time of the visit.

I would recommend immediate action be taken to secure the public and inhabitants of this property.

Respectfully

David L Buell, CBO, CFI
Permits & Inspections Supervisor



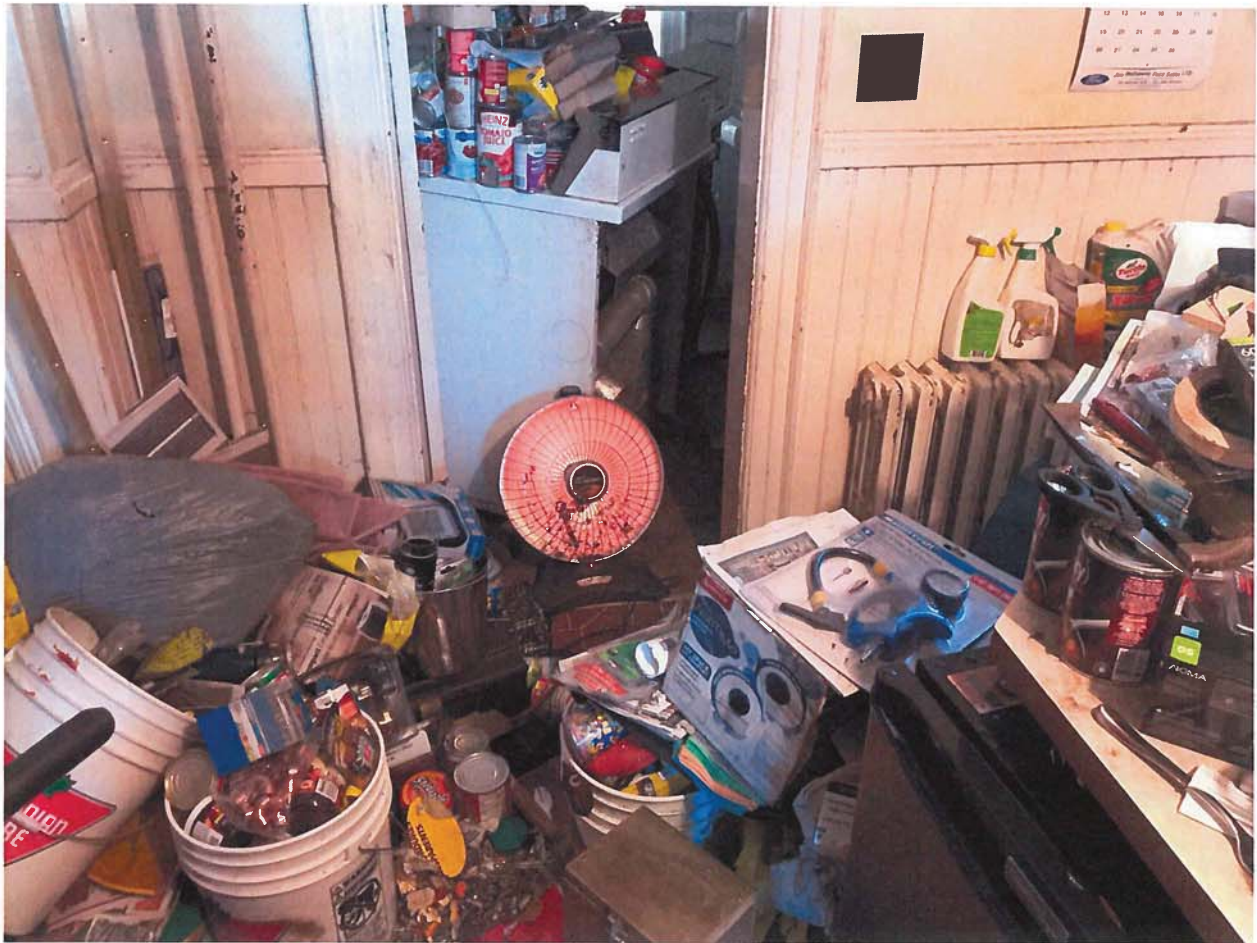




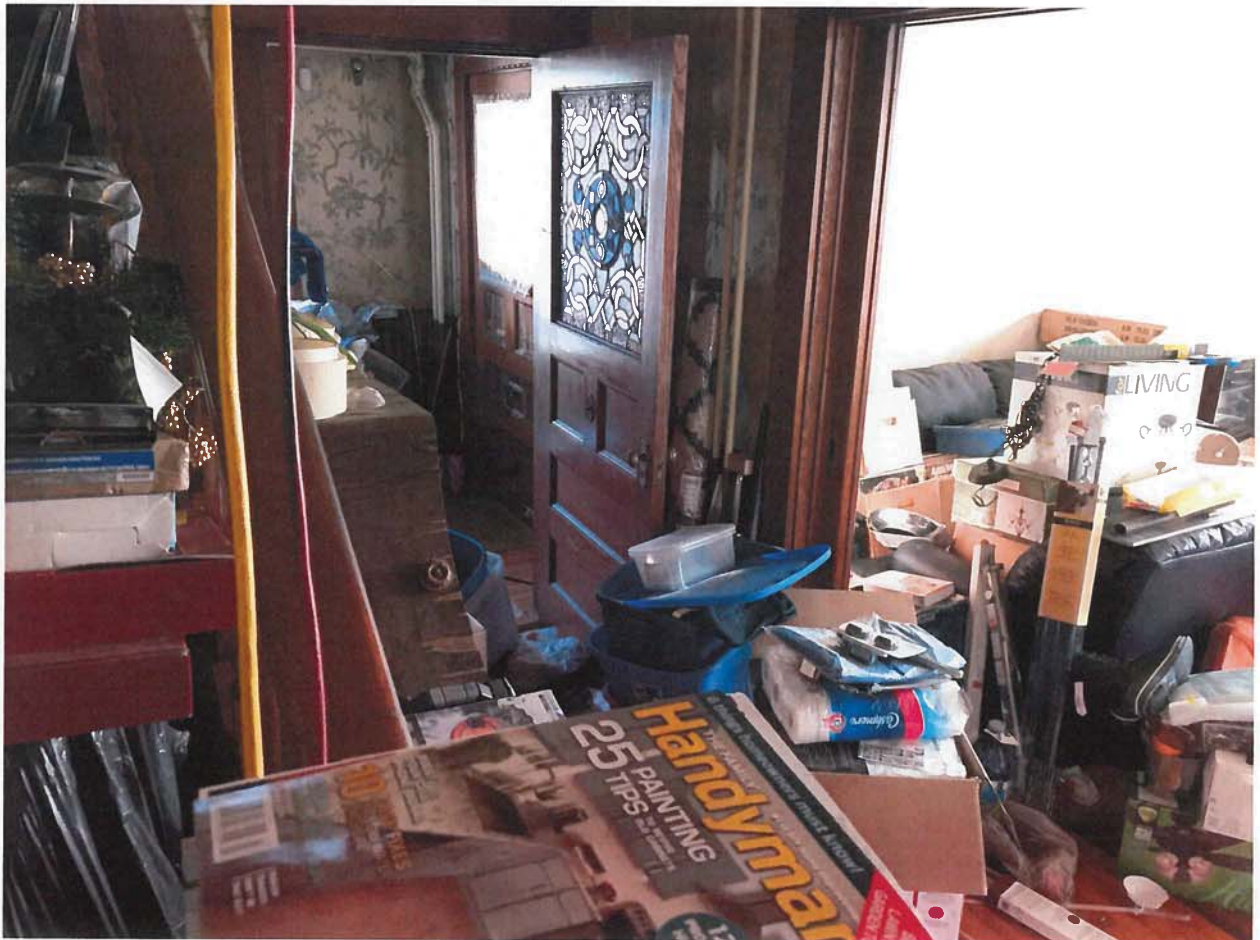
New wiring run through beams

Knob & tube wiring

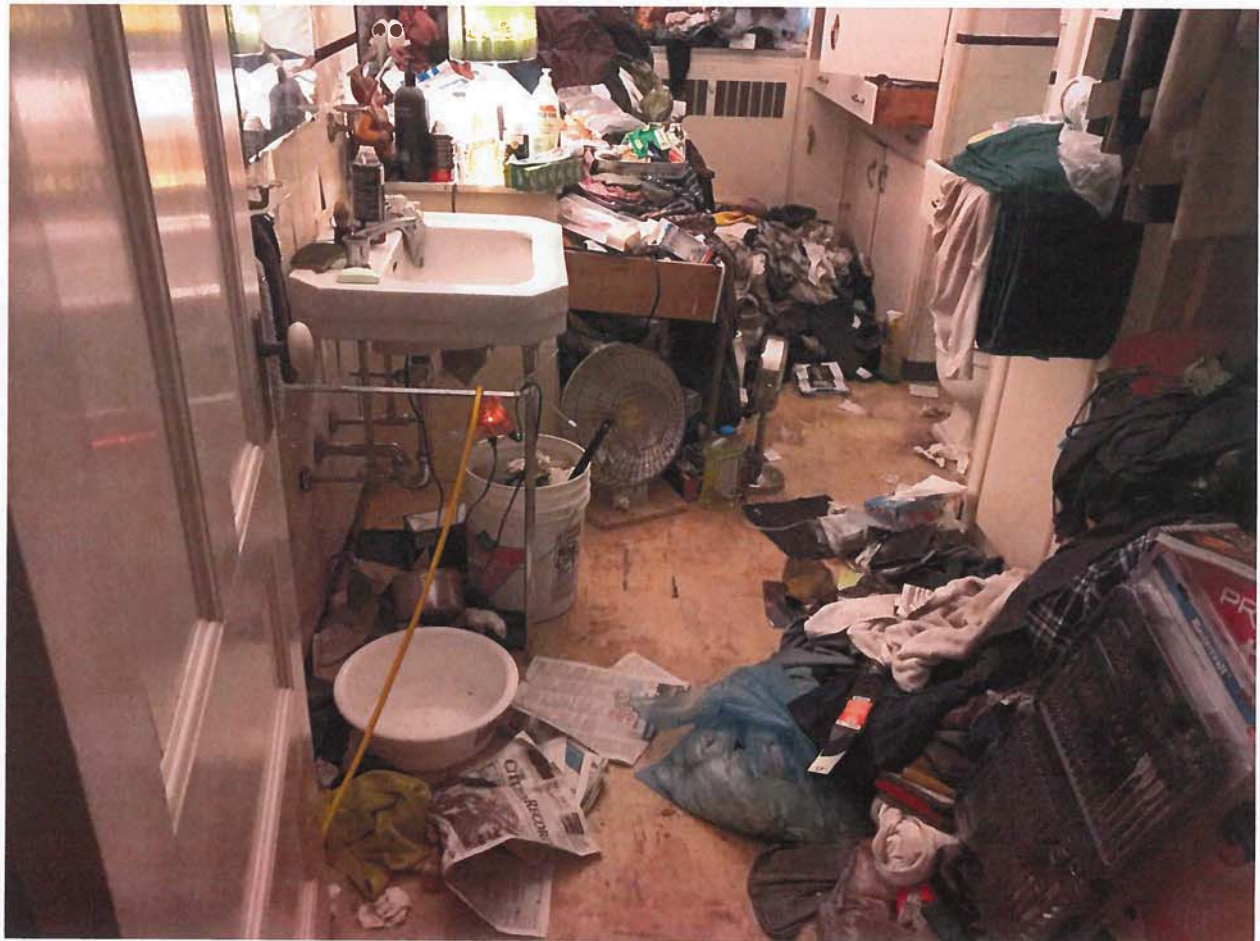




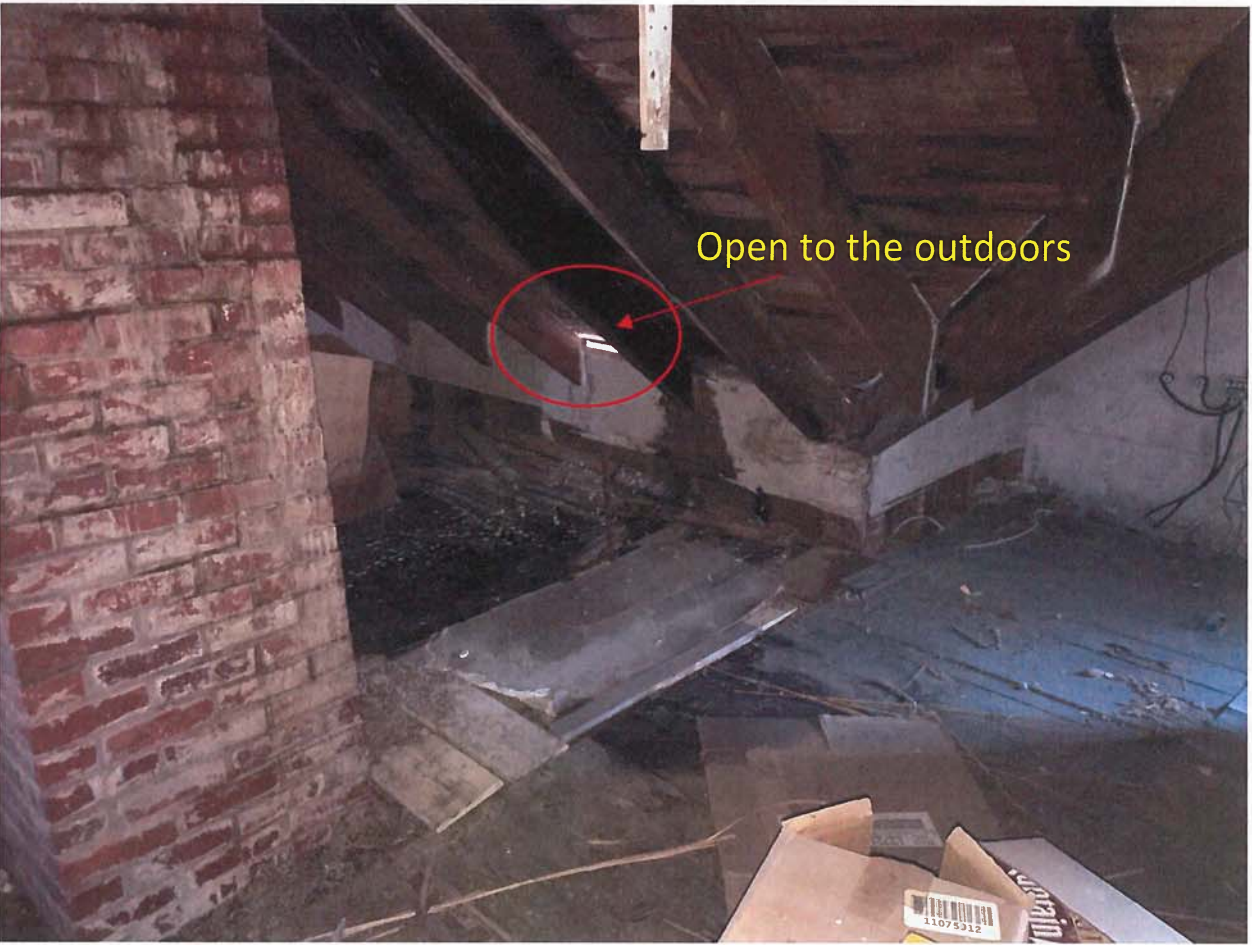


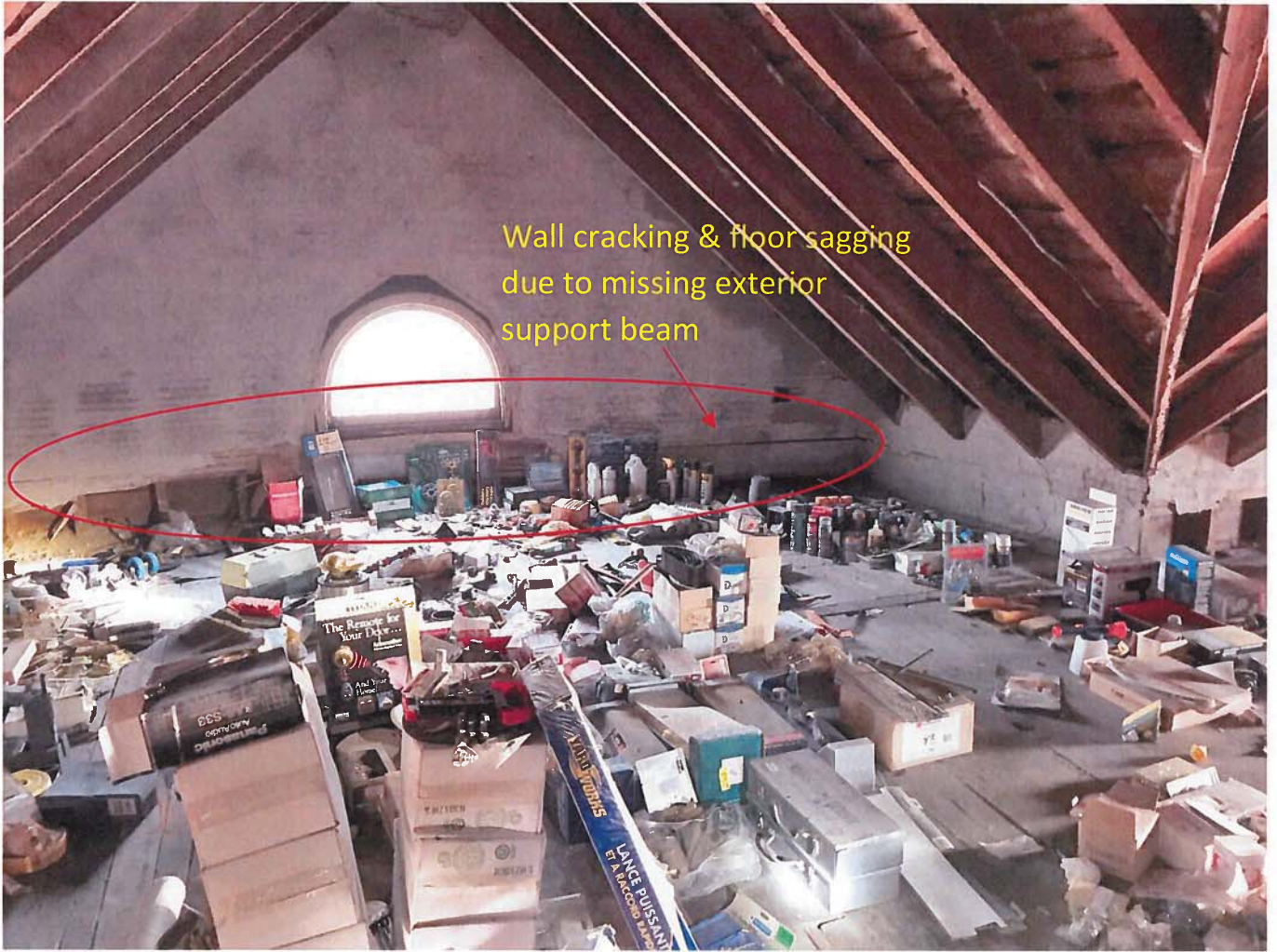


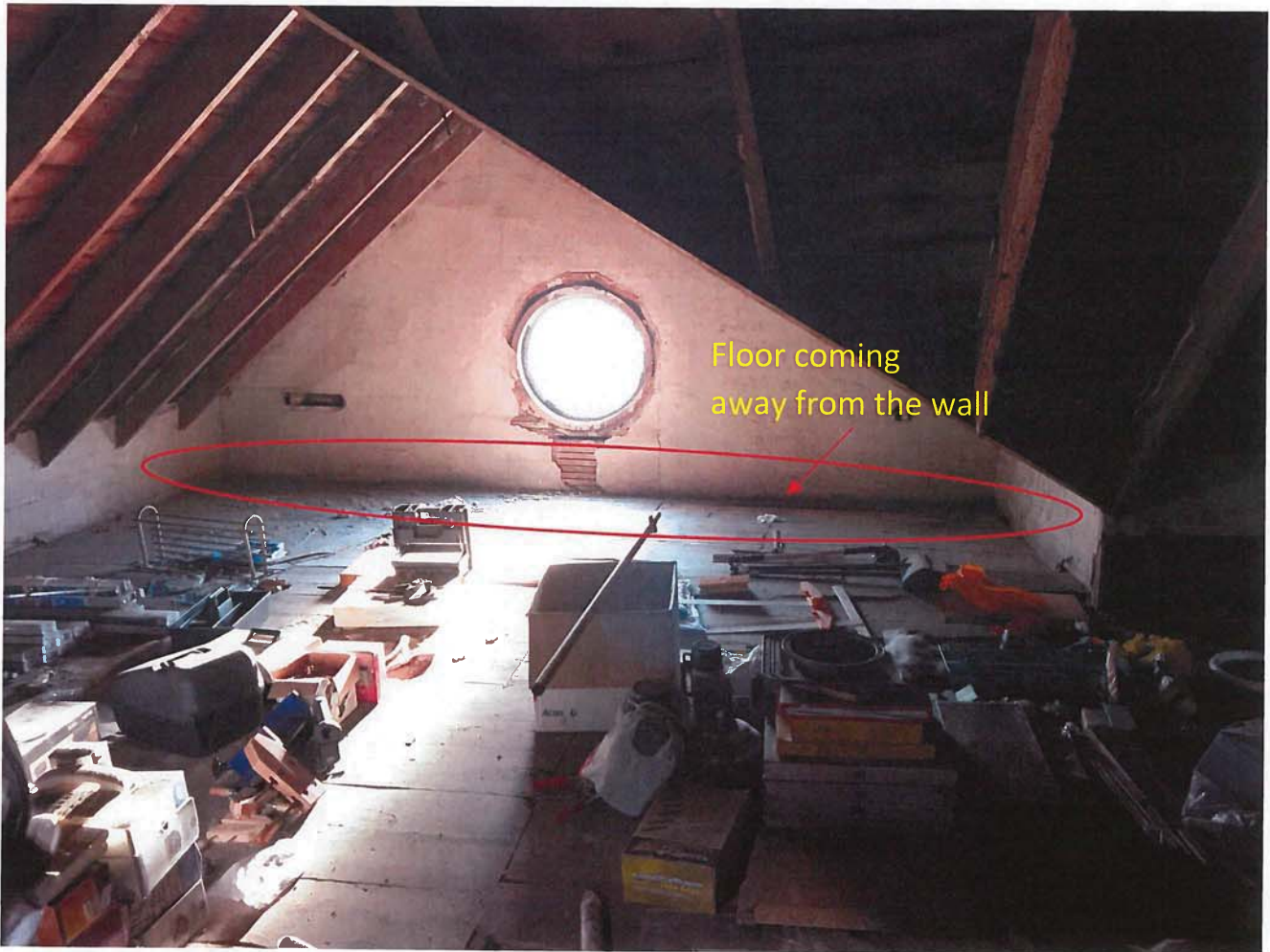
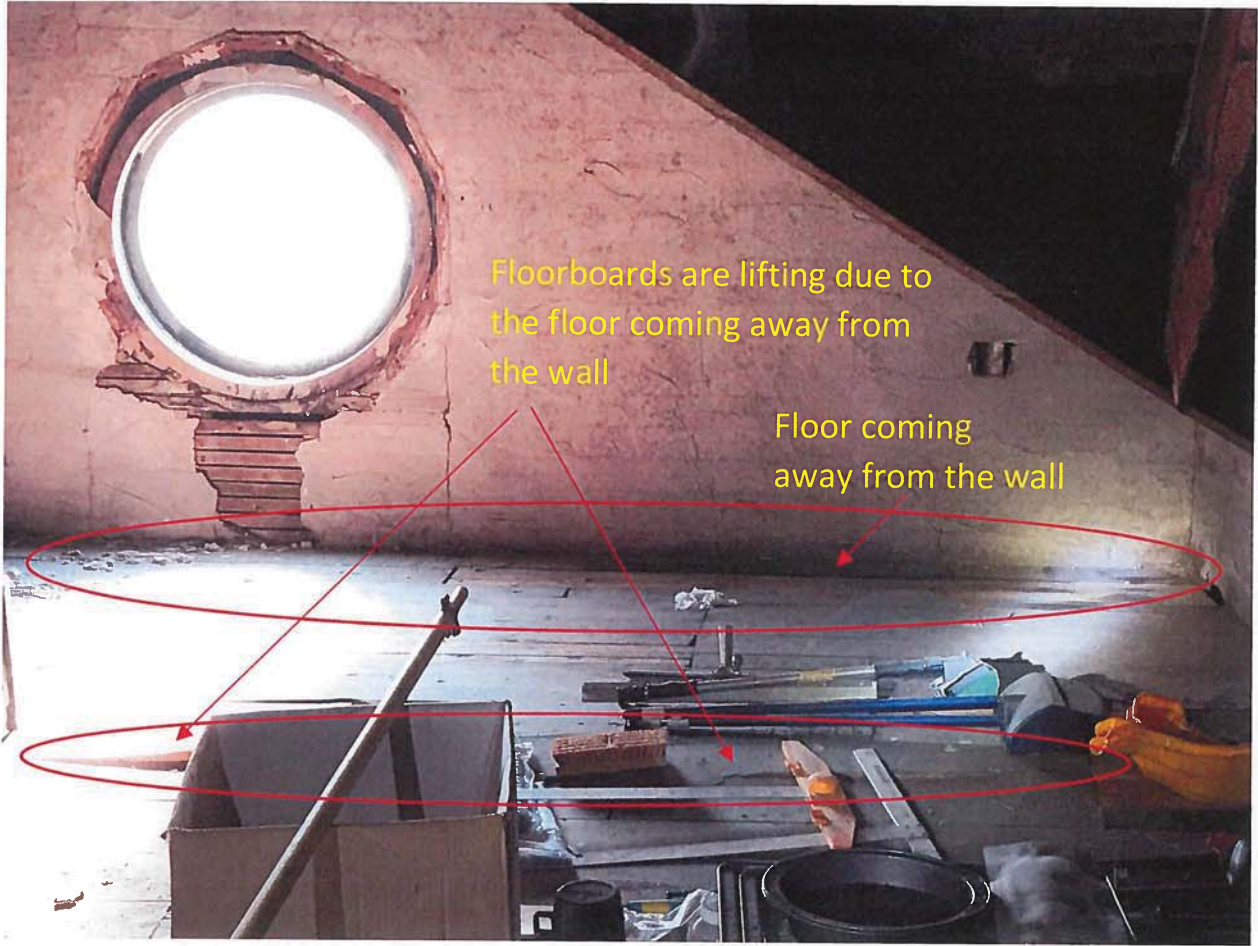












SYNOPSIS

59 Church Street

Demolition Order

Various complaints have been received on this property since 2011. While the majority of the complaints have been in regards to garbage and rodents, the current issue is in regards to the condition of the building on the site. Notwithstanding that the property was ordered to be vacated in 2016 due to the condition of the building, the property owner has not made any progress to remedy the deficiencies and return the property into a usable condition.

A Building Official from the Municipality of the County of Cumberland has identified a number of issues with the building including electrical and plumbing deficiencies, various locations of structural failure, and evidence of wildlife penetration.

Given the deficiencies listed above and the likely cost of remedying those deficiencies; combined with the owner's unwillingness or inability to address the deficiencies, the Administrator has recommended demolition as the remedy to address the dangerous and unsightly condition of the property. The Planning Advisory Committee, in their motion of January 18, 2019 also chose demolition as the method to remedy the situation.

A hearing was held on February 20 to allow the property owner and the complainants an opportunity to provide input on the appeal of the order of the Planning Advisory Committee to demolish the buildings.

MOTION:

That Council uphold the recommendation of the Administrator and order of the Planning Advisory Committee and order the property owner to remove the contents of and demolish the building located at 59 Church Street within 45 days of this meeting. The foundation is to be backfilled. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to an appropriate solid waste disposal facility with all costs charged to the property owner's tax account.



AMHERST TOWN COUNCIL

RFD# 2019019

Date: February 25, 2019

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Jason MacDonald, Deputy Chief Administrative Officer

DATE: February 25, 2018

SUBJECT: **59 Church Street – Appeal of Demolition Order**

ORIGIN: Since 2011 the Town has received numerous complaints regarding the physical condition of the building and grounds of this property.

LEGISLATIVE AUTHORITY: Section 346 (1) of the Municipal Government Act: *Where a property is dangerous or unsightly, the council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.*

RECOMMENDATION: That Council uphold the recommendation of the Administrator and order of the Planning Advisory Committee and order the property owner to remove the contents of and demolish the building located at 59 Church Street within 45 days of this meeting. The foundation is to be backfilled. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to an appropriate solid waste disposal facility with all costs charged to the property owner's tax account.

BACKGROUND: A complete history of Dangerous and Unsightly Premises issues has been provided to the Planning Advisory Committee as well as Council during the appeal hearing. In summary, various complaints have been received on this property since 2011.

While the majority of the complaints have been in regards to garbage and rodents, the current issue is in regards to the condition of the building on the site. Notwithstanding that the property was ordered to be vacated in 2016 due to the condition of the building, the property owner has not made any progress to remedy the deficiencies and return the property into a usable condition.

DISCUSSION: An October 2, 2018 inspection by a Building Official with the Municipality of the County of Cumberland identified the following issues:

- 1- Collapse of several portions of the foundation with openings to the exterior.
- 2- Structural fatigue and partial structural support failure in basement.
- 3- Façade compromised and at places open to exterior, weather and wear.
- 4- Structural failure shown at several locations throughout structure.
- 5- Partial collapse of foundation interior.
- 6- Electrical shock risk due to exposure of wiring, disarray of utility in basement, degradation of panel and entrance, and water penetration.



- 7- Collected pools of water in basement. Exposed plumbing issues and multiple signs of water damage.
- 8- Signs of wildlife penetration and several carcasses located on site.
- 9- Debris and garbage located throughout structure.
- 10- Compromised building envelope to the point of being a health risk.
- 11- It is in the opinion of this inspector that the building site be secured and marked for demolition or major restoration. This building poses an imminent risk to transients, as well as threatens the safety of the public in its present state.

In January of 2019 the property owner hired a professional engineer to assess the basement and main floor structure of the building. This report was read into the minutes of the January 18, 2019 PAC meeting. In his report to the property owner John Green, P. Eng., stated;

“Given the extent of the deterioration and deficiencies, complete replacement of the floor system would be required including the wood sills and foundation upgrades. With the poor condition of the overall building, it is my opinion, this level of investment would not be justified.”

Given the deficiencies listed above and the likely cost of remedying those deficiencies; combined with the owner’s unwillingness or inability to address the deficiencies, the Administrator has recommended demolition as the remedy to address the dangerous and unsightly condition of the property. The PAC, in their motion of January 18, 2018 also chose demolition as the method to remedy the situation.

