



Town of Amherst
Regular Council Meeting
Agenda

Date: **Monday, March 27, 2023**
Time: **6:00 pm**
Location: **Council Chambers, Town Hall**

Pages

1. CALL TO ORDER	
2. TERRITORIAL ACKNOWLEDGMENT	
“I would like to acknowledge that our gathering today is taking place in (MEEG-MA-GEE), the traditional, unceded and ancestral territory of the Mi’kmaw people. I would also like to acknowledge that Nova Scotia has another unique people. These are the Indigenous Blacks of Nova Scotia whose legacy and contributions date back over 400 + years predating confederation of this land. We are all treaty people.”	
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6. EXTERNAL COMMITTEE REPORTS

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6.6	Inter Municipal Tourism - No Report	
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7. ADJOURNMENT

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: February 27, 2023
Time: 6:00 pm
Location: Council Chambers, Town Hall

Members Present Mayor David Kogon
Deputy Mayor Leon Landry
Councillor George Baker
Councillor Charlie Chambers
Councillor Hal Davidson
Councillor Lisa Emery
Councillor Dale Fawthrop

Staff Present Jason MacDonald, Chief Administrative Officer
Dwayne Pike, Chief, Police Services
Greg Jones, Director, Fire Services
Aaron Bourgeois, Director, Operations
Andrew Fisher, Director, Planning & Strategic Initiatives
Sarah Wilson, Director, Finance
Sharon Bristol, Director, Community Living
Krista Crossman, Director, HR & Customer Services
Kim Jones, Director, Corporate Communications
Tom McCoag, Corporate Communications Officer
Natalie LeBlanc, Municipal Clerk

1. CALL TO ORDER

Mayor Kogon called the meeting to order at 6:00 p.m.

2. TERRITORIAL ACKNOWLEDGMENT

Mayor Kogon gave the Territorial Acknowledgement.

3. APPROVAL OF AGENDA/MINUTES

3.1 Approval of the Agenda

Moved By Councillor Emery

Seconded By Councillor Baker

To approve the agenda as circulated.

Motion Carried

3.2 Approval of Minutes

3.2.1 Regular Council - January 23, 2023

Moved By Deputy Mayor Landry

Seconded By Councillor Davidson

To approve the minutes of the January 23, 2023 regular meeting of Council as included in the agenda package.

Motion Carried

3.2.2 Public Hearing - February 8, 2023

Moved By Councillor Fawthrop

Seconded By Councillor Emery

To approve the minutes of the February 8, 2023 Public Hearing as included in the agenda package.

Motion Carried

4. REQUESTS FOR DECISION

4.1 3,4,5,7 Robie Street Development Agreement First Reading

Moved By Councillor Davidson

Seconded By Councillor Fawthrop

That Council give First Reading of the Development Agreement for 3,4,5,7 Robie Street to permit the construction of a commercial office, and schedule a Public Hearing for March 22nd at 12 noon.

Motion Carried

4.2 264 Church Street Development Agreement First Reading

Moved By Deputy Mayor Landry

Seconded By Councillor Emery

That Council give First Reading of the Development Agreement for 264 Church Street to permit the construction of a 2-storey, 96 bed long term care facility, and schedule a Public Hearing for March 22nd at 12 noon.

Motion Carried

4.3 155 East Victoria Street Development Agreement First Reading

Moved By Councillor Davidson

Seconded By Councillor Baker

That Council refer the application for a development agreement at 155 East Victoria Street back to the Planning Advisory Committee for consideration of a revised plan when received.

Against (2): Councillor Emery, and Councillor Fawthrop

Motion Carried 4-2

4.4 Community Arts Council Policy Repeal

Moved By Councillor Fawthrop

Seconded By Councillor Emery

That Council repeal the Community Arts Council Committee Policy.

Motion Carried

TOWN OF AMHERST POLICY

NUMBER 10350-22
Page 2 of 11

DEPARTMENT: Community and Economic Development

TITLE: **Community Arts Council Committee Policy**

Minutes reference date: 26 March 2012 25 June 2012

PURPOSE:

To establish a policy for the governance of the Community Arts Council (CAC) Committee to carry out the Arts, Culture and Heritage Strategy.

BASIS:

The basis for the CAC Committee comes from the Town's Arts Culture and Heritage Strategy known as Authentically Amherst.

ROLE OF COMMITTEE:

The role of a Community Arts Council Committee is to:

1. Provide advice to the Arts, Culture and Heritage Coordinator;
2. Assist the Coordinator in the implementation of the Arts, Culture & Heritage Strategy;
3. Monitor and evaluate and make recommendations concerning all the Town's plans and policies which are expected to have an impact on cultural life in the community;
4. Increase communication and cooperation amongst the community stakeholders;
5. Take leadership in setting community arts direction;
6. Take an active role in promotion of the arts, culture and heritage community;
7. To act as a liaison between Council and the cultural community;
8. To act as an informed resource for staff and Council by responding to requests for information or advice.

MEMBERSHIP:

1. The Council shall appoint members to the Community Arts Council Committee by resolution.
2. Membership shall include:
 - 2 members of Town Council
 - 5 members at large up to 2 from outside the Amherst geographic boundary, but based in Cumberland County)
 - 1 member for the hospitality/accommodation sector
 - 1 member from Amherst Youth Town Council
 - The Mayor will be appointed as an ex-officio member.
 - The Director of Community and Economic Development will be a non-voting member and will participate in meetings as required.
3. The term for public members shall be two or three years, and members may be re-appointed to the Committee.
4. In January of each year, an advertisement for the public member(s) whose term is set to expire that fiscal year shall be placed in the local newspaper.
5. At the beginning of the first meeting of the fiscal year the Committee will elect a chairperson as well as a vice-chairperson. Terms for such shall be one year. The chairperson and vice-chair may be re-elected.

STAFF RESOURCES:

1. The Arts, Culture and Heritage Coordinator is responsible for all functions of the Committee including:
 - a. Calling meetings;
 - b. Taking minutes;
 - c. Distributing reports and other information as required;
 - d. Notifying and contacting public as required; and
 - e. Providing Committee motions to the Chief Administrative Officer for inclusion on the Council agenda.

2. Where additional information or work is required of staff by the Committee the Director of Community and Economic Development will be responsible for prioritizing staff resources, in conjunction with the Chief Administrative Officer when required.
3. Meetings are to be attended by the Arts, Culture and Heritage Coordinator or designate. At the discretion of the Coordinator, other staff may be invited / asked to attend as well. Standing invitations to Committee meetings will be given to the Chief Administrative Officer, the Director of Transportation and Public Works, the Director of Planning and Development and the Director of Community and Economic Development.

MEETINGS:

1. Meetings will be scheduled by the Chairperson in consultation with the Arts, Culture and Heritage Coordinator.
2. All meetings are open to the public
3. Meeting agenda packages are to be delivered to Committee members and the CAO at least 48 hours prior to any scheduled meeting.

Amherst Town Council may at any time by resolution repeal this policy and therefore release the committee members of their obligations as members.

**4.5 COVID-19 Property Tax Financing Program Policy Repeal
 Moved By Councillor Baker
 Seconded By Councillor Emery
 That Council repeal the COVID-19 Property Tax Financing Program Policy.**

Motion Carried

TOWN OF AMHERST POLICY

**NUMBER 03800-05
 Page 3 of 5**

DEPARTMENT: CORPORATE SERVICES

TITLE: **COVID-19 Property Tax Financing Program Policy**

Minutes reference date: September 28, 2020 July 10, 2020 May 25, 2020

1. This Policy is entitled the "COVID-19 Property Tax Financing Program Policy."
2. **Objective:**
 The Town of Amherst is concerned about the health and safety of residents. The Town of Amherst recognizes that facilitating the payment of property taxes in installments will better allow citizens of Amherst to follow the public health directives endorsed by the Government of Nova Scotia. This Policy responds to that need by establishing a one-time property tax installment payment program (the "Program") for owners of residential and commercial properties negatively affected by the COVID-19 global pandemic.
3. **Authority:**
 Sections 111 and 112 of the *Municipal Government Act* give Council the authority to provide for the payment of taxes by installments.
 Section 113 of the *Municipal Government Act* allows Council to charge interest for non-payment of taxes when due, at a rate determined by policy.
4. **Scope:**
 - 4.1 Residential - The following owners of residential property are eligible to participate in the Program:
 - 4.1.1 An owner of a residential property that is the owner's primary residence, where the owner has experienced financial hardship through a significant reduction in income due to the State of Emergency declared by the Government of Nova Scotia in response to COVID-19, demonstrated through receipt of Provincial or Federal program assistance, or a Record of Employment (ROE) demonstrating layoff from employment after March 1, 2020;
 - 4.1.2 An owner of a residential property where the owner was a registered Tourism Operator with Tourism Nova Scotia for the 2019 tourist season (excluding AirBNBs);
 - 4.2 Commercial - The following owners of commercial property are eligible to participate in the Program:
 - 4.2.1 An owner of a taxable commercial property where the property has a total taxable 2020 property assessment value equal to or less than \$2,000,000 and where the owner's business or building located on the property has experienced financial hardship through loss of sales related to the State of Emergency, demonstrated through the following:
 - 4.2.1.1 For a business that was in operation before March 1, 2019 - that the sum of total sales for March, April and May of 2020 is less than 70% of the sum of total sales for March, April and May of 2019. The owner will be required to provide and certify a schedule of sales by month to support the application.
 - 4.2.1.2 For a business that was established on or after March 1, 2019 – an analysis of all monthly sales from the inception of the business to May 31, 2020 clearly establishing loss of expected sales of 30% or more due to the State of Emergency for the period from March 1, 2020 to May 31, 2020. The analysis may be required to be supported by further documentation such as, but not limited to, cash flow projections prepared the purpose of obtaining financing at the time of establishing the business
 - 4.2.2 An owner of a taxable commercial or resource property who has experienced financial hardship through loss of revenue related to the State of Emergency, regardless of the assessed value, where:

4.2.2.1 The owner of the property is a tourism operator registered under the *Tourist Accommodations Registration Act*;

4.3 Exclusions: Regardless of sections 4.1 and 4.2 of this policy, the following are not eligible to participate in the Program:

4.3.1 Property owners who have not experienced financial hardship through loss of revenue related to the State of Emergency;

4.3.2 Property owners who have received compensation from Business Interruption Insurance as a result of the State of Emergency;

4.3.3 Properties occupied by daycare centres in receipt of federal or provincial funding, or those in receipt of other emergency funding;

4.3.4 Properties used for landfill, pipeline, managed forest, parking, and commercial vacant land;

4.3.5 Properties for which there is an active tax agreement with the Town through legislation or bylaw;

4.3.6 Properties owned by non-profit organizations that are funded by the Town or that are partially exempted from property tax;

4.3.7 All properties managed under payment-in lieu-programs.

4.4 General Requirements

4.4.1 Installments shall be payable by the person, company or other entity assessed for the property for the current fiscal year.

4.4.2 In order for taxes for a property to qualify for the Program, the taxes for the property must not be in arrears at the time of application. For greater clarity, an account is not in arrears if it has a balance of \$0 or less in respect of prior years, or if the property owner has a signed payment arrangement and has fulfilled all obligations under the arrangement to the date of application.

4.5 Application

4.5.1 Property owners wishing to apply to participate in the Program for a property must complete and submit to the Town an application in the form as determined by the Town from time to time.

4.4.3 The application deadline to participate in the Program is October 31, 2020.

5. Administration

5.1 Tax Installments

5.1.1 For applications meeting the Program criteria set out above, property tax payments normally due between April 1st, 2020 and September 30th, 2020 for approved properties may be paid in installments as follows.

5.1.2 For each property, Program participants will pay tax installments as follows:

5.1.2.1 Payments of \$25 per month for six months, payable on or before the last day of each month, commencing in the month the property tax payment is normally due.

5.1.2.2 Following these six months at \$25 per month, 24 equal monthly payments to amortize the balance of the amount eligible for the Program including interest as set out below. These monthly payments are payable on or before the last day of each month and continue for 24 months.

5.1.4 The rate of interest for the Program will be 1.35% per year.

5.1.5 Interest on amounts owing under the Program will be calculated commencing on the date the property tax payment is normally due and continuing until all installments have been paid.

5.2 Terms of the Program

5.2.1 The Treasurer, or his or her delegate, shall approve qualifying applicants.

5.2.2 Payments under the Program must remain in good standing with the Town throughout the duration of the Program.

5.2.3 Default in payment of an installment when due will result in the following:

5.2.3.1 The balance of outstanding taxes on the applicable property and interest will become immediately due and payable; and

5.2.3.2 The outstanding taxes and interest then owing will become subject to the Town's regular rate of interest for overdue taxes of 12% per annum.

5.2.4 All amounts owing and payable on the property tax account that are not included in the Program, including existing signed payment arrangements, are due on their normal dates and any amounts not paid when due will be subject to the Town's regular rate of interest for overdue taxes of 12% per annum.

5.2.5 Payments received by the Town from a property owner will first be applied to any installments due under the Program, in priority to any other taxes or other amounts owing by the owner to the Town.

6. Responsibilities

6.1 Council will:

7.1.1 Monitor the implementation and administration of this policy and make any amendments required for the effective and efficient operation of the Program.

7.2 The Chief Administrative Officer will:

7.2.1 Be responsible for the administration and implementation of this policy and the Program; and

7.2.2 Identify necessary amendments to this policy in consultation with Council and managerial staff and make recommendations accordingly to Council.

7. General Provisions

Payments received by mail are deemed to be paid on the date received by the Town.

**4.6 Downtown Business Advisory Committee Policy Repeal
Moved By Councillor Emery
Seconded By Councillor Fawthrop
That Council repeal the Downtown Business Advisory Committee Policy.**

Motion Carried

TOWN OF AMHERST POLICY

**NUMBER 10350-23
Page 5 of 11**

DEPARTMENT: Community and Economic Development

TITLE: **Downtown Business Advisory Committee Policy**

Minutes reference date: 28 May 2012

PURPOSE:

The Downtown Business Advisory Committee is the voice for the downtown business community in Amherst and the conduit to Amherst Town Council. The Committee shall:

- 1) Provide advice and guidance to Town Council on matters including policies and programs related to the downtown;
- 2) Suggest and recommend to Town Council ways the Town can support, retain and/or attract business investment to the downtown core;
- 3) Assist in dissemination of information from the Town Council to the downtown business community;
- 4) Assist in coordinating existing and planned downtown projects, initiatives, marketing programs and other new opportunities to increase use of Downtown Amherst.

DEFINITIONS:

- 1) The Downtown Business Advisory Committee area is defined in the map attached as appendix "A".

ROLE OF COMMITTEE:

- 1) To strengthen and enhancing pride in the downtown by Amherst residents;
- 2) To provide support on specific opportunities and projects as requested by Council;
- 3) To advise on promotional and marketing opportunities that will increase traffic to downtown businesses and motivate participation by all stakeholders;
- 4) To act as an informed resource for Council by responding to requests for information or advice sent directly to the Advisory Committee by Council;
- 5) To participate in, monitor and regularly evaluate and/or make recommendation on all the Town's plans and policies which are expected to have an impact on the downtown;
- 6) To act as a liaison between Council and the downtown community by anticipating and responding to the information needs of both.

MEMBERSHIP:

Council shall appoint members to the Downtown Business Advisory Committee by resolution. The Committee will include:

- 1) At least five (5) members and no more than seven (7) members at large from the downtown business community;
- 2) Two (2) members of Amherst Town Council;
- 3) The Mayor will be appointed as an ex-officio member;
- 4) The Director of Community and Economic Development will be a non-voting member and will participate in meetings as required.

The following is the criteria for members:

- 1) Members at Large must be business owners or managers or designates doing business in the Downtown Core Area District;
- 2) Members need to demonstrate a positive attitude on growing the downtown and be willing ambassadors promoting the downtown to Amherst residents and visitors alike.
- 3) Members from Amherst Town Council will be appointed every two years.

At the beginning of the first meeting of each fiscal year the Committee will elect a chairperson as well as a vice-chairperson. Terms for such shall be one year. The chairperson and vice chairperson may be re-elected.

Members will be appointed as required for either two or three year terms effective April 1st of that year on the Committee.

MEMBER RESPONSIBILITIES:

- 1) Take the leadership role in planning initiatives, events and promotions in support of downtown business;
- 2) Help identify problems or issues the Town needs to deal with to assist downtown business;
- 3) Help identify opportunities and leads for potential new business investment for the downtown;
- 4) Facilitate and lead in the implementation of the Centre First – Downtown Amherst Action Strategy;
- 5) Consult with relevant downtown stakeholders regarding issues and opportunities related to growing Downtown Amherst;
- 6) Report to Council regarding the status of the Centre First – Downtown Amherst Action Strategy and other initiatives carried out in support of Downtown Amherst.

MEETINGS:

- 1) Meetings will be scheduled by the Chairperson in consultation with the Director of Community and Economic Development;
- 2) All meetings are open to the public;

- 3) Meeting agenda packages are to be delivered to Committee members and the CAO at least 48 hours prior to any scheduled meeting.

APPLICATION PROCESS FOR APPOINTMENTS FROM THE PUBLIC:

- 1) In January of each year, if any terms are about to expire or vacancies have occurred, advertisements will be posted in the local media and the Town’s website requesting expressions of interest from the public to serve on the Downtown Business Advisory Committee.
- 2) All expressions of interest will be reviewed by the Committee and a recommendation made to Amherst Town Council for appointments.

Amherst Town Council may at any time by resolution repeal this policy and therefore release the committee members of their obligations as members.

**4.7 Community Support Grants Policy Amendments
 Moved By Councillor Fawthrop
 Seconded By Deputy Mayor Landry
 That Council approve the amended Community Supports Grants Policy.**

Motion Carried

TITLE: Community Support Grants Policy
SECTION: All Town Departments
POLICY NO: 72000-08 **New Amended Policy**

APPROVAL DATE: February 27, 2023 **CAO Signature:** _____

POLICY STATEMENT

- a. The Community Support Grants Policy guides the allocation of financial and in-kind contributions to non-profit or charitable organizations that are based in the Town of Amherst and are providing services that in the opinion of Council, are of a benefit to the residents and businesses of the Town. Applicants and Groups that actively support inclusion, diversity, accessibility and equity will be given priority consideration as will those applications that enhance community well-being and increase the social determinants of health, such as, but not limited to food insecurity, affordable housing, early childhood development, education, social inclusion and non-discrimination of the citizens of Amherst
- b. This program does not govern the following, which are separately administered:
 - i. Tax Exemption for Non-Profit Organizations (full and partial tax exemption by-laws);
 - ii. Residential Property Tax Rebates (low-income homeowners)

POLICY OBJECTIVES

The objectives of this policy are:

- a. to outline the requirements to apply and be considered for a Community Support Grant
- b. to establish equitable guidelines for the distribution of limited amounts of funds to non-profit and charitable organizations in a manner approved by Council.
- c. to ensure that groups applying for Community Support Grants are evaluated on a consistent, equitable basis, utilizing the same evaluation criteria; and
- d. to provide for public disclosure of a list of grant recipients and the amounts of those grants.

1. SCOPE

The Program includes financial grants in the form of cash and in-kind services (for use of municipal facilities, for example). The value of requests is not limited; however, applicants must be aware that:

- a. The application process is competitive;
- b. There are more grant applications received than available funding;
- c. Past funding commitments should not be interpreted as a guarantee that future requests will be approved. The Town is interested in ensuring that organizations are self-sufficient;
- d. The Town would like to support programs and events that promote community well being and health and safety of our citizens. With that in mind, events based on alcohol consumption (beer gardens, wine tasting tours etc.) may only receive support if other community benefits can be shown. Overall, the Town will show preference to events that are family friendly and support the overall well being of the community.

2. EXCLUSIONS

The following are exclusions from the grant program:

- a. While Council reserves the right to, it is not the intent of this policy to fund activities of organizations that are clearly within the mandate of the Government of Nova Scotia (hospitals, medical programs, treatment services or social services programs) or the Government of Canada (e.g., health, social services)
- b. The Town of Amherst will not consider requests received as part of general (mass) mailing or telemarketing campaigns
- c. Funding applications will not be considered from the following:
 - i. Businesses;
 - ii. Provincial Government organizations;
 - iii. School Boards or quasi government organizations;
 - iv. Non-profit organizations for the purpose of funding accumulated deficits;
 - v. Any organization for the purpose of fundraising to distribute to other organizations/individuals; and
 - vi. Organizations with political affiliations.
- d. Funding will not normally be provided to religious organizations where services include the promotion or required adherence to a particular belief
- e. Funding will also not normally be provided to fundraising campaigns of national charitable organizations either directly or indirectly.
- f. Funding will not normally be provided to organizations who are planning to give proceeds of the event to another organization.

3. ALLOCATION OF FUNDS

Council is not obligated to:

- a. Provide funding in the form of Community Support Grants;
- b. Spend all the funds allocated for grants in any given year;
- c. Award the full amount requested in an application; or
- d. Renew any grant

4. SPECIAL CONSIDERATION

The following organizations are usually supported annually; however, the recipients must still comply with the applicable requirements under the **application process** below. Failure to do so could result in future funding being suspended:

- a. Amherst Food Assistance Network
- b. Cumberland Early Intervention Program
- c. Sexual Health Centre for Cumberland County
- d. Cumberland County Transition House (Autumn House)
- e. Senior's Safety Advisory Committee
- f. Cumberland County Museum
- g. Amherst Little League Baseball Association
- h. Amherst Little League T-Ball Baseball
- i. Maggie's Place

Council reserves the right to discontinue and/or alter funding for these organizations without notice. Council will ensure consideration is made to provide notice to applicants or a gradual decrease to the amounts above wherever possible. Support for these organization and the amounts are reviewed annually. It is anticipated that funding from the Town of Amherst is not the main source of funding for the above organizations.

5. GUIDELINES

The following guidelines apply to all grant requests except those listed in 4 above:

- a. Funding will generally be limited to no more than 40% of overall costs for an event or program
- b. Funding cannot be used to directly purchase products regulated by the Liquor Control Act R.S., c. 260, s. 1. or the Cannabis Control Act 2018, c. 3, s. 1.
- c. Preference is given to new initiatives; however, grants may be provided in multiple years for the same initiative.

6. PROGRAMS

The following are a list of the grants available:

a. Sport and Physical Activity

Maximum funding considered will be \$500 for a team and \$250 for an individual:

- i. This includes amounts for teams traveling to Provincial, National and International competitions when the Amherst based teams or individual has been successful at a regional qualifying competition recognized by its relevant provincial or national umbrella organization (e.g., Hockey Nova Scotia or Skate Canada);
- ii. The team is in the Town of Amherst and is considered by the provincial or national umbrella organization to be the home for the team;
- iii. The individual is competing as an individual and has their principal residence in the Town of Amherst.
- iv. The Town of Amherst resident has been selected / qualified to represent the Province of Nova Scotia or Canada at a national or international competition such as the Olympics or the Canada Games.

b. Festivals and Events Grants

- i. Maximum funding considered under this component will generally not exceed \$5,000;
- ii. Event must demonstrate broad community support;
- iii. Provides an experience not duplicated by other ongoing events, festivals or activities.
- iv. Draw spectators locally, from the Maritimes, nationally or internationally and increases the profile of our community;
- v. Must be affiliated with a local community non-profit organization.

c. Organizational Equipment

Operational and capital equipment purchase requests will be considered on an individual basis.

d. Funding for Poverty Reduction Initiatives

For the purposes of this policy, "Poverty Reduction Funding" is defined as the annual funding allotment within the Community Support Area Rate (currently 0.25 of the 1.25% deed transfer tax), including any reserves for this purpose, to be used for initiatives that specifically target poverty reduction or specifically reduce the impacts of poverty on individuals or the community. All applications which Council feels meet this definition and for which Council is considering funding from the annual Poverty Reduction Funding allotment or associated reserves set aside for this purpose will be referred to the Poverty Reduction Action Committee for a recommendation.

Notwithstanding the above, Council reserves the right to fund such poverty initiatives from other sources in addition to or in lieu of the annual Poverty Reduction Funding allotment.

e. Large Scale Projects

Applications for large scale projects (generally greater than \$5,000 or multi-year initiatives) will be evaluated on an individual basis. In these cases, Council may require Municipal representation on a board, the development of an MOU and/or other reporting requirements etc.

7. APPLICATION PROCESS

The following outlines the application process:

A call out for applications will be issued by the Town in the months leading up to budget time. Community organizations will be encouraged to apply during this initial call out however applications can and will be received throughout the year and be considered based on budget availability.

Community groups may submit more than one application per year however Council will prioritize funding over a diverse collection of applications to ensure fairness and equity for all.

- a) Applications - must submit the following information
 - i. A complete Community Grant Application
 - ii. a proposed budget for the project
- b) The Town of Amherst may request additional information as deemed necessary.

8. APPROVAL PROCESS

- a. For applications over \$1,000 staff will review applications, ensure requirements have been met and make recommendations to Council. Funding will be determined by council upon reviewing the proposal and recommendations from staff.

9. AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER

The Chief Administrative Officer (CAO) may approve applications that are less than \$1000 provided such applications qualify in accordance with this policy. Council will be notified by email upon approval of each application and a media release will be issued to

communicate the support provided by the Town under the application. A list of applications approved will be provided to Council quarterly. (March, June, September and December).

The CAO may waive the cost for Town owned facility rentals for organizations carrying out an event or service that satisfies the intent of this policy to a maximum of four rental waivers per year per organization.

10. PAYMENT PROCESS

For amounts over \$1,000 payment will be made as follows:

- a. 75% at the time of award
- b. 25% at the time of receipt of the final report, including receipts. Reports must be received by no later than one year after the event/project is held

11. CONDITIONS

- a. Grant recipients shall:
 - i. Make no misrepresentation on their application
 - ii. Use the grant as described in the application
 - iii. Use the funds in the year granted
 - iv. Council and/or the CAO may request an in-depth report for grants over \$5,000 at their discretion
- b. Grant recipients shall keep proper books of accounts and receipts of all expenditures related to the project and shall make them available for inspection by the Town of Amherst upon request.
- c. Non-compliance, in any aspect could result in no funding being awarded in the future year(s)
- d. Grant recipients are required to acknowledge the financial support of the Town of Amherst in all advertising, publicity, programs and signage for which funds are granted
- e. If the event/project does not occur for any reason, all grant monies must be returned
- f. Grant recipients who fail to comply with these conditions may be required to return all or partial funds to the Town of Amherst and may be deemed ineligible for Community Support Grant funding in future years.

12. PUBLIC DISCLOSURE

- a. The Town of Amherst will provide financial information with respect to the budgeted amounts disbursed and actual amounts disbursed on an annual basis
- b. A summary of grant awards will be posted on the Town of Amherst’s website in accordance with s.65C(1) of the *Municipal Government Act*

Application for Funding Date: _____
REQUEST FOR FINANCIAL SUPPORT **REQUEST FOR IN-KIND FACILITY RENTAL**

1. ORGANIZATION INFORMATION:

Name of Organization: _____
 Full Mailing Address: _____

Contact Person: _____
 Email Address: _____
 Telephone: _____

2. AMOUNT OF FUNDING ASSISTANCE BEING REQUESTED \$ _____
Total cost of program event or activity \$ _____

3. What is the purpose for the funding requested? (Sport and Physical Activity, Festivals and events, Organizational Equipment, Community Well-Being etc.)

