



Town of Amherst
Special Council Meeting
Agenda

Date: **Wednesday, March 29, 2023**
Time: **4:30 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. CALL TO ORDER	
2. REQUEST FOR DECISION	
2.1 CUPE Local 1233 Collective Agreement - Landry	1 - 7
2.2 CJSMA Dissolution - Emery	8 - 16
3. ADJOURNMENT	

SYNOPSIS

CUPE Local 1233 Collective Agreement

The current contract expires on March 31, 2023. The management bargaining team of Jason MacDonald, Aaron Bourgeois, Krista Crossman and Kim Jones met with the Local executive in early March to discuss the bargaining process. As neither party had any significant language changes, the focus was on a general wage settlement.

The management bargaining team's goal was to develop a collective agreement that maintained management's rights and provide a wage increase that was inline with our comparable units and fair to our employees.

The wage settlement over the three-year term of the agreement is 5 % in year one – 3.5% in year two and 3% in year three.

Other changes to the wage schedule include some minor adjustments in some classifications.

MOTION:

That Council approve the collective agreement between the Town of Amherst and CUPE Local 1233 to March 31, 2026 and authorize the Mayor and CAO to sign the agreement.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Jason MacDonald, MCIP, LPP - Chief Administrative Officer

DATE: March 27, 2023

SUBJECT: ***CUPE Collective Agreement***

ORIGIN: Collective Agreement between the Town and CUPE Local 1233 expires March 31, 2023.

LEGISLATIVE AUTHORITY: MGA 31(2)(c) & 47(5)

RECOMMENDATION: That Council forward to the March 29, 2023 special meeting of Council approval of the collective agreement between the Town of Amherst and CUPE Local 1233 to March 31, 2026 and authorize the Mayor and CAO to sign the agreement.

BACKGROUND: The management bargaining team of Jason MacDonald, Aaron Bourgeois, Krista Crossman and Kim Jones met with the Local executive in early March to discuss the bargaining process. As neither party had any significant language changes, the focus was on a general wage settlement.

DISCUSSION: The management bargaining team's goal was to develop a collective agreement that maintained management's rights and provide a wage increase that was inline with our comparable units and fair to our employees.

The wage settlement over the three-year term of the agreement is 5%/yr – 3.5%/yr – 3%/yr.

Other changes to the wage schedule include:

- Lead hands with the Temporary Workplace Signer certificate in Streets and Utility will be paid at the Lead Hand with Certification classification.
Note: there are currently 1 in Streets and 1 in Utility. For further clarity, this only applies to lead hands with the certificate.
- Addition of Electrician Classification to Schedule "A"
Note: to be paid at the same rate as mechanic, welder, LH with certification
- Sewer Maintenance and Water Maintenance with certification are increased to the same rate as Operator with Refrigeration certification – currently (2022 rate) \$28.82
- Lead Hand with certification increases hourly rate by \$0.50, including Welder, Mechanic, Electrician;





COMMITTEE OF THE WHOLE

CDR# 2023047

Date: March 27, 2023

FINANCIAL IMPLICATIONS: The proposed agreement will cost an additional \$97,817 in year 1 of the agreement, which can be accommodated within the draft operating budget to be presented to Council in early April.

SOCIAL JUSTICE IMPLICATIONS: The new agreement provides what we feel are fair wage adjustments at this time.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications

COMMUNITY ENGAGEMENT: A joint press release will be issued following signing of the new agreement

ALTERNATIVES: Do not ratify the agreement and send the bargaining team back to negotiations

ATTACHMENTS: Ratification Document

Report prepared by:

Report and Financial approved by:



Ratification Document Town of Amherst and Local 1233

March 22, 2023

ARTICLE 28 TERM OF AGREEMENT

28.01 This Agreement shall be binding and remain in effect from **April 1, 2023** until **March 31, 2026**, and shall continue in effect from year to year unless any Party gives written notice to the other Party of their desire to amend this Agreement or negotiate a new Agreement. Such notice shall be given at least sixty (60) days prior to the expiration date of this Agreement or any renewal thereof.

Wage rate increases only shall be effective as of **April 1, 2023**.