FINANCIAL IMPLICATIONS: Should the property owner comply with an order to demolish the building there will be no financial implications to the Town. Should the owner not comply with the order, the Town will carry out the work and charge all costs to the property owner’s property tax account.

COMMUNITY ENGAGEMENT: Various complaints have been received about this property from the public. Complainants were notified of the meeting of the Planning Advisory Committee when demolition was considered and of the appeal hearing before Council. Since 2011 the Town has sent no less than fifteen letters requesting compliance and 2 orders of the Administrator ordering compliance. Various conversations between the Administrator and the owner have taken place.

ENVIRONMENTAL IMPLICATIONS: There are no direct environmental implications of the demolition. All materials and contents will be disposed of at an appropriate solid waste disposal facility.

SOCIAL JUSTICE IMPLICATIONS: The removal of the buildings will eliminate this dangerous and unsightly premises from the neighborhood, thus improving community safety and negative impacts on nearby property values.

ALTERNATIVES: Council can make any decision that the Planning Advisory Committee Council have made. The options are:

1. Uphold the recommendation of the Administrator and order of the Planning Advisory Committee and order that the building on the property be demolished.
2. Order the property owner to undertake repairs to the building to bring it into compliance with all relevant provisions of the Nation Building Code and Minimum Standards for Residential Occupancy Bylaw, including a timeline for such work.

Should Council choose the second alternative Council would have to adhere to MGA Section 346 (3A) which states: *Where the council or the committee varies or overturns the order of the administrator, the council or committee shall provide reasons to be recorded in the minutes of the council or committee meeting.*

Given the long history of non-compliance the option to repair the building will likely result in further deterioration of the building over time and a continued dangerous and unsightly condition on the property.

ATTACHMENTS: Appeal hearing agenda package.

Report prepared by: Jason MacDonald, Deputy CAO

Report and Financial approved by:



TO: Mayor Kogon and Members of Amherst Town Council
FROM: Jason MacDonald, LPP, MCIP, Deputy CAO
DATE: February 19, 2018
RE: 59 Church Street – Demolition Order APPEAL

Issue

An appeal by the property owner of a January 18, 2019 motion of the Planning Advisory Committee to accept the recommendation of the Dangerous and Unightly Premises Administrator and order the building on the property located at 59 Church Street be demolished:

That the Planning Advisory Committee order the property owner of 59 Church Street to remove all contents from the building, demolish the building and backfill the property within 45 days from the date of this committee meeting.

Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to the land fill, with all demolition and landfill costs charged to the property owner's tax account.

Process

The meeting of February 20, 2019 is a hearing on the appeal of the PAC decision to order the demolition of the building located at 59 Church Street. The process for the hearing is as follows:

- a) The report of the Administrator will be summarized;
- b) Council members may ask questions of staff;
- c) The owner or representative may address Council;
- d) Council members may ask questions of the owner;
- e) The complainant may address Council;
- f) Council members may ask questions of the complainant;
- g) Upon motion, Council may make any decision that the PAC could have made.



History

A complete history of Dangerous and Unsightly Premises issues is attached. In summary, 12 complaints have been received on this property since 2011.

While the majority of the complaints have been in regards to garbage and rodents, the current issue is in regards to the condition of the building on the site. Notwithstanding that the property was ordered to be vacated in 2016 due to the condition of the building, the property owner has not made any progress to remedy the deficiencies and return the property into a usable condition.

An October 2, 2018 inspection by a Building Official with the Municipality of the County of Cumberland identified the following issues:

- 1- Collapse of several portions of the foundation with openings to the exterior.
- 2- Structural fatigue and partial structural support failure in basement.
- 3- Façade compromised and at places open to exterior, weather and wear.
- 4- Structural failure shown at several locations throughout structure.
- 5- Partial collapse of foundation interior.
- 6- Electrical shock risk due to exposure of wiring, disarray of utility in basement, degradation of panel and entrance, and water penetration.
- 7- Collected pools of water in basement. Exposed plumbing issues and multiple signs of water damage.
- 8- Signs of wildlife penetration and several carcasses located on site.
- 9- Debris and garbage located throughout structure.
- 10- Compromised building envelope to the point of being a health risk.
- 11- It is in the opinion of this inspector that the building site be secured and marked for demolition or major restoration. This building poses an imminent risk to transients, as well as threatens the safety of the public in its present state.

In January of 2019 the property owner hired a professional engineer to assess the basement and main floor structure of the building. This report was read into the minutes of the January 18, 2019 PAC meeting. In his report to the property owner John Green, P. Eng., stated;

“Given the extent of the deterioration and deficiencies, complete replacement of the floor system would be required including the wood sills and foundation upgrades. With the poor condition of the overall building, it is my opinion, this level of investment would not be justified.”

Section 346 (1) of the Municipal Government Act states:

Where a property is dangerous or unsightly, the council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.