4. Please attach a budget for the tournament, event or activity; include sources of revenue and ALL costs. **Please attach all documents that support the funding request.**

5. What are the expected benefits to the community? (Event participation numbers; local, regional, provincial or national attraction; time span; community assets being used; support from business community)

6. Please list all funding sources and/or other community partners for this event:

NAME	FUNDING IF ANY

7. How many volunteers contribute to this event or festival: _____

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Director Community Living	To ensure adherence to the policy. Advise staff of Policy changes and create awareness in the community of policy changes.
Mayor and Council	Review and approve applications as required.
CAO	Ensure applications under \$1,000 are reviewed and decision made in accordance with policy.

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Amendments to policy to collapse A fresh grants, streamline application process, increase CAO approval limit, inclusion of MAP requirements, rewording to ensure policy is more inclusive and promotes community well-being	Director Community Living, Bristol	Council	February 27, 2023

Minutes reference date: 23 September 2013 27 October 2014 21 May 2015 25 June 2018 24 September 2018
 28 October 2019 27 January 2020 25 October 2021

4.8 8/10 Prince Arthur Street Transfer of Ownership

Moved By Deputy Mayor Landry

Seconded By Councillor Baker

That Council approve of the ownership transfer of 8/10 Prince Arthur Street to the Cumberland Homelessness and Housing Support Association, direct staff to have the Town’s solicitor prepare the necessary legal documents, and authorize the Mayor and CAO to sign the documents.

Motion Carried

4.9 8 Lower LaPlanche Street Purchase and Sale Agreement

Moved By Councillor Emery

Seconded By Councillor Fawthrop

That Council approve of the purchase 8 Lower LaPlanche Street for \$5,000, plus any applicable HST and legal costs, and authorize the Mayor and CAO to execute the associated agreement of purchase and sale.

Motion Carried

4.10 Appointment to Cornerstone Board of Directors

Moved By Councillor Davidson

Seconded By Councillor Emery

That Council appoint Deputy Mayor Landry as a representative to serve on the Cornerstone Board of Directors.

Motion Carried

4.11 Capital Budget Approval

Moved By Deputy Mayor Landry

Seconded By Councillor Davidson

That Council approves the Town of Amherst General Capital Budget for the 2023-24 fiscal year as presented in the amount of \$2,141,500 and the Amherst Water Utility Capital Budget for the 2023-24 fiscal year in the amount of \$410,000 to be funded as follows:

<u>Town of Amherst - General Capital</u>		<u>Amherst Water Utility</u>	
Capital from Revenue	\$ 845,700	Capital from Revenue	\$ 40,000
Capital Reserve	10,000	Water Depreciation	370,000
Canada Community Building Fund (formerly Gas Tax Fund)	919,000		<u>\$ 410,000</u>
Grants - Federal/Provincial	366,800		
	<u>\$ 2,141,500</u>		

Motion Carried

Moved By Deputy Mayor Landry

Seconded By Councillor Emery

And further, that Council approve in principle the subsequent four years’ Capital Budget plans as presented:

<u>Fiscal Year</u>	<u>General Capital Total Amount</u>	<u>Water Capital Total Amount</u>
2024-2025	\$ 4,395,000	\$ 475,000
2025-2026	\$ 2,262,000	\$ 450,000
2026-2027	\$ 2,456,000	\$ 470,000
2027-2028	\$ 3,026,000	\$ 590,000

To be clear, the second part of this motion contemplates the approval of the amounts for the years 2024-2025 to 2027-2028 for planning purposes only; this is not the authority to spend, nor is it necessarily the final and complete listing.

Motion Carried

5. INTERNAL COMMITTEE REPORTS

5.1 Planning Advisory Committee

Deputy Mayor Landry presented the Planning Advisory Committee report included as part of the agenda package. Information item only; no direction given or action required.

5.2 Amherst Board of Police Commissioners

Councillor Davidson presented the Amherst Board of Police Commissioners report included as part of the agenda package. Information item only; no direction given or action required.

5.3 Audit Committee - No Report

5.4 Amherst Youth Town Council

Amherst Youth Town Council Junior Mayor Rowan Blanch presented the AYTC report included as part of the agenda package. Information item only; no direction given or action required.

5.5 Accessibility Advisory Committee - No Report

5.6 Inclusion Diversity and Equity Committee

Councillor Davidson presented the Inclusion, Diversity and Equity Committee report included as part of the agenda package. Information item only; no direction given or action required.

6. EXTERNAL COMMITTEE REPORTS

6.1 Cumberland Public Libraries

Councillor Fawthrop presented the Cumberland Public Libraries report included as part of the agenda package. Information item only; no direction given or action required.

6.2 Cumberland YMCA

Councillor Fawthrop presented the Cumberland YMCA report included as part of the agenda package. Information item only; no direction given or action required.

6.3 Northern Region Solid Waste Resource Committee

Councillor Baker presented the Northern Region Solid Waste Resource Committee report included as part of the agenda package. Information item only; no direction given or action required.

6.4 L. A. Animal Shelter

Councillor Fawthrop presented the L.A. Animal Shelter report included as part of the agenda package. Information item only; no direction given or action required.

6.5 Senior Safety

Councillor Emery presented the Senior Safety report included as part of the agenda package. Information item only; no direction given or action required.

6.6 Inter Municipal Tourism - No Report

6.7 Poverty Reduction Advisory Committee

Deputy Mayor Landry presented the Poverty Reduction Advisory Committee report included as part of the agenda package. Information item only; no direction given or action required.

6.8 Municipal Alcohol Project

Councillor Emery presented the Municipal Alcohol Project report included as part of the agenda package. Information item only; no direction given or action required.

7. SWEARING IN OF COUNCILLOR ELECT CHARLES CHAMBERS

The Returning Officer Kimberlee Jones read the special elections final results report as follows:

In accordance with Section 129 (1) of the Municipal Elections Act, for a Special Election held February 11, 2023, I declare the following elected having received the largest number of votes cast:

For the office of Councillor (1 position):

Bill Archer:	77 votes	
Charlie Chambers	1740 votes	ELECTED
Allan (Max) Davidson	76 votes	
Vaughn Martin	205 votes	

There were 7545 eligible voters, with 2103 casting ballots for a voter participation rate of 27.9%.

Alternative voting was available for a 12 day period from January 30 – February 11. Voting via an internet enabled device was 80.3%, and telephone voting was 19.7%.

The Returning Officer then officially swore Charles Chambers in as Councillor.

8. **ADJOURNMENT**
Moved By Councillor Chambers
Seconded By Councillor Fawthrop
To adjourn the meeting.

Motion Carried

Natalie LeBlanc
Municipal Clerk

David Kogon, MD
Mayor

**Town of Amherst
Public Hearing
Minutes**

Date: March 22, 2023
Time: 12:00 pm
Location: Council Chambers, Town Hall

Members Present Deputy Mayor Leon Landry, Acting Chair
Councillor George Baker
Councillor Charlie Chambers
Councillor Hal Davidson
Councillor Lisa Emery
Councillor Dale Fawthrop

Staff Present Jason MacDonald, Chief Administrative Officer
Andrew Fisher, Director, Planning & Strategic Initiatives
Abilola Falaye, Land Use Planner/GIS Coordinator
Kim Jones, Director, Corporate Communications & IT
Tom McCoag, Corporate Communications Officer
Natalie LeBlanc, Municipal Clerk

1. Call to Order

Acting Chair Deputy Mayor Landry called the meeting to order.

2. 3,4,5,7 Robie Street

2.1 Staff Report

Abilola Falaye presented the application for a Development Agreement for properties located at 3,4,5, and 7 Robie Street to permit a change of use from a community hall to an expanded commercial office.

2.2 Council Questions/Comments

Councillor Baker expressed he was glad the applicant is working with Campbells Funeral home to provide parking for their clients when possible.

Councillor Emery asked for clarity on the parking. Mr. Falaye confirmed there are a total of 28 parking spaces, including 2 handicapped spaces.

2.3 Public Questions/Comments

No public comments or questions.

3. 264 Church Street

3.1 Staff Report

Andrew Fisher presented the application for a Development Agreement for the construction of a 96-bed long term care facility at 264 Church Street.

3.2 Council Questions/Comments

Councillor Emery asked about the size of the proposed facility in comparison to the current facility, as well as if there is a parking space per bed, where visitor and staff parking is and the distance to the entrance(s).

Councillor Davidson noted there appears to be more parking available at the proposed facility compared to the current facility.

Councillor Baker asked what the intentions for the current facility are.

3.3 Public Questions/Comments

Jennifer Tsang with Sunrose Land Use Consulting representing Gem Health Care Group advised that they follow LUB requirements when designing parking areas, adding that there should be approximately 40 staff on-site at a time, with the rest of the parking for visitors, and that the spread-out parking design as proposed allows for more green space.

Ms. Tsang added that there is no definite plan for the current facility however they would like to repurpose it, perhaps for assisted living apartments, or something similar.

The Architect for the proposal was also in attendance. He added that a 1 to 1 bed-to-parking ratio is very generous for a long-term care facility as typically less than 1% of residents drive. He advised that the staff entrance will be at the rear of the facility and visitors will enter through the front. The building will be 2-storeys, with four wings, each wing having 12 residents with their own private room and washroom. Some adjacent rooms will also be connected. There will also be common community rooms shared by two wings each with a balcony. He further stated that the design meets the provincial requirements for Long Term Care Facilities and the concept is presently one of the best in Nova Scotia. There is also the potential to increase the facility by a storey in future if needed.

The CAO asked Mr. Fisher if adding one more storey to the current design is considered a substantial change to the agreement and the possibility of accommodating this potential change/ increase in the Development Agreement that is under review. Mr. Fisher replied that an additional storey is a substantial change, particularly considering its implication on parking. He therefore concluded that it is better to consider the application as it is and review the Development Agreement for any upgrade in this regard separately.

4. Adjournment

There being nothing further Deputy Mayor Landry advised that Council will consider second reading of these Development Agreements at their meeting on March 27, 2023, and closed the public hearing.

Deputy Mayor Leon Landry
Acting Chair

Natalie LeBlanc
Municipal Clerk

SYNOPSIS

Provincial Volunteer Award Nomination

The Province of Nova Scotia celebrates volunteers nominated by organizations and communities at the annual Provincial Volunteer Awards Ceremony. This year's event will take place on September 25, 2023, where the premier, lieutenant-governor and minister of the volunteer sector will present awards to volunteer representatives from each municipality.

In February 2023, the Town of Amherst made a public call for nominations of volunteers who deserve special recognition. All nominated individuals will be recognized in person at an event hosted in Amherst on April 18, 2023. Details on the Amherst Volunteer Reception will be announced at a later date. From the nominations received, the Town of Amherst is eligible to submit a name for a Provincial Volunteer Award Category, Family and Youth Volunteer of the year, who will be recognized at the Nova Scotia Ceremony. Several nominations were received for the Provincial Volunteer Award Category, one was received for the Youth Volunteer however they are a County resident; no nominations were received for the Family category.

As the Youth Volunteer nomination received is a County resident, Council felt they would like to nominate a Youth Volunteer who resides in Amherst who is committed to bettering our community, and who goes above and beyond while volunteering.

MOTION:

That Council nominate Doris Walton as the Amherst Volunteer of the Year, and Oskar Sigtryggsson as the Youth Volunteer of the Year to be recognized at the Nova Scotia Ceremony.



AMHERST TOWN COUNCIL

RFD# 2023032

Date: March 27, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Sharon Bristol Director, Community Living

DATE: March 27, 2023

SUBJECT: Provincial Volunteer Award - Nominations

ORIGIN: Provincial Volunteer Week.

LEGISLATIVE AUTHORITY: Municipal Government Act Section 47.

RECOMMENDATION: That Council nominate Doris Walton as the Amherst Volunteer of the Year, and Oskar Sigtryggsson as the Youth Volunteer of the Year to be recognized at the Nova Scotia Ceremony.

BACKGROUND: The Province of Nova Scotia celebrates volunteers nominated by organizations and communities at the annual Provincial Volunteer Awards Ceremony. This year’s event will take place on September 25, 2023, where the premier, lieutenant-governor and minister of the volunteer sector will present awards to volunteer representatives from each municipality.

In February 2023, the Town of Amherst made a public call for nominations of volunteers who deserve special recognition. All nominated individuals will be recognized in person at an event hosted in Amherst on April 18, 2023. Details on the Amherst Volunteer Reception will be announced at a later date. From the nominations received, the Town of Amherst is eligible to submit a name for a Provincial Volunteer Award Category, Family and Youth Volunteer of the year, who will be recognized at the Nova Scotia Ceremony. Nominations were received for Adult and Youth Volunteer. No applications were received in the family category.

DISCUSSION: 44 applications were received. Staff reviewed the applications, scored them using criteria for years of service and community impact. The top 4 nominations by staff for Volunteer of the Year are:

- Darrell Cole 20+ years of service in Rotary and Bantam Baseball
- Doris Walton 10+ years of service creating and operating the After the School Bell Program
- Laura Farrow 10+ years volunteering for Amherst/Parrsboro Skating Club, YMCA of Cumberland and the Canadian Cancer Society Relay for Life
- Michelle McKay MacIntyre 20+ years service to CARMA and countless animals rescued in Cumberland County.



FINANCIAL IMPLICATIONS: The event to celebrate Amherst Volunteers is anticipated to cost \$1000 including cost for travel for the Amherst Volunteer of the Year to attend the Awards Ceremony in September.

COMMUNITY ENGAGEMENT: There will be a Town of Amherst event in April to recognize our volunteers.

ENVIRONMENTAL IMPLICATIONS: No implications indicated.

SOCIAL JUSTICE IMPLICATIONS: Volunteers play a key role in the community and recognition of their contributions is important to all aspects of our community.

ALTERNATIVES: Nominate another volunteer; Do not put names forward for the provincial award.

ATTACHMENTS:

SYNOPSIS

Mitacs Funding

Pathways to Resiliency Research Project

The Poverty Reduction Advisory Committee has developed a 3-year Strategic Plan which identified food insecurity, housing/homelessness and youth outreach and education as three pillars of concern to be addressed. The Strategic Plan has been referred to each of the partnering municipal units of Amherst, Oxford and Cumberland for consideration.

While developing the plan the Committee was concurrently working on some of the goals including one which addresses youth outreach and education. To that end the Committee met with representatives of Mitacs to link our municipalities to researchers who could provide the data needed to inform the work to be completed. The Committee met with Hailie Tattrie to discuss potential research options centered around barriers to youth in the community. From these discussions a proposal was submitted to the Committee for review.

The proposal from Hailie Tattrie of Mount St. Vincent University centers around gaining qualitative data from youth aged 12-19 here in Cumberland County on what barriers are faced by today's youth. It will help inform municipalities on what resources might be required to make our community more vibrant to youth, provide insight into the complex challenges between education/life skills/employment and ultimately help us build a framework that helps make our youth more resilient. Through application to Mitacs funding, 50% of the cost of the research will be covered and the balance would be the responsibility of the municipalities. The research project will take approximately 16 months to conduct and report back at a cost of \$60,000.00. With Mitacs contribution of \$30,000 the balance of \$30,000 would be split amongst the County and Towns of Amherst and Oxford.

The three CAO's are suggesting that both the Town of Amherst and the Municipality of County of Cumberland each contribute \$13,500 towards the project with the Town of Oxford contributing \$3,000.

MOTION:

That Council approve of funding in the amount of \$13,500 for the Pathways to Resiliency research project, with funding to come from the "Poverty" funding in the 2023/24 and 2024/25 Operating Budgets.



AMHERST TOWN COUNCIL

RFD# 2023027

Date: March 27, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Sharon Bristol Director, Community Living

DATE: March 27, 2023

SUBJECT: *Pathways to Resiliency Request for Funding*

ORIGIN: The Intermunicipal Poverty Reduction Advisory Committee was established to work collaboratively to reduce the effects of poverty in our communities.

LEGISLATIVE AUTHORITY: MGA 47 (5) The council may make and carry out a contract, perform an act, do anything or provide a service for which the municipality or the council is authorized by an Act of the Legislature to spend or borrow money. 1998, c. 18, s. 47.

RECOMMENDATION: That Council approve of funding in the amount of \$13,500 for the Pathways to Resiliency research project, with funding to come from the “Poverty” funding in the 2023/24 and 2024/25 Operating Budgets.

BACKGROUND: The Poverty Reduction Advisory Committee developed a 3-year Strategic Plan which identified three pillars of concern to be addressed (food insecurity, housing/homelessness and youth outreach and education). The Committee met with representatives of Mitacs to link our municipalities to researchers who could provide the data needed to inform the work to be completed. The PRAC committee met with Hailie Tattrie to discuss potential research options centered around barriers to youth in the community. From these discussions a proposal was submitted to the Committee for review (attached). The Committee reviewed the proposal and approved the following motion:

Whereas the Mitacs proposal will engage youth from all over the region to obtain data that will help local government understand how our youth see their communities and what barriers prevent them from working and living here in Cumberland County and;

Whereas the Intermunicipal Poverty Reduction Advisory Committee is of the opinion that the above is useful / beneficial in achieving the goals of the draft strategic plan related to youth engagement and education, increasing the opportunities for youth engagement and would like this proposal to be considered prior to the approval of the Strategic Plan due to the timing involved in the application process and;

Whereas the total project budget is \$60,000 with 50% of this total covered by Mitacs and the 3 municipal units responsible for \$30,000 plus HST, over a 16 month period.





AMHERST TOWN COUNCIL

RFD# 2023027

Date: March 27, 2023

I move that the funding of the Mitacs project “Pathways to Resiliency” be recommended to the three participating municipal Councils and that the municipalities collaborate, through the respective CAOs, to determine a mutually agreeable funding formula.

DISCUSSION: The proposal from Hailie Tattrie of Mount St. Vincent University centers around gaining qualitative data from youth aged 12-19 here in Cumberland County on what barriers are faced by today’s youth. It will help inform municipalities on what resources might be required to make our community more vibrant to youth, provide insight into the complex challenges between education/life skills/employment and ultimately help us build a framework that helps make our youth more resilient. Through application to Mitacs funding, 50% of the cost of the research will be covered and the balance would be the responsibility of the municipalities. The research project will take approximately 16 months to conduct and report back at a cost of \$60,000.00. With Mitacs contribution of \$30,000 the balance of \$30,000 would be split amongst the County and Towns of Amherst and Oxford.

The three CAO’s are suggesting that both the Town of Amherst and the Municipality of County of Cumberland each contribute \$13,500 towards the project with the Town of Oxford contributing \$3,000.

FINANCIAL IMPLICATIONS: Financial contribution of \$13,500.

SOCIAL JUSTICE IMPLICATIONS: Understanding the barriers faced by today’s youth is the first step in laying the groundwork to make our communities more vibrant, providing opportunities to keep our youth here and able to thrive. For too many decades the brain-drain experienced by youth leaving for education/employment opportunities and not returning has been experienced. This has created an unbalanced perspective of what direction our communities can and should be moving towards.

ENVIRONMENTAL IMPLICATIONS: None relating to approving this funding request.

COMMUNITY ENGAGEMENT: Continued engagement. Opportunities to collaborate with existing youth care providers, youth, families and other stakeholders.

ALTERNATIVES:

- 1 Deny the funding request
- 2 Defer to next month

ATTACHMENTS: Pathways to Resiliency presentation, cost breakdown, Hailie’s research proposal





AMHERST TOWN COUNCIL

RFD# 2023027

Date: March 27, 2023

Report prepared by:

Report and Financial approved by:



**Pathways to resiliency; Understanding challenges and opportunities towards
community youth engagement; a case study of rural Nova Scotia**

Hailie Tattrie

December 14, 2022

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Pathways to resiliency; Understanding challenges and opportunities towards community youth engagement; a case study of rural Nova Scotia

Cumberland County is located in the Canadian province of Nova Scotia, close to the New Brunswick boarder. Cumberland County is made up by the Municipality of the County of Cumberland, two incorporated towns (Amherst and Oxford) and two Villages (Pugwash and River Hebert). According to Statistics Canada (2022) the population of Cumberland County, as of 2021, is 30,538, with the approximate size of the county being 4,248km² (Department of Municipal Affairs and Housing, 2019/20). The proposed project is a collaboration between Mount Saint Vincent University researchers, the Municipality of the County of Cumberland, the Town of Amherst, and the Town of Oxford in their mission to identify innovative solutions to engage youth in their communities. With this in mind, the research question is as follows,

Option 1: What barriers and challenges are in place that prevent youth from staying and thriving in their home community?

Option 2: How can Cumberland County become a location for youth resiliency?

Option 3:

Literature Review

Theoretical Frameworks

Critical Pedagogy

Paulo Freire's (1970) book *Pedagogy of the Oppressed* is foundational in understanding critical pedagogy, as this book is where the theory first emerged (Kellner, 2006). Freire's (1970)

theory turned education on its head by prompting a critical look into pedagogical practices, hence the name. Sanders (2016) defines critical pedagogy as “a philosophical perspective in which critical theory is applied to understand and change the practice of education” (p.351). Indeed, not only does this theory seek to change the institution of education itself, but it seeks to transform the key actors in education; as Kellner (2006) highlights, “Freire’s pedagogy of the oppressed seeks to transform individuals from being objects of educational processes to subjects of their own autonomy and emancipation” (p.4). Furthermore, a critical pedagogy strives to foster a critical consciousness in students/youth (Donovan & Tracy, 2017) while committing to the oppressed (McLaren, 1998).

Freire (1970) prompts critical consciousness by first addressing the inadequacies and oppressive nature of the traditional education model, the banking concept of education. Not only does he criticize the current model, but he offers another alternative; problem-posing education. Freire (1970) wished to rebel against the oppressive forms of domination that he saw in the education system, he dreamed of a better, more just and liberating form of education, he strived to “develop a pedagogy of the oppressed that would produce revolutionary subjects, empowered to overthrow oppression and to create a more democratic and just social order” (Kellner, 2006, p.4). Although not all youth in community may find themselves in the traditional education system they are still impacted by oppressive pedagogy – whether it be in school, programs they attend, or organizations they are a part of.

Banking-Model

In order to understand critical pedagogy, one must understand the banking-model of education. Freire (1970) first coined the banking-model and described it as a subject-object relationship between student and teacher, with the student being the object and the teacher the

subject. Our current education system is the banking-model of education which consists of oppressive practices. Teachers are seen as the “bringer of knowledge” (Freire, 1970), while students are merely receptacles waiting to be filled with what is seen as the “right” knowledge. This further relates to educational scholar Michael Apple’s (2000) concept of “official knowledge.” Official knowledge can be understood as information that is seen as the dominant form of knowledge; it is not questioned but is seen as factual (Apple, 2000). Official knowledge works to reproduce dominant ideologies (Apple, 2000, p.145), thus furthering eurocentrism.

Official knowledge is held by the knowledge bringers, the teachers, who then “fill” the students, also seen as receptacles, with said knowledge. Students begin to see themselves as empty receptacles needing to be filled; “Almost never do they realize that they, too, ‘know things’ they have learned in their relations with the world” (Freire, 1970, p.63). In accordance with the banking-model of education the better a teacher fills these receptacles, the better the teacher they are. Students begin to become passive objects, as Freire (1970) highlights “The student records, memorizes, and repeats these phrases without perceiving what four times four really means, or realizing the true significance of ‘capital’...” (p.71), this demonstrates that in this process students become filled with said official knowledge, failing to properly understand or to be critical of the knowledge with which they are bestowed. The banking-model of education leaves no room for creativity, for authentic thinking, for critical consciousness, or for meaningful dialogue, rather, it is merely a tool of the states continued oppression:

The educated individual is the adapted person, because she or he is better ‘fit’ for the world. Translated into practice, this concept is well suited to the purposes of the oppressors, whose tranquility rests on how well people fit the world the oppressors have created, and how little they question it. (Freire, 1970, p.76)

Maintaining the banking-model of education is in the interest of the oppressors, of dominant, neo-colonial, neo-liberal, Eurocentric thought (Beattie, 2019; Kanu, 2006; Ross and Vinson 2013). Whether knowingly or not, educators play a role in this process (Cherry-McDaniel, 2016).

It is clear that a plethora of scholars are in agreeance with Freire that education is a vehicle for dominant hegemonic belief systems, morals, and knowledge. Disrupting the insidiousness of the current banking-model of education certainly will not be easy, it will be a transformation that is of immense pain and difficulty, as Freire (1970) discusses;

Liberation is thus a childbirth, and a painful one. The man or woman who emerges is a new person, viable only as the oppressor-oppressed contradiction is superseded by the humanization of all people. Or to put it another way, the solution of this contradiction is born in the labor which brings into the world this new being: no longer oppressor nor longer oppressed, but human in the process of achieving freedom (49).

In order to reach a moment of emancipation, transformation is required, which will indeed be a long and painful process. However, as Freire (1970) highlights in order to reach this liberation we must reject the banking-model of education, which brings us to the alternative; problem-posing education. Opposing current pedagogical practices not only opens up space for meaningful dialogue but it allows for community building.

Problem-Posing

In the problem-posing model of education, the student and teacher dichotomy dissolves. Instead, there are new roles of student-teachers and teacher-students (Freire, 1970). These newly acquired roles demonstrate that both teacher and student have the ability to be learners and teachers simultaneously (Freire, 1970, p.80). Both students and teachers become co-investigators

and present actors in their own learning. This co-investigation takes place through dialogue, which, according to Freire (1970), must be built on a foundation of love (p.89).

It is through these new roles and dialogical approach that oppression can no longer flourish, as the problem-posing model “does not and cannot serve the interests of the oppressor” (Freire, 1970, p.86). Furthermore, problem-posing education creates critical and independent thinkers; it allows for questions and problems to be posed through dialogue between the student-teachers and teacher-students. This model is a form of liberation education. It is through these new relationships and roles in the new model that dialogue can begin, thus aiding in transformation and liberation; as Freire (1970) states, “Dialogue with the people is radically necessary to every authentic revolution” (p.128). Although a transformation in educational practices may not be the means to an end in terms of a revolution, it certainly is a step forward.

Many scholars have already begun to explore problem-posing methods in education. Merriweather-Hunn (2004) suggests adopting a “conversational teaching style” (p.71), which can also be seen as a dialogic approach. She further suggests that “Giving learners an opportunity to convey how they feel about the material as opposed to just demonstrating what they know about it is key to tapping into the affective dimension of knowledge” (Merriweather-Hunn, 2004, p.72). Ross and Vinson (2013) suggest ways of working in the current model of banking-education that pushes back against it, an alternative that offers problem-posing methods;

...school ‘assignments’ that attack school assignments. If schools have a homework policy, for instance, teachers and students might create projects in which they examine critically homework’s positive and negative aspects. They might develop ‘tests’ in which essays ask students to critique standardized testing. (p.33)

Although each of these suggestions and steps may seem small, the reality is that “the revolutionary process is eminently educational in character” (Freire, 1970, p.138); indeed, schools and other educational locations can in fact be sites of liberation (Ross & Vinson, 2013).