Additional changes effective April 1, 2023

- **Lead hands with the Temporary Workplace Signer certificate in Streets and Utility will be paid at the Lead Hand with Certification classification. Note: there are currently 1 in Streets and 1 in Utility. For further clarity, this only applies to lead hands with the certificate.**
- **Addition of Electrician Classification to Schedule "A"
Note: to be paid at the same rate as mechanic, welder, LH with certification**
- **Sewer Maintenance and Water Maintenance with certification are increased to the same rate as Operator with Refrigeration certification – currently (2022 rate) \$28.82**
- **Lead Hand with certification increases hourly rate by \$0.50, including Welder, Mechanic, Electrician;**

SCHEDULE "A" CUPE LOCAL 1233/OPERATIONAL SERVICES
DEPARTMENT

Increment	5%	3.5%	3%
	April 1, 2023	April 1, 2024	April 1, 2025
Sub-Foreman	33.11	34.27	35.30
Electrician*	31.50	32.60	33.58
Mechanic*	31.50	32.60	33.58
Welder/Mechanic	31.50	32.60	33.58
Lead Hand	30.26	31.32	32.26
Lead Hand with certification*	31.50	32.60	33.58
Operator	28.58	29.58	30.47
Sewer Maintenance	28.37	29.36	30.24
Sewer Maintenance with certification*	30.26	31.32	32.26
Water Maintenance	28.37	29.36	30.24
Water Maintenance with certification*	30.26	31.32	32.26
Utility	28.37	29.36	30.24
Labourer	27.14	28.09	28.93

*Where certification is required by the Employer.

~~NOTE: It is agreed that there shall be a starting labourer rate equal to the Provincial minimum wage. After twelve (12) months of accumulated service the rate will \$1.00 above the Provincial minimum wage and will increase to the full rate after twenty-four(24) months of accumulated service.~~

SCHEDULE "B"
CUPE LOCAL 1233
RECREATION FACILITIES

Increment	5%	3.5%	3%	
Classification	April 1, 2023	April 1, 2024	April 1, 2025	Comments
Parks & Stadium Supervisor	33.11	34.27	35.30	
Operator with Refrigeration Class 11 Provincial Certificate	30.26	31.32	32.26	With Provincial Certificate
Parks, Maintenance and Stadium Operator Fully functional with Parks, Maintenance and or Stadium Equipment	28.58	29.58	30.47	Fully functional with Parks Maintenance and Stadium Equipment
Stadium Attendant	27.14	28.09	28.93	Works in Stadium
Parks Attendant	27.14	28.09	28.93	Works as Parks worker
Recreation Maintenance	27.14	28.09	28.93	Works in Maintenance role
Custodian	27.14	28.09	28.93	

SYNOPSIS

Dissolution of CJSMA

All municipal units in Cumberland County had, until 2021, been owning and operating the Cumberland Central Landfill as partners in the Cumberland Joint Services Management Authority. In 2021 after a request for proposals process and a lengthy period of negotiation, the partners agreed to sell all assets of the Authority to GFL.

With the sale of the landfill complete, we are now in a position to dissolve the CJSMA and distribute its assets to the three municipal units in accordance with Section 17 of the Inter Municipal Agreement of 1997.

MOTION:

WHEREAS the CJSMA was established pursuant to an Intermunicipal Services Agreement dated the 7th day of October 1997 as amended (the “Agreement”) under the provisions of section 13(3) and (4) of the Towns Act and section 74(h) of the Municipal Act.

AND WHEREAS the Towns of Oxford and Amherst along with the Municipality of Cumberland (the “Participating Units”) sold the waste management assets and liabilities of CJSMA and entered into a 25-year related waste and resources benefits agreement with GFL effective as of September 1st, 2021.

AND WHEREAS the residual assets and liabilities of CJSMA as of February 28, 2023 are shown on the financial statements as of such date prepared by CJSMA’s auditors Jorgenson and Bickerton which statements are attached hereto as Exhibit “A”.

AND WHEREAS the Participating Units are desirous of dissolving CJSMA pursuant to section 17(4) of the Agreement.

NOW THEREFORE BE IT RESOLVED that CJSMA be and is hereby dissolved with the assets thereof being vested in and the liabilities thereof being the responsibility of the Participating Units in proportion to the following percentages:

The Town of Amherst 40.446%

The Town of Oxford 4.656%

The Municipality of Cumberland 54.898%

BE IT FURTHER RESOLVED that the Mayor and CAO be and they are hereby authorized to take such actions and do all things including the execution of such documents, instruments and other writings as may be necessary or desirable in conjunction therewith.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Jason MacDonald, Chief Administrative Officer

DATE: March 29, 2023

SUBJECT: Dissolution of CJSMA

ORIGIN: Sale of the assets of the Cumberland Joint Services Management Authority

LEGISLATIVE AUTHORITY: Section 60 Municipal Government Act

RECOMMENDATION: That Council approve of the attached resolution giving effect to the dissolution of the CJSMA.