Municipal Government Act Definition of Dangerous or Unsightly

“dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing



-
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
 - (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material, is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or
 - (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property or a building or structure with or without structural deficiencies**
 - (iv) that is in a ruinous or dilapidated condition,**
 - (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,**
 - (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,**
 - (vii) that is an allurement to children who may play there to their danger,**
 - (viii) constituting a hazard to the health or safety of the public,**
 - (ix) that is unsightly in relation to neighboring properties because the exterior finish of the building or structure or the landscaping is not maintained,**
 - (x) that is a fire hazard to itself or to surrounding lands or buildings,**
 - (xi) that has been excavated or had fill placed on it in a manner that results in a hazard, or
 - (xii) that is in a poor state of hygiene or cleanliness;**

Given the deficiencies listed above and the likely cost of remedying those deficiencies; combined with the owner's unwillingness or inability to address the deficiencies, the Administrator has recommended demolition as the remedy to address the dangerous and unsightly condition of the property. The PAC, in their motion of January 18, 2018 also chose demolition as the method to remedy the situation.

Correspondence

It is important for Council to understand the correspondence that the Town has had with the property owner(s) regarding the condition of this property.

The Town has given the property owner(s) every opportunity to remedy the structural deficiencies listed above. Since 2011 the Town has sent no less than 15 letters requesting compliance and two orders of the Administrator ordering compliance. Six times the Town hired a contractor to clean up the solid waste on the property. In 2016 the Provincial Fire Marshal ordered that the building be vacated and not inhabited until it is brought into compliance with applicable codes. To date, the owner has not addressed any of the electrical, plumbing, or structural deficiencies of the building. In addition to the above, the property owner has received numerous letters indicating that the cost of work undertaken by the Town has been charged to his property tax account.



Recommendation

Council can make any decision that the Planning Advisory Committee could have made. The options are:

1. Uphold the recommendation of the Administrator and order of the Planning Advisory Committee and order that the building on the property be demolished.
2. Order the property owner to undertake repairs to the building to bring it into compliance with all relevant provisions of the National Building Code and Minimum Standards for Residential Occupancy Bylaw.

Given the long history of non-compliance the option to repair the building will likely result in further deterioration of the building over time and a continued dangerous and unsightly condition on the property.

It is my recommendation that Council uphold the order to demolish the building on the property.

Motion:

That the property owner be ordered to remove the contents of and demolish the building located at 59 Church Street within 45 days of this meeting. The foundation must be backfilled. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to an appropriate solid waste disposal facility with all costs charged to the property owner's tax account.





January 9, 2019

To: Planning Advisory Committee
From: Marc Buske, Dangerous & Unsightly Premises Administrator
Subject: Recommendation for Demolition

Re: PID # 25005729, 59 Church Street, Amherst, NS

Issue

Many complaints on the property have been received over the years.

The lack of maintenance has caused the building to become unsafe. The condition of the building poses a risk to the general public due to the rodent infestation, fire hazard, transient activity and possibility of structural collapse.

The Town has cleaned up the property several times over the years.

On November 4, 2016, there was an order to vacate the property. Since then, little to not work has been done to bring the building into compliance.

The work needed to bring the dwelling up to “minimum Standards for Residential Occupancy” would be extensive and expensive. The repair costs would far exceed the resale value of the property.

History

March 2011

- 1- March 9, 2011: Received a complaint about solid waste around the property.
- 2- March 10, 2011: Sent a letter to owner stating the property was identified as an unsightly property. A letter was sent to the complainant acknowledging the complaint.
- 3- March 29, 2011: The Town of Amherst removed the waste from the property and the cost was added to the property tax account. Letters were sent to the owner and complainant saying the file was closed.



February 2013

- 1- February 06, 2013: Received an unsightly complaint about solid waste around the property.
- 2- February 8, 2013: A letter was sent to the property owner stating the property was identified as an unsightly property. A letter was sent to the complainant acknowledging the complaint.
- 3- February 25, 2013: The Town hired a contractor to clean up the property. The cost of the work was added to the property tax account. A letter was sent to the complainant stating the file was closed.

March 2013

- 1- March 09, 2013: Received an unsightly complaint about solid waste around the property.
- 2- March 09, 2013: The owner sent an email to the administrator saying the garbage was cleaned up.
- 3- March 18, 2013: The administrator sent the property owner a letter saying the Town hired a contractor.
- 4- March 25, 2013, file closed.

August 2014

- 1- August 1, 2014: Received an unsightly complaint about solid waste around the property.
- 2- August 1, 2014: A letter was sent to the property owner stating the property was identified as an unsightly property.
- 3- August 5, 2014: The file was closed. A letter was sent to the property owner and the complainant stating the file was closed.

September 2014

- 1- September 24, 2014: The administrator sent the owner and property manager a letter to have the debris and garbage removed as soon as possible.
- 2- September 26, 2014: A letter was sent to the property owner, stating the file was closed.

April 2015

- 1- April 13, 2015: A complaint was received on this property about solid waste.
- 2- April 20, 2015: A letter was sent to owner asking him to clean up the solid waste around the property.
- 3- April 29, 2015: The property was in compliance, file closed.

May 2015

- 1- May 14, 2015: A complaint was received on this property about solid waste.
- 2- May 19, 2015: A letter was sent to the property owner saying there was a complaint about the solid waste around the property. A letter was sent to the complainant acknowledging the complaint.
- 3- May 22, 2015: The property was brought into compliance. A letter was sent to the complainant and the owner stating the file was closed.



August 2015

- 1- August 5, 2015: A complaint was received on this property about solid waste. A letter was sent to the owner of the property asking them to clean up the solid waste.
- 2- August 10, 2015: The property was in compliance. A letter was sent to the owner saying the file was closed.

October 2015

- 1- October 19, 2015: A complaint was received on this property about solid waste. A letter was sent to the property owner saying there was solid waste around the property that needed to be cleaned up.
- 2- October 29, 2015: The property was in compliance and a letter was sent to the property owner saying the file was closed.

December 2015

- 1- December 8, 2015: An order was placed on the property to clean up the solid waste.
- 2- February 18, 2016: The town hired a contractor to clean up the solid waste around the property. A letter was sent to the property owner say the file was closed and the cost of the cleanup would be added to the property tax account.
- 3- March 2, 2016: The property owner sent a letter to the Town saying he was not going to pay the bill as the charges were fraudulent. He also wanted a meeting with the mayor. Nothing in the file to state the outcome from this letter.

April 2016

- 1- April 12, 2016: Received a complaint by email about solid waste around the property.
- 2- April 20, 2016: Pictures were taken. File stops here.

May 2016

- 1- May 2, 2016: Received complaint about solid waste around the property by email.
- 2- May 4, 2016: The Town hired a contractor to clean up the solid waste. File closed.

July 2016

- 1- July 27, 2016: The administrator talked to the property owner about solid waste around the property.
- 2- August 19, 2016: The property was brought into compliance.

August 2016

- 1- August 29 2016: The town received a complaint about solid waste around the property, the state of the building and the safety of one of the tenants.
- 2- August 30, 2016: A letter was sent to the property owner informing him of the complaint and the action needed to be taken to bring the property into compliance. A site visit was done on this date. There were concerns about the state of the building and the way some of the tenants where living. The property manager was contacted as well as adult protective services.
- 3- August 31, 2016: The town hired a contractor to remove the bushes around the property.



September 2016

- 1- September 2, 2016: A letter was sent to the property owner requesting access to the building. On this date a bill was sent to the property owner for the cleanup of the solid waste and the removal of the bushes. The bill was added to the property tax account.
- 2- September 6, 2016: The property manager contacted the administrator to inform him the window was fixed and an exterminator was hired.
- 3- September 7, 2016: An order to vacate one apartment was issued. The order was posted and mailed to the property owner.
- 4- September 8, 2016: A letter was sent to the property owner to inform him the property needed work and a list of what was needed to be fixed in order to bring the property into compliance.
- 5- October 12, 2016: A letter was received by the Town from Empowering Beyond Barriers that expressed concerns with the living conditions of this property.

October 2016

- 1- October 20, 2016: A letter was sent to the property owner to inform him there was a minimum standards complaint, and an inspection would take place. Notice posted.
- 2- October 29, 2016: A site visit took place.
- 3- November 4, 2016: A letter was sent to the property owner with a list of repairs required to bring the building to a minimum standard. A vacate order was placed and the property with a copy sent to the owner.
- 4- January 6, 2017: A letter was sent to the complainant say the building was vacated and the file closed.

March 2018

- 1- March 17, 2018: Received phone call from Amherst police department about the state of the property.
- 2- March 19, 2018: A letter was sent to the property owner.

April 2018

- 1- April 24, 2018: A letter was sent to the property owner stating the file was closed.
- 2- April 26, 2018: The town received a complaint about the property.

May 2018

- 1- May 2, 2018: Send a letter to the complainant and the property owner.

June 2018

- 1- June 13, 2018: A letter was sent to the property owner and complaint stating the file was closed.

October 2018

- 1- October 2, 2018: A site visit was done on the property to determine the condition of the building. Reports to follow.



Discussion

Mr. Buell's report indicated:

- 1- Collapse of several portions of the foundation, open to exterior.
- 2- Structural fatigue and partial structural support failure in basement.
- 3- Façade compromised and at places open to exterior, weather and wear.
- 4- Structural failure shown at several locations throughout structure.
- 5- Partial collapse of foundation interior.
- 6- Electrical shock risk due to exposure of wiring, disarray of utility in basement, degradation of panel and entrance, and water penetration.
- 7- Collected pools of water in basement. Exposed plumbing issues and multiple signs of water damage.
- 8- Signs of wildlife penetration and several carcasses located on site.
- 9- Debris and garbage located through out structure.
- 10- Compromised building envelope to the point of being a health risk.

It is in the opinion of this inspector that the building site be secured and marked for demolition or major restoration. This building poses an imminent risk to transients, as well as threatens the safety of the public in its present state.

Options

1. That the property at 59 Church Street be demolished and the foundation be backfilled within 45 days from the date of this committee meeting, with all work to be done by the property owner. Failure to do so will result in the Town completing the work. All costs incurred by the Town in the demolition and cleanup will be added to the owner's property taxes.
2. Work with the property owner with well-defined tasks and timelines to remedy the property and bring it up to minimum standards for occupancy. Should the property owner default on any of the timelines, the Committee shall order demolition of the property within 30 days of default.

The Administrator is recommending Option 1.



MEMORANDUM

TO: Marc Buske, Dangerous and Unsightly Supervisor, Amherst
FROM: David Buell, CBO II, FPI II, Supervisor, Cumberland County
DATE: October 29, 2018
CC:
RE: Site Inspection - 59 Church Street - Amherst - PID#25005729
Pictures attached

At the request of Amherst an inspection was made of the above noted property. The on-site inspection was made, and the following report filed by David Buell, Provincial Building Official and Fire Inspector Level II. The site was visited at 10:00am the morning of August 15, 2018. The following was noted and photographed:

- Collapse of several portions of the foundation, open to exterior.
- Structural fatigue and partial structural support failure in basement.
- Façade compromised and at places open to exterior, weather and wear.
- Structural failure shown at several locations throughout structure.
- Partial collapse of foundation interior.
- Electrical shock risk due to exposure of wiring, disarray of utility in basement, degradation of panel and entrance, and water penetration.
- Collected pools of water in basement. Exposed plumbing issues and multiple signs of water damage.
- Signs of wildlife penetration and several carcasses located on site.
- Debris and garbage located through out structure.
- Compromised building envelope to the point of being a health risk.

It is in the opinion of this inspector that the building site be secured and marked for demolition or major restoration. This building poses an imminent risk to transients, as well as threatens the safety of the public in its present state.

Regards
David Buell, CBO II, CFI
Permits and Inspection Supervisor
Cumberland County
902 667-3853



















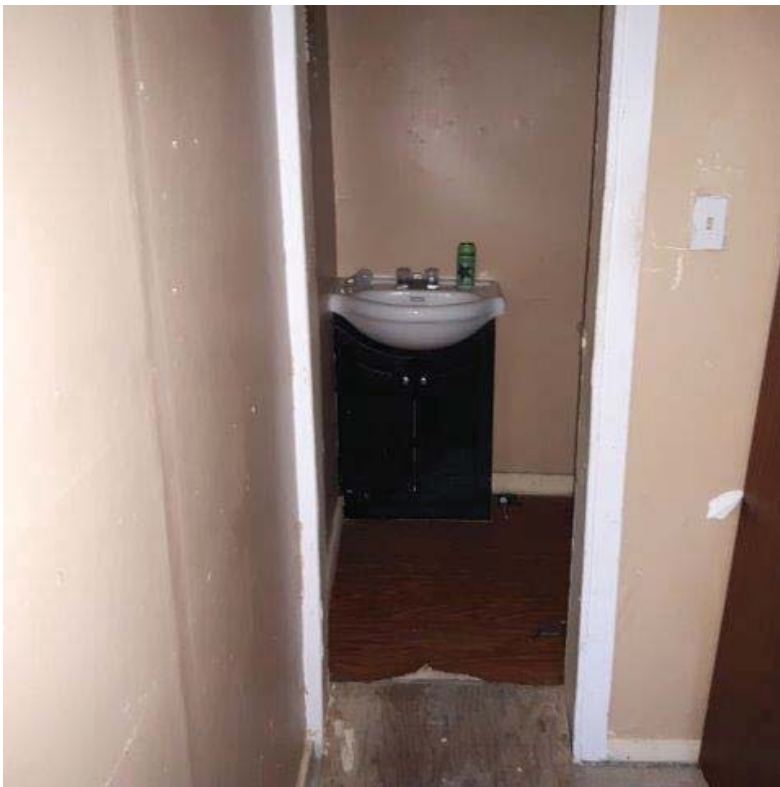






















January 10, 2019

Brocam Properties Ltd.
11 Marshview Drive
Amherst, Nova Scotia
B4H 4B3

Attention: Justin Cameron

Dear Mr. Cameron:

Re: Building Review, Corner of Church & Prince Arthur St., Amherst, NS/J49-07819

At your request, I met with you on site at the building located on the corner of Church Street and Prince Arthur Street in Amherst on January 9, 2019 to review the basement and the main floor structure. It is my understanding the purpose of the review is to assess the structural condition of the floor framing and comment on the feasibility of repair.

The floor is framed with rough sawn 2x6 joists supported on the exterior stone foundation and on a center line wood beam. The wood beam is supported by stone pilasters. Based on my review, the condition of the floor framing is very poor. Many of the joists show signs of rot and some have been cut or notched. The centerline beam is in poor condition with some sections showing signs of rot due to moisture. The exterior wood sill is, in some locations, completely rotted and crushed, which has allowed the ends of the joists to drop as much as 6-8 inches. In addition, the tongue and groove decking is in poor condition with areas of moisture rot.

Given the extent of the deterioration and deficiencies, complete replacement of the floor system would be required including the wood sills as well as foundation upgrades. With the poor condition of the overall building, it is my opinion, this level of investment would not be justified.

I trust this addresses your requirements at this time. Please contact me anytime if you require anything further.

Yours very truly,

J. M. GIFFIN ENGINEERING INC.

Per:

B. JOHN GREEN, P.Eng.

BJG/dgr

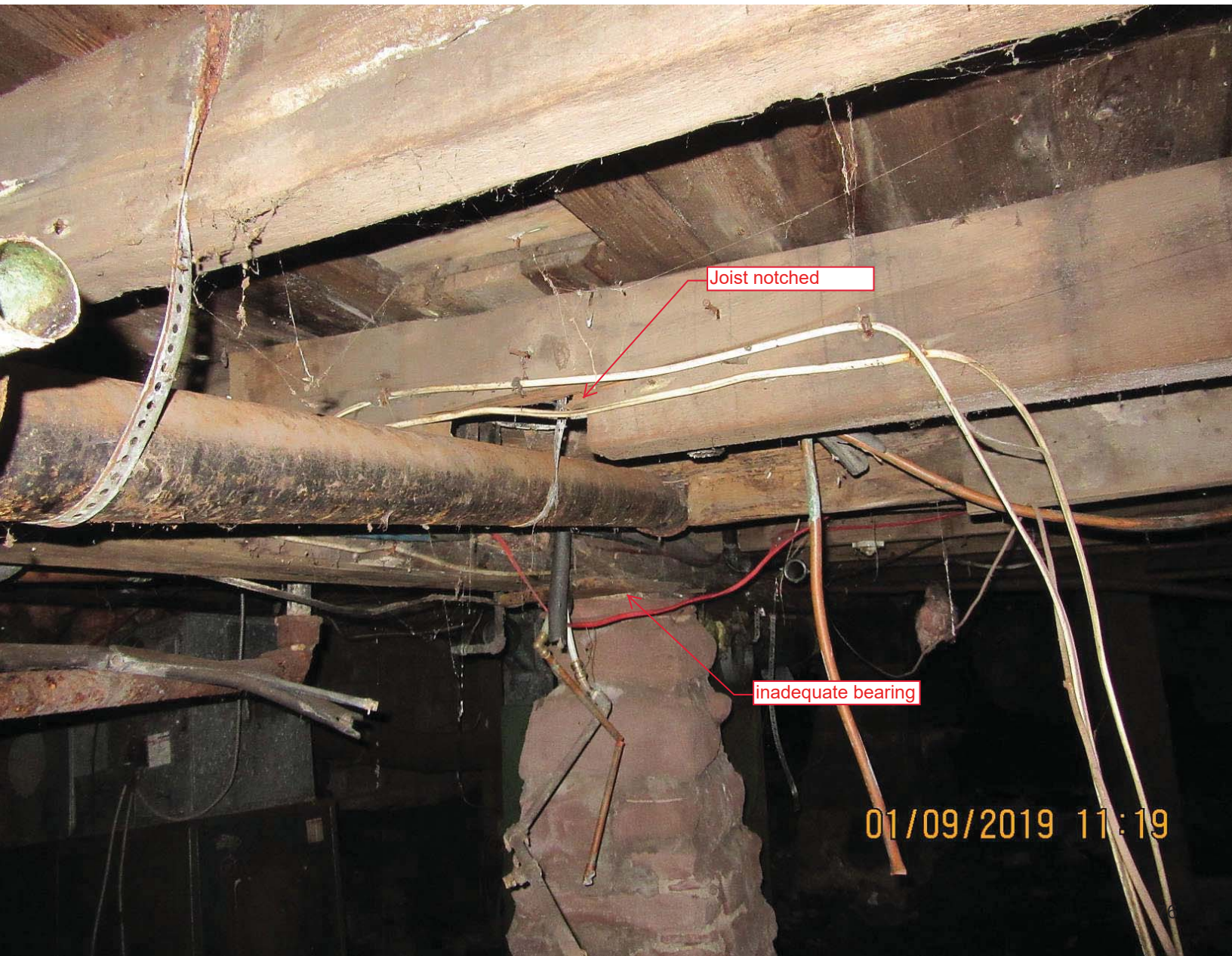


Joist cut

Rotted center beam

01/09/2019 11:19

75







01/09/2019 11:20

78



crushed at bearing.

rotted beam

01/09/2019 11:20

79

January 23, 2019

Dear Mr. Herrett,

Customer service is the name of the game, especially when a man comes all the way from Toronto to invest his money in Amherst.