Conclusion

The intricacies of critical pedagogy have been explored at length above, shedding light on the dimensions of this theoretical framework and the possibilities it holds. Small steps lead to significant changes, which is why implementing anti-oppressive pedagogical practices into local education systems here in Cumberland County holds the possibility for improved relations between youth and their community, as it is through this approach that dialogue can be opened up, and community can flourish.

Methodological Considerations

The Four Axioms of Methodology

According to McGregor & Murnane (2010) there are four axioms of methodology. These include epistemology, ontology, axiology, and logic. Ontology can be understood as your view of the world (Lagenbach et al., 1994), or your perception of the nature of reality (Grix, 2002; McGregor & Murnane 2010). Indeed, ontology is “...the starting point of all research” (Grix, 2002, p.177). Epistemology on the other hand is “what counts as knowledge and ways of knowing (McGregor & Murnane, 2010), and “the study of knowledge” (Ponterotto, 2005, p.127). Both ontology and epistemology or intertwined, for as Usher (1996) states “Epistemological and ontological questions are related since claims about what exists in the world imply claims about how what exists may be known” (p.11).

The third axiom of methodology is axiology, which is your values and morals and how they play a part in your research (Lagenbach et al., 1994; McGregor & Murnane, 2010; Ponterotto, 2005). This plays a crucial role in the research process and is thus an important point of reflection. Finally, the fourth axiom of methodology is logic. Logic is defined by McGregor & Murnane (2010) as how “people come to their understandings; what is acceptable as rigour and inference in the development of arguments, judgements, insights, revelations, or social action” (p.426). It is also important to reflect on what is important and what gets to count as logic in the research process. Reflecting on and understanding my own ontological, epistemological, axiological, and logical stances and locations is key in understanding my own methodological approaches.

Ontology

My ontological stance is that of reflection and openness. I will be practicing ontological openness throughout my research process and beyond. Ontological openness can be understood as; “A willingness and commitment to open to ways of knowing and sources of knowledge that may be new and unfamiliar (to me); and to persist through uncomfortable experiences of not-knowing and having my existing ontology challenged” (Emmanouil, 2017, as cited in Hughes & Wilson, 2019, p.10). Being open to new ideas and realities will be crucial in my methodological approach. Furthermore, my ontology will be relational. As Hughes & Wilson (2019) state; “According to relational ontology, we are not searching for an objective truth that we are somehow ‘outside of; as researchers’” (p.15). Relational ontology recognizes that we as researchers are deeply connected to the work that we do and the people with whom we work with.

Epistemology

Similar to my ontological approach I will be undertaking a relational epistemology. According to (Huffman, 2018) a relational epistemology is “an approach to knowing that highlights the relationships between knowers” (p.19). The “knowers” in this case are myself (the researcher) and the participants. Both my participants and I have something to bring to the table, as we both exist as “knowers” in the world (Huffman, 2018). This also relates to Freire’s (1970) work and discussing dialogic relations; for as we build trusting relationships we can come together to know and name the world together as equals (Freire, 1970; Huffman, 2018).

My work as a scholar is also deeply intertwined with my own personal beliefs and my role as an activist, which leads me to find my epistemological home in relationality, as Huffman (2018) states scholars “who are committed to activism and social justice often do not fit fully into the paradigms of postpositive, interpretive, or critical traditions” (p.19), thus relational epistemology fills this gap. Indeed, relational epistemology leaves room for growth, for relationship building, and for understanding how interconnected we all really are (Huffman, 2018; Lim, 2015). Thayer-Bacon (1997, as cited in Huffman, 2018), sums up my feelings towards my own way of knowing, my epistemology, when he states that “I view knowing as an activity, like dancing, singing, or loving, that is done with others” (p.243). It is my hope that this relational approach to my work fosters feelings similar to dancing, singing, and loving, something we, myself and the participants, can do and create together.

Axiology and Logic

I have already begun to touch on my axiological stance as I am not only a social scientist, but I am an activist as well. I should note that my political stance is deeply tied into my own work as an academic, to say otherwise is, in my belief, a mere myth, a fallacy. Bracketing is

impossible from my ontological and epistemological view. Our personal realities, stories, relationships, and experiences play a key role in how we see and interact with the world. For instance, my positionality as a cis-gendered, able-bodied, bisexual, white-settler, educated woman, deeply impacts how I connect with and see the world. Practicing this kind of reflexivity is crucial to the work that I do. This coupled with the plethora of academic literature that I have discussed above allows for a glimpse into the ways in which I approach my research and my work as an academic. Furthermore, my academic work inspires my political and activist work, and my political and activist work inspires my academic work. It is a reciprocal relationship that is intrinsically tied. My research, similar to my own political underpinnings, comes from a leftist ideology.

It is my belief that research be for the people, that it lead to meaningful change in community (Wilson, 2008). If my work is to be truly relational than it makes sense that my axiology and logical approaches align with community values. I will employ a methodology that encompasses my ontological, epistemological, and axiological approaches that are all relational. All of which leads to my understanding of logic (McGregor & Murnane, 2010). To me, logic need not only follow Westernized modes of thinking and rules, rather, logic can be relational and community focused.

Ethics, Reciprocity, Reflexivity, & Relationships

Before interacting with any participants, I will have to go through a rigorous review process so as to ensure ethical standards have been met. Firstly, I would have to go through the Mount Saint Vincent University Research Ethics Board & would further have to follow the Tri-Council Policy Statement, with specific attention paid to working with vulnerable populations as I will be working with youth.

As researchers it is important for us to reflect on reciprocity (Scott & Garner, 2013). Moreover, we must ask ourselves “What is ‘in it’ for individuals who provide the life narratives?” (Scott & Garner, 2013, p.314). These individuals who will be providing narratives and sharing their own stories in my research should have something to gain from this experience. My research will have a reciprocal, relational element to it. The goal is to go forth, together, as knowers who have something to learn and gain from one another. I want there to be something worthwhile in this experience for each of my participants. Important to reciprocity is building relationships. Specifically with my focus on critical narrative analysis, which will be explored in depth below, it is crucial to build meaningful relationships with my participants (M.J. Harkins, personal communication, 2021, Scott & Garner, 2013). Indeed, this relationship will be “dynamic, flexible, and reciprocal” (Dewey, 1958, as cited in Thayer-Bacon, 1997). Not only will I build a relationship, but I will ensure that my research participants understand that they have something to gain from this interaction. I will work with participants to understand how this working relationship can be a reciprocal one, as I want them to gain just as much from this work as I am.

Methods

As a reminder the question I have chosen to explore is as follows; **INSERT**

I plan to take a qualitative approach and conduct semi-structured interviews. These will be one on one interviews with chosen program facilitators. Sharing circles, where all participants share and discuss in a circle together, may also be employed with all facilitators and volunteers of each group. This approach will require excellent rapport and relationship building (MJ. Harkins, personal communication, March 10th 2021; Scott & Garner, 2013). This relationship building is important to me ontologically and epistemologically

Research Participants

Research participants will be youth who reside in the County of Cumberland in Nova Scotia, Canada. The term youth will be defined as the following, anyone between the ages of 12-17. The youth will have to be willing to take part in the chosen research methods, which will be discussed in detail below. Inclusion and exclusion criteria?

Research Process

The first step of my research process has already begun, as past work that I have done up until this point lends nicely to my research. However, a further study of the literature will need to be conducted, with focus on the following areas;

Once my Literature Review is officially complete, I will have a strong foundation of knowledge from which to start my research. My Theoretical Framework will also lend well to my research process. Indeed, building a foundational knowledge is crucial before presenting my research for approval.

Once I have successfully become a PhD Candidate, have defended my research proposal, and have secured funding from Mitacs, I will then begin to develop relationships with participants. I will then move forward with my research ethics applications. As was mentioned previously I will have to go through the Research Ethics Board at Mount Saint Vincent University. All while following the Tri-Council Policy Statement. Once my ethics applications are approved, I can begin participant recruitment. I will work with the Cumberland Community Youth Development Centre,

It is here where I will begin to explain my own positionality, privileges, and interests. It is my goal to meet with my participants a few times prior to officially conducting interviews, in

order to foster a trusting relationship. It is in these first few initial meetings where I will focus on reciprocity, what can they get out of this experience? I will be conducting research with my participants not on them, so their feedback is important. Once a relationship is further developed then I can begin the official interviewing process. I will be recruiting “HOW MANY?” participants for one-on-one semi-structured interviews. Interviews will occur at the place of most convenience for the participant, one option in particular is the Cumberland Community Youth Development Centre. For instance, interviews could take place in a space as formal as a conference room or in a café with a coffee in hand. This will ultimately be up to the participant.

A questionnaire for these interviews will be crafted by myself with feedback from my supervisor and the rest of my dissertation committee, which is still being formed. The interview questions will then be presented to participants and the Poverty Reduction Committee (PRAC), prior to the formal interview so as to ensure that questions they agree with are included. As mentioned previously this research will be done *with* the participants not *on* participants. The research process will ensure to respect relationships with the participants and to respect their own voices, opinions, and their position of “knowers” for we are coming together as equals who can name and live in the world together (Freire, 1970). Once myself, the participants, my supervisor, PRAC, and the ethics boards have confirmed approval I can then begin to conduct interviews. Interviews will be recorded through a secure recording device. These documents will be on my laptop that is password secure.

As the researcher I will ensure participants are fully informed by orally communicating their rights, safety, and potential risks. Participants will give oral consent for interviews. Participants will be informed that they can stop the interview at any time. If they choose to withdraw from the study and if an interview is underway then the recording will be destroyed.

Participants will also have the opportunity to contact me, up until completion of the research process, and can ask to withdraw their data.

Once interviews are finished being conducted, I will then begin the process of transcription. I will transcribe my own interviews so as to immerse myself in the data and in the narratives that participants provide. I will then conduct Critical Narrative Analysis (CNA) and will ensure that my findings are discussed with participants so as to ensure that their narratives were interpreted correctly (Maxwell & Chmiel, 2018). Ensuring that research participants are a part of creating and interpreting interview results is crucial to my work and methodological stance. Along with input from participants I will utilize the unique methodological approach of Critical Narrative Analysis (CNA) which I will now explore.

Understanding Critical Narrative Analysis

In order to understand CNA, we must start by understanding the two components that make up this approach; Narrative Analysis (NA) and Critical Discourse Analysis (CDA). I will begin by exploring Narrative Analysis.

According to Souto-Manning (2014) “Narratives are how we make sense of what we know, what we feel and experience in the world in which we live” (p,162). Narratives are a crucial part of the human experience. Indeed, narratives allow for us to see what matters and how it matters to the narrator (Kleres, 2011, p.184). Narrative Analysis is ultimately utilized to analyze and dissect “the narrative structure of the interview text” (Kleres, 2011, p.183) which is an incredible tool to employ in qualitative studies like my own.

Critical Discourse Analysis (CDA) on the other hand is defined as “an approach to answering questions about the relationships between language and society” (Rogers et al., 2005, p.366).

CDA allows for an examination of power relations, discourse, and social inequality in society by looking at language (McKenna, 2004, p.10 as cited in Souto-Manning, 2014, p.162).

Critical Narrative Analysis (CNA) combines both CDA and NA in order to address gaps in discourse analysis (Souto-Manning, 2014, p.162). By doing so it brings forth the possibility of tangible, meaningful change. CNA allows for the analysis of people's stories that are "within the context of institutional discourses" (Souto-Manning, 2014, p.163). Indeed, CNA allows not only for the researcher to make sense of these narratives, but it allows for the narrator themselves to "make sense of their experiences through narratives, they bring together the micro (personal) and the macro (social or institutional) situations in place" (Souto-Manning, 2014, p.163) which is incredibly similar to Wright's (1959) concept of the sociological imagination. As a sociologist myself I deeply connect to both concepts of the sociological imagination and CNA, as connecting individual, micro troubles and experiences to the macro institutionalized structures of society is crucial in the work that I do.

CNA is powerful in the sense that it can lead to transformative change, as Souto-Manning (2014), highlights; "If we are to engage in positive social change, we must start by listening to and analyzing the everyday stories people tell" (p.177). My work of collecting stories and narratives through the interviewing process will allow for my participants and I to engage in social change.

As an overview, CNA allows for relationships to grow as the researcher is a listener, they are on common ground with the participants who then share their experiences, thoughts, and knowledge, through their stories and narratives. This brings forth meaningful insights not only for the researcher but the participants as well, further highlighting the reciprocal relationship that this research encourages. Finally, CNA allows for transformative change to occur as it takes

research a step beyond theory; which further connects to Gramsci's concept of "the new intellectual; "the academic who refuses to stay locked up in the ivory tower and, instead, goes to the streets to work with and on behalf of the least privileged" (DeMeulenaere & Cann, 2013, p.557). As someone who identifies as a "new intellectual" I believe that CNA can allow for myself and others to utilize our research to bring forth meaningful change with and for the communities within which we work and live. It is my hope that through my relationship with my participants we can aim to bring forth change, regardless of size, into the community; as I never want to be an armchair sociologist, rather, I am an activist who values relations which is why CNA is so fitting with my work. Therefore, I will employ CNA as a way to analyze my data, to assess narratives and the stories that my participants tell in order to understand what is meaningful to them. In order to achieve full transparency and to maintain a relational approach I will be discussing my findings from my analysis with the participants themselves so as to ensure that their narratives are being portrayed in an authentic manner.

In conclusion I am aiming for my research to take on a relational approach, something that I believe will be achieved thanks to my epistemological, ontological, axiological, and logical standings accompanied with my methodological approach of Critical Narrative Analysis. Indeed, as researchers we have to ask ourselves, if research is not done for the community than who is it for?

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*Pathways to resiliency;
Understanding challenges
and opportunities towards
community youth
engagement; a case study
of rural Nova Scotia*

Hailie Tattrie BA, MA, PhD student



Introduction

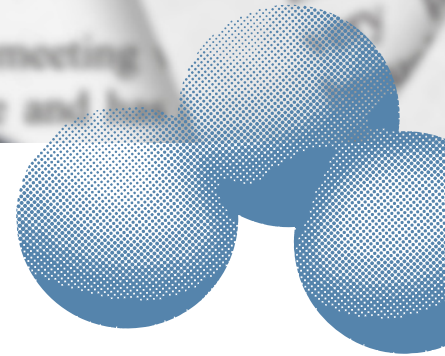
- **Hailie Tattrie (she/her)**
- **Educational Sociologist**
- **3rd year Ph.D. student in Educational Studies, Master of Arts in Sociology, Bachelor of Arts with an honours in Sociology and minor in Political Science**
- **Have lived in Mi'kma'ki my entire life. I grew up in Oxford NS**
- **I worked for the Municipality of Cumberland in the past**
- **Years of experience in research**

A magnifying glass with a black handle and frame is positioned over a document. The word "Research" is written in a large, bold, black serif font and is the central focus of the magnifying glass. The background shows blurred text from the document, including phrases like "The E...", "bring Earth. We...", "places of strate...", "and will disc...", "collaboration...", "Will also d...", "sures on...", "Last time...", "meeting", and "ize and h...".

Research

Research question

From the perspective of a municipal government, how can Cumberland County become a location for youth resiliency?



Ethics, Reciprocity, Reflexivity, & Relationships

Before interacting with any participants, I will have to go through a rigorous review process so as to ensure ethical standards have been met. Firstly, I would have to go through the Mount Saint Vincent University Research Ethics Board & would further have to follow the Tri-Council Policy Statement, with specific attention paid to working with vulnerable populations as I will be working with youth.



Ethics, Reciprocity, Reflexivity, & Relationships

As researchers it is important for us to reflect on reciprocity (Scott & Garner, 2013). Moreover, we must ask ourselves **“What is ‘in it’ for individuals who provide the life narratives?”** (Scott & Garner, 2013, p.314). These individuals who will be providing narratives and sharing their own stories in my research should have something to gain from this experience.



Research Methods

I plan to take a qualitative approach and conduct semi-structured interviews. These will be one on one interviews with chosen program facilitators and youth. Sharing circles, where all participants share and discuss in a circle together, may also be employed with all facilitators and volunteers of each group.

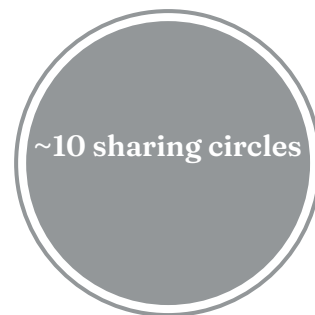


Research participants

Research participants will be youth who reside in the County of Cumberland in Nova Scotia, Canada. Other research participants will be youth service providers in Cumberland County.

Youth ages 12-19 who reside within Cumberland County.

Service providers in Cumberland County; Schools Plus, Cumberland Community Youth Development Centre, Restorative Justice, Homeless Liaisons, Coaches, School Councillors, and more.



Research Process



1. **Apply for Mitacs Funding**
2. **Research Ethics Board Application and Approval**
3. **Participant Recruitment**
4. **Data collection begins**
5. **Transcribe Interviews, Analyze data**

Contributions

- Municipality to be recognized as a trailblazer
- Could bring more research & funding to the area
- Informs policy and program development
 - which can help to retain youth in the area
- Research to be presented at conferences
- More researchers and youth in the county = more \$ in local economy
- More researchers and programs in county = more job opportunities
- Fruitful opportunities to partner with MTA & NSCC

The Gatherings

REIMAGINING
INDIGENOUS-SETTLER
RELATIONS

Shirley N. Hager

and

Gwen Bear, Shirley Bowen, Alma H. Brooks,
gkisedtanamoogk, JoAnn Hughes, Debbie Leighton,
Barb Martin, Miigam'agan, T. Dana Mitchell,
Wayne A. Newell, Betty Peterson,
Marilyn Keyes Roper, and Wesley Rothermel

Afterword by Frances Hancock

PEOPLE OF THE LAKES

Stories of Our Van Tat Gwich'in Elders/

Googwandak Nakhwach'ànjòò Van Tat Gwich'in

VUNTUT GWITCHIN FIRST NATION & SHIRLEEN



Questions?

Contact...

hailie.tattrie2@msvu.ca

hailietattrie.com



FUNDING TIMELINE

May, June, July, August 2023 - \$15,000

- Data collection PREP block
 - o Research ethics application
 - o Finalize proposal
 - o Participant outreach
 - o Creating interview questions

Sept, Oct, Nov, Dec 2023 - \$15,000

- Data collection block
 - o Data collection begins
 - o Transcription may begin depending on how fast data is gathered

Jan, Feb, March, April 2024 - \$15,000

- Analysis/writing block
 - o Analyze data
 - o Transcribe data
 - o Pull out themes and findings
 - o Begin to work on dissertation

May, June, July, August 2024 - \$15,000

- Writing Block
 - o Work on dissertation
 - o Finish dissertation

TOTAL COST = \$60,000

- HALF is paid by Mitacs so \$30,000 total cost from Municipalities

SYNOPSIS

Council Committee Appointments – Councillor Chambers

Now that newly elected Councillor Chambers has been sworn in, it would be appropriate to appoint him to the following Committees to fill the vacancies and give these Committees a full compliment of voting members.

MOTION:

That Councillor Chambers be appointed to the Planning Advisory Committee for a term ending October 31, 2023, and the Amherst Board of Police Commissioners for a term ending October 31, 2024;

AND FURTHER, that Councillor Chambers be appointed to the Committee of the Whole of Amherst Town Council and the Town of Amherst Audit Committee until October 31, 2024.

SYNOPSIS

Planning Advisory Committee Policy Amendments

The proposed amendments to this policy will include updates to reflect current staff positions and responsibilities, revise regular meeting times, and make citizen appointment terms up to two years, and renewable in March as required.

MOTION:

That Council approve the proposed amendments to the Planning Advisory Committee Policy.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: March 27, 2023

SUBJECT: Planning Advisory Committee Policy 66000-01

ORIGIN: Policy review, and appointments to the Planning Advisory Committee

LEGISLATIVE AUTHORITY: MGA 48(3) Council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.

RECOMMENDATION: That Council approve of the amendments to the Planning Advisory Committee Policy.

BACKGROUND: The Planning Advisory Committee Policy has not been reviewed since January 2015, and is not on the schedule to be reviewed until September 2025. However, with the intent of appointing citizen members to this Committee this month, staff feel it would be appropriate to amend this policy now.

DISCUSSION: The amendments being proposed are mostly housekeeping items regarding title changes to reflect current staff positions and responsibilities, as well as meeting times, and how long the term of appointments may be. In keeping with staff and Council's goal of making all citizen appointments to Committees in March, this is now also reflected in the proposed amended policy.

FINANCIAL IMPLICATIONS: There are no financial implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ENVIRONMENTAL IMPLICATIONS: None related to amending this policy.

COMMUNITY ENGAGEMENT: No community engagement. If the amendments are approved the updated policy will be available on the Town's website.

ALTERNATIVES: Do not approve of the amendments and refer the policy back to staff.

ATTACHMENTS: Planning Advisory Committee Policy with amendments.

Report prepared by: Natalie LeBlanc

Report and Financial approved by:



TITLE: Planning Advisory Committee Policy
SECTION: Planning and Development
POLICY NO: 66000-01

APPROVAL DATE:

CAO Signature: _____

PURPOSE:

The purpose of this policy is to establish a Planning Advisory Committee in accordance with Section 200 of the *Municipal Government Act*.

ROLE OF COMMITTEE

1. The role of a Planning Advisory Committee is to advise Council respecting the preparation or amendment of the Town’s Municipal Planning Strategy, Land Use Bylaw and Subdivision Bylaw as well as general land use planning matters.
2. The duties assigned to the Committee, pursuant to this policy, shall only be carried out by the Committee.
3. In addition to the duties of the Committee pursuant to Section 200 of the *Municipal Government Act* and pursuant to the Heritage Properties Bylaw, the Committee will also act as the Heritage Advisory Committee.
4. In addition to the duties of the Committee pursuant to Section 200 of the *Municipal Government Act*, the Planning Advisory Committee will also undertake the duties assigned to it pursuant to the Dangerous or Unightly Premises Policy of the Town of Amherst.

MEMBERSHIP

5. The Council shall appoint members of the Planning Advisory Committee by resolution **in March of each year as required.**
6. Membership shall include three members of Town Council and three members of the public who are residents of the Town of Amherst.
7. ~~The term for members shall be three years~~ **appointments may be up to two years**, and members may be re-appointed to the Committee. ~~Public members’ terms shall be by fiscal year, with one member appointed each year.~~
8. ~~In January of each year, a~~ **An advertisement for the public member(s) whose term is set to expire that fiscal year shall be placed in the local newspaper and on Town of Amherst social media.** It is the intention to have members with a ~~varied~~ **diverse** background; however, members with a planning, architecture, engineering or other similar background will have some preference.

TITLE: Planning Advisory Committee Policy
SECTION: Planning and Development
POLICY NO: 66000-01

9. At the beginning of the first meeting of each ~~fiscal year~~ **new term** the Committee will elect a chairperson as well as a vice-chairperson. Terms for such shall be one year. The chairperson and vice chairperson may be re-elected.

STAFF RESOURCES

10. The ~~Deputy Chief Administrative Officer – Operations~~ **Director of Planning and Strategic Initiatives, along with the Clerk**, will be responsible for all functions of the Committee including:
- a. Calling meeting;
 - b. Taking minutes
 - c. Distribution of reports and other information as required;
 - d. Public notification as required;
 - e. Providing Committee motions to the Chief Administrative Officer for inclusion on the Council agenda.
11. Where additional information or work is required of staff by the Committee the ~~Deputy Chief Administrative Officer – Operations (Deputy CAO)~~ **Director of Planning and Strategic Initiatives** will be responsible for prioritizing staff resources, in conjunction with the Chief Administrative Officer when required.
12. Meetings are to be attended by the ~~Deputy CAO~~ **Director of Planning and Strategic Initiatives**, or designate, as well as an ~~Executive Assistant~~ **the Clerk, or designate**. At the discretion of the ~~Deputy CAO~~ **Director of Planning and Strategic Initiatives**, other staff may be invited / asked to attend as well. Standing invitations to Committee meetings will be given to the Chief Administrative Officer. ~~and all Directors.~~

MEETINGS

13. Meetings will be automatically scheduled for the first Monday of every month. Meetings will commence at 4:30 PM unless otherwise informed.
14. Meeting times may be changed when appropriate by the Chairperson in consultation with the ~~Deputy CAO~~ **Director of Planning and Strategic Initiatives**.
15. Meetings may be cancelled by the Chairperson in consultation with ~~Deputy CAO~~ **Director of Planning and Strategic Initiatives** when there are no agenda items.
16. All meetings are open to the public as per Section 203 of the *Municipal Government Act*, unless the Committee, by a majority vote, moves a meeting in private to discuss matters permitted by the *Act*.

TITLE: Planning Advisory Committee Policy
SECTION: Planning and Development
POLICY NO: 66000-01

17. The date, time and location of Committee meetings shall be posted ~~in the lobby of Town Hall three days prior to the meeting, and on the Town's website.~~ **social media.**
18. An agenda package will be provided to all Committee members and staff no later than 4:30 PM, two business days prior to the meeting. **When and if possible, information that will be included as part of the agenda package will be provided to the Committee prior to this to give them more time to review the information.**

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Director of Planning & Strategic Initiatives	Ensure the policy is kept up to date. In consultation with the Chair and the Clerk, cancel meetings when there are no agenda items.
Clerk	Advertise for citizen appointments as required.
Council	Appoint members, review the policy as required.

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Title changes, changes to when appointments are made and how long they may be for	Clerk, LeBlanc	Council	March 27, 2023

Minutes reference date: 27 March 2006; 29 November 2010; 24 October 2011; March 24, 2014; 22 January 2015

SYNOPSIS

Citizen Appointments to the Planning Advisory Committee

The role of the Planning Advisory Committee is to advise Council respecting the preparation of, or amendments to, the Town's Municipal Planning Strategy, Land Use Bylaw and Subdivision Bylaw, as well as other general land use planning matters. This Committee also hears appeals and makes decision with respect to Dangerous and Unsightly Premises, and acts as the Heritage Advisory Committee.

The Town of Amherst has three citizen members on the Planning Advisory Committee whose terms will expire the end of March.

Following the call for expressions of interest staff received four applications.

MOTION:

That Council re-appoint Ron Wilson and Creighton McCarthy to the Planning Advisory Committee for two-year terms effective April 1, 2023 to March 31, 2025, and further appoint Jim Lamplugh to the Planning Advisory Committee for a one-year term effective April 1, 2023 to March 31, 2024.



AMHERST TOWN COUNCIL

RFD# 2023023

Date: March 27, 2023

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: March 27, 2023

SUBJECT: Citizen Appointments to the Planning Advisory Committee

ORIGIN: Membership of all three of our PAC citizen appointees expire March 31, 2023.

LEGISLATIVE AUTHORITY: Planning Advisory Committee Policy.