BACKGROUND: All municipal units in Cumberland County had, until 2021, been owning and operating the Cumberland Central Landfill as partners in the Cumberland Joint Services Management Authority. In 2021 after a request for proposals process and a lengthy period of negotiation, the partners agreed to sell all assets of the Authority to GFL.

With the sale of the assets, and the subsequent realization of remaining assets to cash and the payment of outstanding liabilities, all that remains is cash. It is now appropriate to distribute the cash to the partner units in accordance with Section 17 of the Inter Municipal Agreement of 1997 and dissolve the CJSMA.

DISCUSSION: Paragraph 17(4) of the Inter Municipal Services agreement governs any eventual dissolution of the Authority:

“Upon dissolution of the Committee by the unanimous agreement of the participating units, the assets of the Committee are vested in the participating units and the participating units are responsible for the liabilities of the Committee, both in proportion to the amounts contributed by the participating units to the Committee during its operation.”

We are advised by the auditors of the Authority that the relevant percentages assigned to each of the partners is as follows:





AMHERST TOWN COUNCIL

RFD# 2023048

Date: March 29, 2023

Town of Amherst	40.446%
Town of Oxford	4.656%
Municipality of Cumberland	54.898%

The attached suggested resolution was prepared Cox & Palmer, the law firm that represented the three units in the sale of the assets of the Authority.

The auditors of the Authority, Jorgensen & Bickerton are in the process of preparing financial statements that will reflect all transactions to date and be used in the distribution of the remaining cash to the three partner units. It is expected that these statements will be available on March 29, 2023

FINANCIAL IMPLICATIONS: The partners will receive cash equal the total cash available (proceeds of sale and reserves) times the relevant percentage above.

ENVIRONMENTAL IMPLICATIONS: None identified at this time

ATTACHMENTS: 1) Suggested resolution; 2) CJSMA financial statements (to be distributed when available)

Report prepared by:



**RESOLUTION OF
CUMBERLAND JOINT SERVICES MANAGEMENT AUTHORITY
("CJSMA")**

WHEREAS the CJSMA was established pursuant to an Intermunicipal Services Agreement dated the 7th day of October 1997 as amended (the "**Agreement**") under the provisions of section 13(3) and (4) of the *Towns Act* and section 74(h) of the *Municipal Act*.

AND WHEREAS the Towns of Oxford and Amherst along with the Municipality of Cumberland (the "**Participating Units**") sold the waste management assets and liabilities of CJSMA and entered into a 25-year related waste and resources benefits agreement with GFL effective as of September 1st, 2021.

AND WHEREAS the residual assets and liabilities of CJSMA as of February 28, 2023 are shown on the financial statements as of such date prepared by CJSMA's auditors Jorgenson and Bickerton which statements are attached hereto as Exhibit "A".

AND WHEREAS the Participating Units are desirous of dissolving CJSMA pursuant to section 17(4) of the Agreement.

NOW THEREFORE BE IT RESOLVED that CJSMA be and is hereby dissolved with the assets thereof being vested in and the liabilities thereof being the responsibility of the Participating Units in proportion to the following percentages:

The Town of Amherst 40.446%
The Town of Oxford 4.656%
The Municipality of Cumberland 54.898%

BE IT FURTHER RESOLVED that the Mayor and CAO be and they are hereby authorized to take such actions and do all things including the execution of such documents, instruments and other writings as may be necessary or desirable in conjunction therewith.

CUMBERLAND JOINT SERVICES MANAGEMENT AUTHORITY
Consolidated Statement of Financial Position
February 28, 2023

FINANCIAL ASSETS		
Cash and temporary investments	\$ 4,135,308	\$ 2,751,615
Investments	-	2,480,205
Tipping Fees	-	16,992
Other receivables	3,608,398	3,537,725
Harmonized Sales Tax	22,606	-
	7,766,312	8,786,537
FINANCIAL LIABILITIES		
Accounts payable	89,995	140,096
Harmonized sales tax	-	277,966
Provision for landfill closure & post-closure	90,710	1,102,882
	180,705	1,520,944
ACCUMULATED SURPLUS	\$ 7,585,607	\$ 7,265,593
ACCUMULATED SURPLUS CONSISTS OF:		
Accumulated operating surplus	\$ 7,585,607	\$ 7,269,517
Accumulated remeasurement losses	-	(3,924)
	\$ 7,585,607	\$ 7,265,593