My name is Mohan Narain. I am the landlord of 59 Church St ordered for demolition by March 5 by the PAC committee.

I am hereby appealing this order.

With all due respect, at the outset of this email, I wish to inform you that, should the town not accept my appeal, it will be taken to the court where some of your staff will not even need to be cross examined by a prosecution, for the evidence of ploy, lies, lack of professional conduct or negligence in their duties will work against them.

The crux of this order, appeal and possible legal fight lies in the structural assessment of 59 Church St which the PAC tried to HIDE by deliberately failing to issue me a work order.

If the appeal is granted, then the contractor, the PAC (under your guidance) and I can mutually work out the date for the completion of the work.

The time frame would have to be realistic; otherwise, it would be considered a COVERT form of forced demolition in the name of giving a work order.

If the appeal isn't granted, then I will immediately summon a lawyer to file a case against the Town of Amherst well before March 5.

In a democracy like Canada, it's my constitutional right to protect my building ..59 Church St.

When democracy is failed, it gives rogue countries such as China and Russia to point their fingers at Canada.

So let's get down to some of the ways your staff has failed,unwiittingly,and how this can land them in the courtroom.

Since October-November 2016 when 59 became vacant, I have ONLY received three work orders from the PAC .Those came to me in 2018. (The PAC needed to look at their files before making statements in the January 14 meeting).

They can be summarized as follows.

1. Work order received. Work completed by date.Town said okay.
2. Work order received. Work completed by date. Town said okay.
- 3.Work order received for interior inspection of 59 by Mr. Buske and others.

Work facilitated with help from Justin, my property manager.

NO mention of Cumberland engineer looking at basement structure!
Silence!

No work order given to fix structure! Silence!

Landlord Concluded: Town satisfied.

Looking carefully at January 14 video, Mr.Mc Donald admitted that he brought an engineer from Cumberland county.

Question: Why NO work order to comply with engineer's recommendation?

I can only conclude that this is a devious PLOY by the PAC to get 59 Church demolished.

In the video, Mr Mc Donald becomes judgmental and gets into my personal business by saying, "The economic rehabilitation of the building is not possible"

He further contrasts it to the easier renovation of a downtown coffee shop, and that's the reason they voted for demolition, among other reasons which I will analyse later.

Mr. Buske also told me about costly investment in a phone call on December 14 at 12.06 p.m.

But affording or not affording is my personal business...not the business of the Town of Amherst or anyone. This is where professional conduct is lacking. (Do I tell you the town it cannot afford a certain project?)

The other members of the January 14 meeting also failed to see this point, and thus didn't oppose it. The Titanic, they probably thought, was cruising well

Right now in Shediac, I have a contractor of 40 years experience plus an architectural degree who knows 59 like a typical Maritime building and who can wrap up its renovation in five days with the help of another worker...all at a reasonable cost.

Tomorrow, Thursday 24, he will strengthen the structure at 59 with some 2 by 8 till the full renovation is ready.

Now let's look at more neglect and ploy.

In the December 14 phone conversation with Mr. Buske, he recommended that I get a report from a structural engineer and present it to the January 14 meeting. He said that would be helpful.

I took confidence in this man's words that I will work progressively to void a demolition. That very evening I phoned Justin to find an engineer quickly to get a report and photos for the January 14 meeting.

In that meeting, Justin offered to email the report to everyone, but ALL of them cared LESS to accept it...another example of devious negligence to further the order for demolition.

Nor did Mr. Buske admitted to everyone he ordered it.

Seeing this, I sent the engineer's report to both Mr. Mc. Donald and Mr. Buske before the conclusive January 18 meeting when they will make the final decision.

But neither of these men working under you acknowledged the report from me.

That Engineer's report is an "AUTHORITY" on 59 Church. It is meant to show the positive course for 59, but everyone neglected to accept it.

In that meeting there was an older man by the name of Purdy, I think. He was vociferous in his comments, "This is nonsense; we must go in and take it down; time has gone; different excuses".

He needs advice to do his home work before making such statements, for a prosecution can make him fumble for words in the court-room to support his fallacious statements.

In the meeting, Mr. Mc. Donald went on to give a short twenty year history of 59 about the issues at 59.

But he should have told the "history class" how Bernie was without hot water; Trevor Eisnor knew and did nothing about it....an allegation in the history of Amherst Town.

And that was BEFORE I became the landlord in February 2014.

Trying to convince everyone with more "negatives" against 59, Mr. McDonald spoke about garbage being left many times yearly and the town billing me for it.

However, I phoned the accounts receivable department on January 21 to find out the truth: there has been NO billing to me for solid waste in 2016, 2017 and 2018. (In 2014 to 2015, I paid for garbage pick up, even the ones dumped by neighbours).

Talk is cheap! Show the evidence!

I plan to meet the neighbours on Church Street this June to hear from them and to seek full cooperation to keep the surroundings clean and tidy as 59 has no tenants and therefore no garbage including food.

The landlord himself will be there!

Thus I have presented to you a simple, logical and truthful explanation for an appeal, even one of accounting as you are a Certified Accountant also.

I hope this helps.

God bless!

Sincerely,

Mohan Narain.



P.S. Needless to say, your staff should not delete the video of January 14 meeting.

From: Mohan Narain <mission108@hotmail.com>
Date: February 6, 2019 at 11:46:42 AM AST
To: "dkogon@amherst.ca" <dkogon@amherst.ca>
Subject: Failed Democracy.

Dear Mr. Kogon,

Imagine yourself being sentenced behind bars without a trial?

How would you feel?

Well ,precisely that's what your Planning Action Committee has done to me,analogically,by ordering a demolition of my house without a work order.

The work order may be likened to a trial.

My name is Mohan Narain. I am the landlord of 59 Church St.

I wish to bring to your attention failed democracy in the Town of Amherst----the denial of a work order.(Please read attached)

Failed democracy means being seen on the wrong side of history in the future.

Failed democracy means a violation of my human rights to protect my house.

As a respected mayor, I wish to give you a friendly reminder that it's your duty to uphold democracy like Lester Pearson and other great Canadian leaders of the past.

This deliberate, covert and discriminatory failure by the PAC to issue me a work order lends credence that some of your staff members are colluding with the two law offices besides 59 Church to demolish my building in order to create a parking lot for their expensive cars.

Mark Buske, Jason Mcdonald, Purdy and others need to be investigated for such collusion just like Trump and his alleged Russian ties.

With so many years of experience, I trust,hope and appreciate you instructing and guiding your PAC in the correct direction at the next meeting for discussion about 59.

Thanks.

Sincerely,

Mohan R. Narain.

" I would agree that he is obligated to provide you with details regarding any perceived deficiencies....".

Dear Mr.Herrett,

The above quote is from the Assistant Fire Marshall in the Nova Scotia Office in Halifax.

He is saying that he agrees (with me) that Mark Buske was supposed to provide me with a list of electric deficiencies in a letter to me in 2016.

With no list, with no quotes from the Fire Codes, the letter was considered harassment, simply put.

The reason I am informing you about the above is because a manager from Nova Scotia Ombudsman Office called the Town of Amherst about a wrong doing--the order for demolition of 59.

But this manager was fooled by someone that I failed to comply with a "fire hazards letter" and hence that's the reason for the demolition.

What the employee doesn't realize is that while he is trying to trap me with a "fire hazard" pertaining with 59, he has already been trapped by the letter from the Head Office in Halifax.

Giving no work order, telling lies about the "fire hazard letter", speaking about too expensive renovations, asking for an engineer's report and then neglecting it etc---- these can and will play into the hands of a prosecution if it comes to that after February 25.

To add more to the truth,an electrician did come anyways, under pressure from Mark Buske, without a check list of what to correct,if any, on behalf of the landlord.

Mark Buske knows it! He even questioned the electrician about his license.

These documented truths I have provided so far should be sufficient for tomorrow's meeting in my absence.

Thanks.

Sincerely,

Mohan Narain.

A handwritten signature in cursive script that reads "Mohan Narain". The signature is written in dark ink and is positioned below the typed name.

Synopsis

Appointment of Municipal Auditor

The Municipal Government Act, section 42 (1) requires council to appoint a municipal auditor who is registered pursuant to the Act to be the auditor for the municipality. Jorgensen & Bickerton are registered municipal auditors, and have been providing this service to the Town for a number of years.

The Town of Amherst Audit Committee met on February 21, 2019 and at that time, approved a motion to recommend that Council appoint Jorgensen & Bickerton as the municipal auditors for the Town for the 2018-19 fiscal year.

MOTION:

That Council appoint Chartered Professional Accounting Firm Jorgensen & Bickerton to be the municipal auditor for the Town of Amherst for the fiscal year April 1, 2018 to March 31, 2019 as recommended by the Town of Amherst Audit Committee.



AMHERST TOWN COUNCIL

RFD# 2019014

Date: February 25, 2019

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Shelley Rector CPA, CMA - CFO

DATE: February 25, 2019

SUBJECT: Appointment of Auditors

ORIGIN: Audit Committee and Annual Municipal Auditor Appointment

LEGISLATIVE AUTHORITY: MGA Section 42(1) "The council shall appoint a municipal auditor who is registered pursuant to this Act to be the auditor for the municipality."

RECOMMENDATION: That Council appoint Chartered Professional Accounting Firm Jorgensen & Bickerton to be the municipal auditor for the Town of Amherst for the fiscal year April 1, 2018 to March 31, 2019 as recommended by the Town of Amherst Audit Committee.

BACKGROUND: Ms. Rector presented a memo to the Audit Committee indicating the Committee had two options for making this recommendation to Council for the 2018-19 fiscal year.: 1) Appoint Jorgensen & Bickerton; or 2) Direct staff to issue a Request for Proposals for a Municipal Auditor.

DISCUSSION: There was no discussion.

FINANCIAL IMPLICATIONS: Approximate cost is \$23,500 + HST divided between the General Operating and the Water Utility.

COMMUNITY ENGAGEMENT: No community engagement is anticipated.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ALTERNATIVES: Do not appoint the auditor. This could result in delays in the timing of the presentation of Financial Statements for fiscal year ended March 31, 2019.

ATTACHMENTS: None

Report prepared by Shelley Rector
Report and Financial approved by:



Synopsis

Revisions to the Budget Management Policy and Setting the Mandatory Provincial Contribution Area Rate

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

Previously, the Town of Amherst Area Rate did not include the amounts that the Town pays for the Regional Library even though it is an amount which we are mandated to contribute by the Province and for which the Town does not determine the increases each year.

In addition, in fiscal 2018-2019 the method for contributing to the local YMCA was changed from in kind services to a payment of \$100,000. When the change was made the Budget Management Policy did not get updated.

MOTION 1: Changes to the Budget Management Policy

That Council approve the changes in the attached Budget Management Policy including the addition of the Regional Library Costs to the Mandatory Provincial Contribution Area Rate and the adjustment of the YMCA payment to reflect our contribution of \$100,000 in the Community Support Area Rate.

Through the operation of this policy, Council levies an area rate to cover the cost of services which are provided by provincial government agencies and the funding for which simply flows through the Town of Amherst.

The applicable services are: Education, Property Valuation Services Corporation (PVSC) Assessments, Corrections Services, Housing and Regional Library (new to the area rate in 2019/20). In each case the Town simply writes a cheque to the agency.

In segregating these costs and levying an area rate Council seeks to highlight that it has no control over or input into each of these costs. Last year the Mandatory Provincial Contribution Area Rate was 39 cents. This year's increase is driven by the increase in housing costs and the addition of the regional library costs.

MOTION 2:

2019-2020 Area Rate

Mandatory Provincial Contributions

WHEREAS the Mandatory provincial contributions for the 2019-2020 fiscal period of \$2,126,505 must be rated;

THEREFORE BE IT RESOLVED THAT for the Town of Amherst for the fiscal year ending March 31, 2020, the Mandatory Provincial Contribution Area Rate on all property assessments within the boundary of the Town of Amherst are as follows:

Residential / Resource	\$0.405 per \$100 of assessment
Commercial	\$0.405 per \$100 of assessment

AND THAT these area rates are due and payable on September 30, 2019 with interest to be charged on all final tax accounts outstanding on or after October 1, 2019 at the rate of 1% per month, 12% per annum.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Shelley Rector, CPA, CMA – CFO

DATE: February 25, 2019

SUBJECT: **Setting the Mandatory Provincial Contribution Area Rate & Revisions to the Budget Management Policy**

ORIGIN: Budget Management Policy 03450-04.

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

RECOMMENDATIONS: That the changes in the attached Budget Management Policy including the addition of the Regional Library Costs to the Mandatory Provincial Contribution Area Rate and the adjustment of the YMCA payment to reflect our contribution of \$100,000 in the Community Support Area Rate be approved by Council; and further that the Mandatory Provincial Contribution Area Rate be set at \$0.405 for the 2019-20 fiscal year.

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

The Town of Amherst Area Rate did not include the amounts that the Town pays for the Regional Library even though this amount is also an amount for which we are mandated to contribute by the Province and for which the Town does not determine the increases each year.

In fiscal 2018-2019 the method for contributing to the local YMCA was changed from in kind services to a payment of \$100,000. When the change was made the Budget Management Policy did not get updated.

DISCUSSION: The Area Rate previously did not include the Regional Library costs. This may be in part because we have seen little increase in these costs over the last five years. However, if we look at the purpose of the Mandatory Provincial Contribution Area Rate, it makes sense that the Regional Library costs, which are mandated by the Province, should be included in the Area Rate. Moving the Library into the Area Rate does not result in an overall change in tax but rather allocates the tax to the appropriate rate for clarity to taxpayers. All other things being equal, adding the Library to the Provincial Contribution Area Rate would increase this rate, while decreasing the General Tax Rate by \$0.012. ***It should be noted that other factors could result in increases or decreases to the general rate.***



If approved, for 2019/20 there would be 5 components to the Mandatory Provincial Contribution Area Rate – Education, Property Valuation Services Corporation (PVSC) Assessments, Corrections Services, Housing and Regional Library (new addition to the area rate for 2019/20).

Education –Uniform assessment for 2019-20 is \$524,732,215 (2018-19 \$525,177,657). The rate has not been set yet. However the rate of 0.30480 has not changed in 7 years. So, if the rate does not change again this year, education costs to the Town for 2019-20 will be \$1,599,384, a decrease of \$1,357.

PVSC Assessment Services – We will not know our exact share of PVSC costs until late February or early March. Last year saw a .4% increase, which is consistent with the prior year. An email in November from the PVSC Board Chair indicated that the PVSC board approved an increase to the PVSC budget of 1.5%. The increased cost for this year is estimated to be \$1,609.

Correction Services – Our share of correction services costs will not be known with complete certainty until sometime in March. The last two years there was a .1% and .5% increases. Before that it had decreased 4 consecutive years. Considering past increases and conservative budgeting, we are assuming a .7% increase which will result in an increased cost this year of \$810.

Housing – The Housing Authority has provided its budget for the current fiscal year. Amherst's share based on their budget would be \$230,000. The actual amount will be based on their actuals and not this budget figure. Actuals will not be known for some time. Last year Amherst's share of the Authority's budget was \$211,000, however actuals came in at \$192,793. Again this year, this rate is being set using the budgeted amount. This generates an increase, budget to budget, of \$19,000.

Library – The Town's share of the regional library costs has not been included in the Mandatory Provincial Area Rate in the past. Given that this amount is mandated to the Town by the Regional Library (by means of the Province), this expense should be included in this area rate. The expense for the regional library has been \$61,820 for the last 5 years. We have estimated for this amount to remain the same. This is simply a reallocation of the cost from the General Tax Rate to the Mandatory Provincial Contribution Area Rate.

Table Summary - Mandatory Provincial Contribution Area Rate
Without Library

	<u>2018/19</u>	<u>2019/20</u>	<u>Change</u>
Education	\$ 1,600,741	\$ 1,599,384	-\$ 1,357
Corrections	115,724	116,534	\$ 810
Housing	211,000	230,000	\$19,000
PVSC	117,158	118,767	\$ 1,609
	<u>\$ 2,044,623</u>	<u>\$ 2,064,685</u>	<u>\$ 20,062</u>
\$0.01 on Tax Rate	\$ 52,682	\$ 52,556	
Mandatory Provincial Contribution Area Rate	\$ 0.39	\$ 0.393	\$ 0.003

Table Summary - Mandatory Provincial Contribution Area Rate
With Library

	<u>2018/19</u>	<u>2019/20</u>	<u>Change</u>
Education	\$ 1,600,741	\$ 1,599,384	-\$ 1,357
Corrections	115,724	116,534	\$ 810
Housing	211,000	230,000	\$19,000
PVSC	117,158	118,767	\$ 1,609
Library	-	61,820	\$61,820
	<u>\$ 2,044,623</u>	<u>\$ 2,126,505</u>	<u>\$ 81,882</u>
\$0.01 on Tax Rate	\$ 52,682	\$ 52,556	
Mandatory Provincial Contribution Area Rate	\$ 0.39	\$ 0.405	\$ 0.015

FINANCIAL IMPLICATIONS: The Mandatory Provincial Contribution Area Rate will see an increase of \$0.015 driven mainly by an increase in housing costs and a reallocation of mandatory Library costs. It should be noted that mandatory Library costs will be removed from the general rate calculation.