RECOMMENDATION: That Council re-appoint Ron Wilson and Creighton McCarthy to the Planning Advisory Committee for two-year terms effective April 1, 2023 to March 31, 2025, and further appoint Jim Lamplugh to the Planning Advisory Committee for a one-year term effective April 1, 2023 to March 31, 2024.

BACKGROUND: The Planning Advisory Committee has three citizen appointee members all of which expire March 31, 2023. The role of the Planning Advisory Committee is to advise Council respecting the preparation, or amendments to, the Town's Municipal Planning Strategy, Land Use Bylaw and Subdivision Bylaw, as well as other general land use planning matters. This Committee also hears appeals and makes decision with respect to Dangerous and Unightly Premises, and acts as the Heritage Advisory Committee.

DISCUSSION: We received four applications, two from our current appointees Ron Wilson and Creighton McCarthy, as well as one from Bill Archer and one from Jim Lamplugh.

FINANCIAL IMPLICATIONS: There are no financial implications regarding committee appointments; they are volunteers.

COMMUNITY ENGAGEMENT: A notice was placed in the Cumberland Wire February 15, 2023 and on Town of Amherst social media advertising for these appointments, with a March 6, 2023 deadline for applications.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications to appointing members.

ALTERNATIVES: Appointments are necessary as all three of our current citizen appointments expire March 31, 2023.

ATTACHMENTS:

Report prepared by: Natalie LeBlanc, Municipal Clerk

Report and Financial approved by:



SYNOPSIS

North Tyndal Wellfield Advisory Committee Policy Amendments

As Council will be making an appointment to the North Tyndal Wellfield Advisory Committee this month, and as a review of all policies and bylaws is currently taking place, staff felt it appropriate to recommend amendments to this policy at this time.

The amendments being proposed are mostly housekeeping items, including title changes to reflect current positions and responsibilities. In keeping in line with staff and Council's goal of appointing all citizens to Committees in March, this is also now reflected in the amendments. The policy now also spells out that the Committee shall meet at least once every fiscal year.

MOTION:

That Council approve of the amendments to the North Tyndal Wellfield Advisory Committee Policy.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: March 27, 2023

SUBJECT: North Tyndal Wellfield Advisory Committee Policy #31700-05

ORIGIN: Policy review, and appointments to the North Tyndal Wellfield Advisory Committee

LEGISLATIVE AUTHORITY: MGA 48(3) Council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.

RECOMMENDATION: That Council approve of the amendments to the North Tyndal Wellfield Advisory Committee Policy.

BACKGROUND: The NTWAC Policy has not been reviewed since May 2014, it is on the schedule to be reviewed next month however with the intent of appointing a citizen member to this Committee this month, staff feel it would be appropriate to amend this policy now.

DISCUSSION: The amendments being proposed are mostly housekeeping items, including title changes to reflect current positions and responsibilities. In keeping in line with staff and Council's goal of appointing all citizens to Committees in March, this is also now reflected in the amendments. The policy now also spells out that the Committee shall meet at least once every fiscal year.

FINANCIAL IMPLICATIONS: There are no financial implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ENVIRONMENTAL IMPLICATIONS: None related to amending this policy.

COMMUNITY ENGAGEMENT: No community engagement, if the amendments are approved the updated policy will be available on the Town's website.

ALTERNATIVES: 1. Do not approve of the amendments and refer the policy back to staff.

ATTACHMENTS: North Tyndal Wellfield Advisory Committee Policy with amendments.

Report prepared by: Natalie LeBlanc

Report and Financial approved by:



TITLE: North Tyndal Wellfield Advisory Committee Policy
SECTION: Engineering and Public Works Services
POLICY NO: 31700-05

APPROVAL DATE: _____ **CAO Signature:** _____

1. ADVISORY COMMITTEE

There shall be a Committee which shall consist of six members appointed in the manner hereinafter set out and which shall be known as the “North Tyndal Wellfield Advisory Committee”

2. DEFINITIONS

- (a) “Committee” means the North Tyndal Wellfield Advisory Committee;
- (b) “County Council” means the Council of the Municipality of the County of Cumberland;
- (c) “Town Council” means the Council of the Town of Amherst.

3. MEMBERSHIP SHALL CONSIST OF

- (a) Two members of the Town Council appointed by resolution of Town Council;
- (b) Two members of the County Council appointed by resolution of County Council;
- (c) Two members of the public, one appointed by each Council by resolution, and preferably residents or landowners in the water recharge area;
- (d) Resources ~~staff~~ shall include **staff from the Town of Amherst, the Municipality of the County of Cumberland and Provincial Departments as required.**

~~Deputy C.A.O.—Town of Amherst
 Town Engineer—Town of Amherst
 Planner—Town of Amherst
 Planner—Municipality of the County of Cumberland
 County Engineer—Municipality of the County of Cumberland
 Department of Service Nova Scotia and Municipal Relations
 Department of Environment
 Department of Natural Resources
 Department of Agriculture
 Secretarial support from Town of Amherst~~

4. TERMS OF MEMBERSHIP

- (a) Members shall serve for a term of one year, **with appointments being made annually in March.** ~~commencing at the annual meetings.~~ All members shall be eligible to be reappointed.
- (b) When a member of the Committee ceases to be a member of a Council, his or her term on the Committee will be terminated.

TITLE: North Tyndal Wellfield Advisory Committee Policy
SECTION: Engineering and Public Works Services
POLICY NO: 31700-05

5. QUORUM
Three members of the Committee will constitute a quorum.

6. CHAIR
At the first meeting of the Committee held each **fiscal** year, a Chair and a Vice-Chair shall be elected from among the members who shall hold office until their successors are elected.

7. THE ROLE OF THE NORTH TYNDAL WELLFIELD ADVISORY COMMITTEE SHALL BE:
 - (a) To advise the Councils on policy issues to do with the protection of the groundwater quality.
 - (b) To advise the Water Utility on operating policy issues as contained in the Groundwater Protection Strategy and Management Plan.
 - (c) To ensure effective integration of current and proposed provincial government legislation through representation by staff from provincial departments.
 - (d) To update the current Groundwater Protection Plan.

8. THE ROLE OF THE AMHERST WATER UTILITY SHALL INCLUDE:
 - (a) Acting as the operating arm for the North Tyndal Wellfield including execution of all management functions;
 - (b) Providing funding for the work of this Committee in the protected water area.

9. MEETINGS
Meetings of the Committee shall be held **as required, at least once in every fiscal year.** ~~at least twice in every year, the first of which shall be considered the annual meeting.~~ **The Director of Operations in consultation with the** Chair may convene a meeting of the Committee at any time provided seven days advance written notice is given.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Director of Operations	Shall, in consultation with the Chair and Clerk, schedule meetings as required.
Clerk	Advertise annually for a citizen appointment,
Council	Appoint a member annually, and review the policy as required.

TITLE: North Tyndal Wellfield Advisory Committee Policy
SECTION: Engineering and Public Works Services
POLICY NO: 31700-05

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Title Changes	Clerk, LeBlanc	Council	March 27, 2023

Minutes reference date: 26 May 2014

SYNOPSIS

Citizen Appointment to the North Tyndal Wellfield Advisory Committee

The North Tyndal Wellfield Advisory Committee advises Town Council and the Amherst Water Utility on policy issues regarding the protection of the groundwater quality within the wellfield as well as issues contained in the Groundwater Protection Strategy and Management Plan. The Committee also ensures effective integration of current and proposed provincial government legislation through representation by staff from provincial departments, and is responsible to recommend updates to the current Groundwater Protection Plan as required.

The current Town of Amherst committee appointment term has expired. Following a call for expressions of interest staff received two applications, one from a former member of the Committee who Council feels has the most knowledge and experience regarding the mandates of this Committee.

MOTION:

That Council appoint Keith Thompson to the North Tyndal Wellfield Advisory Committee for a one-year term effective April 1, 2023 to March 31, 2024.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: March 27, 2023

SUBJECT: Citizen Appointment to the North Tyndal Wellfield Advisory Committee

ORIGIN: The North Tyndal Wellfield Advisory Committee Policy 31700-05 states that two members of each Council are to be appointed to the Committee, as well as two citizen members, one appointed by each the Town of Amherst and the Municipality of the County of Cumberland.

LEGISLATIVE AUTHORITY: Municipal Government Act, Section 44; and the North Tyndal Wellfield Advisory Committee Policy 31700-05

RECOMMENDATION: That Council appoint Keith Thompson as the Town of Amherst citizen member to the North Tyndal Wellfield Advisory Committee for a one-year term effective April 1, 2023 to March 31, 2024.

BACKGROUND: The Town of Amherst citizen appointee membership expired October 31, 2022. No meeting of this Committee has been held since that time.

DISCUSSION: Following calls for expressions of interest staff received two applications, one from former county appointee Keith Thompson, and one from Bill Archer.

FINANCIAL IMPLICATIONS: Citizen appointments to Committees are volunteer position, therefore there are no financial implications resulting from this appointment.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ENVIRONMENTAL IMPLICATIONS: Having a knowledgeable citizen on the committee will assist with giving Council expert advice on matters regarding the protection of our groundwater.

COMMUNITY ENGAGEMENT: An ad calling for expressions of interest appeared in the Cumberland Wire on February 15, 2023 and Town social media with a deadline of March 6.

ALTERNATIVES: 1. Delay this appointment and continue to solicit expressions of interest;





AMHERST TOWN COUNCIL

RFD# 2023026

Date: March 27, 2023

2. Make no citizen appointment at this time, however both of these options would leave the Committee with no citizen representation at this time.

ATTACHMENTS:

Report prepared by: Natalie LeBlanc

Report and Financial approved by:



SYNOPSIS

Citizen Appointments to the Intermunicipal Poverty Reduction Advisory Committee

The Intermunicipal Poverty Reduction Advisory Committee advises its respective Councils in fulfilling their responsibilities relating to creating a well community and reducing poverty in the Town of Amherst, the Town of Oxford, and the Municipality of the County of Cumberland, particularly on matters regarding poverty reduction through the application of social equity lenses within rural communities.

The primary goals of the Committee are to increase wellness and quality of life for all constituents living in Cumberland County, while focusing on what is needed to prevent people from experiencing poverty, and to support those who are financially marginalized.

The Town of Amherst has two citizen members on the Intermunicipal Poverty Reduction Advisory Committee whose terms will expire at the end of March. The Terms of Reference state that up to six members of the public may be appointed as voting members, with at least one representative from each municipal unit.

Following the call for expressions of interest staff received two applications, one from Melissa Anne Johnson and one from Lynne Welton.

MOTION:

That Council appointment Melissa Anne Johnson and Lynne Welton as Town of Amherst citizen representatives on the Intermunicipal Poverty Reduction Advisory Committee for a one-year term effective April 1, 2023 to March 31, 2024.



AMHERST TOWN COUNCIL

RFD# 2023041

Date: March 27, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: March 27, 2023

SUBJECT: Intermunicipal Poverty Reduction Advisory Committee Citizen Appointments

ORIGIN: Expiry of Town of Amherst citizens appointments to the Intermunicipal Poverty Reduction Advisory Committee

LEGISLATIVE AUTHORITY: Intermunicipal Poverty Reduction Advisory Committee Terms of Reference.

RECOMMENDATION: That Council appointment Melissa Anne Johnson and Lynne Welton as Town of Amherst citizen representatives on the Intermunicipal Poverty Reduction Advisory Committee for a one-year term effective April 1, 2023 to March 31, 2024.

BACKGROUND: The Town of Amherst has two members on the Intermunicipal Poverty Reduction Advisory Committee whose terms will expire the end of March. The Terms of Reference state that up to six members of the public may be appointed as voting members, with at least one representative from each municipal unit.

DISCUSSION: Following the call for expressions of interest staff received two applications, one from Melissa Anne Johnson, and one from Lynne Welton. Neither of the Town's current two citizens appointees reoffered.

FINANCIAL IMPLICATIONS: There are no financial implications to these appointments.

SOCIAL JUSTICE IMPLICATIONS: These appointments will allow the committee to function and continue their work to improve living conditions of citizens throughout the County.

ENVIRONMENTAL IMPLICATIONS: None relating to appointment of members.

COMMUNITY ENGAGEMENT: An ad appeared in the Cumberland Wire on February 15, 2023. Expressions of interest were also solicited through Town of Amherst social media, with a deadline of March 6.





AMHERST TOWN COUNCIL

RFD# 2023041

Date: March 27, 2023

ALTERNATIVES: Do not appoint at this time. This is not recommended as it will leave this Committee with no Town of Amherst citizen representation.

ATTACHMENTS: Intermunicipal Poverty Advisory Committee Terms of Reference Policy

Report prepared by: Natalie LeBlanc, Municipal Clerk
Report and Financial approved by:



DEPARTMENT: Council and Corporate Services

TITLE: Advisory Committee to Reduce Poverty Issues

Minutes reference date: December 16, 2019

Purpose

1. The Advisory Committee to Reduce Poverty Issues (the “Committee”) assists Town Council (“Council”) in fulfilling its responsibilities relating to creating a well community and reducing poverty in The Town.
2. In particular, the Committee assists Council by:
 - a. Recommending initiatives related to poverty reduction;
 - b. Providing recommendations on ways to educate the community and engage stakeholders;
 - c. Reviewing studies, plans and proposals related to this area and providing comments to staff and recommendations to Council in accordance with this information;
 - d. Proposing changes to policy to encourage or enable Council’s goals in the poverty reduction area;
 - e. Provide staff with information beneficial to the strategic direction of Council as it relates to poverty reduction.

Composition, Operations and Accountability

3. The Committee shall have voting membership that includes:
 - a) A Town of Amherst Council member
 - b) A representative from the Business Community
 - c) Someone with current Lived Experience
 - d) Someone who is either a newcomer or works with newcomers
 - e) One member from the NSHA
 - f) Service provider to persons experience low income / social isolation
 - g) Someone related to the academic or education aspects of poverty
 - h) Two other members working or volunteering in areas related to poverty

Non-voting members shall include:

 - i) A Town of Amherst staff member
 - j) Topic specialists
 - k) Those invited to meetings on an as needed basis
4. The initial appointments (effective January 29, 2019) will be for one-year terms, as a transitional measure, and subsequent appointments will have four members for a one-year term and four members for a two-year term to ensure knowledge is retained on the Committee. Appointees shall possess knowledge and understanding of poverty related issues and services currently being provided by the community. Appointments shall be approved by Council annually at their October meeting.
5. The Town of Amherst Council member shall be elected annually by Council.
6. The Town of Amherst staff member and the secretary of the Committee shall be appointed by the Chief Administrative Officer.

DEPARTMENT: Council and Corporate Services

TITLE: Advisory Committee to Reduce Poverty Issues

Minutes reference date: December 16, 2019

7. The Chair shall be the Town of Amherst Council member.
8. The Committee shall normally meet monthly (monthly except July and August). Additional meetings may be called based on requirements. The Committee Chair will make periodic reports to Council on matters relating to the Committee's duties and responsibilities.
9. All meetings shall be public meetings and closed meetings will follow the guidelines of the Municipal Government Act.
10. The Committee provides open avenues of communication to stakeholders and Council.

Goals

11. The Committee has the following goals:
 - a. Provide a summary of existing services aimed at community well-being and poverty reduction;
 - b. Identify gaps in service provisions and knowledge of poverty and community well-being;
 - c. Engagement of stakeholders including all levels of government, Town residents and businesses in poverty reduction;
 - d. Developing the framework for a strategic plan around poverty reduction;
 - i. Work collaboratively with those experiencing poverty, existing services providers in the not for profit, non-governmental and service organizations, concerned citizens, government, businesses and other stakeholders;
 - ii. Identify short- and long-term options for impacting the poverty reduction component of community well being;
 - iii. Identify areas for education and fact gathering.
 - e. Monitor ongoing efforts on implementation of the strategic plan once developed;
 - f. Provide insight to Town staff and Council on evolving issues once the plan is developed.

Terms of Reference for the Committee

12. The Committee will review its terms of reference annually.

SYNOPSIS

Citizen Appointment to the Amherst Board of Police Commissioners

The Amherst Board of Police Commissioners advises and makes recommendations to Amherst Town Council on matters relating to the Amherst Police Department as required.

The Bylaw Respecting the Amherst Board of Police Commission sets out the membership requirements, which includes two community volunteers for one-year terms and one community volunteer for a two-year term. Holly MacDonald was appointed last March for a two-year term expiring on March 31, 2024, with our other two current citizen appointee terms expiring on March 31, 2023.

We advertised for expressions of interest to serve on the Board. We received one submission from one of our current members, Sandy Fairbanks.

MOTION:

That Council appoint Sandy Fairbanks to the Amherst Board of Police Commissioners for a one-year term effective April 1, 2023 to March 31, 2024.

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: March 27, 2023

SUBJECT: **Citizen Appointments to the Amherst Board of Police Commissioners**

ORIGIN: Current membership terms expiring March 31, 2023

LEGISLATIVE AUTHORITY: Bylaw Respecting the Amherst Board of Police Commissioners

RECOMMENDATION: That Council appointment Sandy Fairbanks to the Amherst Board of Police Commissioners for a one-year term effective April 1, 2023 to March 31, 2024.

BACKGROUND: The Police Commission Bylaw sets out the membership requirements, which includes two community volunteers for one-year terms and one community volunteer for a two-year term. Holly MacDonald was appointed last March for a two-year term not expiring until March 31, 2024, with our other two current citizen appointee terms expiring on March 31, 2023.

DISCUSSION: We advertised for expressions of interest to serve on the Board. We received one submission from one of our current member, Sandy Fairbanks. Staff also received an expression of interest from another community member; however, due to their employment with the Federal government, they, at the time of writing this report, have not yet received confirmation from their employer as to whether or not there is a conflict in appointing them to this Board. We hope to have confirmation either way as soon as possible. If they are not able to be appointed staff will re-advertise to fill this vacancy.

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

COMMUNITY ENGAGEMENT: The ad seeking expressions of interest appeared in the Amherst Newspaper on February 15, 2023 with a March 6, 2023 deadline for applications. The ad was also promoted through our social media channels.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

ALTERNATIVES: An appointment is necessary as two of our citizen appointments expire March 31.

ATTACHMENTS: Bylaw Respecting the Amherst Board of Police Commissioners, C-1

Report prepared by: Natalie LeBlanc, Municipal Clerk

Report and Financial approved by:



Town of Amherst

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

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

Short Title

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

Definitions

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

Board Established

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

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

Membership

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

Procedure

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

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

Chief Officer

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

Board Powers

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

General

- 8
- The Chief Administrative Officer and the Chief of Police shall be members of any committee appointed for the purpose of negotiating a collective agreement with any union representing members of the Town police force.

SYNOPSIS

Citizen Appointments to the Accessibility Advisory Committee

Under the Nova Scotia Accessibility Act, the Town of Amherst is required to have an Accessibility Advisory Committee to provide input on accessibility matters within the Town of Amherst.

This Committee assists Town Council in fulfilling its responsibilities under the Accessibility Act relating to identifying, preventing and eliminating barriers to people with disabilities in municipal programs, services, initiatives and facilities. The Committee plays a pivotal role in helping the Town of Amherst become a barrier-free community while ensuring obligations under the Act are met.

The current citizen appointment terms to this Committee will expire the end of March. Following the call for expressions of interest staff received three applications, all from current members.

MOTION:

That Council re-appoint Marina Godfrey, Matthew Medland and Joanne Hopper to the Accessibility Advisory Committee for two-year terms effective April 1, 2023 to March 31, 2025.



AMHERST TOWN COUNCIL

RFD# 20230325

Date: March 27, 2023

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: March 27, 2023

SUBJECT: Appointments to Town of Amherst Accessibility Advisory Committee

ORIGIN: Our citizen appointments to the Accessibility Advisory Committee expire March 31, 2023.

LEGISLATIVE AUTHORITY: Accessibility Advisory Committee Policy, #10350-30

RECOMMENDATION: That Council re-appoint Marina Godfrey, Matthew Medland and Joanne Hopper to the Accessibility Advisory Committee for two-year terms effective April 1, 2023 to March 31, 2025.

BACKGROUND: Citizen appointments to the Accessibility Advisory Committee expire March 31, 2023. In accordance with the Town of Amherst Accessibility Advisory Committee Policy, there is an ability to appoint six Town of Amherst residents to the committee.

DISCUSSION: The Committee plays a pivotal role in helping the Town of Amherst become a barrier-free community and ensuring obligations under An Act Respecting Accessibility in Nova Scotia (2017) are met, and to assist in creating a community of wellbeing.

Following the call for expressions of interest we received three applications from current members who would like to reoffer, Marina Godfrey, Matthew Medland and Joanne Hopper. The terms of reference state that according to the Act, at least half of the committee membership must be people with disabilities or represent organizations that represent people with disabilities with preference for the former, reappointing these three members will fill this requirement.

Now that the Accessibility Strategy has been approved and work has begun, staff feel that with 2 Council appointees and 3 citizen appointees we are able to continue the work, with the potential to recruit additional committee members.

FINANCIAL IMPLICATIONS: There are no financial implications to appointing members as they are volunteers.

COMMUNITY ENGAGEMENT: An ad appeared in the Cumberland Wire on February 15, 2023. Expressions of interest were also solicited through Town of Amherst social media, with a deadline of March 6.

ENVIRONMENTAL IMPLICATIONS: No direct environmental implications.



ALTERNATIVES: Delay this appointment and continue to solicit expressions of interest; however not reappointing these members will leave this Committee with no citizen representation.

ATTACHMENTS: 10350-30 Town of Amherst Accessibility Advisory Committee Terms of Reference

Report prepared by: Natalie LeBlanc

Report and Financial approved by:

DEPARTMENT: Executive Operations

TITLE: Accessibility Advisory Committee

Minutes reference date: February 24, 2020

1.0 BACKGROUND

Under the Nova Scotia Accessibility Act (NSAA), the Town of Amherst is required to appoint an Accessibility Advisory Committee to provide input on accessibility matters within the Town of Amherst.

2.0 PURPOSE

The Accessibility Advisory Committee (“Committee”) assists Town Council (“Council”) in fulfilling its responsibilities relating to identifying, preventing and eliminating barriers to people with disabilities in municipal programs, services, initiatives and facilities. The Committee plays a pivotal role in helping the Town of Amherst become a barrier-free community and ensuring obligations under *An Act Respecting Accessibility in Nova Scotia* (2017) are met, and to assist in creating a community of wellbeing.

3.0 DEFINITIONS

- 3.1 The definitions in the Nova Scotia Accessibility Act will supersede any and all definitions in this policy
- 3.2 Barrier means anything that hinders or challenges the full and effective participation in society of persons with disabilities, including a physical barrier, an architectural barrier, an information or communication barrier, an attitudinal barrier, a technological barrier, a policy or a practice;
- 3.3 Council means the Town Council for the Town of Amherst;
- 3.4 Disability includes a physical, mental, intellectual, learning or sensory impairment, including an episodic disability, that, in interaction with a barrier, hinders an individual’s full and effective participation in society.

4.0 POLICY

4.1 Role

The Accessibility Advisory Committee shall:

- 4.1.1 Advise Council on the preparation, implementation, and effectiveness of its accessibility plan. In accordance with the Accessibility Act, the plan must include:
 - i. a report on measures the municipality has taken and intends to take to identify, remove, and prevent barriers
 - ii. information on procedures the municipality has in place to assess the following for their impact on accessibility for people with disabilities:
 - any proposed policies, programs, practices, and services
 - any proposed enactments or by-laws
 - iii. any other prescribed information

DEPARTMENT: Executive Operations

TITLE: Accessibility Advisory Committee

Minutes reference date: February 24, 2020

- 4.1.2 Review and update its accessibility plan at least every three years, in accordance with the Act.
- 4.1.3 Consult with the community on accessibility in the Town of Amherst.
- 4.1.4 Advise Council on the impact of Town of Amherst policies, programs, and services on people with disabilities.
- 4.1.5 Review and monitor existing and proposed Town of Amherst bylaws to promote full participation of people with disabilities, in accordance with the Act.
- 4.1.6 Identify and advise on the accessibility of existing and proposed municipal services and facilities.
- 4.1.7 Advise and make recommendations about strategies designed to achieve the objectives of the Town's accessibility plan.
- 4.1.8 Receive and review information from Council and its committees, and make recommendations, as requested.
- 4.1.9 Monitoring federal and provincial government directives and regulations.

4.2 Membership

- 4.2.1 In accordance with the Act, at least half of the committee membership must be people with disabilities or represent organizations that represent people with disabilities with preference for the former.
- 4.2.2 All members must adhere to and abide by the Code of Ethics Policy, Policy #04000-12.
- 4.2.3 When making appointments to the Committee, Council will give consideration to representation from different sectors of the community.
- 4.2.4 Appointees shall possess knowledge and understanding of accessibility related issues and services currently being provided by the community. Appointments shall be approved by Council annually at their October meeting.
- 4.2.5 The Committee shall have 8 voting membership that includes:
 - a) 2 Town of Amherst Council members
 - b) 6 community members
- 4.2.6 Non-voting members shall include:
 - a) Municipal Accessibility Coordinator – Town of Amherst staff

DEPARTMENT: Executive Operations

TITLE: Accessibility Advisory Committee

Minutes reference date: February 24, 2020

4.3 Terms of Appointment

- 4.3.1 The initial appointments will be for one-year terms, as a transitional measure, and subsequent appointments will have three members for a one-year term and four members for a two-year term to ensure knowledge is retained on the Committee.
- 4.3.2 The Town of Amherst Council members shall be appointed annually by Council.
- 4.3.3 The Town of Amherst Accessibility Coordinator, and the Secretary of the Committee shall be employees of the Town of Amherst and appointed by the Chief Administrative Officer.
- 4.3.4 The Chair and Vice Chair shall be elected annually by the Committee, and the Chair shall be a Town of Amherst Council member.

5. OTHER

- 5.1 The Committee shall meet at least quarterly but may meet more frequently, as required
- 5.2 Meetings of the Committee shall be open to the Public, however, they are subject to the provision of Section 22 of the Municipal Government Act with respect to closed meetings
- 5.3 The Committee provides open avenues of communication to stakeholders and Council.
- 5.4 The Committee may establish Working Groups to explore specific issues related to the accessibility plan and/or to other responsibilities. Members of the Working Group may consist of additional members of the community.
- 5.5 Meetings shall convene at 4pm on the day selected, unless otherwise specified.
- 5.6 The Committee and its members shall follow the rule of order, as set in the Proceedings of Council Policy, Policy #10350-24.

6. TERMS OF REFERENCE REVIEW

- 6.1 The Committee will review its terms of reference annually and make any recommendations to Council, as the Committee deems appropriate.

7. REFERENCES

- 7.1 Bill NO. 59 – Accessibility Act, Chapter 2 of the Act of 2017.

SYNOPSIS

Inclusion, Diversity and Equity Committee Citizen Appointments

In accordance with the Town of Amherst Inclusion, Diversity and Equity Policy, there is an ability to appoint up to five Town of Amherst residents to the committee. As one of our current five citizen appointments has moved outside of the Town of Amherst, staff issued an expression of interest for a new member, receiving one application.