Draft for discussion purposes only

CUMBERLAND JOINT SERVICES MANAGEMENT AUTHORITY
Consolidated Statement of Operations and Accumulated Surplus
For the Eleven Month Period Ended February 28, 2023

REVENUES

Solid waste operations	\$ -	\$ 1,999,679
Compost operations	-	443,774
Recycling operations	-	124,654
Proceeds on sale of intangible assets	-	1,000,000
Interest	171,165	36,809
	<hr/> 171,165	<hr/> 3,604,916

EXPENDITURES

Administration	44,731	654,350
Solid waste operations	(189,635)	163,286
Compost operations	-	150,457
Recycling operations	(21)	642,226
Loss on disposal of tangible capital assets	-	2,748,159
	<hr/> (144,925)	<hr/> 4,358,478

Excess (Deficiency) of Operating Revenue over Expenditures	316,090	(753,562)
Accumulated operating surplus, beginning of period	<hr/> 7,269,517	<hr/> 8,023,079
Accumulated operating surplus, end of period	<hr/> \$ 7,585,607	<hr/> \$ 7,269,517

Draft for discussion purposes only

CUMBERLAND JOINT SERVICES MANAGEMENT AUTHORITY
Consolidated Statement of Remeasurement Gains and Losses
For the Eleven Month Period Ended February 28, 2023

ACCUMULATED REMEASUREMENT GAIN (LOSS) - BEGINNING OF PERIOD	\$	(3,924)	\$	2,678
Unrealized gains (losses) attributed to:				
Portfolio Investments		3,924		(6,680)
Amounts reclassified to the statement of operations:				
Portfolio investments		-		78
Net remeasurement for the year		<u>3,924</u>		<u>(6,602)</u>
ACCUMULATED REMEASUREMENT GAIN (LOSS) - END OF PERIOD	\$	-	\$	(3,924)

Draft for discussion purposes only

CUMBERLAND JOINT SERVICES MANAGEMENT AUTHORITY

Consolidated Schedule of Expenditures

(Schedule 1)

For the Eleven Month Period Ended February 28, 2023

Administration

Salaries and benefits	\$ 7,537	\$ 278,651
Bank charges and interest	14,568	561
Memberships and subscriptions	46	1,146
Advertising	-	272
Office expenses	2,278	13,943
Payroll administration	165	2,070
Professional fees	20,188	320,561
Travel, staff development	-	5,900
Telephone, fax, internet	-	8,163
Waste Diversion expenses	(51)	17,605
Meeting expenses	-	678
Electricity	-	4,086
Bad debts	-	714

Administration total	\$ 44,731	\$ 654,350
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Solid waste operations

Salaries and benefits	\$ -	\$ 246,815
Monitoring	-	99,039
Utilities	-	9,183
Insurance	-	30,964
Leachate system costs	-	74,446
Hazardous waste program	-	38,946
Scale House expenses	369	12,037
Fuel & oil	-	44,303
Equipment operation	1,081	111,209
Site maintenance	-	17,120
Safety	-	3,990
Security system	-	734
Communication expense	-	909
Provision for landfill closure costs	(249,655)	(675,006)
Landfill closure costs	58,570	148,597

Solid waste operations total	\$ (189,635)	\$ 163,286
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Compost operations

Plant costs	\$ -	\$ 4,050
Equipment costs	-	86,569
Insurance	-	15,321
Analysis expense	-	1,576
Wages and benefits	-	42,531
Safety expense	-	410

Compost operations total	\$ -	\$ 150,457
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Recycling operations

Salaries and benefits	\$ -	\$ 153,938
Equipment maintenance	-	17,763
Supplies and materials	-	4,828
Plant costs	-	10,095
Transport	-	64,165

(continues)

CUMBERLAND JOINT SERVICES MANAGEMENT AUTHORITY

Consolidated Schedule of Expenditures *(continued)*

(Schedule 1)

For the Eleven Month Period Ended February 28, 2023

Recycling operations *(continued)*

Insurance	-	24,205
Clothing allowance	-	2,140
Safety costs	-	707
Tip Fees	<u>(21)</u>	<u>364,385</u>
Recycling operations total	\$ (21)	\$ 642,226

Draft for discussion purposes only