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

ENVIRONMENTAL IMPLICATIONS: None

SOCIAL JUSTICE IMPLICATIONS: None

ALTERNATIVES:

1. Do not approve the changes to the Budget Management Policy and set the Mandatory Provincial Contribution Area Rate at \$0.393 for 2019/20.
2. Do not include the Regional Library costs in the Mandatory Provincial Contribution Area rate and wait until the figures are released by the Province before the Mandatory Provincial Contribution Area Rate is set.
3. Include the Regional Library costs in the Mandatory Provincial Contribution Area rate and wait until the figures are released by the Province before the Mandatory Provincial Contribution Area Rate is set.

ATTACHMENTS: Budget Management Policy 03450-04.

Report prepared by: Shelley Rector, CPA, CMA, CFO

Report and Financial approved by:

DEPARTMENT: All Town Departments

TITLE: Budget Management Policy

Minutes reference date: November 27, 2017

Policy Statement:

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

Policy Objectives:

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

Definitions:

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

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

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

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

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

- e) **Mandatory Provincial Contribution Rate** includes the cost of:

- i. **Education** – The Town is required (as are all municipalities) to provide funding to the Regional School Board under the *Education Act*. This mandatory education contribution is determined by taking the Town’s Uniform Assessment figure and multiplying by the education rate as set by the Province of Nova Scotia.
- ii. **Property Valuation Services Corporation (PVSC - Assessment)** – The Town is required (as are all municipalities) to provide funding to pay a share of the cost of operating the provincial assessment system. The Town pays a portion of the total PVSC costs, based on the Town’s share of Uniform Assessment and the Town’s share of assessment accounts across the province.
- iii. **Correction Services** – the Town is required (as are all municipalities) to make a mandatory contribution to the Province to fund the cost of operations of the provincial correctional facilities for all of Nova Scotia. This includes youth and adult correctional facilities. The contribution is set by the Province of Nova Scotia and is based on the Town’s share of Uniform Assessment (50%) and the Town’s dwelling units (50%).

iv. **Housing** – The Cobequid Housing Authority administers and manages 262 (2017) public non-profit housing units for seniors and families on low incomes within the Town. The Town is required to fund a portion of the prior year deficit of the Cobequid Housing Authority annually.

v. **Regional Library** – The Nova Scotia Department of Communities, Culture and Heritage sets the annual contribution requirements for regional libraries from the regional municipal units. In Amherst the Cumberland Public Library costs are shared on a percentage basis between the Town of Amherst, the Municipality of the County of Cumberland and the Town of Oxford. This amount excludes the costs associated with the operation and maintenance of the building which is paid for by the Town of Amherst.

iv.—

Formatted: Indent: First line: 0.5"

Formatted: List Paragraph, No bullets or numbering

Formatted: Indent: Left: 0.88", No bullets or numbering

- f) Community Support Area Rate includes:
- i. Community Support Grants Policy - All costs that are covered in Policy 72000-08
 - ii. Tax Exemption Bylaw – All costs that are covered by Bylaw B-1
 - iii. Tax Reduction Policy - All costs that are covered by Policy 03800-02
 - iv. Community Events – The Community Events covers costs for such things as the Town's holiday events (Christmas light up, New Year's Eve, Music in the Park, etc.), festivals and other events.
 - v. Cumberland YMCA – The Town contributes [\\$100,000 annually to the Cumberland YMCA to aid in the financial viability of the Cumberland YMCA, to maintain the community YMCA pool by way of a one-cent levy on the Town's commercial and residential tax rates. The Town also provides several in-kind services such as snow clearing and financial services.](#)

Application:

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

Governance and the Budget Process:

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

the various programs and services. These rates are determined in conjunction with the annual assessments of properties in the Town, as established annually through the Assessment Roll generated by the Nova Scotia Property Valuation Services Corporation (PVSC).

Calculation of Rates

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

- a) Mandatory Provincial Contribution Area Rate
The sum of the costs of Education, Property Valuation Services Corporation Assessment, Corrections Services ~~and~~, Housing and Regional Library, divided by the sum of all the taxable property assessment values as provided by PVSC, including grants in lieu.
- b) The Community Support Area Rate
The sum of the costs of Community Support Grants Policy, Tax Exemption Bylaw, Tax Reduction Policy, Community Events, and the Cumberland YMCA divided by the sum of all the taxable property assessment values as provided by PVSC, including grants in lieu.
- c) General Tax Rate
 1. Residential – total operating expenditure budget (excluding solid waste and sewage) less the revenue generated by the area rates for the Mandatory Provincial Contribution and Community Support, as well as other non-tax revenue (i.e.: own source revenue, equalization, etc.) divided by the taxable residential and resource property assessment values as provided by PVSC .
 2. Commercial – Total operating expenditure budget (excluding solid waste and sewage) less the revenue generated by the area rates for the Mandatory Provincial Contribution and Community Support, as well as other non-tax revenue (i.e.: own source revenue, equalization, etc.) divided by the Commercial taxable property assessment values as provided by PVSC, including grants in lieu.

14. To meet the objective of preparing budgets in a fair, open, consistent, and transparent manner, the tentative budgets will be prepared and posted on the Town's website in the late winter/early spring, and will be placed on the Council agenda for approval in the month following.

Council Approval

15. Council will consider setting:

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

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

Authority of CAO:

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

Reporting :

23. The CAO is responsible for timely reporting to Council on the Capital and Operating budget variances and general / emergency related over-expenditure approvals; this will be done in

conjunction with the Quarterly Financial Reporting to the Audit Committee. However, over-expenditures approved by the CAO that exceed \$50,000 will be reported to Council at the earliest opportunity. Interim reporting may also be done at the discretion of the CAO.

Synopsis

Temporary Borrowing Resolution

Temporary borrowing resolutions (TBRs) are used as temporary financing for capital projects. The Minister of Municipal Affairs allows municipalities to use TBRs to borrow funds on short term loans not exceeding 12 months. Once the projects are completed and the actual costs are known, the Town will enter into long term borrowing with the Municipal Finance Corporation by issuing debentures. We require the Minister's approval of a TBR before we can apply for debentures.

Similar to the General Borrowing Resolution approved by Council last spring, this TBR will give the Town the authority to borrow, *if required*, from our financial institution, RBC, for the completion of the capital projects identified. This is not to say the Town *will* borrow the funds, and it does not commit us to long term financing. The main purpose of this TBR is to obtain Ministerial approval so that we can borrow funds in the spring or fall debenture issue. This TBR will only be valid for 12 months from the date the Minister approves it.

MOTION :

That Council approve a Temporary Borrowing Resolution in the amount not exceeding \$366,485 for the following items, and submit it to the Department of Municipal Affairs for Ministerial approval:

• East Pleasant Street – water main replacement (water utility)	\$300,000
• Water Reservoir (water utility)	37,735
• Service Truck (water utility)	<u>28,750</u>
	<u>\$366,485</u>



AMHERST TOWN COUNCIL

RFD#: 2019011

Date: February 25, 2019

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Shelley Rector, CPA, CMA - CFO

DATE: February 25, 2019

SUBJECT: Temporary Borrowing Resolution

ORIGIN: The May 23, 2018 approved Capital Budget for 2018-19

LEGISLATIVE AUTHORITY: Section 66 of the *Municipal Government Act* provides that the Town of Amherst, subject to the approval of the Minister of Municipal Affairs, may borrow to expend funds for a capital purpose authorized by statute; Section 65 authorizes the Town to expend funds for the capital purpose of: water systems and acquisition of equipment, materials, vehicles, machinery, apparatus, implements and plant for a municipal purpose.

RECOMMENDATION: That Council approve a Temporary Borrowing Resolution in the amount not exceeding \$366,485 for the following items, and submit it to the Department of Municipal Affairs for Ministerial approval:

• East Pleasant Street – water main replacement (water utility)	\$300,000
• Water Reservoir (water utility)	37,735
• Service Truck (water utility)	<u>28,750</u>
	<u>\$366,485</u>

BACKGROUND: Temporary borrowing resolutions (TBRs) are used as temporary financing for capital projects. The Minister of Municipal Affairs allows municipalities to use TBRs to borrow funds on short term loans not exceeding 12 months. Once the projects are completed and the actual costs are known, the Town will enter into long term borrowing with the Municipal Finance Corporation by issuing debentures in the spring or fall of 2019. We require the Minister's approval of a TBR before we can apply for debentures. The \$366,485 is the amount Council approved to borrow in the 2018/19 capital budget process less the Willow Street reconstruction project (which will carry over into the 2019/20 capital budget) and the purchase of land.

DISCUSSION: Similar to the General Borrowing Resolution approved by Council last Spring, this TBR will give the Town the authority to borrow, *if required*, from our financial institution, RBC, for the completion of the capital projects identified. This is not to say the Town *will* borrow the funds, and it does not commit us to long term financing. The main purpose of this TBR is to obtain Ministerial approval so that we can borrow funds in the spring or fall in the debenture issue for already approved 2018-19 capital projects. This TBR will only be valid for 12 months from the date the Minister approves it. To be clear, the recommended action relates to projects already approved by Council – this is not new spending, it is the permanent financing for previously approved projects



FINANCIAL IMPLICATIONS: There are no actual financial implications to approving the TBR unless we actually use it, as an overdraft, to finance the capital projects. If this occurs, the rate will be as that set out in the General Borrowing Resolution with RBC in the spring, prime minus ¼% on the amount borrowed. As stated earlier, the long term financing of these projects will come in the form of debentures issued in the spring or fall.

COMMUNITY ENGAGEMENT: None at this time.

SOCIAL JUSTICE IMPLICATIONS: None

ENVIRONMENTAL IMPLICATIONS: The financing of the capital projects is not expected to have any environmental implications.

ALTERNATIVES: There are really no viable alternatives to applying to the Minister of Municipal Affairs for this TBR. Such approval will be required before we can apply for long term financing.

ATTACHMENTS: Temporary Borrowing Resolution - Various Purposes and Schedule "A"

Report prepared by: Shelley Rector, CPA, CMA - CFO

Report and Financial approved by:

TOWN OF AMHERST

TEMPORARY BORROWING RESOLUTION

\$366,485

File No. 18/19-01
Water Projects

WHEREAS Section 66 of the Municipal Government Act provides that the Town of Amherst, subject to the approval of the Minister of Municipal Affairs, may borrow to expend funds for a capital purpose authorized by statute;

AND WHEREAS clause 65 of the Municipal Government Act authorizes the Town of Amherst to expend funds for the capital purposes of:

- streets, culverts, retaining walls, sidewalks, curbs and gutters;
- acquisition of equipment, materials and vehicles for a municipal purpose; and
- water systems;

AND WHEREAS the specific amounts and descriptions of the projects are contained in Schedule "A" (attached);

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Town borrow a sum or sums not exceeding Three Hundred Sixty-Six Thousand Four Hundred Eighty-Five Dollars (\$366,485) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs;

THAT the sum be borrowed by the issue and sale of debentures of the Town to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Town borrow from time to time a sum or sums not exceeding Three Hundred Sixty-Six Thousand Four Hundred Eighty-Five Dollars (\$366,485) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs of this resolution.

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution duly passed at a meeting of the Council of the Town of Amherst held on the day of 2019.

GIVEN under the hands of the Mayor and the Clerk and under the seal of the Town this day of 2019.

Mayor

Clerk

For DMA Use Only

SYNOPSIS

Council Remuneration

In the past, compensation for elected officials was not considered a salary and a portion (one third) has been exempt from income taxes. The Federal Government announced in their budget the exemption would be removed effective for the 2019 tax year.

Without a change in the remuneration, Council will take home less pay than they received in 2018.

The majority of Municipalities in Nova Scotia are increasing the compensation effective January 1, 2019 (16), with some not increasing it at all (3), and some deferring until budget discussions (7).

The following motion was moved and seconded at the January meeting of Council until more information could be provided by staff at the February meeting of Committee of the Whole. That information has been provided and included in the updated document in the agenda package for this meeting and in the agenda package for the February 19, 2019 Committee of the Whole.

NOTE: In terms of the rules of order, the debate on this motion, previously suspended, is anticipated to recommence at this meeting. No new motion is necessary.

MOTION:

That Council approve the request to have staff adjust the Salary Administration Policy, Policy number 04530-01, to reflect an increase in Council Remuneration with salaries reflecting the increases outlined below.

Salary Increase	Current	Future
Councillor	\$ 21,542	\$ 25,050
Deputy Mayor	\$ 24,375	\$ 27,723
Mayor	\$ 36,447	\$ 41,178

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Greg Herrett, CPA, CA – CAO

DATE: February 25, 2019

SUBJECT: CRA Council Remuneration Adjustment

ORIGIN: Federal Government

LEGISLATIVE AUTHORITY: Income Tax Act; MGA Section 23

RECOMMENDATION: That Council approve the request to have staff adjust the Salary Administration Policy, Policy number 04530-01, to reflect an increase in Council Remuneration with salaries reflecting the increases outlined below:

Salary Increase	Current	Future
Councillor	\$ 21,542	\$ 25,050
Deputy Mayor	\$ 24,375	\$ 27,723
Mayor	\$ 36,447	\$ 41,178

BACKGROUND:

Historically, the compensation for elected officials was not considered a salary and a portion (one third) has been exempt from income taxes. Some rationale provided for the tax-free exemption was to recognize elected officials were contributing to their communities, attending events at their costs, travelling within their communities without reimbursement. The Federal Government announced in their budget the exemption would be removed effective for the 2019 tax year. Information was provided to council in June and October and staff were directed to provide information on what is being done in other municipalities.

DISCUSSION:

The NSFM has indicated its support for changes to the remuneration of elected officials:

“The NSFM Board passed a motion at its meeting in June 2018 recognizing the need to support elected officials in avoiding abrupt changes to remuneration. The NSFM is recommending that pre-tax compensation for elected officials be adjusted to allow them to maintain the same levels of post-tax compensation after the 2019 laws take effect. For further information visit www.nsfm.ca.”



Without a change in the remuneration, Council will take home less pay than they received in 2018, making it potentially unaffordable for some to continue to serve in a public capacity.

The majority of Municipalities in Nova Scotia are increasing the compensation effective January 1, 2019 (16) with some not increasing it at all (3), some deferring until budget discussions (7) and one (in addition to Amherst) expected to decide in January 2019 (based on numbers in January).

Some of the jurisdictions deferring until budget deliberations are also requesting the ability to make the raises retroactive if the decision is to increase the compensation.

At the Council meeting on January 28th, 2019, Council directed staff to do a report on what other municipalities have independent committees setting remuneration for Council, and what the salaries of other comparable municipal Councillors are.

The report was presented to Council at the Committee of the Whole meeting on February 15, 2019. Staff were able to find a report completed for HRM in 2004 which used a Citizen's Commission for the Remuneration of Council a copy was provided at the Feb 15 Committee of the Whole meeting. Staff were not able to find evidence of the use of independent committees for the setting Council Remuneration elsewhere in Nova Scotia. There were various examples of by-laws for setting Council Remuneration in N.S. Some of the highlights included the use of annual CPI indexes and a four-year review of Council Remuneration in the Budget year prior to an election so that Council votes on the in-coming Council's salary rather than their own.

In Summerside Prince Edward Island, a new by-law was passed in October of 2018 which requires any changes to the bylaw relating to compensation or benefits to first go through an independent commission that will be appointed by council. It must consist of one to three members who are not on council or not municipal staff.

Council requested the salaries of comparable towns in Nova Scotia. These are the amounts based on last year's salary survey prior to any increase:

Council Remuneration Based on Last Year Salary Survey							
Municipality, Town, or Village	Mayor/Warden Salary Range	The Deputy Mayor Salary Range	The Councillor Salary Range	Population (2016)	Per Capita - Mayor	Per Capita Deputy	Per Capita Councillor
Town of Amherst	36,447	24,375	21,542	9,413	3.87	2.59	2.29
Town of Antigonish	34,293	21,839	19,660	4,364	7.86	5.00	4.51
Town of Bridgewater	30,870	20,930	17,640	8,532	3.62	2.45	2.07
Town of Kentville	38,600	24,300	21,700	6,271	6.16	3.87	3.46
Town of Stellarton	20,343	15,915	14,359	4,208	4.83	3.78	3.41
Town of Truro	41,029	26,648	23,684	12,261	3.35	2.17	1.93
Town of Wolfville	30,134	20,488	18,148	4,195	7.18	4.88	4.33
Town of Yarmouth	39,372	27,791	23,160	6,518	6.04	4.26	3.55

Note: except for Amherst these are based on the salary review by AMA; note Antigonish and Wolfville have Universities and additional student populatio

These are the amounts after adjustments for the Federal Tax changes:

Council Remuneration Adjusted for Changes in Federal Taxes Including What Amherst Amounts Would Be If Approved							
Municipality, Town, or Village	The Mayor/Warden Salary Range	The Deputy Mayor Salary Range	The Councillor Salary Range	Population (2016)	Per Capita - Mayor	Per Capita Deputy	Per Capita Councillor
Town of Amherst	41,178	27,723	25,050	9,413	4.37	2.95	2.66
Town of Antigonish	39,039	24,952	22,462	4,364	8.95	5.72	5.15
Town of Bridgewater	36,525	23,560	20,230	8,532	4.28	2.76	2.37
Town of Kentville	44,564	26,468	24,180	6,271	7.11	4.22	3.86
Town of Stellarton	No adjustment			4,208	0.00	0.00	0.00
Town of Truro	48,100	30,160	26,780	12,261	3.92	2.46	2.18
Town of Wolfville	33,883	22,673	20,274	4,195	8.08	5.40	4.83
Town of Yarmouth *	43,742	30,876	25,731	6,518	6.71	4.74	3.95

* This has not yet been approved as they decided to make it part of the budget process.