That being said, this Committee has worked well together during their current term and are in the middle to latter stages of the Inclusion, Diversity and Equity Strategy development. Adding a new member at this stage of the process may not be ideal or fair to both the prospective new member and the current Committee members. Furthermore, as the current citizen membership expire on October 31, staff are recommending no further citizen appointments be made at this time.

MOTION:

That Council not make a further appointment at this time and wait until the other citizen appointments expire on October 31, 2023 to re-advertise and appoint new members.



AMHERST TOWN COUNCIL

RFD# 20230324

Date: March 27, 2023

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: March 27, 2023

SUBJECT: Appointment to Town of Amherst Inclusion, Diversity and Equity Committee

ORIGIN: One of our current citizen appointees recently moved out of the Town of Amherst.

LEGISLATIVE AUTHORITY: Town of Amherst Inclusion, Diversity and Equity Policy, #10350-31

RECOMMENDATION: That Council not make a further appointment at this time and wait until the other citizen appointments expire on October 31, 2023.

BACKGROUND: In accordance with the Town of Amherst Inclusion, Diversity and Equity Policy, there is an ability to appoint up to five Town of Amherst residents to the committee. As one of our current five citizen appointments has moved outside of the town of Amherst, staff are looking for direction as to whether or not Council would like to fill this vacancy.

DISCUSSION: Following the call for expressions of interest, we received one application. As this Committee has worked well together during their term, and the current citizen membership does not expire until October 31, staff are recommending no further citizen appointments be made at this time.

FINANCIAL IMPLICATIONS: There are no financial implications to these appointment as they are volunteer positions.

COMMUNITY ENGAGEMENT: A notice was placed in the Cumberland Wire February 15, 2023 and on Town of Amherst social media advertising for these appointments, with a March 6, 2023 deadline for applications

ENVIRONMENTAL IMPLICATIONS: No direct environmental implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ALTERNATIVES: This appointment is at Council's discretion.

ATTACHMENTS: 10350-31 Town of Amherst Inclusion, Diversity and Equity Committee

Report prepared by: Natalie LeBlanc

Report and Financial approved by:



DEPARTMENT: ALL TOWN DEPARTMENTS

TITLE: **Town of Amherst Inclusion, Diversity and Equity Committee
Terms of Reference**

Minutes reference date: August 4, 2021

1.0 PURPOSE:

The Town of Amherst’s Vision is to be a healthy, prosperous, inclusive and environmentally sustainable community in which people of all ages, abilities and cultures are engaged and proud to live, work and play. The purpose of the Committee is to advise the Town of Amherst Council on matters related to inclusion, diversity and equity in the organization and the community.

2.0 MANDATE

The Town of Amherst values inclusivity, diversity and equity in all areas of the workplace. Additionally, the Town values the contributions that each citizen brings, and is committed to ensuring full and equitable participation for all in our community. The mandate of the Committee is:

- i. To recommend to Council the development and/or revision of policies and practices to create a diverse municipal workforce and to ensure an inclusive workplace;
- ii. To recommend to Council training opportunities for staff and Council to assist in creating a culturally competent workplace so that all employees feel valued and safe;
- iii. To research and recommend to Council any actions needed to ensure the Town is compliant with the Nova Scotia Human Rights Act;
- iv. To include marginalized and under-served persons through Committee membership recruitment, sub-committee participation and community engagement;
- v. To make recommendations regarding equitable municipal services and programs that meet the needs of all residents
- vi. To promote and celebrate the diversity within our community

The Committee’s initial mandate is for a two-year term, with the first 12-months dedicated to the creation of an internal organizational action plan. At the end of the 12 months, the Committee will evaluate the feasibility of developing an external community action plan. At the end of the two-year term, the Committee will review the terms of reference and make recommendations to Council regarding the Committee’s continuing role.

3.0 MEMBERSHIP

The membership of the Committee will be as follows:

- a. Voting Members:
 - i. Two (2) Councillors;
 - ii. Up to 5 Town of Amherst residents

- b. Non-voting Members:
 - i. Two Municipal staff, appointed by Council;
 - ii. Other Town staff as resources as needed

4.0 COMMITTEE MEMBERSHIP SELECTION PROCESS

Members of the Committee will be selected as follows:

- i. Council will select their own representatives;
- ii. The Chair and Vice Chair shall be appointed by Council
- iii. Applications for other community representatives will be solicited using the Town website and usual social media outlets. A targeted approach will be used to ensure under-served and under-represented people are reached. Members will possess qualities such as progressive teamwork, cross-sectoral respect, ability to respect confidentiality, and strong communication skills. Interested citizens will be invited to submit a letter of interest and experience for consideration. Citizens members shall be appointed by Council.

5.0 DELEGATED AUTHORITY

The Committee is established as an advisory committee to the Amherst Town Council and does not have any delegated authority.

6.0 FUNCTIONING OF THE COMMITTEE

A quorum consists of a majority of the members of the Committee. Decisions of the Committee will be made by a majority vote. For the purposes of this Committee, majority means more than one half of those present.

7.0 BUDGET AND RESOURCES REMUNERATION

The Committee members serve as volunteers and shall serve without remuneration.

8.0 LOCATION OF THE MEETINGS

The Committee meetings will be held at a Town of Amherst facility, with the option of virtual attendance, as per policy.

9.0 FREQUENCY OF MEETINGS

The Committee will meet every two months. Additional meetings may be scheduled if needed, following consultation with the Chairperson and the Municipal Clerk. Meetings will normally be held during normal business hours or early evening.

10.0 ABSENTEEISM

A committee member who, without leave of the Chair, is absent from three consecutive regular meetings, ceases to be a member.

SYNOPSIS

Stadium Canteen

Due to the COVID-19 Pandemic the stadium canteen had not been in service since March 14, 2020. Since then, an RFP for the operation of the canteen was issued on two separate occasions and no submissions were received. Subsequently staff contacted local community groups and business owners to gage their interest in operating the stadium canteen. While some groups initially showed interest in operating the canteen only one proposal was received which was from local business owner Dwayne Ripley.

An agreement was reached and approved by Council for Mr. Ripley to operate the canteen for the remainder of the 2022/23 season as a trial period. The current agreement ends on May 1, 2023.

All reports of the canteen operation since Mr. Ripley took over have been favorable. It seems that he is providing quality service and products for which there is a market for at the Stadium. As our Procurement Policy allows the Town to negotiate directly with service providers where such services are in short supply staff reached out to Mr. Ripley to negotiate a one-year extension to his contract. Mr. Ripley has indicated that he wishes to continue to operate the canteen for another year at a rate of \$750 / month plus HST for the months of September to March inclusive, an increase over the current \$500 / month and \$350 per month plus HST for the months of April to August inclusive. He has also requested that Section 12 of the agreement be amended to allow the CAO to approve use of the canteen during times when the ice is not being used.

Staff are of the opinion that allowing Mr. Ripley to operate the canteen for the 2023/24 ice season is fair and justified. As discussed above the canteen contract has been tendered twice with no responses and Mr. Ripley was the only member of the community to 'step up' and take this on as the Town emerges from the COVID-19 pandemic.

MOTION:

That Council approve of the stadium canteen concession agreement between Dwayne Ripley and the Town of Amherst at a rate of \$750 plus HST per month for the months of September to March inclusive, and \$350 per month plus HST for the months of April to August inclusive, and authorize the Mayor and CAO to sign on behalf of the Town.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Jason MacDonald, CAO

DATE: March 27, 2023

SUBJECT: Canteen Concession Agreement

ORIGIN: Expiration of the current canteen concession agreement at the Amherst Stadium.

LEGISLATIVE AUTHORITY: Municipal Government Act (MGA), Section 51 concerning the sale or lease of municipal property.

RECOMMENDATION: That Council approve of the stadium canteen concession agreement between Dwayne Ripley and the Town of Amherst, and authorize the Mayor and CAO to sign on behalf of the Town.

BACKGROUND: The stadium canteen had not been in service since March 14, 2020. The reason for the closure at that time was due to the Covid 19 pandemic. An RFP for operation of the canteen was issued on two separate occasions and no submissions were received. As no submissions were received staff contacted local community groups and business owners to gauge their interest in operating the stadium canteen. While some groups initially showed interest in operating the canteen only one proposal was received, local business owner Dwayne Ripley.

An agreement was reached and approved by Council for Mr. Ripley to operate the canteen for the remainder of the 2022/23 season as a trial period. The current agreement ends on May 1, 2023.

DISCUSSION: All reports of the canteen operation since Mr. Ripley took over have been favorable. It seems that he is providing quality service and products for which there is a market for at the Stadium. Mr. Ripley has indicated that he wishes to continue to operate the canteen for another year at a rate of \$750 / month, an increase over the current \$500 / month.

Staff are of the opinion that allowing Mr. Ripley to operate the canteen for the 2023/24 ice season is fair and justified. As discussed above the canteen contract has been tendered twice with no responses and Mr. Riley was the only member of the community to 'step up' and take this on as the Town emerges from the COVID-19 pandemic. Our procurement policy states:

"Negotiations with suppliers for the supply of goods and/or services would take place when any of the following conditions exist: (a) Due to market conditions, goods and /or services are in short supply."

Given the repeated lack of response to public tenders as well as lack of interest upon contacting potential operators staff feel a one-year extension of the contract with the current provider is in the best interest of the Town and the Stadium Facility.

FINANCIAL IMPLICATIONS: Mr. Ripley will pay a rental rate of \$750.00 plus HST per month for a period of 12 months, totalling \$9,000.00 plus HST.

SOCIAL JUSTICE IMPLICATIONS: Providing a canteen service at the Amherst Stadium will provide users and spectators a more positive experience while attending events at the facility.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications to opening the canteen at the Amherst Stadium.

COMMUNITY ENGAGEMENT: If the agreement is approved, staff will prepare a media release and promote the canteen re-opening on social media. During the tendering process the community has been engaged numerous times with little to no interest.

ALTERNATIVES:

1. Do not approve the proposed agreement and direct staff to issue a request for proposals for the canteen contract.
2. Refer the proposed agreement back to staff for further negotiations with Mr. Ripley.

ATTACHMENTS: Proposed Canteen Concession Agreement

Canteen Concession Agreement

THIS AGREEMENT made this _____ day of _____ 2023

BETWEEN:

THE TOWN OF AMHERST (the Town)

and

DWAYNE RIPLEY (the Operator)

WHEREAS; the Town and its assigns grant to the Operator the right to operate the food and drink concession at the Amherst Stadium for a term commencing May 2st 2023 to May 1st 2024; and

WHEREAS the Operator agrees to pay a rental rate of:

\$750.00 per month plus HST for the months of September – March inclusive; and,
\$350.00 per month plus HST for the months of April – August inclusive.

THEREFORE, it is agreed that the Operator shall agree to the terms and conditions of operation as set out in APPENDIX A.

EXECUTED at Amherst this _____ day of _____ 2023

TOWN OF AMHERST

Witness

Per: _____
Jason MacDonald, CAO

Per: _____
David Kogon, Mayor

Witness

DWAYNE RIPLEY

Appendix A

1. The Operator will operate the primary canteen on the first level of the Amherst Stadium as well as the corner canteen area on the second level of the Amherst Stadium.
2. Both canteen locations will be open for all Amherst Jr. A Rambler games.
3. The Primary canteen will also be open for all major tournaments and events hosted at the Amherst Stadium. This would include but is not limited to events hosted by Cumberland County Minor Hockey and the Amherst Skating Club.
4. Rent is due and payable on the first day of the month.
5. The Operator agrees to open the main canteen on Saturday and Sunday to accommodate scheduled stadium user groups and stadium events, and generally during weekday nights during peak hours. The Operator and Facility Manager will work together to develop a mutually agreeable schedule.
6. The Operator may have the canteen open during any times that the Stadium is open to the public.
7. The Operator agrees that the Town may permit user groups to operate 'hospitality rooms' in which free food is provided to families of stadium users, generally during tournaments etc.
8. The Operator agrees that the Town may provide 'free snacks' to user groups of the stadium in conjunction with events or activities hosted by the Town.
9. The Operator agrees to obtain and hold any food sales permits and/or food handler's certifications maybe required.
10. The Operator shall be responsible for processing, preparing, storing, and serving all food and beverage items adhering to all federal and provincial regulations.
11. The Operator may not assign (sub-contract) any of its rights or obligations without the prior written approval of the Town of Amherst.
12. The Operator shall not use the area of operation, nor shall permit others to use the area of operation, for any other purpose than the purposes of operating the concession to provide food and beverage service to facility users, **without prior written approval of the CAO.**
13. The Operator shall keep the area of operation clean, clear of waste, paper, garbage, combustible materials, and obstructions, and shall not cause or permit any noises and odors which would constitute a nuisance to emanate from the area of operation.
14. The Operator may install signage within the Stadium, the location and design of such to be mutually agreed to by both parties.
15. The Operator shall sort solid waste in accordance with the Town's Solid Waste Bylaw.
16. The Operator agrees to obtain and hold an insurance policy of a minimum of \$2,000,000 for the operation.
17. If the Operator refuses or fails to comply with any of the terms and conditions of this agreement, the Town shall have the right, at its sole option, to terminate this agreement forthwith by notice in writing to the Operator.
18. The Operator may terminate this agreement at any time by providing to the Town, in writing, 30 days' notice of the Operator's intention to terminate the agreement.

SYNOPSIS

Development Agreement Application

3,4,5,7 Robie Street

Second Reading

The proposed development agreement for 3,4,5,7 Robie Street would allow the change of a legal non-conforming use to another use not permitted in the General Residential Zone. The existing community hall building would be expanded and converted to a commercial office use. The balance of the subject lands would remain as parking.

Following a Public Participation Opportunity, the Planning Advisory Committee recommended that Council enter into the agreement.

A public hearing was held on March 22nd where no concerns of public were raised.

As detailed in the attached report, the proposal meets the general intent of Town's Municipal Planning Strategy policies.

MOTION:

That Council give second and final reading of the Development Agreement for 3,4,5,7 Robie Street.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Andrew Fisher, Director of Planning & Strategic Priorities

DATE: March 27, 2023

SUBJECT: Development Agreement – 3, 4, 5, 7, Robie Street

ORIGIN: An application for a development agreement to allow a commercial office use at 3, 4, 5, 7 Robie Street.

LEGISLATIVE AUTHORITY: *Municipal Government Act* Part VIII Planning and Development.

RECOMMENDATION: That Council give second reading of the Development Agreement for 3,4,5,7 Robie Street.

BACKGROUND: Attached is the draft development agreement. A Public Participation Opportunity was held on January 18, 2023, the only concern raised regarding the development was parking and it was addressed by the applicant. In February the PAC recommended that Council enter into the Development Agreement. Council gave first reading on February 27, 2023, and an advertised Public Hearing was held on March 22, 2023.

Council is referred to the February 6, 2023 staff report to the PAC that contains details about the proposed development, input received through the January 18, 2023 Public Participation Opportunity, information provided by the applicant, and a review of the relevant MPS policies.

DISCUSSION: The proposal meets the general intent of relevant MPS policies. The development agreement process provided the public an opportunity to give input that is detailed in the report. Should Council decide to give Second Reading of the agreement, the public will have a period of 14-days to appeal this decision at the Nova Scotia Utility Review Board.

FINANCIAL IMPLICATIONS: No significant costs specific to this issue. Ongoing tax revenue upon completion of the development.

SOCIAL JUSTICE IMPLICATIONS: None specific to this issue.

ENVIRONMENTAL IMPLICATIONS: None specific to this issue.



AMHERST TOWN COUNCIL

RFD# 2023046

Date: March 27, 2023

COMMUNITY ENGAGEMENT: January 18, 2023 Public Participation Opportunity, and March 22, 2023 Public Hearing. If approved, notice of the right to appeal council's decision is placed in the local newspaper.

ALTERNATIVES: 1) Give Second Reading of the development with specific amendments;
2) Reject the application citing specific policies that are not met by the proposal.

ATTACHMENTS: 1) Development Agreement; 2) Staff report to PAC.

Report prepared by: A. Falaye

Report and Financial approved by:



Case No: DA-2023-XX

This Agreement made this _____ Day of _____ 2023.

Between:

44143456 Nova Scotia Limited (owner of property located at 3, 4, 5, 7, Robie Street, Amherst [PIDs 25029471, 25029489, 25005489, 25029505 respectively], hereinafter called the “Owner”),

of the one part, and

The Town of Amherst (a body corporate in the Province of Nova Scotia, hereinafter called the “Town”),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy GP-11 of the Municipal Planning Strategy of the Town of Amherst, to change a non-conforming use to another use, specifically a commercial office at 3, 4, 5, 7, Robie Street, Amherst (PIDs 25029471, 25029489, 25005489, 25029505 respectively).

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 ____th Day of _____ 2023, 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’ - Property Location Map
- (c) Schedule ‘C’ – Site Plan
- (d) Schedule ‘D’ – Building Elevation

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 is the only lands in the Town of Amherst to which this Agreement applies, and the Lands is illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may renovate the existing development on the said Lands and convert it to a commercial office subject to Schedules A, B, C, and D 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

THE TOWN OF AMHERST

David Kogon MD, Mayor

Jason MacDonald, MCIP, LPP, CAO

FOR THE OWNER

Hicks Lemoine Law Office / Dave W. McNair

Schedule A

3, 4, 5, 7, Robie Street, Amherst - Development Agreement

Terms and Conditions:

1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the properties shall be limited to a commercial office and parking lot within the general location as shown on Schedule 'C'.
- 1.2 A minimum of 28 parking spaces shall be provided on the Lands and shall be generally configured as shown on Schedule 'C'.
- 1.4 Accessory buildings may be permitted on the Lands in accordance with the *Town of Amherst Land Use Bylaw* and shall not be considered a substantial change to this agreement.
- 1.5 The commercial office shall generally conform to the designs shown on Schedule 'C' and 'D'. Variations to the architectural details and footprint of the dwellings may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.6 The Owners shall be responsible for landscaping unpaved areas and maintenance on the Lands.
- 1.7 The Owner shall be responsible for maintaining screened solid waste containment areas, generally in the locations shown on Schedule 'C'.

2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Lands and building and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 Signage on the property shall conform to the Town of Amherst *Land Use Bylaw*.
- 2.3 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.4 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.
- 2.5 The Owner shall be responsible for storm water management during and after construction.
- 2.6 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste.

SCHEDULE 'D'

Martin Paquin Architect
 500 North Main Street
 Amherst, MA 01002
 Tel: 413.253.1100
 Fax: 413.253.1101
 www.martinpaquin.com

DATE	01/14/11
REVISION	
PRELIMINARY	

HICKS LEMKEN LAW OFFICES
 5 ROBE STREET
 AMHERST, MA

EXTERIOR ELEVATIONS

DATE	01/14/11
DESIGNER	MLP
CLIENT	HICKS LEMKEN
PROJECT	LAW OFFICES
SCALE	1/8" = 1'-0"
DATE	01/14/11
BY	MLP

1 FRONT ELEVATION (WEST)
A2

2 PARKING LOT SIDE ELEVATION (NORTH)
A2

3 REAR ELEVATION (EAST)
A2

4 SIDE ELEVATION (SOUTH)
A2

MEMO

TO: Planning Advisory Committee

FROM: Abiola Falaye, Land Use Planner, Planning & Strategic Initiatives

DATE: February 06, 2023

RE: **Development Agreement – 3, 4, 5, 7 Robie Street**

PROPOSAL

An application by the property owner, 44143456 Nova Scotia Limited, for a development agreement to allow construction of a commercial office at 3, 4, 5, 7 Robie Street. Note that the existing community hall on 3 Robie Street and the proposed development are non-conforming use, hence, the need for a development agreement.

BACKGROUND INFORMATION

Site Details: The subject properties are located in the General Residential Zone and covers a total area of approximately 2,612m². This includes three abutting lots (**3, 5, 7 Robie Street**) approximately 2,146m² (0.53acre) on the east of Robie Street and another (**4, Robie Street**) **466m² lot on the west**. As currently configured, the subject property has 55 m of frontage on Robie Street and it is used as a community hall and parking lot. **Figure 1** shows the property location and configuration.

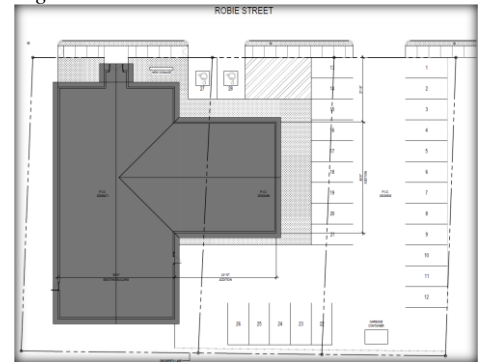
Figure 1. Property Location and Configuration



Neighbourhood Context: The subject property is immediately surrounded by a mix of different residential building types including a Victorian building on the north, detached houses units on the east and west. A funeral home is also located in the Institutional Zone on the south end. The property is within short walking distance from downtown Amherst, social services and recreational facilities including the YMCA, Amherst Theater, among others.

Proposal Details: As shown in **Figure 2**, the existing building on the property will be renovated and its use converted from a community hall to a commercial office (law office/firm). Both the existing and proposed developments are a non-conforming land use in the zone, and the planned renovation will affect the building exterior including its shape, size and volume. The rest of the lands will continue to serve as parking, providing up to 28 spaces including 2 disabled parking. The proposed renovation will not reduce the existing setback from Robie Street.

Figure 2. Site Plan



PUBLIC PARTICIPATION OPPORTUNITY

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification was held on Wednesday, January 18, 2023. A [video](#) of the meeting has been made available on live streamed event section of the Town website, and a [summary](#) is provided as part of the information package.

The only concern raised at the meeting was regarding provision of parking for the funeral home, and this was addressed by Dave McNairn. He promised to work with the funeral home to ensure adequate parking is available to both staff and customers of Hick and Lemoine Law Office and the funeral home.

RELEVANT POLICIES

Land Use Bylaw: Section 4.15 of the Bylaw states that a development permit may be issued to change a non-conforming use to another use not normally permitted on the property by Development Agreement in accordance with Policy GP-11 of the Municipal Planning Strategy (MPS).

Municipal Planning Strategy: Policy GP-11, the most relevant policy to this issue states that:

It shall be the intention of Council to permit, in all designations, a non-conforming use to change to another use not normally permitted on the property by way of Development Agreement. In considering such a development agreement, Council shall consider the following:

- a) that the proposed use exerts a similar or less of an impact on the surrounding neighborhood;*
- b) the use of buffering, landscaping or fencing to reduce possible impacts or otherwise improve the property;*
- c) that adequate parking is provided for the new use; or the existing parking situation is improved by virtue of the development agreement;*
- d) the proposal will not involve any expansion of the use onto a lot not originally occupied by the use except for the provision of parking;*
- e) signage on the property;*
- f) hours of operation;*
- g) the adequacy of the transportation network to accommodate the proposed use.*

The proposed law office on this property is unlikely to exert a disproportionate impact on the Neighbourhood compared to its current use. Although the proposed renovation will reduce the

number of existing parking spaces, the 28 spaces planned are adequate for the intended use, and the expansion is within the existing setback. The operating hours of this law office (currently between 8.30 am – 5.00 pm from Monday to Friday) are also acceptable within a residential Neighbourhood with good access to Robie Street connecting Havelock and Church Street on the north and south, respectively. In addition, besides the possible noise from cars driving in and out of the parking lot, the activity inside the building should not cause any significant disturbance to the surrounding.

Moreover, since the commercial office will be operating within regular business hours, the neighbourhood will experience a more steady and predictable level traffic and activity compared to the community hall where events take place sporadically.

Other MPS policies relevant to this issue include the following:

A-5 It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- a) *That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- b) *That the proposal is not premature or inappropriate by reason of:*
 - (i) the financial capability of the Town to absorb any costs relating to the development;*
 - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
 - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;*
- c) *That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
 - (i) type of use;*
 - (ii) height, bulk and lot coverage of any proposed building;*
 - (iii) parking, traffic generation, access to and egress from the site;*
 - (iv) any other matter of planning concern outlined in this strategy.*

The proposal conforms with the general intent of MPS Policy A-5. There will be no undue impact on the town's financial capacity or the adequacy of municipal infrastructure. Regarding the extent to which the development might conflict with adjacent or nearby land uses, no significant negative impact on the surrounding neighbourhood is anticipated. The proposed development will likely increase traffic along Robie Street, but this addition should not be high enough to cause a significant disturbance in the neighborhood. The traffic will also be consistent and predictable compared to the current use where events occur at unprecedented times and irregular intervals.

GP-7 It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:

- a) *requiring adequate buffering and setbacks;*
- b) *screening development by the use of visual barriers;*
- c) *regulating the location of parking, storage buildings or other accessory uses or facilities.*

The proposal is generally compatible with the existing residential use in the surrounding neighborhood.

CONCLUSIONS:

The proposal generally conforms to the relevant policies of the MPS and LUB. The redevelopment will bring vibrancy and diversity to this Neighbourhood without disrupting its safety and tranquility. Nevertheless, considering the present configuration of the lands and the coverage of the proposed development, consolidation of lands may be necessary for lots 3, 5, and 7 Robie Street.

OPTIONS:

- Option One: Recommend to Council to enter into the Development Agreement for 3, 4, 5, 7 Robie Street as drafted by Staff, subject to any revisions that may arise.
- Option Two: Recommend to Council not to enter into the Development Agreement for 3, 4, 5, 7 Robie Street, citing specific policies with which the proposal does not conform.
- Option Three: Defer the application and instruct Staff to provide more information or negotiate changes to the agreement.

STAFF RECOMMENDATION: Option One.

SYNOPSIS

264 Church Street

Development Agreement

Second Reading

As proposed, the proposed development agreement for 264 Church Street would permit the construction of a 96-bed long-term care facility.

Following a Public Participation Opportunity, the Planning Advisory Committee recommended that Council enter into the agreement. A public hearing was held on March 22nd where no concerns were raised. As detailed in the attached report, the proposal meets the general intent of Town's Municipal Planning Strategy policies.

Approval of the development agreement would allow the replacement of a care facility that plays an important role in the community.

MOTION:

That Council give second and final Reading of the Development Agreement for 264 Church Street to permit the construction of a 96-bed long-term care facility.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Andrew Fisher, Director of Planning & Strategic Priorities

DATE: March 27, 2023

SUBJECT: Development Agreement – 264 Church Street

ORIGIN: An application for a development agreement to allow construction of a 96-bed long-term care facility at 264 Church Street.

LEGISLATIVE AUTHORITY: *Municipal Government Act Part VIII Planning and Development.*

RECOMMENDATION: That Council give second and final reading to the Development Agreement for 264 Church Street that would permit the construction of a 96-bed long-term care facility.

BACKGROUND: Attached is the draft development agreement. An advertised Public Participation Opportunity was held on January 18, 2023, where the only concern raised at the meeting was regarding traffic and this was addressed by staff. At their February meeting, the PAC recommended Council enter into the Development Agreement. Council gave first reading on February 27, 2023, and an advertised Public Hearing was held on March 22, 2023.