FINANCIAL IMPLICATIONS:

There will be an impact to the budget of \$25,619 annually. For the 2018-19 budget it would require Council to approve an additional \$6,317.01 for Council salaries. It is expected this will be funded from any surplus this fiscal. If no surplus exists at year end, it is expected that the funds will be taken out of the Operating Reserve.

COMMUNITY ENGAGEMENT:

No community engagement is anticipated at this stage.

ENVIRONMENTAL IMPLICATIONS:

None

SOCIAL JUSTICE IMPLICATIONS:

None

ALTERNATIVES:

1. Make no change to council compensation – take home dollars will decrease;
2. Defer the decision until budget 2019/2020 deliberations;
3. Increase council compensation for a lesser amount.

ATTACHMENTS:

Presentation

Report prepared by: Shelley Rector
 Report and Financial approved by: Shelley Rector

Synopsis

Salary Administration Policy

The CAO has conducted a review of the structure of the Recreation Department, including the current administrative support for this Department. Based on this review he has restructured some aspects of the department. The restructuring included relocating Recreation staff currently working at Town Hall, including the Director, the Marketing Coordinator and the Active Living Coordinator to the Amherst Stadium to consolidate operations in one area and improve customer service and coordination of effort. With this consolidation it has been determined that the position of Administrative Assistant - Recreation is redundant and it has been eliminated, displacing one employee. Funding has been reallocated to create an additional unionized position - Operator with Refrigeration Class II Provincial Certificate. This position will be filled in accordance with the current collective agreement and Town Policy.

The CAO has advised that this will improve service, improve employee scheduling challenges and address potential issues in complying with provincial regulations regarding the operation of the ice making plant. All aspects of the reorganization have either been implemented or are in progress.

The recommended motion is a housekeeping one to ensure that the Salary Administration Policy accurately reflects the current staffing complement.

MOTION :

That the Salary Administration Policy #4530-01 be amended as recommended, namely to remove the position of Administrative Assistant Recreation from Appendix C.

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Kimberlee Jones, Municipal Clerk

DATE: February 25, 2019

SUBJECT: **Amendment to Salary Administration Policy**

ORIGIN: 2019 Reorganization of Recreation Department

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

RECOMMENDATION: That the Salary Administration Policy #4530-01 be amended as recommended, namely to remove the position of Administrative Assistant Recreation from Appendix C.

BACKGROUND: The CAO has conducted a review of the structure of the Recreation Department, including the current administrative support for this Department. Based on this review he has restructured some aspects of the department. The restructuring included relocating Recreation staff currently working at Town Hall, including the Director, the Marketing Coordinator and the Active Living Coordinator to the Amherst Stadium to consolidate operations in one area and improve customer service and coordination of effort. With this consolidation it has been determined that the position of Administrative Assistant - Recreation is redundant and it has been eliminated, displacing one employee. Funding has been reallocated to create an additional unionized position - Operator with Refrigeration Class II Provincial Certificate. This position will be filled in accordance with the current collective agreement and Town Policy.

The CAO has advised that this will improve service, improve employee scheduling challenges and address potential issues in complying with provincial regulations regarding the operation of the ice making plant. All aspects of the reorganization have either been implemented or are in progress.

The recommended motion is a housekeeping one to ensure that the Salary Administration Policy accurately reflects the current staffing complement.

FINANCIAL IMPLICATIONS: There are no net cost implications of this reorganization on an ongoing annual basis. Severance costs have been accounted for within the projected surplus for the current fiscal year.

COMMUNITY ENGAGEMENT: There was no community engagement.

ENVIRONMENTAL IMPLICATIONS: There are none

SOCIAL JUSTICE IMPLICATIONS: None anticipated



ATTACHMENTS: Salary Administration Policy

Report prepared by : Kimberlee Jones, Municipal Clerk
Report and Financial approved by: GD Herrett, CPA, CA

DEPARTMENT: ALL DEPARTMENTS

TITLE: **SALARY ADMINISTRATION POLICY**

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

PURPOSE:

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

POLICY STATEMENT:

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

OBJECTIVES:

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

DEFINITION OF TERMS:

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

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

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

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

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

SALARY GRID:

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

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

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

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

Step adjustments shall be made only when:

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

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

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

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

TRAVEL VEHICLE ALLOWANCES:

The Treasurer and Directors of departments shall receive a monthly vehicle allowance of \$150. Mayor and Council shall receive the same monthly vehicle allowance of \$150 effective November 1, 2008.

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

LUNCH BREAKS:

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

PERFORMANCE EVALUATION:

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

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

SCOPE OF RESPONSIBILITY:

The Town Council shall:

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

The Chief Administrative Officer shall:

1. Review and recommend changes to policy and procedures as they relate to the employee compensation program.
2. Ensure the maintenance of the salary rating and performance appraisal procedures.
3. Conduct salary rating and performance evaluation procedures relative to Director positions.
4. Monitor salary surveys and make recommendations to Council concerning market conditions as appropriate. The next overall market review shall be completed by January 31, 2019.
5. Grant step and/or merit adjustments to individual employees in accordance with approved policies and procedures and subject to budgeting limitations.
6. Maintain all personnel files and records.

The Director shall:

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

APPENDIX A

**Town of Amherst
Salary Grid**

April 1, 2017

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

APPENDIX A-1

April 1, 2017

Salary Grid
Other Non-Union Positions

Salary Amounts

Job Level	
Chief of Police	\$ 120,549
Deputy Chief of Police	\$ 111,138

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

Job Level	
Incumbent Town Engineer	\$ 90,098

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

APPENDIX B

April 1, 2017

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

APPENDIX C JOB CATEGORIES

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

Formatted: Strikethrough

**TOWN OF AMHERST
SALARY ADMINISTRATION POLICY**

NUMBER 04530-01

PAGE 8 of 8

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

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

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

Synopsis

Joint Council Committee

Terms of Reference

The Councils of the three municipal units in the region have been meeting informally since early 2017 in an effort to facilitate cooperation and collaboration between and among the units. At a recent meeting a discussion was had about providing a little more structure and ensuring that these meetings were taking place in accordance with the Municipal Government Act. The CAO's were directed to make the necessary refinements to a sample Terms of Reference that had been presented at the meeting.

Motion:

That Council approve the new Policy #10350-90 Joint Council Committee Terms of Reference.



AMHERST TOWN COUNCIL

RFD# 2019013

Date: February 25, 2019

TO: Mayor Kogon and Members of Amherst Town Council

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

DATE: February 25, 2019

SUBJECT: Joint Council Committee Terms of Reference

ORIGIN: Consensus at Meeting of Joint Councils on January 15, 2019 that the CAO's collaborate on refining a proposed Terms of Reference for Joint Council meetings

LEGISLATIVE AUTHORITY: MGA Section 24 confers on Council the authority to establish standing, special and advisory committees.

RECOMMENDATION: That Council approve the Terms of Reference for the Joint Council Committee.

BACKGROUND: The Councils of the three municipal units in the region have been meeting informally since early 2017 in an effort to facilitate cooperation and collaboration between and among the units. At a recent meeting a discussion was had about providing a little more structure and ensuring that these meetings were taking place in accordance with the Municipal Government Act. The CAO's were directed to make the necessary refinements to a sample Terms of Reference that had been presented at the meeting

DISCUSSION: The CAO's have met a couple of times and have collaborated and agreed on the necessary, minor refinements. In the proposed terms of reference attached it is proposed that each of the councils establish the committee as standing committee. There is agreement that decisions can be made by the committee to recommend course of action back to the Councils for final decisions and commitments.

The full terms of reference is attached but the purpose of the committee is to:

- Facilitate communication between and among elected officials and provide a forum for the exchange of information on issues of mutual interest;
- Review studies, plans and proposals related to the approved committee goals and provide comments to staff and recommendations Councils.
- Propose policy changes that would encourage or enable the Committee's approved goals.
- Act as a single forum for presentations or report to both municipalities when appropriate. (example – grants to organizations)

Meetings would be held in accordance with Section 22 of the MGA (public with some exceptions) with all appropriate notice given.



FINANCIAL IMPLICATIONS: There are no negative financial implications. It is entirely possible that initiatives may result from these meeting that ultimately make our respective organizations more efficient.

COMMUNITY ENGAGEMENT: All meetings will be subject to the same public notice and access requirements that meetings of Council are subject to.

SOCIAL JUSTICE IMPLICATIONS: Transparency is increased

ENVIRONMENTAL IMPLICATIONS: None

ALTERNATIVES: Adjustments to the terms of reference or declining approval at all.

ATTACHMENTS: Proposed Terms of Reference for the Joint Council Committee

Report prepared by: Greg Herrett, CPA, CA - CAO

Report and Financial approved by:

DEPARTMENT: Executive

TITLE: **Joint Councils Terms of Reference**

Minutes reference date:

1st Revision date:

Introduction

The Councils of the Municipality of the County of Cumberland (“the County”), the Town of Oxford (“Oxford”) and the Town of Amherst (“Amherst”) wish to establish a committee through which issues of mutual interest may be discussed at the council level. To this end, the Joint Council Committee has been established as a standing committee of each of the Councils.

1. Goals

To assist the Councils in an effort to:

- Identify opportunities for and encourage coordination, cooperation or sharing of services and/or programs between the municipal units.
- Promote the Cumberland region as a vibrant and healthy community that is a great place to live, work and play.

2. Purpose

The purpose of Committee is to:

- Facilitate communication between and among elected officials and provide a forum for the exchange of information on issues of mutual interest;
- Review studies, plans and proposals related to the approved committee goals and provide comments to staff and recommendations Councils.
- Propose policy changes that would encourage or enable the Committee’s approved goals.
- Act as a single forum for presentations or report to both municipalities when appropriate. (example – grants to organizations)

4. Membership

- All elected members of the Councils of all three units are voting members of this committee.
- The CAO’s are non-voting members of the Committee.
- The Warden and Mayors shall act as the chair on a rotating basis.
- The Municipal Advisor who has been appointed by the Department of Municipal Affairs for the region shall be an ex-officio member

6. Meetings

DEPARTMENT: Executive

TITLE: **Joint Councils Terms of Reference**

Minutes reference date:

1st Revision date:

-
- The Committee will meet on the first Tuesday of February, May, September, and December of each year.
 - Together, the Warden and Mayors may convene additional meetings as deemed necessary in consultation with the CAO's.
 - A quorum will consist of fifteen voting members including at least two voting members of each Council.
 - Meeting location and coordination shall rotate among the three municipal units.
 - Minutes shall be kept and the municipality coordinating the meeting will provide administrative support.
 - Agenda items will be compiled by the hosting Municipal Clerk or CAO. Any agenda items must be forwarded to staff at least two weeks in advance of meetings.
 - Agendas and staff reports shall be made available to the Committee on the Friday immediately preceding the scheduled meeting. Agendas and staff reports shall also be posted to the Amherst website prior to the meeting. The County and Oxford shall post a link to the agenda on their respective websites.
 - No additions to the agenda will be permitted at the beginning of a meeting unless unanimously accepted.

7. Role and Responsibility of Staff

Staff representatives from the County, Oxford and Amherst shall provide administrative and research support to the Committee. This includes, but is not limited to the preparation and distribution of agendas and staff reports. Staff of each municipal unit will maintain a copy of all official records pertaining to the committee within their organization in accordance with their records management policy.

8. Reporting and Communication

Meetings of the Committee shall take place in accordance with Section 22 of the Municipal Government Act.

A meeting report including the meeting agenda, draft minutes and any forthcoming recommendations shall be presented to all councils at their next regular meeting.

Approved motions of the committee shall constitute recommendations to each of the Councils of the County, Oxford and Amherst.

9. Conflict of Interest

DEPARTMENT: Executive

TITLE: **Joint Councils Terms of Reference**

Minutes reference date:

1st Revision date:

Members shall declare possible conflicts of interest before agenda items are presented and leave the meeting or part of the meeting during which the matter is under consideration.

10. Amendments

The Committee may recommend amendments to these terms of reference to each of the participating councils. Any amendments must be approved by all three Councils to be effective.

Synopsis

April / May Meeting Dates

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.

As there are 5 Monday's in April, staff are requesting that the regularly scheduled Committee of the Whole and Council meetings scheduled for Monday, April 15 and Monday, April 22 be rescheduled to Tuesday, April 23 and Monday, April 29.

The regular May Committee of the Whole meeting is scheduled for Monday, May 20. As this is a holiday staff are requesting this meeting be rescheduled to Tuesday, May 21.

Motion:

That due to Good Friday and Easter Monday, and the fact that there are five Mondays in April, that the regular Committee of the Whole meeting scheduled for Monday, April 15, 2019 be changed to Tuesday, April 23, 2019, and that the regular Council meeting scheduled for Monday, April 22, 2019 be changed to Monday, April 29, 2019, and further that due to the Victoria Day holiday in May, that the regular Committee of the Whole meeting scheduled for Monday, May 20, 2019 be changed to Tuesday, May 21, 2019.



AMHERST TOWN COUNCIL

RFD# 2019015

Date: February 25, 2019

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Kimberlee Jones, Municipal Clerk

DATE: February 25, 2019

SUBJECT: April / May Meeting Dates

ORIGIN: Request to change meeting dates

LEGISLATIVE AUTHORITY: Proceedings of Council Policy 10350-24, "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 due to Good Friday and Easter Monday, and the fact that there are five Mondays in April, that the regular Committee of the Whole meeting scheduled for Monday, April 15, 2019 be changed to Tuesday, April 23, 2019, and that the regular Council meeting scheduled for Monday, April 22, 2019 be changed to Monday, April 29, 2019, and further that due to the Victoria Day holiday in May, that the regular Committee of the Whole meeting scheduled for Monday, May 20, 2019 be changed to Tuesday, May 21, 2019.

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, staff are requesting that the regularly scheduled Committee of the Whole and Council meetings scheduled for April 15 and April 22 be rescheduled to Tuesday, April 23 and Monday, April 29. The regular May Committee of the Whole meeting is scheduled for Monday, May 20. As this is a holiday staff are requesting this meeting be rescheduled to Tuesday, May 21.

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.

SOCIAL JUSTICE IMPLICATIONS: No social justice implications.

ALTERNATIVES:

1. Keep the April Committee of the Whole meeting date of Monday, April 15, and reschedule Council from Monday, April 22 to Tuesday, April 23 due to Easter Monday;
2. Pick alternate dates for the April meetings;
3. Pick an alternate date for the May Committee of the Whole meeting date.



ATTACHMENTS: N/A

Report prepared by: Natalie LeBlanc, Deputy Clerk

Report and Financial approved by:



Royal Canadian Mounted Police Gendarmerie royale du Canada

Commanding Officer Commandant divisionnaire

80 Garland Avenue
Dartmouth NS B3B 0J8

February 7, 2019

David Kogon, Mayor
Town of Amherst
98 Victoria Street East
PO Box 516
Amherst NS B4H 4A1

Dear Mr. Kogon:

Re: Update regarding RCMP Operational Communications Centre in Truro

In 2016, you were contacted by the Nova Scotia RCMP as part of a Feasibility Study being undertaken with respect to the Operational Communications Centre (OCC) in Truro. The study examined and made recommendations about the future of the OCC.

The in-depth study was completed in 2017 and examined the following six options: remain at the current OCC building without undertaking significant infrastructure changes, renovate the existing OCC, construct a new building in Truro, relocate to leased space within the Truro area, relocate to "H" Division Headquarters or relocate to the Power Centre on Millbrook First Nation. Following a comprehensive analysis of all the options, the RCMP in Nova Scotia has made a decision to relocate the Truro OCC to the RCMP Headquarters in Dartmouth.

This afternoon I shared the decision with employees. During the meeting employees were assured there would be no impact on jobs as a result of the transition to the new work location. As a partner/stakeholder of the RCMP, I assure you there will be no impact on police response times or operations with the move of the Operational Communications Centre to Dartmouth in February 2021.

I want to thank you for the feedback and input provided to Insp. Chris MacNaughton (ret'd) during her outreach in 2016. The information gathered was reviewed in detail and assisted the RCMP in our analysis of the way forward for the Centre.

Should you have questions please contact the OCC Project Manager, Amanda Feener at 902-720-5362.

Regards,

A Commr. Lee Bergeman
Commanding Officer "H" Division
Royal Canadian Mounted Police, Nova Scotia



February 25, 2019

A/Commr. Lee Bergerman
Commanding Officer "H" Division
Royal Canadian Mounted Police, Nova Scotia
80 Garland Avenue
Dartmouth, NS B3B 0J8

Dear Sir:

Re: RCMP Operational Communications Centre in Truro

I wish to thank you for your letter of February 7, 2019 regarding the move of the Operational Communications Centre (OCC) in Truro.

I do, with respect, want to bring to your attention several concerns we here in Amherst have with this decision.

Being involved with our regional emergency management organization here, I am acutely aware of how vitally important communication capability is. I am aware of two key points that have to be addressed when locating communication centres. Firstly, centres should never be placed near or in any hazardous areas and secondly, multiple centres should be sufficiently distanced from one another so that they will not be impacted by any single event that might damage or destroy a centre.

In this specific case, the two policing call centres, one for the Halifax Regional Police Force and the second for your RCMP will now be in close proximity. They will now both be in close proximity to the ammunition depot in Dartmouth as well as the navy base which can harbour nuclear powered vessels. This most certainly constitutes a potentially hazardous environment. The primary concern then, is in regard to the safety of Nova Scotians living anywhere in the province should both police call centres become incapacitated simultaneously.