Council is referred to the February 6, 2023 staff report to the Planning Advisory Committee that contains details about the proposed development, input received through the January 18, 2023 Public Participation Opportunity, and a review of the relevant MPS policies.

DISCUSSION: As detailed in the attached staff report to the PAC, the proposal meets the general intent of MPS policies. This new facility will replace the 40+ year old facility that provides an important asset to the community.

Should Council decide to give second reading of the agreement, the public will have a period of 14-days to appeal this decision at the Nova Scotia Utility Review Board.

FINANCIAL IMPLICATIONS: No significant costs specific to this issue. Ongoing tax revenue upon completion of the development.

SOCIAL JUSTICE IMPLICATIONS: None specific to this issue.

ENVIRONMENTAL IMPLICATIONS: The proposal is considered infill development and represent efficient use of land and does not require significant extension of municipal services.





AMHERST TOWN COUNCIL

RFD# 2023045

Date: March 27, 2023

COMMUNITY ENGAGEMENT: January 18, 2023 Public Participation Opportunity, and March 22, 2023 Public Hearing. If approved, notice of the right to appeal council's decision is placed in the local newspaper.

ALTERNATIVES: 1) Give Second Reading of the development with specific amendments;
2) Reject the application citing specific policies that are not met by the proposal.

ATTACHMENTS: 1) Development Agreement; 2) Staff report to PAC.

Report prepared by:

Report and Financial approved by:



Case No: DA-2023-XX

This Agreement made this _____ Day of _____ 2023.

Between:

Gem Health Care Group Limited (owner of property located at 264 Church Street, Amherst [PID 25014580], hereinafter called the "Owner"),

of the one part, and

The Town of Amherst (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-19 of the Municipal Planning Strategy of the Town of Amherst, to construct a 2-storey 96 bed long term care facility at 264 Church Street, Amherst (PID 25014580).

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 ____th Day of _____ 2023, 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' - Property Location Map
- (c) Schedule 'C' – Site Plan
- (d) Schedule 'D' – Floor Plan
- (e) Schedule 'E' – Building Elevation

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 Land in the Town of Amherst, hereinafter called the "Land". The aforesaid Land is the only land in the Town of Amherst to which this Agreement applies, and the Land is illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct a maximum of a 2-storey 96 bed long term care facility on the said Land, subject to Schedules A, B, C, D and E 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

THE TOWN OF AMHERST

David Kogon MD, Mayor

Jason MacDonald, MCIP, LPP, CAO

FOR THE OWNER

Gem Health Care Group Ltd.

Schedule A

264 Church Street - Development Agreement

Terms and Conditions:

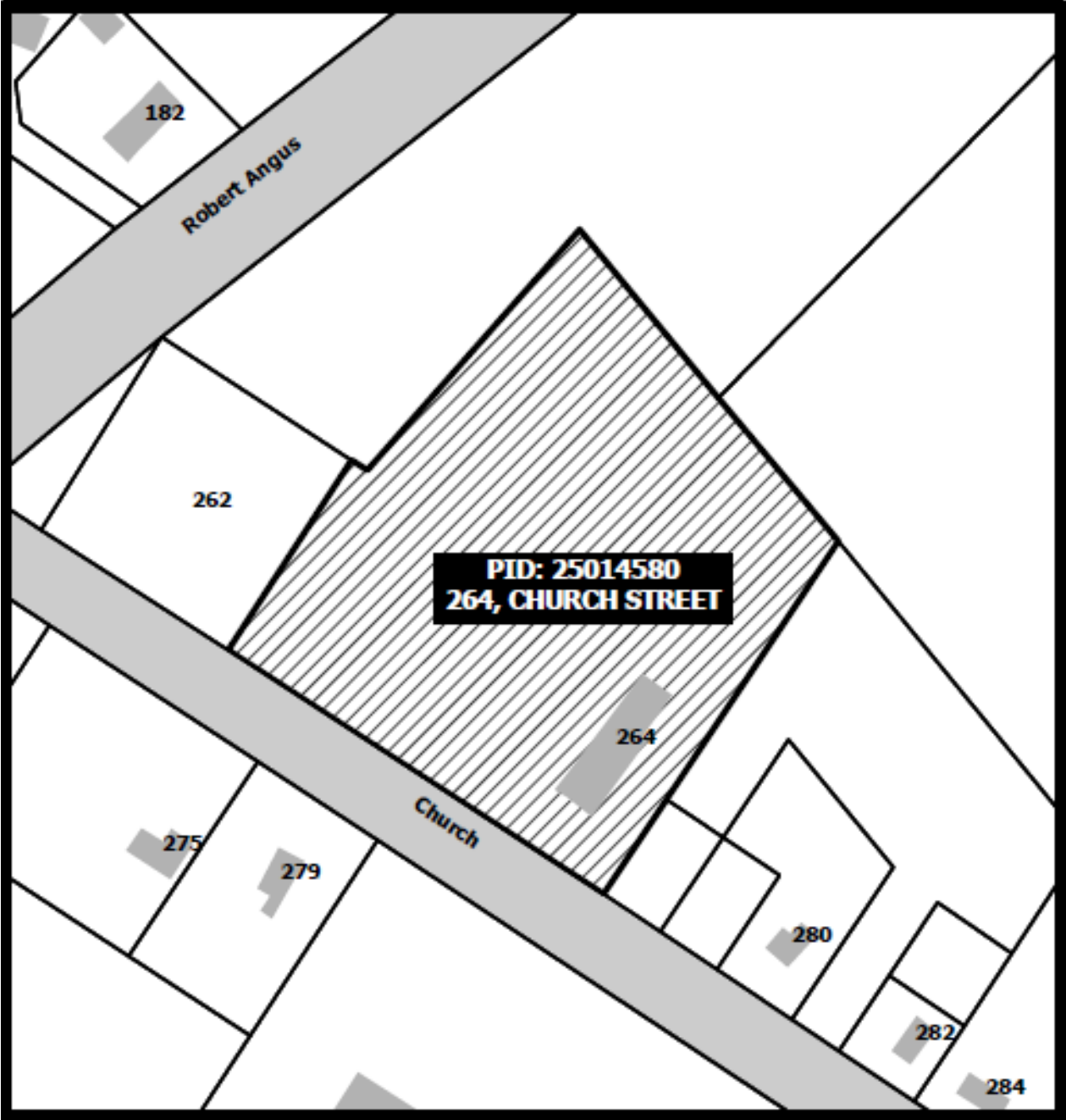
1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the properties shall be limited to residential uses within a maximum of a 2-storey (plus roof structure), 96-bed long-term care facility and one existing vacant dwelling in the general location as shown on Schedule 'C', 'D', and 'E'.
- 1.2 A minimum of 90 parking spaces shall be provided on the Land and shall be generally configured as shown on Schedule 'C'. Variations to the number or layout of parking spaces may be permitted to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.4 Accessory buildings may be permitted on the Land in accordance with the *Town of Amherst Land Use Bylaw* and shall not be considered a substantial change to this agreement.
- 1.5 The long-term care facility shall generally conform to the designs shown on Schedule 'D' and 'E'. Variations to the architectural details and footprint of the dwellings may be permitted to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.6 The Owners shall be responsible for landscaping unpaved areas and maintenance on the Land.
- 1.7 The Owner shall be responsible for maintaining screened solid waste containment areas, generally in the locations shown on Schedule 'C'.
- 1.8 Paving of the driveways and parking areas shall be completed for the facility within twelve (12) months from the date an Occupancy Permit is issued.

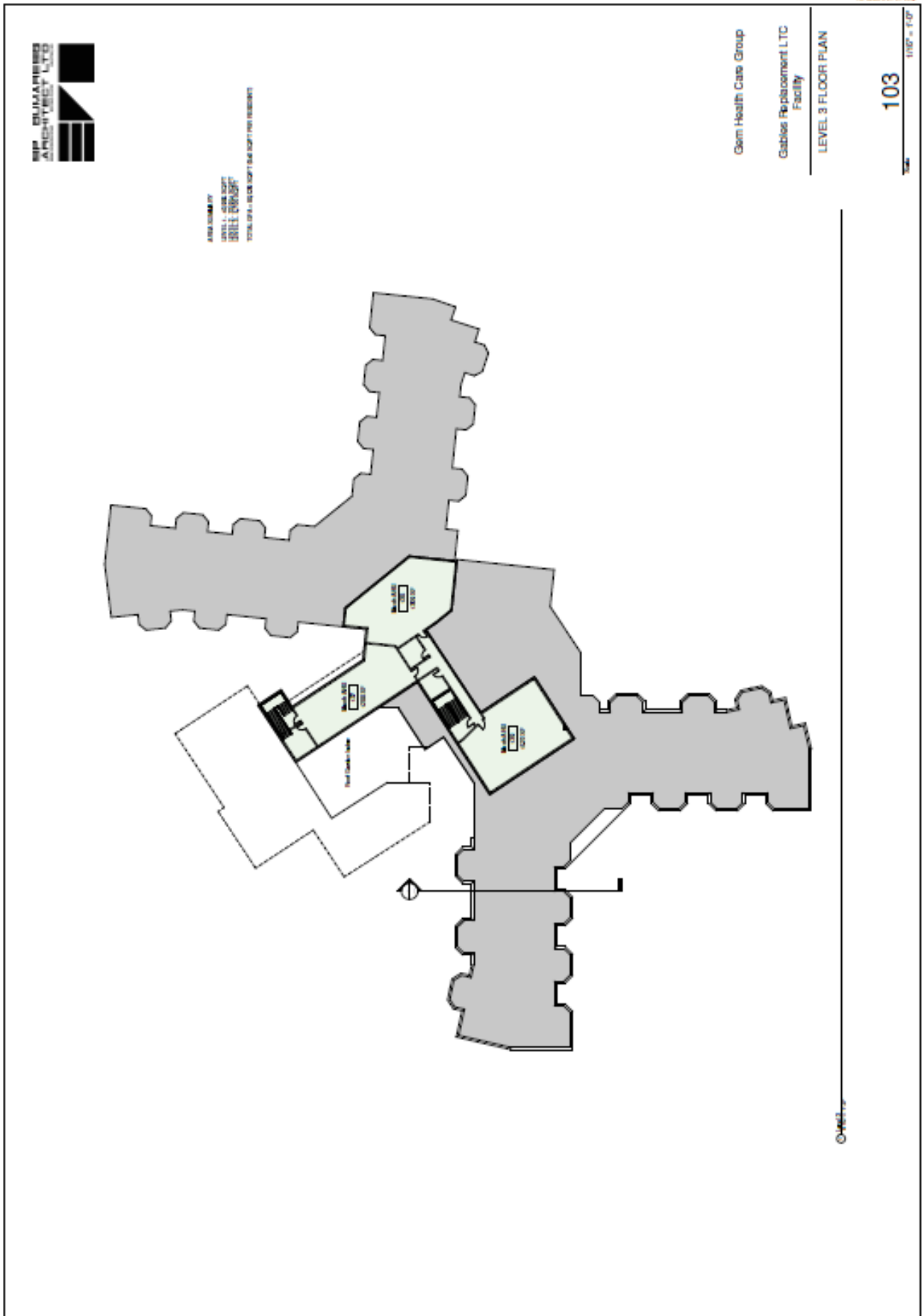
2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Land and building and any portion thereof clean and in good repair. All elements of the development on the Land shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.
- 2.4 The Owner shall be responsible for storm water management during and after construction.
- 2.5 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste.

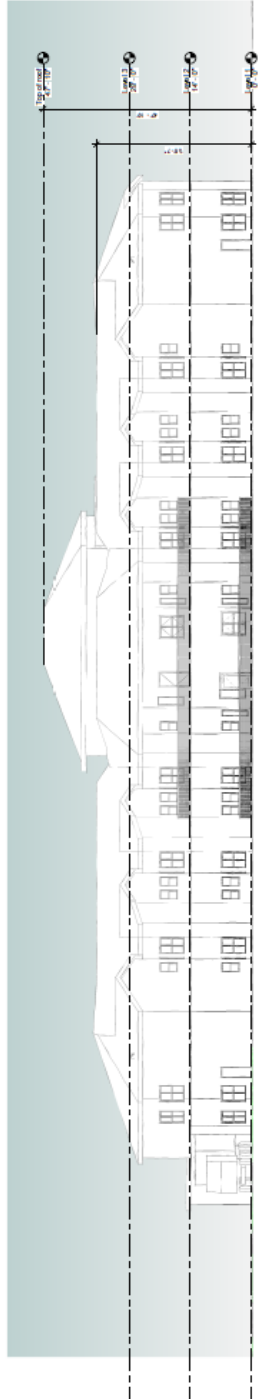
SCHEDULE 'B'



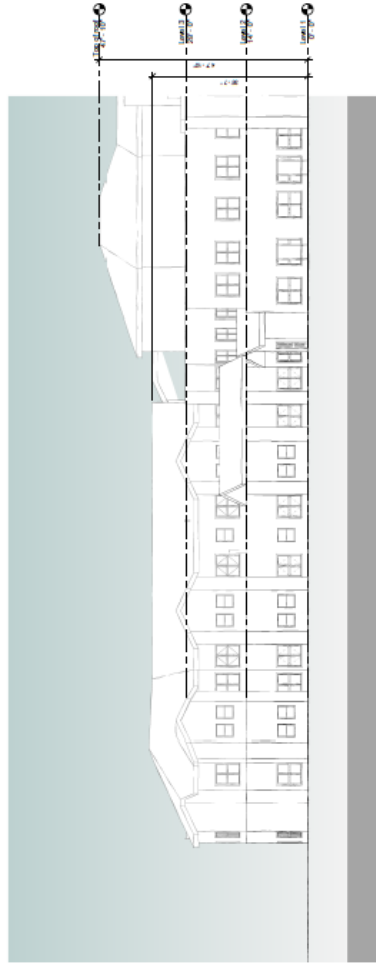
SCHEDULE 'D'



SCHEDULE 'E'



100-100
1\"/>



100-100
1\"/>

Gem Health Care Group
Gables Replacement LTC
Facility
Building Elevations

112

1\"/>

MEMO

TO: Planning Advisory Committee

FROM: Abiola Falaye, Land Use Planner, Planning & Strategic Initiatives

DATE: February 06, 2023

RE: **Development Agreement – 264 Church Street, Amherst.**

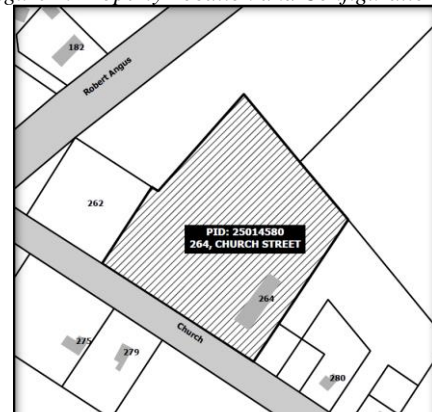
PROPOSAL

An application by the property owner, Gem Health Care Group Limited, for a development agreement to allow construction of a 2-storey, 96-Bed long term care facility at 264 Church Street.

BACKGROUND INFORMATION

Site Details: The subject property, located in the General Residential Zone, is a primarily vacant field approximately 14,973 m² (3.7 acres) in area. A vacant dwelling unit is also on the site. As currently configured, the subject property has 120m on Church Street. **Figure 1** shows the property location and configuration.

Figure 1. Property Location and Configuration



Neighbourhood Context: The Subject property is located on the western end of Town. There is currently an unoccupied detached building on the site, a vast amount of vacant/ undeveloped land towards the north and south, and a few detached housing units on the east and south, and a concentration of electricity distribution poles and transformers on the west side. Directly across the site along Church Street is an old industrial building currently used as a storage facility. Complementary health and social facilities and services near the proposed development include Beltone Professional Hearing Care Center, Amherst Pharmasave, Cumberland Physiotherapy, Faith United Pentecostal Church, and two care other homes, Centennial Villa and Gables lodge.

Figure 2. Site Plan



Proposal Details: According to the site plan (**Figure 2**), the proposal contains a 2-storey 96-bed long-term care facility covering approximately 3,807.63 m² (40,985

sqft). Two vehicular accesses are available on Church Street, with up to 90 off-street parking spaces. Site landscaping also features trees and shrubs for buffer and aesthetics.

PUBLIC PARTICIPATION OPPORTUNITY

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification was held on Wednesday, January 18, 2023. A [video](#) of the meeting has been made available on live streamed event section of the Town website, and a [summary](#) is provided as part of the information package.

No concern was received regarding this proposal during the public participation opportunity. However, a nearby resident emailed staff to ask about the traffic impact of the proposed development on Robert Agnus Drive and Church Street. Staff addressed this concern by explaining that although the proposed development may increase traffic along Church Street and Robert Agnus Drive, the existing road design, being arterial streets, are adequate to accommodate the anticipated increase. Also, since the proposed facility is intended to replace Gables Lodge (an existing facility in the area), there will be some considerable traffic reduction to make up for the traffic increase that will result from the new development.

RELEVANT POLICIES

Land Use Bylaw: Section 7.2.2 of the Bylaw states that in a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

- (e) Long term care facilities and homes for special care in accordance with Policy RP-19.

Municipal Planning Strategy: Policy RP-19, the most relevant policy to this issue states that:

Within the Residential Designation, it shall be the intention of Council to ensure Long Term Care Facilities and Homes for Special Care occur in a manner compatible with a low-density residential neighbourhood. Specifically, Council shall require that all long-term care facilities and homes for special care be subject to a Development Agreement. In negotiating such an agreement Council shall:

- a) ensure that the structure(s) is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;*
- b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;*
- c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;*
- d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;*
- e) ensure that any signage on the property is sympathetic to the surrounding residential properties;*
- f) require the use of vegetation to improve the aesthetic quality of the development;*
- g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.*

The proposed lot for the development is of sufficient size to accommodate it without dominating or negatively impacting the surrounding properties. Besides, the architecture is sympathetic, landscaping is well planned, parking is sufficient, and coverage of the building as shown on the site plan is satisfactory. Other issues including lighting and signage are addressed in the development agreement.

Other MPS relevant policies to this issue include the following:

A-5 It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- a) *That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- b) *That the proposal is not premature or inappropriate by reason of:*
 - (i) the financial capability of the Town to absorb any costs relating to the development;*
 - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
 - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;*
- c) *That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
 - (i) type of use;*
 - (ii) height, bulk and lot coverage of any proposed building;*
 - (iii) parking, traffic generation, access to and egress from the site;*
 - (iv) any other matter of planning concern outlined in this strategy.*

The proposal conforms with the general intent of MPS Policy A-5. There will be no undue impact on the town's financial capacity or the adequacy of municipal infrastructure. Regarding the extent to which the development might conflict with adjacent or nearby land uses, no significant negative impact on the surrounding Neighbourhood is anticipated. The proposed development will likely increase traffic along Church Street and Robert Agnus Drive, but the existing road design is adequate to cater for this.

GP-7 It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:

- a) *requiring adequate buffering and setbacks;*
- b) *screening development by the use of visual barriers;*
- c) *regulating the location of parking, storage buildings or other accessory uses or facilities.*

The proposal is generally compatible with the existing residential use in the surrounding neighborhood.

MS-11 It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.

The proposal is an infill development, which speaks to the efficient use of land that does not require expanding the existing town infrastructure. The street network in this area has relatively high connectivity with close access to shopping and other health and social facilities and services.

CONCLUSIONS:

The proposal generally conforms to the relevant policies of the MPS and LUB. The facility will meet the need of the community by providing specialized care for seniors, employment opportunities for healthcare workers, light duty cleaners, and administrative officers, among others in the community, promoting social inclusion among older adults and increasing commerce in the Town, particularly in the retail on South Albion Street/ Robert Agnus Drive.

OPTIONS:

Option One: Recommend to Council to enter into the Development Agreement for 264 Church Street, as drafted by Staff, subject to any revisions that may arise.

Option Two: Recommend to Council not to enter into the Development Agreement for 264 Church Street, citing specific policies with which the proposal does not conform.

Option Three: Defer the application and instruct Staff to provide more information or negotiate changes to the agreement.

STAFF RECOMMENDATION: Option One.

SYNOPSIS

Development Agreement Application

52 Hickman Street

First Reading

As proposed, the development agreement for 52 Hickman Street would permit the construction of a Garden Suite at the rear of the property.

Following a Public Participation Opportunity, the Planning Advisory Committee recommended that Council enter into the agreement. As detailed in the attached staff report to the PAC, the proposal meets the general intent of MPS policies.

MOTION:

That Council give First Reading of the Development Agreement for 52 Hickman Street to permit the construction of a garden suite, and schedule a Public Hearing for April 12, 2023 at 12:00 noon.



AMHERST TOWN COUNCIL

RFD# 2023042

Date: March 27, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Andrew Fisher, Director of Planning & Strategic Priorities

DATE: March 27, 2023

SUBJECT: Development Agreement – Garden Suite on 52 Hickman.

ORIGIN: An application by David R. Mathiesen on behalf of the property owners, David and Christine Mathiesen, for a development agreement to allow construction of a garden suite on 52 Hickman Street (PID: 25021973).

LEGISLATIVE AUTHORITY: *Municipal Government Act Part VIII Planning and Development.*

PAC RECOMMENDATION: On March 6, 2023 the PAC recommended that Council enter into the attached Development Agreement for 52 Hickman that would permit the construction of a garden suite.

BACKGROUND: Attached is the draft development agreement. An advertised Public Participation Opportunity was held on March 1, 2023. An issue was raised regarding the setback of the building along Snowden Avenue. It was however resolved on the basis that the distance provided in the proposal conforms with other buildings in the neighborhood.

Council is referred to the March 6, 2023, staff report to the PAC that contains details about the proposed development, input received through the March 1, 2023, Public Participation Opportunity, information provided by the applicant, and a review of the relevant MPS policies.

DISCUSSION: As detailed in the attached staff report to the PAC, the proposal meets the general intent of MPS policies. The development agreement process provided the public an opportunity to give input that is detailed in the report. Should Council decide to give First Reading of the agreement, the public will have another opportunity to provide input at a public hearing before Council.

FINANCIAL IMPLICATIONS: No significant costs specific to this issue. Ongoing tax revenue upon completion of the development.

SOCIAL JUSTICE IMPLICATIONS: None specific to this issue.

ENVIRONMENTAL IMPLICATIONS: The proposal is considered infill development and represent efficient use of land and does not require significant extension of municipal services.





AMHERST TOWN COUNCIL

RFD# 2023042

Date: March 27, 2023

COMMUNITY ENGAGEMENT: March 1, 2023 Public Participation Opportunity, and Public Hearing if First Reading is given. If approved, notice of the right to appeal council's decision is placed in the local newspaper.

ALTERNATIVES: 1) Give First Reading of the development with specific amendments; 2) Refer the application back to the PAC for more information; 3) Reject the application citing specific policies that are not met by the proposal.

ATTACHMENTS: 1) Development Agreement; 2) Staff report to PAC.

Report prepared by:

Report and Financial approved by:



Case No: DA-2023-XX

This Agreement made this _____ Day of _____ 2023.

Between:

David Ralph Mathiesen and Christine Mathiesen (owner of property located at 52 Hickman Street, Amherst [PID 25021973], hereinafter called the "Owner"),

of the one part, and

The Town of Amherst (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-14 of the Municipal Planning Strategy of the Town of Amherst, to construct a garden suite on 52 Hickman Street (PID: 25021973).

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 ____th Day of _____ 2023, 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' - Property Location Map
- (c) Schedule 'C' – Site Plan
- (d) Schedule 'D' – Floor Plan
- (e) Schedule 'E' – Building Elevation

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 Land in the Town of Amherst, hereinafter called the "Land". The aforesaid Land is the only land in the Town of Amherst to which this Agreement applies, and the Land is illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct a maximum of one garden suite on the said Land, subject to Schedules A, B, C, D and E 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

THE TOWN OF AMHERST

David Kogon MD, Mayor

Jason MacDonald, MCIP, LPP, CAO

FOR THE OWNER

David Ralph Mathiesen

Schedule A

52 Hickman Street - Development Agreement

Terms and Conditions:

1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the property shall be limited to residential uses within a maximum of a single detached main dwelling and a detached garden suite in the general location as shown on Schedule 'C'.
- 1.2 A minimum of two (2) off-street parking spaces shall be provided on the property and shall be generally configured as shown on Schedule 'C'.
- 1.4 Accessory buildings may be permitted on the Land in accordance with the *Town of Amherst Land Use Bylaw* and shall not be considered a substantial change to this agreement.
- 1.5 The garden suite shall generally conform to the designs shown on Schedule 'D' and 'E'. Variations to the architectural details and footprint of the dwelling may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.6 The Owners shall be responsible for landscaping unpaved areas and maintenance on the Land.

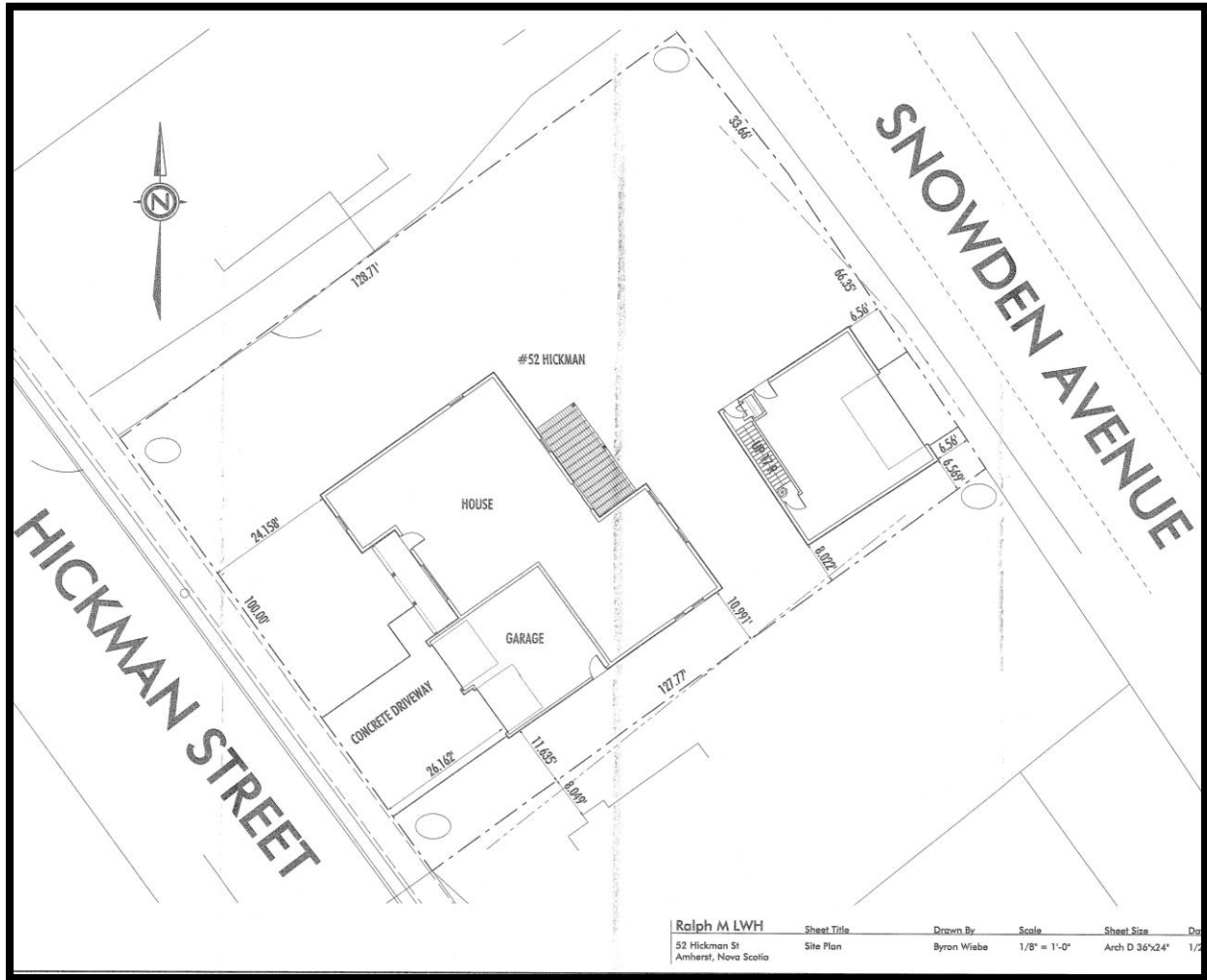
2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Land and building and any portion thereof clean and in good repair. All elements of the development on the Land shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.
- 2.4 The Owner shall be responsible for storm water management during and after construction.
- 2.5 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste.

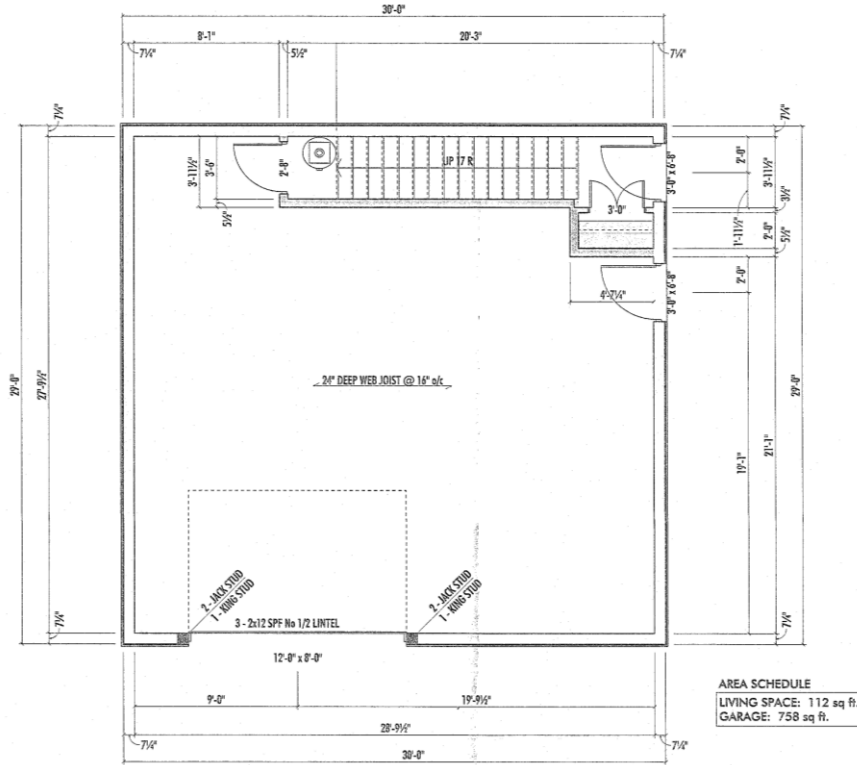
SCHEDULE 'B'



SCHEDULE 'C'

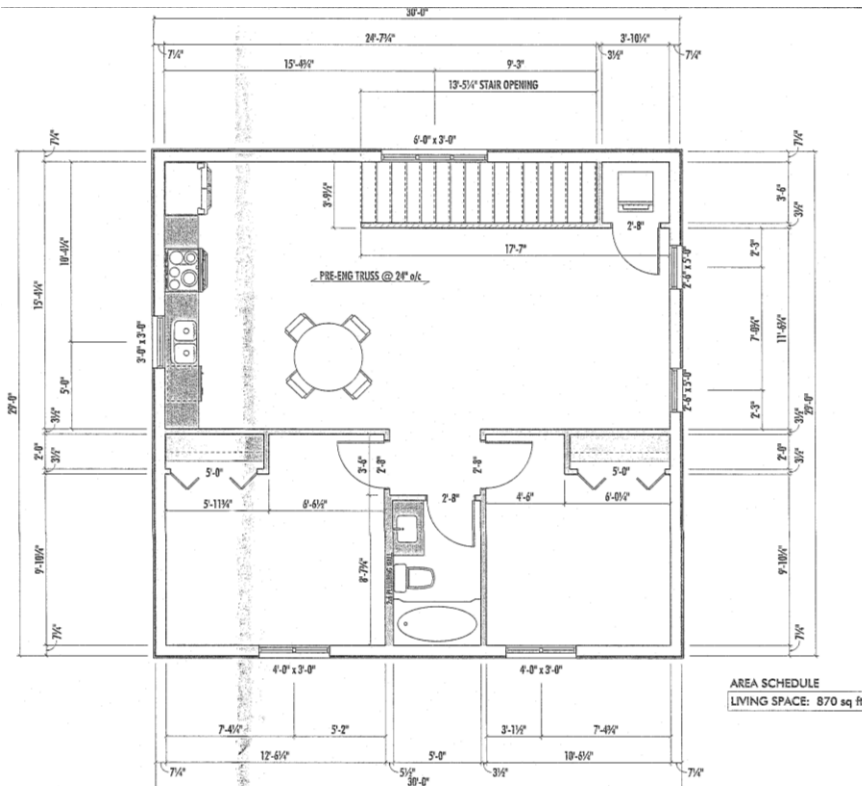


SCHEDULE 'D'



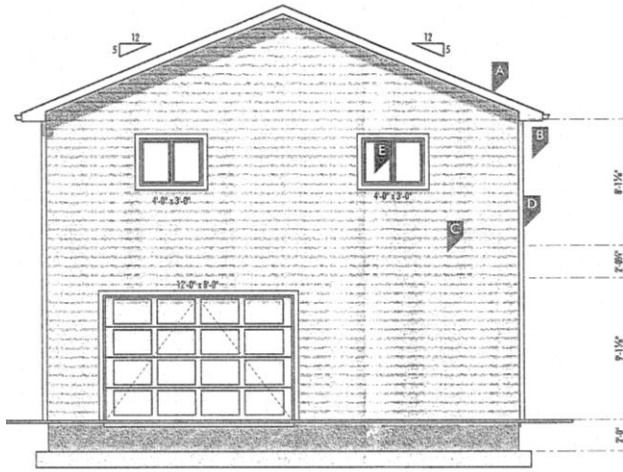
MAIN FLOOR PLAN

SCHEDULE 'D'

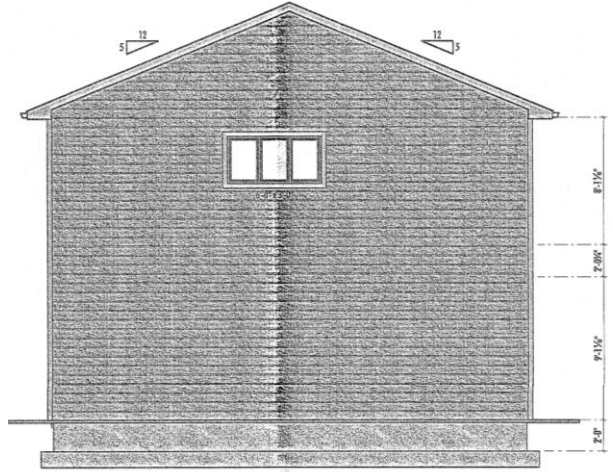


SECOND FLOOR PLAN

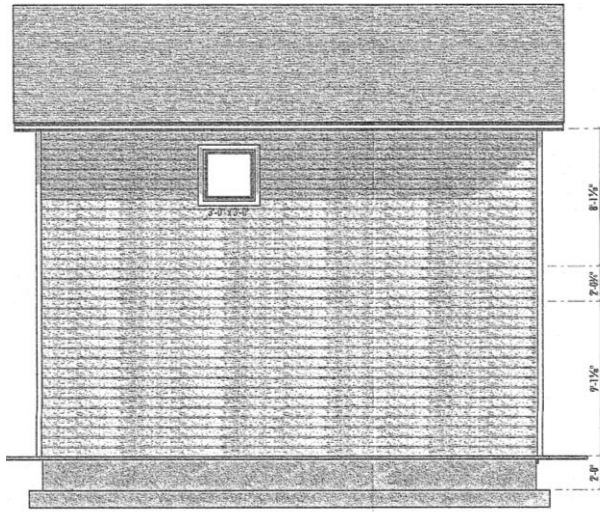
SCHEDULE 'E'



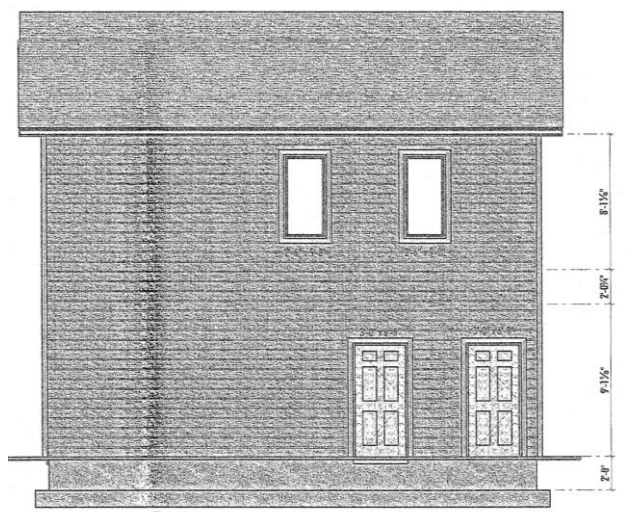
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

MEMO

TO: Planning Advisory Committee

FROM: Abiola Falaye, Land Use Planner, Planning & Strategic Initiatives

DATE: March 06, 2023

RE: **Development Agreement** – 52 Hickman Street (PID: 25021973).

PROPOSAL:

An application by David R. Mathiesen on behalf of the property owners, David and Christine Mathiesen, for a development agreement to allow construction of a garden suite on 52 Hickman Street (PID: 25021973).

BACKGROUND INFORMATION

Site Details: The subject property is located in the General Residential Zone. As currently configured, the property is a vacant field of approximately 1,199m² (0.3 acres), with 30m frontage on Hickman Street and Snowden Avenue.

Neighbourhood Context: The subject property is located in the General Residential zone. Directly next to the property on all sides are detached residential dwellings. Highland Market, a butcher shop, is located about 120m South-West from the subject site. The property has good access to downtown Amherst and the commercial district on South Albion Street.

Proposal Details: The applicant is planning to build a 9x9 meter (29ft x 30ft) two-story structure that will serve as a garage on the ground floor and garden suite on the upper floor. The garden suite is designed to be a 2-bedroom apartment. The structure is situated behind the main building (a three-bedroom detached family dwelling) and adjacent to Snowden Avenue.

PUBLIC PARTICIPATION OPPORTUNITY

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification was held on Wednesday, March 1, 2023. No concern was received regarding this proposal at the meeting.

RELEVANT POLICIES

Section 7.2.2(c) of the Land Use Bylaw, highlights Policy RP-14 of the Municipal Planning Strategy as the main consideration for permitting a garden suite in a Residential Zone.

Policy RP-14 (Garden Suites) states that:

It shall be the intention of Council to permit Garden Suites in all Residential areas by Development Agreement. In negotiating such an agreement Council shall have regard for the following:

- (a) the garden suite be secondary to the main dwelling on the lot;*
- (b) water and sewer services be provided independent from the main dwelling;*
- (c) two off street parking spaces be provided on the property;*
- (d) the garden suite be a minimum of 1.2 metres from the side property lines;*
- (e) the garden suite be a minimum of 6 metres from the rear property line;*
- (f) the garden suite be a minimum of 1.2 metres from the main dwelling;*
- (g) the garden suite is not located in the front yard of the property;*
- (h) no home occupation, group home, boarding house, day care or other such secondary use be permitted on the property;*
- (i) the development agreement be discharged should the garden suite be removed from the property.*

The main building on the property is a single-story detached family dwelling, and the proposed garden suite is secondary to it. A development permit has been issued for the main building. Furthermore, the configuration of the proposed garden suite is such that it has its own utilities and services, including water and sewer. Hence, it is independent of the main dwelling on the lot in terms of design and functionality.

Additionally, there is adequate provision for parking in the plan, with a separate garage within the primary and secondary buildings. These are in addition to ample free space (71%) on the lot. The site plan showing the garden suite and main building meets the minimum separation stipulated in Policy RP-14 except for a minimum requirement of 6 metres from the rear property line. The garden suite is located approximately 3m (8.72ft) away from the main building at the rear, with a setback of 2m (6.56ft) from Snowden Avenue and the abutting lot on 56 Hickman Street. Although staff is yet to identify any potential negative impact due to this reduced setback, measures towards mitigating unforeseen impact and promoting the general intent of the Municipal Planning Strategy are addressed in the development agreement.

Another relevant policy is the **Affordable Housing Policy RP-11(c) of the Municipal Planning Strategy**. *It states that is shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by permitting a secondary residential structure (Garden Suite) on a lot.*

The proposed development will provide an additional housing unit to the existing housing stock in the Town if approved.

Lastly, **Implementation Policy on Amendment Criteria A-5** is equally applicable to this matter. It states that:

It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- a) *That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- b) *That the proposal is not premature or inappropriate by reason of:*
 - (i) the financial capability of the Town to absorb any costs relating to the development;*
 - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
 - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;*
- c) *That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
 - (i) type of use;*
 - (ii) height, bulk and lot coverage of any proposed building;*
 - (iii) parking, traffic generation, access to and egress from the site;*
 - (iv) any other matter of planning concern outlined in this strategy.*

The proposal conforms with the general intent of MPS Policy A-5. There will be no undue impact on the Town's financial capacity or the adequacy of municipal infrastructure. Regarding the extent to which the development might conflict with adjacent or nearby land uses, no significant negative impact on the surrounding neighbourhood is anticipated.

CONCLUSIONS:

The proposal generally conforms to the relevant policies of the Municipal Planning Strategy and other regulations and does not represent a significant potential impact on the surrounding area over and above the current situation. Furthermore, the garden suite will promote the vision of the Town of Amherst towards addressing housing shortage.

MOTION OPTIONS:

- Option One: Recommend that Council enter into the Development Agreement for 52 Hickman Street (PID: 25021973) as drafted.
- Option Two: Recommend that Council enter into the Development Agreement for 52 Hickman Street (PID: 25021973) with specific changes to the draft agreement as follows:
- Option Three: Recommend to Council not to enter into the Development Agreement for 52 Hickman Street (PID: 25021973) siting specific policies with which the proposal does not conform.

STAFF RECOMMENDATION: Option One.

SYNOPSIS

Development Agreement for 9 North Adelaide Street First Reading

The proposed development agreement would permit the conversion of an existing six-unit apartment building to eight-units at 9 North Adelaide Street.

Following a Public Participation Opportunity, the Planning Advisory Committee recommended that Council enter into the agreement. As detailed in the attached report, the proposal meets the general intent of Town's Municipal Planning Strategy policies.

MOTION:

That Council give first reading of the Development Agreement for 9 North Adelaide Street to allow two additional units within the existing 6-unit structure, and schedule a public hearing for April 12, 2023 at 12 Noon.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Andrew Fisher, Director of Planning & Strategic Priorities

DATE: March 27, 2023

SUBJECT: Development Agreement – 9 North Adelaide Street (PID: 25008798).

ORIGIN: An application by Six Point Star Homes Limited for a development agreement at 9 North Adelaide Street (PID: 25008798) to allow two additional units within the existing 6-unit dwelling.

LEGISLATIVE AUTHORITY: *Municipal Government Act* Part VIII Planning and Development.

PAC RECOMMENDATION: On March 6, 2023 the PAC recommended that Council enter into the attached Development Agreement for 9 North Adelaide Street to allow two additional units within an existing 6-unit dwelling.

BACKGROUND: Attached is the draft development agreement. A Public Participation Opportunity was held on March 1, 2023. An issue was raised regarding parking on the property and it was addressed. Council is referred to the March 6, 2023, staff report to the Planning Advisory Committee (PAC) that contains details about the proposed development, and a review of the relevant MPS policies.

DISCUSSION: As detailed in the attached staff report to the PAC, the proposal meets the general intent of the relevant Municipal Planning Strategy policies. Approving the development agreement would allow the addition of affordable housing units while rejuvenating a building that had fallen into disrepair.

FINANCIAL IMPLICATIONS: No significant costs specific to this issue. Ongoing tax revenue upon completion of the development.

SOCIAL JUSTICE IMPLICATIONS: None specific to this issue.

ENVIRONMENTAL IMPLICATIONS: The proposal is considered infill development and represent efficient use of land and does not require significant extension of municipal services.

COMMUNITY ENGAGEMENT: March 1, 2023 Public Participation Opportunity. If first reading is approved, a Public Hearing will take place on Wednesday, April 12, 2023.





AMHERST TOWN COUNCIL

RFD# 2023043

Date: March 27, 2023

ALTERNATIVES: 1) Give First Reading of the development with specific amendments; 2) Refer the application back to the PAC for more information; 3) Reject the application citing specific policies that are not met by the proposal.

ATTACHMENTS: 1) Development Agreement; 2) Staff report to PAC.

Report prepared by: A.Falaye
Report and Financial approved by:



Case No: DA-2023-XX

This Agreement made this _____ Day of _____ 2023.

Between:

Six Point Star Homes Limited (owner of property located at 9 North Adelaide Street, Amherst [PID 25008798], hereinafter called the "Owner"),

of the one part, and

The Town of Amherst (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to increase the number of dwelling units within the existing building at 9 North Adelaide Street (PID: 25008798) from 6 to 8.

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 ____th Day of _____ 2023, 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' - Property Location Map
- (c) Schedule 'C' – Floor Plan
- (d) Schedule 'D' – Building Elevation

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 Land in the Town of Amherst, hereinafter called the "Land". The aforesaid Land is the only land in the Town of Amherst to which this Agreement applies, and the Land is illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may reconfigure the interior of the building on the said Land, subject to Schedules A, B, C, and D 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

THE TOWN OF AMHERST

David Kogon MD, Mayor

Jason MacDonald, MCIP, LPP, CAO

FOR THE OWNER

Six Point Star Homes Limited

Schedule A

9 North Adelaide Street - Development Agreement

Terms and Conditions:

1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the property shall be limited to eight (8) dwelling units contained within an existing apartment building in the general configuration shown on Schedule 'C'. Changes to the interior configuration may be permitted, subject adherence with the Building Code, and shall not be considered a substantial change to this agreement.
- 1.2 A minimum of 8 parking spaces shall be provided on the Lands.
- 1.3 Accessory buildings may be permitted on the Lands in accordance with the *Town of Amherst Land Use Bylaw* and shall not be considered a substantial change to this agreement.
- 1.4 The converted dwelling shall generally conform to the designs shown on Schedule 'C' and 'D'. Variations to the architectural details and footprint of the dwellings may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.5 The Owner shall complete landscaping of all unpaved areas by the end of the first full growing season after an Occupancy Permit is issued, to the satisfaction of the Development Officer.
- 1.6 The Owner shall be responsible for maintaining solid waste containment areas.
- 1.7 Paving of the driveways and parking areas and shall be completed for the facility within twelve (12) months from the date an Occupancy Permit is issued.
- 1.8 The Owner shall install an opaque fence along the rear property line and at minimum 6 metres along each side lot line to delineate the parking area.

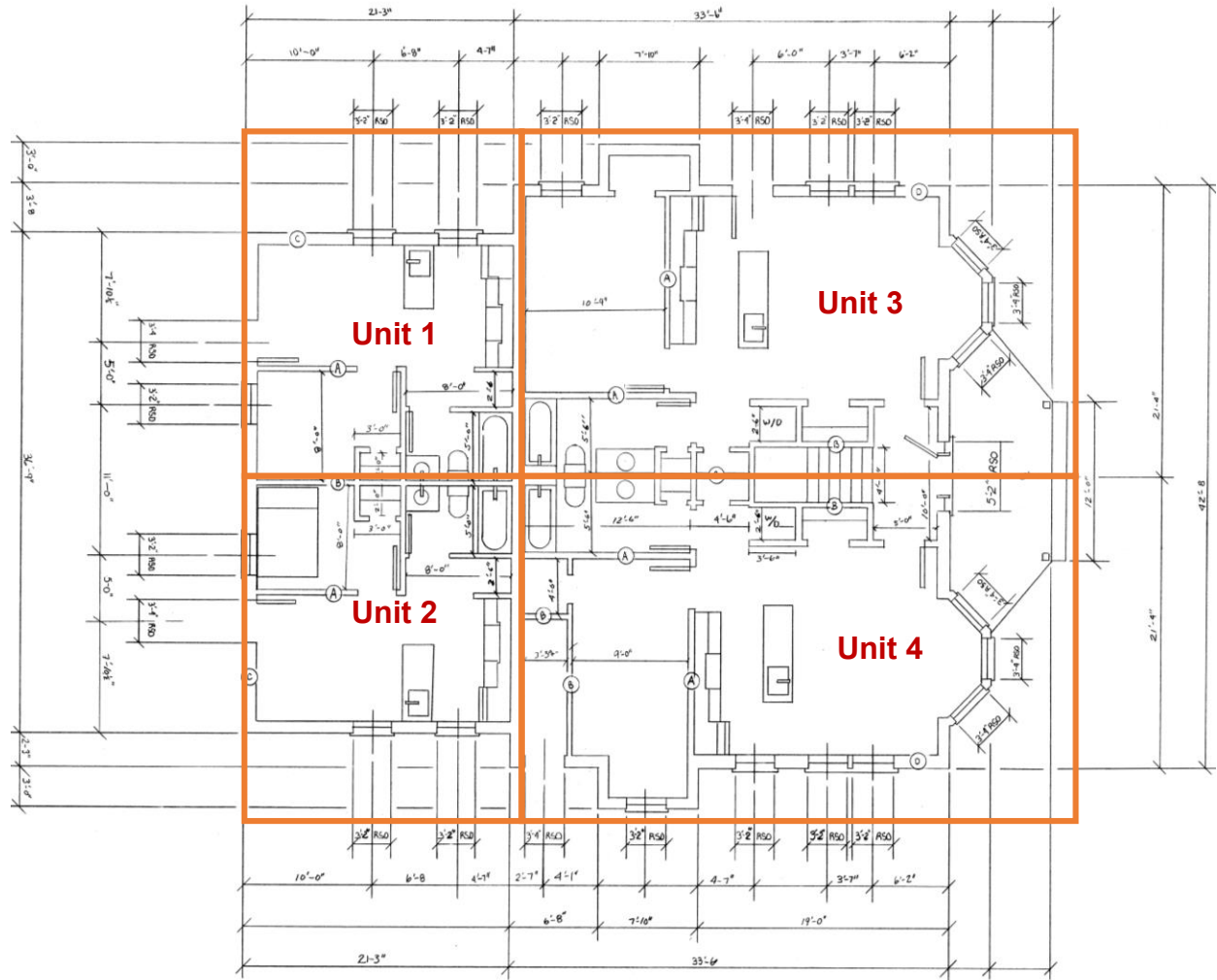
2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Land and building and any portion thereof clean and in good repair. All elements of the development on the Land shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.
- 2.4 The Owner shall be responsible for storm water management during and after construction.
- 2.5 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste.