Of secondary importance is that this is another example of centralizing resources in the Halifax region and taking economic opportunities away from more distant areas of the province. This further burdens rural Nova Scotia economically. Your letter states the move will not have an impact on jobs however my reading says differently.



Our local federal representative, Mr. Bill Casey, MP, has been extremely vocal about this issue and we here in Amherst completely agree with Mr. Casey's position on the matter.

I am most certain I have not told you anything of which you are unaware but do wish to say, with utmost respect, that I/we disagree with the decision to move the OCC from Truro to Dartmouth. It is hoped that this decision could be reconsidered going forward.

I sincerely thank you for your time and attention to this very important issue.

Best Regards,

David Kogon, MD
Mayor
Town of Amherst



Internal Committee Report

Planning Advisory Committee

February 2019

The Planning Advisory Committee met on January 14, 2019 with regards to two properties, 59 Church Street and 2 Industrial Park Drive. The Dangerous and Unsightly Premises Administrator recommended demolition in both cases. The Committee met again on January 18, 2019 at which time motions were passed to have both properties demolished. An appeal was received from the property owner of 59 Church Street, and Council held an appeal hearing held on February 20. An appeal for a demolition order issued late last year for 196 East Victoria Street was also received, with this appeal hearing also taking place before Council on February 20.

The Planning Advisory Committee also met on February 19, 2019 to discuss 1 Spring Street. The Dangerous and Unsightly Premises Administrator also recommended demolition of this property. The Committee met again on February 20 at which time a motion was passed ordering this property be demolished.

The next meeting of the Planning Advisory Committee is scheduled for March 4, 2019.

Internal Committee Report

Amherst Youth Town Council

February 2019

In the last month, AYTC has been working with the Amherst Police Department to discuss a new smoking bylaw that covers tobacco products, marijuana, and electronic vapes/ cigarettes.

We volunteered our time at the Valentines' Day Run where we had many first-time runners as well as high numbers of youth involved in the fun. AYTC will again be sitting on the Cumberland Pride Board and helping to create safer spaces for LGBTQ+ persons living in Cumberland County. We as a Committee applied for a Community Health Board grant and have been awarded \$1, 250; we will be putting this money towards supporting a Mental Health Awareness Week held sometime during late spring and we will have more details around this in the coming months.

AYTC has also been looking into how we can make the town a more accessible place for youth, and one idea we have come up with is implementing reflective crosswalk flags for children outside of school zones crossing busy intersections, elderly or disabled adults with slower walking speeds, or pedestrians crossing streets after dark. Along with the crosswalk flags we have also overheard and received many complaints about the number of crosswalks removed from the town, youth are finding this discouraging from walking to and from school or running in the morning or after school. We are hearing that this is viewed as a safety hazard and makes youth feel very unsafe when crossing, some having almost been involved in accidents because of this. The opinions we are getting from this is most would like to see crosswalks brought back to busier or popular intersections.

AYTC has accomplished a lot in this last month, we are all looking forward to our future endeavors with the Town and are hopeful that we will be making Amherst a better place for youth to grow and prosper.

Internal Committee Report

Audit Committee Report

February 2019

There was a public meeting of the Audit Committee on February 21, 2019 at 4pm.

During the meeting the following items were discussed:

1. Third Quarter Report (a copy is attached)
2. Year End Projections
3. Capital Year-to-Date

The Audit Committee also discussed proposed Financial Condition Indicators and staff provided an update on the items highlighted during the audit last year.

In addition, the Audit Committee recommended that Council appoint Jorgensen & Bickerton as the Municipal Auditor for the 2018/19 fiscal year. A Request For Decision is included in the Council package.



THIRD QUARTER FINANCIAL REPORT

FOR THE PERIOD ENDED DECEMBER 31, 2018 (UNAUDITED)

Town of Amherst



INTRODUCTION

Quarterly financial reporting is being prepared by the Town of Amherst as a means of providing the community, council and the organization with a regular overview of financial and statistical information. Quarterly financial reporting is a strategic priority identified by council.

The primary information provided in the quarterly report is a comparison of the year to date budget amounts to actual revenues and expenditures for operating departments. All financial information is based on preliminary, unaudited information reported from the municipal finance system as of the report date. Seasonal variations in municipal operations may affect the proportion of revenues achieved or expenditures incurred to date.

This quarterly report provides information in six parts:

Organizational Structure, page 3

- ✔ Hierarchy with departmental responsibilities.

Commentary, page 4

- ✔ Charts and comments.

Schedules of Operations, pages 5-7

- ✔ Schedule of Operations – General Operating Fund – Revenues & Expenditures.
- ✔ Schedule of Operations – General Operating Fund – Departmental, Appropriations & Mandatory Expenditures.
- ✔ Schedule of Operations – Water Operating Fund – Revenues & Expenditures.

Statement of Financial Position, page 8

- ✔ Consolidated Statement of Financial Position.

Capital Budget, pages 9-12

- ✔ 2018/19 Capital budget with actual and committed costs.

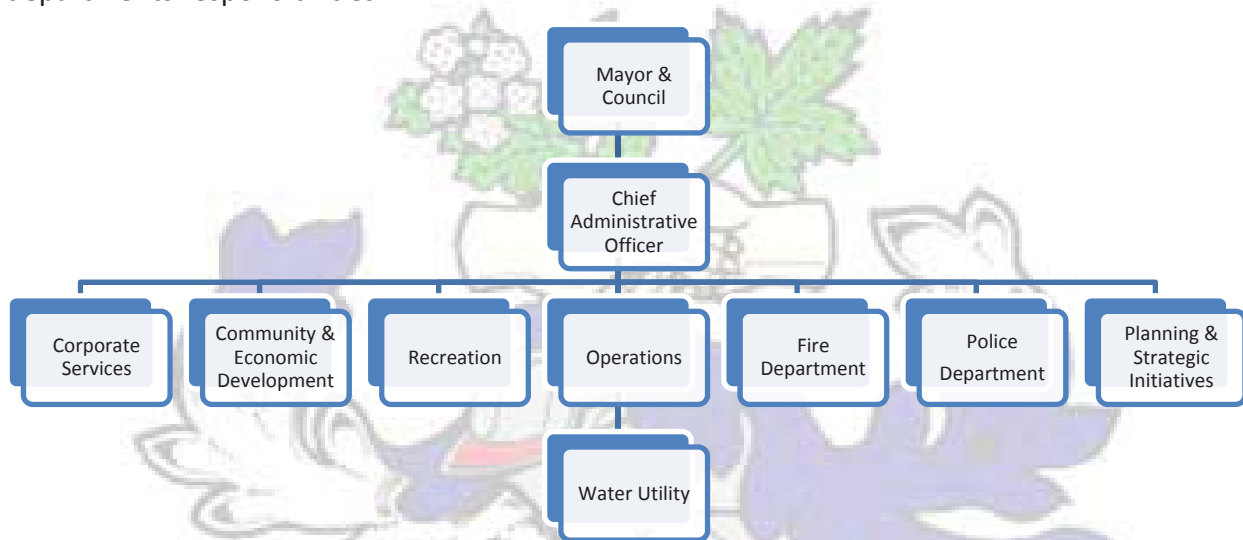
Rates, pages 13-16

- ✔ Tax rates
- ✔ Uniform charges
- ✔ Sewer rates
- ✔ Water Utility rates
- ✔ Deed transfer tax

Quarterly financial reporting follows the fiscal year of the municipality which is April 1 through March 31.

ORGANIZATIONAL STRUCTURE

Below is the organizational structure of the Town of Amherst with a brief description of each departments responsibilities.



Corporate Services

- ✔ Finance
- ✔ Fiscal Planning
- ✔ Tax & Water/Sewer Billing
- ✔ Collections
- ✔ Procurement
- ✔ Information Services

Community & Economic Development

- ✔ Investment Attraction
- ✔ Business Retention Expansion

Recreation

- ✔ Stadium
- ✔ Parks / Playgrounds
- ✔ Wellness
- ✔ Programming
- ✔ Robbs
- ✔ Community Events
- ✔ Tourism

Operations

- ✔ Inspections / Permits
- ✔ Solid Waste
- ✔ Engineering
- ✔ Public Works
- ✔ Sewer
- ✔ Water

Fire Department

- ✔ Fire Rescue
- ✔ Hazmat

Police Department

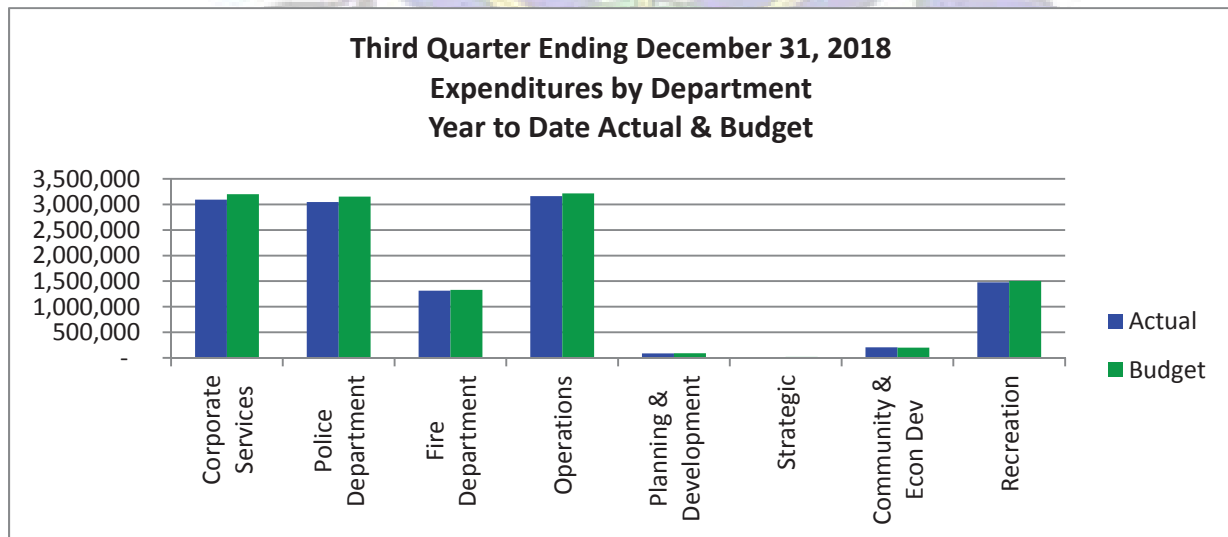
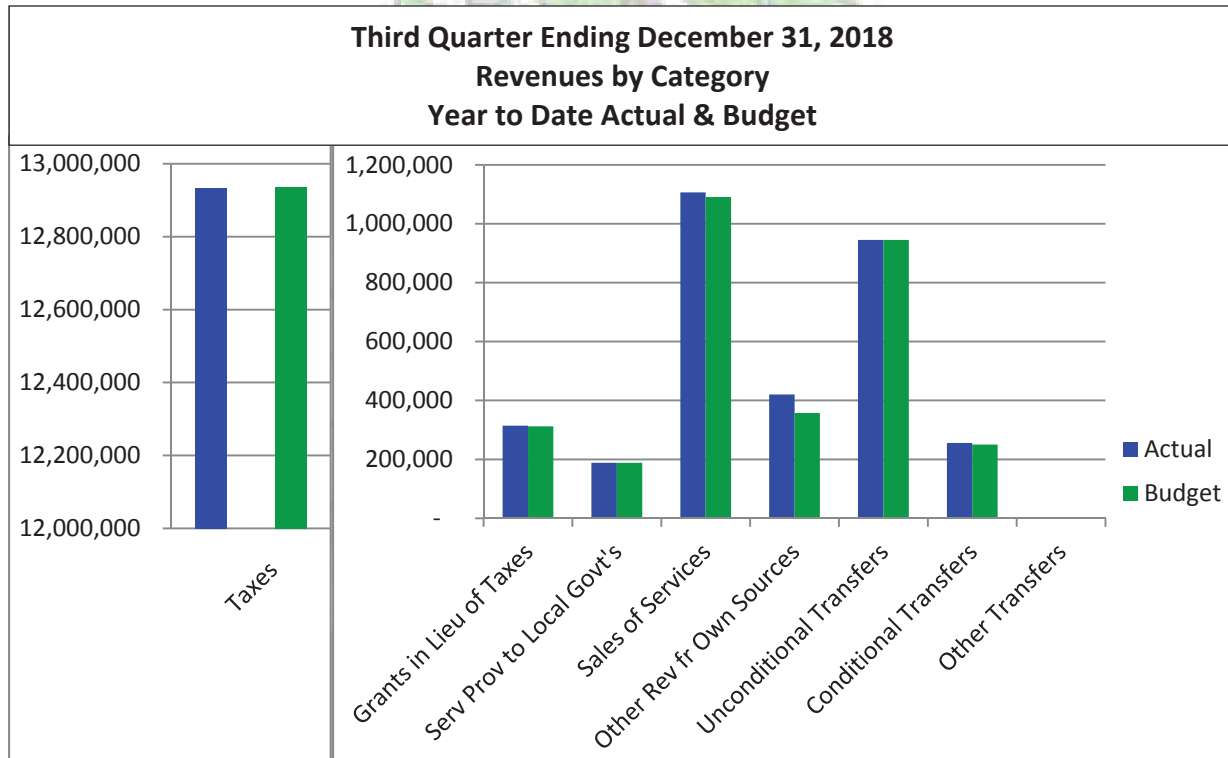
- ✔ Crime
- ✔ Major Crime
- ✔ Street Crime
- ✔ Crime Prevention
- ✔ Community Partnerships

Planning & Strategic Initiatives

- ✔ Planning / Development
- ✔ Strategic Initiatives / Projects

COMMENTARY

Nine months into the 2018/19 fiscal year the general operating fund has a surplus of \$401,771 compared to budget. The Town’s operating revenues are \$16,165,263 compared to the budgeted amount of \$16,079,246. The Town’s expenditures at the end of the third quarter are \$12,397,478 compared to the budgeted amount of \$12,713,232.



SCHEDULE OF OPERATIONS

Town of Amherst
Schedule of Operations - General Operating Fund
For the Nine Months Ended December 31, 2018

	2017/18 Actual	2018/19 Actual	2018/19 Budget	2018/19 Variance
Revenues				
Taxes	\$ 12,866,235	\$ 12,934,854	\$ 12,935,567	-\$ 713
Grants in Lieu of Taxes	320,015	314,628	311,991	2,637
Services Provided to Other Local	186,323	188,379	188,208	171
Sales of Services	1,070,206	1,106,589	1,090,641	15,948
Other Revenue from Own Sources	378,535	420,060	357,552	62,508
Unconditional Transfers	945,288	945,288	945,287	1
Conditional Transfers	230,792	255,465	250,000	5,465
Other Transfers	26,400	-	-	-
Total Revenues	16,023,794	16,165,263	16,079,246	86,017
Expenditures				
Wages & Benefits	5,916,888	6,107,725	6,269,172	- 161,447
Adminstrative Costs	425,657	571,710	593,324	- 21,614
Building & Facility Costs	621,836	657,913	661,271	- 3,358
Vehicle & Equipment Costs	286,432	266,812	271,638	- 4,826
Materials & Supplies	234,533	348,802	352,799	- 3,997
Grants to Organizations	58,550	160,129	158,782	1,347
Other Municipal Costs	896,995	866,629	836,000	30,629
Fiscal Services	3,092,985	2,892,002	2,955,611	- 63,609
Fire Protection Charge	479,493	503,893	512,432	- 8,539
Tax Exemptions	99,454	115,971	114,611	1,360
Cost Recovery	- 156,302	- 94,108	- 12,408	- 81,700
Total Expenditures	11,956,521	12,397,478	12,713,232	- 315,754
Surplus	4,067,273	\$ 3,767,785	\$ 3,366,014	\$ 401,771

SCHEDULE OF OPERATIONS (cont'd)

Town of Amherst
Schedule of Operations - General Operating Fund
Departmental, Appropriations and Mandatory Expenditures
For the Nine Months Ended December 31, 2018

	2017/18 Actual	2018/19 Actual	2018/19 Budget	2018/19 Variance
Departmental Expenditures				
Corporate	\$ 1,293,451	\$ 1,497,935	\$ 1,584,430	-\$ 86,495
Police	3,130,242	3,045,042	3,152,173	- 107,131
Economic Development	149,011	206,055	201,532	4,523
Recreation	1,373,000	1,475,387	1,503,726	- 28,339
Fire	1,234,874	1,313,273	1,329,696	- 16,423
Operations	1,602,441	1,808,975	1,869,383	- 60,408
Solid Waste	409,144	400,816	388,134	12,682
Sewage	910,297	951,589	958,732	- 7,143
Planning & Development	107,091	87,092	90,139	- 3,047
Strategic	140	15,430	19,780	- 4,350
Total Departmental Expenditures	10,209,691	10,801,594	11,097,725	- 296,131
Appropriations				
Appropriation Capital Reserve	-	-	-	-
Appropriation Operating Reserve	52,691	-	-	-
Appropriation General Capital	65,357	-	-	-
Total Appropriations	118,048	-	-	-
Mandatory Expenditures				
Assessment Services	116,575	117,012	117,158	- 146
Corrections	86,361	85,524	86,793	- 1,269
Housing	238,071	192,793	211,000	- 18,207
Education	1,187,775	1,200,555	1,200,556	- 1
Total Mandatory Expenditures	1,628,782	1,595,884	1,615,507	- 19,623
Grand Total Expenditures	\$ 11,956,521	\$ 12,397,478	\$ 12,713,232	-\$ 315,754

SCHEDULE OF OPERATIONS (cont'd)

Compared to budget, the Water Operating Fund is showing a surplus of \$45,819 at the end of the third quarter. Revenues are over budget by \$13,884 and expenditures are under budget by \$31,935.

Town of Amherst
Schedule of Operations - Water Operating Fund
For the Nine Months Ended December 31, 2018

	2017/18 Actual	2018/19 Actual	2018/19 Budget	2018/19 Variance
Revenues				
Sale of Services	\$ 6,010	\$ 3,517	\$ 2,890	\$ 627
Interest on o/s Water A/R	5,922	4,702	4,300	402
Misc Rev & Inc fr Other Non Utility	1,220	1,025	1,250	-
Metered Sales	838,994	905,645	901,296	4,349
Flat Rate Sales	113,545	120,360	120,360	-
Bulk Water Sales	10,675	8,700	3,370	5,330
Fire Protection	562,089	600,279	600,278	1
Private Hydrants	10,250	14,750	11,500	3,250
Sprinkler Service	13,900	15,150	15,000	150
Total Revenues	1,562,605	1,674,128	1,660,244	13,884
Expenditures				
Wages & Benefits	491,995	514,010	520,709	-
Adminstrative Costs	53,438	55,947	58,937	-
Building & Facility Costs	145,369	167,258	161,277	5,981
Vehicle & Equipment Costs	45,555	44,601	49,675	-
Materials & Supplies	150,737	140,984	146,909	-
Other Municipal Costs	127,648	153,359	163,418	-
Fiscal Services	87,706	83,154	90,323	-
Cost Recovery	-	-	-	-
Total Expenditures	1,102,448	1,159,313	1,191,248	- 31,935
Surplus	\$ 460,157	\$ 514,815	\$ 468,996	\$ 45,819

STATEMENT OF FINANCIAL POSITION

Town of Amherst
Consolidated Statement of Financial Position
As at December 31, 2018

	As at December 31, 2018	As at December 31, 2017
Financial Assets		
Cash and cash equivalents	\$ 7,192,719	\$ 3,788,591
Receivables	1,545,962	2,015,768
	<u>8,738,681</u>	<u>5,804,359</u>
Liabilities		
Accounts payable and accrued liabilities	1,569,314	2,375,410
Deferred revenue	4,072,668	267,852
Long term debt	9,702,567	9,643,949
	<u>15,344,549</u>	<u>12,287,211</u>
Net assets (debt)	- 6,605,868	- 6,482,852
Non-financial assets		
Prepaid expenses	8,113	2,716
Inventories of supplies	107,767	131,128
Capital assets (net of accumulated amortization)	57,813,102	54,673,999
Capital work in progress	7,759,209	8,426,775
	<u>65,688,192</u>	<u>63,234,618</u>
Accumulated surplus	<u>\$ 59,082,323</u>	<u>\$ 56,751,766</u>

Note: The Consolidated Statement of Financial Position does not include Cumberland Joint Services Management Authority.

CAPITAL BUDGET

Town of Amherst Capital Budget - 2018/19 Projects	Total Actual Committed & WIP Costs at Dec 31/18	2018/19 Budget
---	--	-------------------

WATER		
Water Reservoir Replacement (CWWF project) <i>(carry over)</i>	907,277	915,876
Willow Street ~ Spring to East Pleasant watermain replacement - including portion of paving & culvert <i>(extension of CWWF project)</i>	1,621,228	1,797,332
East Pleasant Street - Church to Central watermain replacement	300,367	300,000
New service truck	-	43,750
Land Purchase within wellfield protected area	-	55,000
Fire Hydrant Replacement	-	12,500
Water Meter Replacement	-	12,500
WATER TOTAL	2,828,872	3,136,958

GENERAL CAPITAL		
TRANSPORTATION & PUBLIC WORKS		
EQUIPMENT		
Via Rail Station ~ new furnace <i>(carry over)</i>	-	7,000
Truck Mounted Line Striping System (centreline painter)	73,450	75,000
Subtotal	73,450	82,000
BUILDINGS / LAND		
Library Heating Issues <i>(carry over)</i>	-	100,000
Net Zero Energy - recommendation from feasibility study <i>(carry over)</i>	-	50,000
Video live stream of Council Meetings <i>(carry over)</i>	9,550	25,000
Highway Signs (Economic Development)	12,558	15,000
Subtotal	22,108	190,000
LARGE MULTI - CATEGORY PROJECTS		
East Pleasant ~ Church to Central - street reconstruction, sanitary sewer, storm sewer, curb	559,390	505,000
Willow Street ~ Spring to High School (P) (add'l \$100k in CWWF project) \$110,000 & curb, sidewalk & Dickey Brook Culvert (add'l \$150k in CWWF project) \$200,000 & sanitary sewer North of Walter Purdy to High School) \$225,000	522,614	535,000
Subtotal	1,082,003	1,040,000

CAPITAL BUDGET (cont'd)

Town of Amherst Capital Budget - 2018/19 Projects	Total Actual Committed & WIP Costs at Dec 31/18	2018/19 Budget
STREETS		
Church Street micro seal (<i>carry over</i>)	48,402	50,000
Derby Street - pave gravel section at bottom and curb	65,283	90,000
Tantramar (Overlay)	108,228	100,000
Subtotal	221,913	240,000
<i>RC = Reconstruction and paving; CM = Cold mill and Paving; P = Pulverize and paving; O = Asphalt Overlay</i>		
SIDEWALKS		
Victoria Street West (Arlington to Hickman) - replace with concrete sidewalk	29,415	100,000
Robert Angus Drive - Church to Willow - Gravel Trail (<i>Active Transportation Plan</i>)	7,342	62,500
Willow Street - Robert Angus Drive to East Pleasant - Gravel Trail (<i>Active Transportation Plan</i>)	8,918	62,500
South Albion Street - Robert Angus Drive to Canadian Tire - Off Street Asphalt Trail (<i>Active Transportation Plan</i>)	102,909	100,000
Subtotal	148,584	325,000
SANITARY SEWER		
Racetrack Road - Pump Station Upgrades (Surcharge Tank)	-	50,000
FIRE DEPARTMENT		
Replacement of structural firefighting bunker gear (6-10 sets)	-	20,000
Replacement - Self Contained Breathing Apparatus (SCBA) (Qty 6-9)	-	72,000
Replacement - Breathing Air cylinders	-	10,000
Fire extinguisher / Fire simulation trainer	-	46,000
New Truck - replace unit # 101	44,186	50,000
New Truck - replace unit # 7 - Heavy duty truck (5 passenger)	65,744	80,000
Fire Station Bldg Repairs - Repair floor and wall finishes in south entrance	-	7,000
Fire Station Bldg Repairs - Replace the two main exterior entrances	-	18,000
Subtotal	109,930	303,000

CAPITAL BUDGET (cont'd)

Town of Amherst Capital Budget - 2018/19 Projects	Total Actual Committed & WIP Costs at Dec 31/18	2018/19 Budget
POLICE DEPARTMENT		
Vehicle - Patrol Car 3 <i>(carry over)</i>	38,694	45,000
Radio Console - Dispatch <i>(carry over)</i>	-	50,000
Cell Blocks - Acoustic Panels and Mics	-	12,000
Body Armour - 17 Units	-	35,000
Patrol Vehicle # 5 SUV 4X4	-	75,000
Patrol Vehicle # 1	34,029	49,000
Subtotal	72,723	266,000
RECREATION		
CARRY OVERS		
Park/Decorative Land Development - Four Fathers monument (100 Victoria - beside Town hall) <i>(carry over)</i>	18,889	25,000
Robb's Fencing <i>(carry over)</i>	20,000	20,000
Dickey Park - Field Development - Goal Posts & Nets <i>(carry over)</i>	-	47,203
Subtotal	38,889	92,203
STADIUM		
Stadium Sound System - replace speakers <i>(carry over \$25,000 + \$65,000 NEW = \$90,000)</i>	89,875	90,000
Stadium - Ice Plant Reconditioning	14,750	30,000
Stadium Rink Boards	28,047	25,000
Stadium - Wifi Upgrade	36,849	22,000
Stadium - Dehumidifiers	47,826	55,000
Subtotal	217,347	222,000
PARKS		
West Highland (Lions) Park Development - phase 2 washrooms, etc	-	12,500
Christie Park - repairing bricks & steps	-	15,000
Subtotal	-	27,500

CAPITAL BUDGET (cont'd)

Town of Amherst Capital Budget - 2018/19 Projects	Total Actual Committed & WIP Costs at Dec 31/18	2018/19 Budget
RECREATION (cont'd)		
OTHER		
Dog Park (<i>carry over \$25,000 + \$10,000 NEW = \$35,000</i>)	35,408	35,000
Murals - restoration/repair	-	10,000
Subtotal	<u>35,408</u>	<u>45,000</u>
ROBBS		
Robb's - New Roof	2,608	24,000
Robb's Lighting	-	10,000
Subtotal	<u>2,608</u>	<u>34,000</u>
FIXTURES		
Decorative Lighting	-	<u>30,000</u>
VEHICLES/EQUIPMENT		
New Tractor - to replace 2004 Kubota Tractor	-	35,000
Commercial overseeder / aerator	6,342	7,000
Subtotal	<u>6,342</u>	<u>42,000</u>
Recreation Total	<u>300,594</u>	<u>492,703</u>
GENERAL TOTAL	<u>2,031,306</u>	<u>2,988,703</u>
GRAND TOTAL WATER & GENERAL	<u>4,860,178</u>	<u>6,125,661</u>

RATES

Tax & Area Rates

Tax rates are established annually for residential, commercial and resource properties. Tax bills are issued bi-annually. The interim billing is 50% of the total prior year's bill and was due May 31, 2018. The final billing takes into consideration the accounts new assessment, the current year tax rate and uniform charges then deducting the interim billing. The final bill was due September 28, 2018.

The Town of Amherst has two area rates on all property tax assessments; Mandatory Provincial Contributions and Community Support. In 2018/19 the Town reduced the Mandatory Provincial Contribution Area Rate by two cents and increased the general tax rate by two cents for residential and commercial. The Community Support Area Rate also increased by a half of one cent. The net effect of the rate changes for 2018/19 is an increase of a half of one cent for both residential and commercial.

Mandatory Provincial Contributions Area Rate includes:

- { Education
 - { The Town is required to provide funding to the Chignecto Central Regional School Board under the Education Act. This mandatory education contribution is set by the Province of Nova Scotia and is based on the Town's share of the Uniform Assessment.
- { Property Valuation Services Corporation (Assessment)
 - { The Town is required to provide funding to pay a share of the cost of operating the provincial assessment system. The Town pays a portion of the total Property Valuation Services Corporation costs, based on the Town's share of the Uniform Assessment and the Town's share of assessment accounts across the province.
- { Correction Services
 - { The Town is required to make a mandatory contribution to the province to fund the cost of correctional services. The contribution is set by the Province of Nova Scotia and is based on the Town's share of the Uniform Assessment and the Town's share of dwelling units across the province.
- { Housing
 - { The Cobequid Housing Authority administers and manages public non-profit housing for seniors and families on low incomes within the Town. The Town is required to fund a portion of the prior year deficit of the Cobequid Housing Authority annually.

Community Support Area Rate includes support to the following organizations/events:

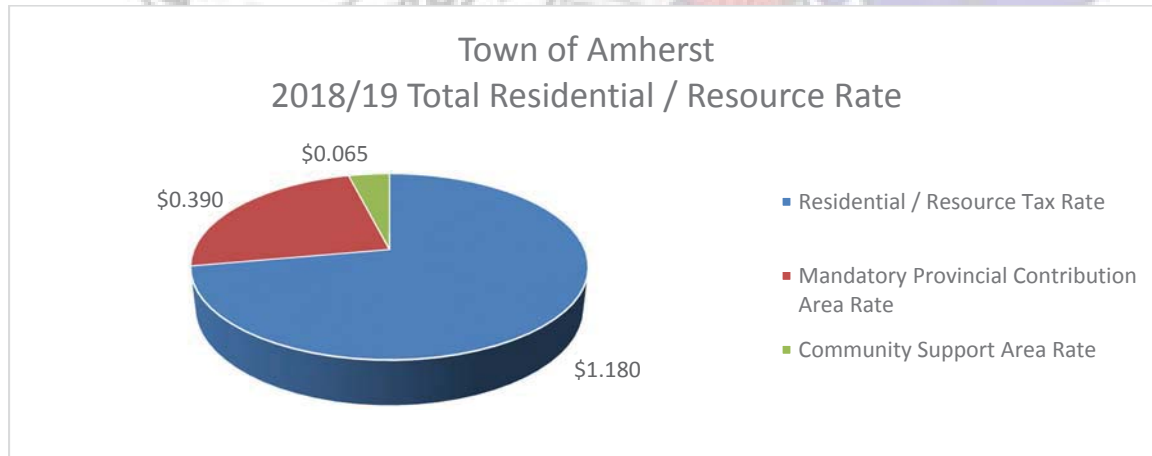
- | | |
|--|---|
| { Grants to Organizations | { Community Events |
| { Tax Exemption By Law | { Cumberland YMCA |
| { Tax Reduction Policy | |

RATES (cont'd)

All tax and area rates are per \$100 of Assessment. The rates are as follows:

Residential / Resource	<u>2017/18</u>	<u>2018/19</u>
✔ Residential / Resource Tax Rate	\$1.16	\$1.180
✔ Mandatory Provincial Contributions Area Rate	\$0.41	\$0.390
✔ Community Support Area Rate	<u>\$0.06</u>	<u>\$0.065</u>
✔ Total Residential / Resource Rate	\$1.63	\$1.635
Commercial	<u>2017/18</u>	<u>2018/19</u>
✔ Commercial Tax Rate	\$3.96	\$3.980
✔ Mandatory Provincial Contributions Area Rate	\$0.41	\$0.390
✔ Community Support Area Rate	<u>\$0.06</u>	<u>\$0.065</u>
✔ Total Commercial Rate	\$4.43	\$4.435

Below is a graphic representation of the total residential / resource rate of \$1.635:



Deed Transfer Tax

When land/property is sold a Deed Transfer Tax (DTT) may be applicable. The Deed Transfer Tax rate is set by the Town and the DTT payable is calculated based on the sale price of the property. Deed Transfer Tax is collected on behalf of the Town through the Land Registration Office when the deed is registered/recorded.

- ✔ For the 2018/19 fiscal year the deed transfer tax will increased from 1.0% to 1.25% effective July 1, 2018.

RATES (cont'd)

Uniform Charges

Solid Waste Management Uniform Charge

- ℓ This uniform charge is levied on each dwelling unit within the boundaries of the Town of Amherst in residential premises with less than four such dwelling units.
- ℓ The uniform charge for 2018/19 to be levied is \$175 (2017/18 - \$160).

Wastewater Treatment Facility Uniform Charge

- ℓ As of April 1, 2015 the Town has removed the uniform charge for the Wastewater Treatment Facility for all assessments with the exception of unmetered mobile homes within a land leased community and replaced it with a base charge on the quarterly sewer bill.
- ℓ The uniform charge for unmetered mobile homes within a land leased community for 2018/19 to be levied is \$72 (2017/18 - \$72).

Sewer Rates

Effective April 1, 2015 there was a sewer base charge added to the metered quarterly bills. This new base charge was implemented because of the removal of the uniform charge for the wastewater treatment facility. Sewer services in the Town of Amherst are billed through one of the following methods:

- ℓ Sewer Metered – consumption volume is determined by the Amherst Water Utility

Sewer Consumption Rate (per cubic meter)

- ℓ Residential - \$0.99 per cubic meter of metered water consumption
- ℓ Commercial - \$0.49 per cubic meter of metered water consumption

Sewer Base Charges (Quarterly)

ℓ Size of Meter	
ℓ 5/8"	\$ 18.00
ℓ ¾"	\$ 27.00
ℓ 1"	\$ 43.75
ℓ 1.5"	\$ 86.00
ℓ 2"	\$ 136.25
ℓ 3"	\$ 271.25
ℓ 4"	\$ 500.00

- ℓ Sewer Non-Metered Customers

- ℓ For non-metered customers in unmetered mobile home parks, the park owner shall pay \$178.53 per dwelling unit per annum.

RATES (cont'd)

Water Utility Rates

The Town of Amherst Water Utility is regulated by the Nova Scotia Utility and Review Board (NSUARB). The most recent water rate study was approved by the NSUARB on June 9, 2017. In accordance with the NSUARB Order for the 2018/19 fiscal year, the rates are as follows:

Water Base Charges (Quarterly)

☞ Un Metered \$ 80.24

☞ Size of Meter

☞ 5/8" \$ 30.74

☞ 3/4" \$ 44.78

☞ 1" \$ 72.86

☞ 1.5" \$ 143.06

☞ 2" \$ 227.29

☞ 3" \$ 451.91

☞ 4" \$ 704.62

☞ 6" \$1,406.57

☞ 8" \$2,529.69

Water Consumption Rate (per cubic meter)

☞ \$0.728 per cubic meter

The Town of Amherst bills water and sewer together quarterly. The fiscal year quarters are April to June, July to September, October to December and January to March.

External Committee Report

Cumberland Public Libraries

February 2019

The Board met on February 7, 2019.

2019/20 Financials

Ms. Corey presented the Board with the preliminary budget 2019-20. Budget will include the third “one-time” grant of \$52,667 from the Provincial government, and 2.2% cost of living increase for staff to compensate for 5% increase in minimum wage, effective April 1, 2019.

Provincial Representatives

Chair Dale Fawthrop was re-appointed to the Board and Amanda Leigh MacLeod was appointed by the Province for a three year term

Proposed Provincial Funding Formula

The Board discussed the proposed Provincial Funding Formula for 2020-2021.

April Public Meeting

The Board will hold its Annual Public Meeting on April 25, 2019 at the Four Fathers Library.

Statistics

In the month of December, Cumberland Public Libraries signed out over 7,624 items, over 2,800 items in Amherst alone. This includes books, movies, TV shows, magazines and more.

Also in December, the Four Fathers Library held 13 programs for children and adults, with 175 people in attendance.

4,198 people visited in the Four Fathers Library during the month of December

The next Board meeting is scheduled for April 4, 2019.