SCHEDULE 'B'

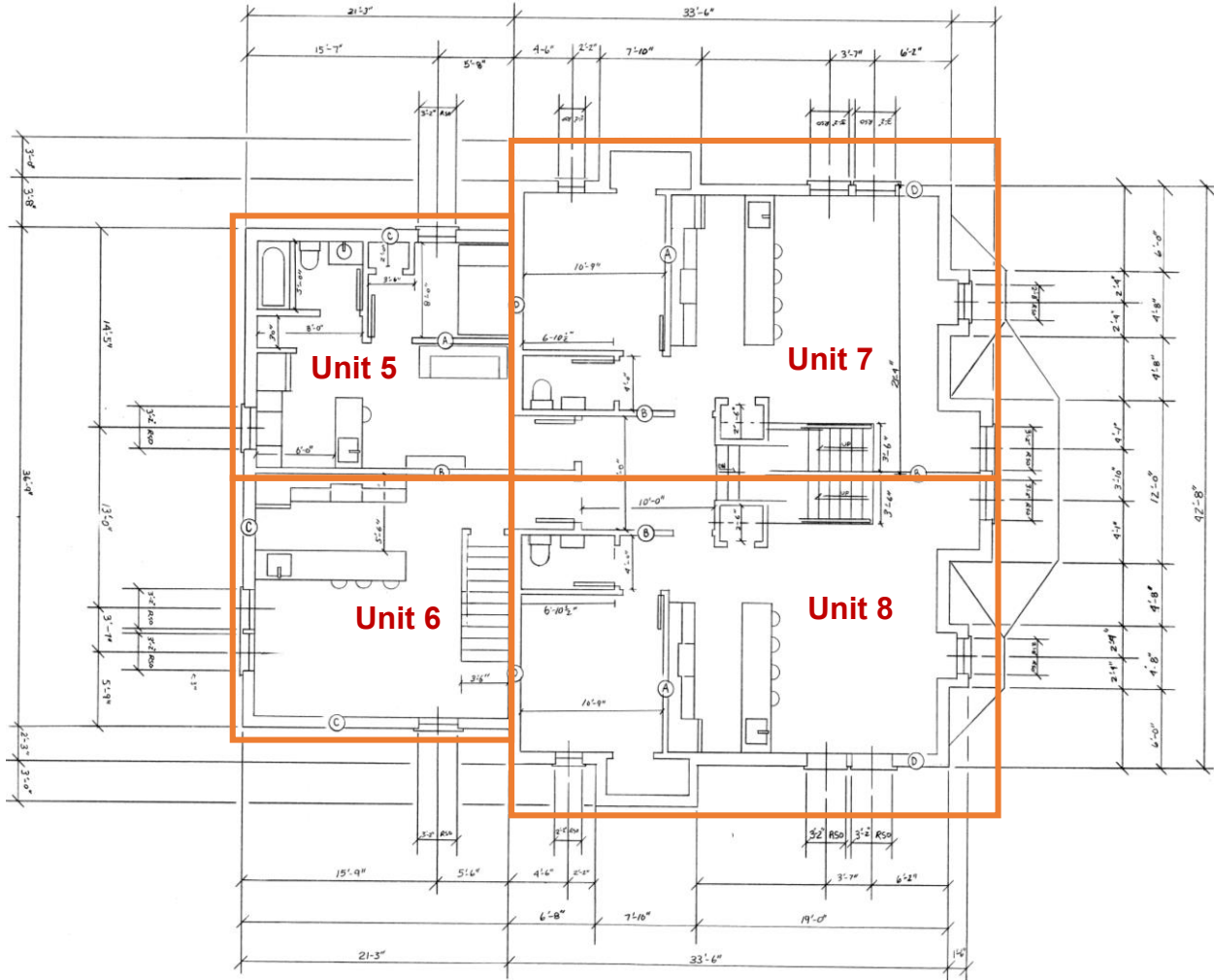


SCHEDULE 'C'



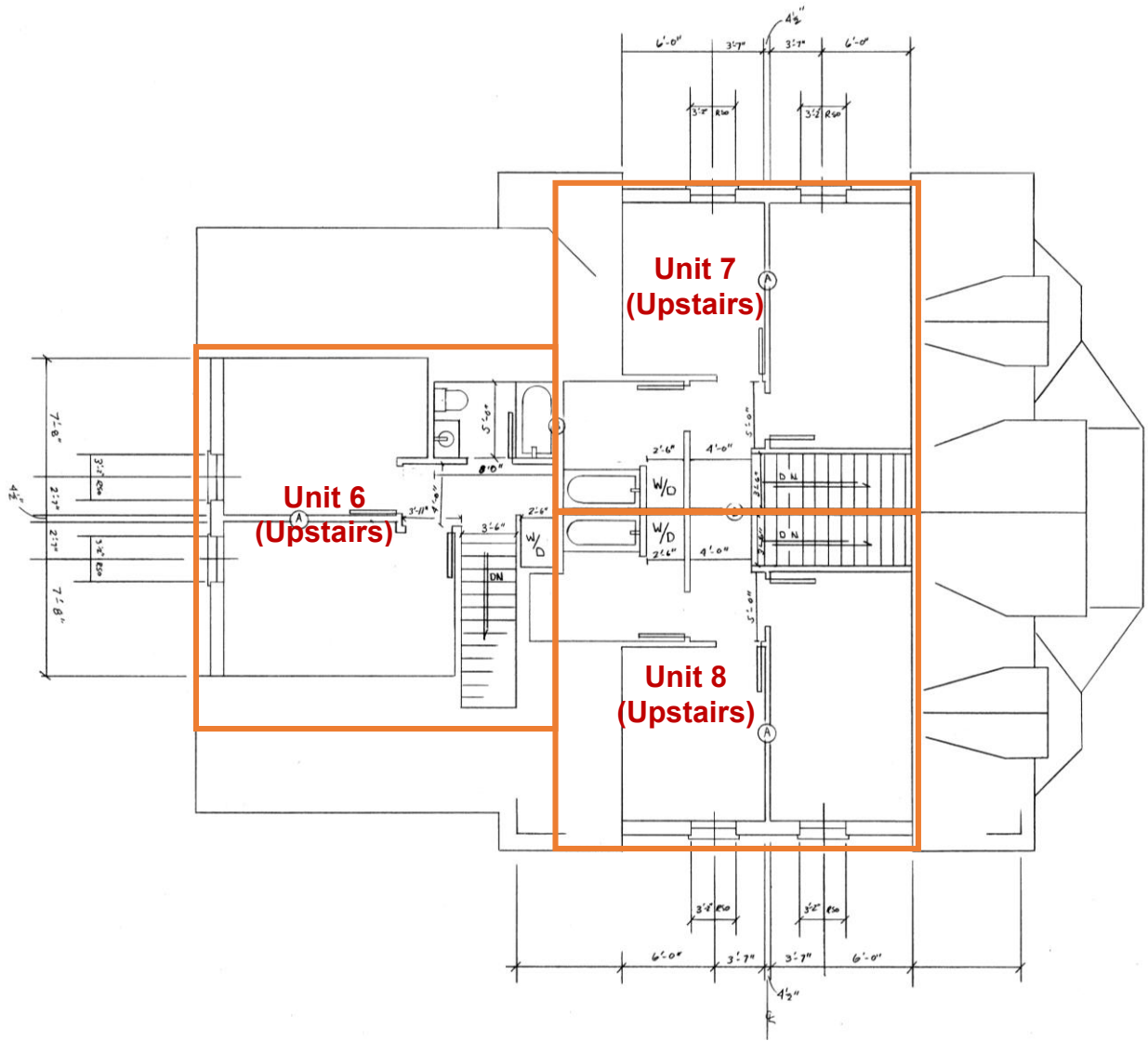
First Floor

SCHEDULE 'C'



Second Floor

SCHEDULE 'C'



Third Floor

SCHEDULE 'D'



Front Elevation



Right Elevation

SCHEDULE 'D'



Left Elevation



Rear Elevation

MEMO

TO: Planning Advisory Committee

FROM: Andrew Fisher, Director of Planning & Strategic initiatives

DATE: March 6, 2023

RE: **Development Agreement – North Adelaide Street**

PROPOSAL:

An application by Six Point Star Homes Limited for a development agreement at 9 North Adelaide Street (PID: 25008798) to allow the 2 additional units within the existing 6-unit dwelling.

BACKGROUND INFORMATION

Please see the attached Application Briefing for details about the subject property, neighbourhood context and what is being proposed.

The subject property is 894m² (9,625 sqft) in area and is zoned General Residential. There is an existing 3-level older apartment house with 6 dwelling units. The property was acquired at tax sale in 2021 after being without heat for multiples years. As such, a building and development permit was issued in January to extensively renovate the structure containing six units. The development agreement would allow two additional units within the building envelope. The building will maintain its area coverage, setbacks and the two vehicle accesses on North Adelaide Street. There is the potential for eight parking spaces in the rear yard. If the application is not approved, the six (6) residential units will remain.

PUBLIC PARTICIPATION OPPORTUNITY

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification was held on Wednesday, March 1, 2023. The only concern received was regarding the adequacy of parking for visitors on the property. Details of the meeting are included in the information package.

RELEVANT POLICIES

Section 7.2.2 of the Land Use Bylaw requires that apartment buildings with more than 4-units are subject to a development agreement, in accordance with Policy RP-9. The following are the MPS policies relevant to this application, followed by staff comments.

Residential Policy (RP-9) *It shall be the intention of Council to ensure medium and high-density residential development occur in a manner compatible with a low-density residential neighborhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement.*

In negotiating such an agreement Council shall ensure that:

- (a) ensure that the structure(s) is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;*
- (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;*
- (c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;*
- (d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;*
- (e) ensure that any signage on the property is sympathetic to the surrounding residential properties;*
- (f) require the use of vegetation to improve the aesthetic quality of the development;*
- (g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.*

The proposal meets the general intent of this policy. The draft development agreement contains conditions to deal with outdoor lighting, signage, and vegetation. With at minimum eight parking space there will be one space for each unit; however, this is two spaces short of the LUB standard of 10 spaces (1.25 spaces/unit).

Neighbourhood Stabilization RP-10 *It shall be the intention of Council to provide for the stabilization of existing residential neighborhoods by:*

- (a) encouraging the maintenance and rehabilitation of the existing housing stock;*

The proposal is supported by this policy.

Affordable Housing 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;*
- (b) permitting secondary apartments in all dwelling units;*
- (c) permitting a secondary residential structure (Garden Suite) on a lot;*
- (d) cooperating with Federal and Provincial Governments to facilitate affordable housing within the Town.*

The proposal is generally in keeping with this policy to promote the provision of affordable housing.

Residential Policy on Housing Mix - 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.*

The proposed development contains a range of residential unit sizes, including five 1-bedroom apartments, two 2-bedroom apartments, and three 3-bedroom apartments. This variety provides housing options for different family size and income groups thereby promoting affordable and inclusive housing within the Town.

Implementation Policy on Amendment Criteria A-5 is equally applicable to this matter. It states that:

It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- a) *That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- b) *That the proposal is not premature or inappropriate by reason of:*
 - (i) the financial capability of the Town to absorb any costs relating to the development;*
 - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
 - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;*
- c) *That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
 - (i) type of use;*
 - (ii) height, bulk and lot coverage of any proposed building;*
 - (iii) parking, traffic generation, access to and egress from the site;*
 - (iv) any other matter of planning concern outlined in this strategy.*

The proposal conforms with the general intent of MPS Policy A-5. There will be no undue impact on the town's financial capacity or the adequacy of municipal infrastructure. Regarding the extent to which the development might conflict with adjacent or nearby land uses, staff do not anticipate any significant negative impacts on the surrounding Neighbourhood. There is a lack of additional onsite parking beyond one space per dwelling unit; however, staff note that parking is permitted along North Adelaide and nearby Harding Avenue.

CONCLUSIONS:

The proposal generally conforms to the relevant policies of the Municipal Planning Strategy and other regulations and does not represent a significant negative impact on the surrounding area over and above the current situation.

MOTION OPTIONS:

Option One: Recommend that Council enter into the Development Agreement for 9 North Adelaide Street (PID: 25008798) as drafted.

Option Two: Recommend that Council enter into the Development Agreement for 9 North Adelaide Street (PID: 25008798) with specific changes to the draft agreement as follows:

Option Three: Recommend to Council not to enter into the Development Agreement for 9 North Adelaide Street (PID: 25008798) siting specific policies with which the proposal does not conform.

STAFF RECOMMENDATION: Option One.

SYNOPSIS

Land Use Bylaw Zoning Map Amendment

36 & 38 Beacon Street

First Reading

An application has been made by the Amherst Little League Baseball Club to amend the Land Use Bylaw Zoning Map by changing 36 & 38 Beacon Street from General Residential to Open Space.

Following a Public Participation Opportunity where no issues were raised, the Planning Advisory Committee recommended that Council approve the amendment. As detailed in the attached report, the proposal meets the general intent of the town's Municipal Planning Strategy policies.

MOTION:

That Council give First Reading of the amendment to the Land Use Bylaw Zoning Map to rezone the properties located at 36 & 38 Beacon Street from General Residential to Open Space and schedule a public hearing for April 12 at 12 noon.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Andrew Fisher, Director of Planning & Strategic Priorities

DATE: March 27, 2023

SUBJECT: Development Agreement – Rezoning 36 & 38 Beacon Street.

ORIGIN: An application by Mike LeBlanc on behalf of Amherst Little League Baseball Club to amend the Land Use Bylaw Zoning Map to change the zoning of PIDs 25011255 and 25011248 located at 36 & 38 Beacon Street from General Residential to Open Space.

LEGISLATIVE AUTHORITY: *Municipal Government Act* Part VIII Planning and Development.

PAC RECOMMENDATION: On March 6, 2023 the PAC recommended that Council rezone the subject properties from General Density Residential to Open Space.

BACKGROUND: An advertised Public Participation Opportunity was held on March 1, 2023 and no issues were raised. Council is referred to the March 6, 2023, staff report to the PAC that contains details about the proposed development, and a review of the relevant MPS policies. Council gave First Reading in February, and an advertised Public Hearing was held on March 1, 2023 where no issues were raised.

DISCUSSION: As detailed in the attached staff report to the PAC, the proposal meets the general intent of MPS policies. The rezoning process gave the public opportunities to provide comment at the Public Participation Opportunity and Public Hearing. The rezoning will allow the Club to make improvements to their programming and provide some additional off-street parking.

FINANCIAL IMPLICATIONS: None specific to this issue.

SOCIAL JUSTICE IMPLICATIONS: None specific to this issue.

ENVIRONMENTAL IMPLICATIONS: None specific to this issue.

COMMUNITY ENGAGEMENT: Public Participation Opportunity, and Public Hearing were part of the approval process.

ALTERNATIVES: 1) Reject the application citing specific policies that are not met by the proposal; 2) Refer the application back to the PAC for more information.

ATTACHMENTS: 1) Staff report to PAC.

Report prepared by: A. Falaye Report and Financial approved by:



MEMO

TO: Planning Advisory Committee

FROM: Abiola Falaye, Land Use Planner, Planning & Strategic Initiatives

DATE: March 06, 2023

RE: Land Use Bylaw Amendment – rezoning property on 36 & 38 Beacon Street.

ISSUE:

An application by Mike LeBlanc on behalf of Amherst Little League Baseball Club to amend the Land Use Bylaw Zoning Map to change the zoning designation of PIDs 25011255 and 25011248 located at 36 & 38 Beacon Street from General Density Residential to Open Space.

BACKGROUND INFORMATION

Site Details: The subject property is located in the General Residential Zone. As currently configured, the property is a vacant field of approximately 975m² (10,500 sqft), with frontages of approximately 32m and 42m on Beacon and Croft Street respectively.

Neighbourhood Context: The subject property is surrounded by a mix of institutional, open space and general residential use. About 100m from the subject site is the flood plain of Dickey Brook. Presently, there is no development on the site. The proposed development will complement other communal and recreational facilities in this neighborhood, including: the Amherst Little League Baseball, Ronald McDonald Rotary Playground and Amherst 50+ Club.

Proposal Details: Should an approval for rezoning the property be granted, the applicant intends to install batting cages; a utility shed and provide parking spaces on the sites.

PUBLIC PARTICIPATION OPPORTUNITY

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification was held on Wednesday, March 1, 2023. No concern was received regarding this proposal at the meeting.

RELEVANT POLICIES

Section 2.4 of the Land Use Bylaw allows for an amendment to the Zoning Map (Schedule A) in accordance with applicable policies of the Municipal Planning Strategy. The policies relevant to this application are explained as follows.

Policy R-22 - Open Space Zone

It shall be the intention of Council to include in the Land Use Bylaw an Open Space zone. This zone shall permit a range of recreational uses such as parks, playgrounds, trails, sports fields and passive recreational areas. All existing and future such facilities shall be zoned Open Space. The Open Space zone shall be permitted in all land use designations.

The policy encourages an Open Space Zone in all land use designations. Thus, the rezoning application conforms with its intent, and no amendment to the Municipal Planning Strategy is required. Additionally, the proposed use fits the surrounding land use designations (i.e., Open Space, Institutional and General Residential Zone) and if granted, the area will serve as an additional field for baseball game and parking for the sports-persons and spectators.

Lastly, **Implementation Policy on Amendment Criteria A-5** is equally applicable to this matter. It states that:

It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- a) *That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- b) *That the proposal is not premature or inappropriate by reason of:*
 - (i) *the financial capability of the Town to absorb any costs relating to the development;*
 - (ii) *the adequacy of municipal water, sanitary sewer and storm sewer services;*
 - (iii) *the adequacy of road networks, in, adjacent to, or leading to the development;*
- c) *That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
 - (i) *type of use;*
 - (ii) *height, bulk and lot coverage of any proposed building;*
 - (iii) *parking, traffic generation, access to and egress from the site;*
 - (iv) *any other matter of planning concern outlined in this strategy.*

The proposal conforms with the general intent of MPS Policy A-5. There will be no undue impact on the Town's financial capacity or the adequacy of municipal infrastructure. Regarding the extent to which the development might conflict with adjacent or nearby land uses, no significant negative impact on the surrounding neighbourhood is anticipated. The additional parking that will be provided on the site will also alleviate the existing problem of parking by some degree.

CONCLUSIONS:

The proposal generally conforms to the relevant policies of the Municipal Planning Strategy and other regulations and does not represent a significant potential impact on the surrounding area over and above the current situation. Furthermore, rezoning the property to Open Space Zone will raise the awareness of a popular recreation activity.

MOTION OPTIONS:

Option One: I move that the Planning Advisory Committee recommend that Council amend the Land Use Bylaw Schedule 'A' Zoning Map by changing the zoning of PIDs 25011255 and 25011248 from General Density Residential to Open Space.

Option Two: I move that the Planning Advisory Committee recommend that Council not amend the Land Use Bylaw Schedule 'A' Zoning Map by changing the zoning of PIDs 25011255 and 25011248 from General Density Residential to Open Space.

Option Three: I move that the Planning Advisory Committee defer the application and instruct Staff to provide more information.

STAFF RECOMMENDATION: Option One.

SYNOPSIS

Requests for Proclamations and Flag Raising Ceremonies Policy

Council had requested that the Inclusion, Diversity and Equity Committee review the Proclamations and Flag Raising Policy in regards to adding Acadian Day and Indigenous Peoples Day as days on which flags would automatically be raised without the requirement of a formal request.

The Committee met on March 2, 2023 to review the proposed amendments and decided that singling out these two groups would in fact not be inclusive and equitable to all groups, and that all groups should have to follow the same process.

Therefore, the Committee passed the following motion:

That the draft policy be amended to remove the line: "Flags to honor Acadian Day on the August 15th, and Indigenous Peoples Day on June 21st will not require formal requests", requiring that all peoples will need to request their own Flag Raising, and further that staff take steps to better educate the public on how to request a Flag Raising.

MOTION:

That Council approve the amended Request for Proclamations and Flag Raising Ceremonies Policy.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Sharon Bristol, Director, Community Living

DATE: March 27, 2023

SUBJECT: *Requests for Proclamations and Flag Raising Ceremonies Policy*

ORIGIN: Motion of Council

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

RECOMMENDATION: That Council approve the amended Request for Proclamations and Flag Raising Ceremonies Policy.

BACKGROUND: The following motion was passed at the November Committee of the Whole

Moved By Deputy Mayor Landry Seconded By Councillor Davidson
That Council forward the proposed amendments to the Requests for Proclamations and Flag Raising Ceremonies Policy #10350-14 to the Inclusion, Diversity and Equity Committee for review.

DISCUSSION: The Inclusion, Diversity and Equity Committee met on March 2, 2023 to review the proposed amendments to the policy. They felt strongly that by singling out two groups (Acadian and Indigenous) who would not have to follow the process as stated in the proposed amendments to the revised draft policy, that this in effect is not inclusive and equitable to all groups, and that all groups should have to apply. Also wording around the flown flags conditions was requested to be changed to make it more understandable, as noted in the attached amended policy. The Committee passed the following motion:

That the policy be amended to remove the line: "Flags to honor Acadian Day on the August 15th, and Indigenous Peoples Day on June 21st will not require formal requests", requiring that all peoples will need to request their own Flag Raising, and further that staff take steps to better educate the public on how to request a Flag Raising.

FINANCIAL IMPLICATIONS: None.



AMHERST TOWN COUNCIL

RFD# 2023022

Date: March 27, 2023

SOCIAL JUSTICE IMPLICATIONS: Community groups and individuals will have inclusive and equitable access to this policy.

ENVIRONMENTAL IMPLICATIONS: None

COMMUNITY ENGAGEMENT: Continued engagement with our community at large to ensure everyone is aware of the process to have proclamations and flag raisings conducted in the town.

ALTERNATIVES:

- 1 Send back to committee for further assessment
- 2 Defer to next month

ATTACHMENTS:

1. Proposed Amended Requests for Proclamations and Flag Raising Ceremonies Policy as recommended by the IDE Committee
2. Requests for Proclamations and Flag Raising Ceremonies Policy with proposed amendments November COW

Report prepared by: Sharon Bristol
Report and Financial approved by:



TITLE: Requests for Proclamations and Flag Raising Ceremonies
SECTION: All Town Departments
POLICY NO: 10350-14

APPROVAL DATE:

CAO Signature: _____

PURPOSE

To set out the Policy of the Town in regard to requests from groups and organizations to have proclamations signed and to have flag raising ceremonies in an inclusive and equitable manner.

POLICY STATEMENT:

Proclamations

Proclamations will only be made in support of specific community events or activities in or around the Town at the request of the organizing group. Requests are to be made in writing to the CAO at least one week in advance of the date of the proposed proclamation, and must include the proposed proclamation. Proclamations must be approved by the CAO, with the provision that, at their discretion, they may submit the proclamation to Council for approval.

Flag Raising Ceremonies

Flags will only be placed on a Town owned flag pole at the intersection of Church and Albion Streets, in front of the Cumberland YMCA in support of specific community events or activities in or around the Town at the request of the organizing group. The maximum duration of any individual flag display will be five days, and requesting organizations must pick up their flags once that period is over. Requests are to be made in writing to the CAO at least one week in advance of the date of the proposed flag raising. Flag raisings must be approved by the CAO, with the provision that, at their discretion, they may submit the request to Council for approval.

In general, it shall be the policy of Council to only approve requests under the following circumstances:

- a) The message being conveyed must be considered to be for the public good;
- b) No group or individual shall be promoted to the detriment of another group or individual;
- c) The flag must be in good condition no rips or fading;
- d) All ropes, attachments, etc. must be provided by the applicant

TITLE: Requests for Proclamations and Flag Raising Ceremonies
SECTION: All Town Departments
POLICY NO: 10350-14

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Director, Community Living	Ensure the guidelines of this policy are clear to community organizations.
CAO	Approve applications in a timely manner
Council	Continue to encourage and support the inclusive and equitable approval of this policy

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Minor wording to make policy more inclusive and equitable	Director Community Living, Bristol	Council	

DEPARTMENT: Council and Administration

TITLE: **REQUESTS FOR PROCLAMATIONS AND FLAG RAISING CEREMONIES**

Minutes reference date: 23 October 2006, page 00246

Revised: 28 May 2007

24 November 2014

PURPOSE:

To set out the Policy of the Town in regard to requests from groups and organizations to have proclamations signed and to have flag raising ceremonies.

POLICY STATEMENT:

1. Proclamations

Proclamations will only be made in support of specific community events or activities in or around the Town at the request of the organizing group. Requests are to be made in writing to the CAO at least one week in advance of the date of the proposed proclamation, and must include the proposed proclamation. Proclamations must be approved by the CAO, with the provision that, at ~~their~~^{his} discretion, ~~he~~^{they} may submit the proclamation to Council for approval.

2. Flag Raising Ceremonies

Flags will only be placed on a Town owned flag pole at the intersection of Church and Albion Streets, in front of the Cumberland YMCA in support of specific community events or activities in or around the Town at the request of the organizing group. The maximum duration of any individual flag display will be five days, and requesting organizations must pick up their flags once that period is over. Requests are to be made in writing to the CAO at least one week in advance of the date of the proposed flag raising. Flag raisings must be approved by the CAO, with the provision that, at ~~his~~^{their} discretion, ~~he~~^{they} may submit the request to Council for approval.

Flags to honor Acadian Day on August 15th and Indigenous Peoples Day on June 21st will not require formal requests.

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In general, it shall be the policy of Council to only approve requests under the following circumstances:

- a) The message being conveyed must be considered to be for the public good;
- b) No group or individual shall be promoted to the detriment of another group or individual;

DEPARTMENT: Council and Administration

TITLE: REQUESTS FOR PROCLAMATIONS AND FLAG RAISING CEREMONIES

Minutes reference date: 23 October 2006, page 00246

Revised: 28 May 2007

24 November 2014

- c) The flag must be presentable and should not detract from the appearance of Town property;
- d) All ropes, attachments, etc. must be provided by the applicant

SYNOPSIS

Amendments to the Salary Administration Policy

The Province of Nova Scotia is increasing the provincial minimum wage to \$14.50 per hour, effective April 1, 2023. Revisions to Appendix “B” of the Town’s Salary Administration Policy are required as a result of the pending provincial increase in minimum wage. It has been the Town’s practice to increase the hourly rates of pay, due to increases in minimum wage, by the percentage that the existing hourly rate is above the existing minimum wage.

In addition to this, a recent small reorganization in duties requires updates to the following job categories in Appendix “C”:

- a. Previous Director, Corporate Communications/Clerk is to be changed to Director, Communications & Information Technology;
- b. Previous Deputy Clerk in Category 5 has been removed and replaced with Municipal Clerk in Category 6;
- c. Previous Administrative Assistant – Community Well Being & Clerk’s Office has been replaced with Administrative Assistant – Clerk’s Office.

The vacant GIS Coordinator position in Category 5 has also been repurposed based on current operational need and has been replaced with a newly created Engineering Technician position in Category 6.

MOTION:

That Council approve the amended Salary Administration Policy.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Krista Crossman, Director of HR and Customer Services

DATE: March 27, 2023

SUBJECT: Salary Administration Policy Amendments

ORIGIN:

The Town's Salary Administration Policy commits the CAO, under Scope of Responsibility, to review and recommend changes to policy and procedures as they relate to the employee compensation program.

LEGISLATIVE AUTHORITY:

MGA 47(1) The council shall make decision in the exercise of its powers and duties by resolution, by policy or by by-law and section 65(r) Council may expend money for expenses of the Council, Officers, and employees of the municipality.

RECOMMENDATION:

That Council approve the amended Salary Administration Policy.

BACKGROUND:

The Province of Nova Scotia is increasing the provincial minimum wage to \$14.50 per hour, effective April 1, 2023. Additionally, a small reorganization of duties within the Clerk's Office and a repurposing of the vacant GIS Coordinator position has facilitated the need for revisions to the Job Categories listed in Appendix "C" of the policy.

DISCUSSION:

1. Revisions to Appendix "B":

Revisions to Appendix "B" of the Town's Salary Administration Policy are required as a result of the pending provincial increase in minimum wage on April 1, 2023. It has been the Town's practice to increase the hourly rates of pay, due to increases in minimum wage, by the percentage that the existing hourly rate is above the existing minimum wage:



Hourly Rate Grid Increases - April 1, 2023 Min. Wage Update					
Canine Control Officers, School Crossing Guards					
STEP	Current Min. Wage (b)	Current Sal. Admin. Hourly Rate (c)	% Above Min. Wage (% c ↑ b) (d)	New Min. Wage (e)	New Salary Admin. Wage (e + d)
STEP 1	13.60	13.72	0.88%	14.50	14.63
STEP 2	13.60	14.18	4.26%	14.50	15.12
STEP 3	13.60	14.65	7.72%	14.50	15.62
STEP 4	13.60	15.12	11.18%	14.50	16.12
STEP 5	13.60	15.66	15.15%	14.50	16.70
Ice Marshall					
STEP	Current Min. Wage (b)	Current Sal. Admin. Hourly Rate (c)	% Above Min. Wage (% c ↑ b) (d)	New Min. Wage (e)	New Salary Admin. Wage (e + d)
STEP 1	13.60	13.67	0.51%	14.50	14.57
STEP 2	13.60	14.10	3.68%	14.50	15.03
STEP 3	13.60	14.58	7.21%	14.50	15.54
STEP 4	13.60	15.04	10.59%	14.50	16.04
STEP 5	13.60	15.58	14.56%	14.50	16.61

2. Updates to Appendix “C” Job Categories

A recent small reorganization in duties requires updates to the following job categories in Appendix “C”:

- a. Previous Director, Corporate Communications/Clerk is to be changed to Director, Communications & Information Technology;
- b. Previous Deputy Clerk in Category 5 has been removed and replaced with Municipal Clerk in Category 6;
- c. Previous Administrative Assistant – Community Well Being & Clerk’s Office has been replaced with Administrative Assistant – Clerk’s Office.

In addition, the GIS Coordinator position (vacant) in Category 5 has been repurposed based on current operational need and has been replaced with a newly created Engineering Technician position in Category 6.

FINANCIAL IMPLICATIONS: The increasing minimum wage will result in an approximate \$4,500 additional wage expense, which has been accommodated within the proposed operating budget for 2023/24.

COMMUNITY ENGAGEMENT: No community engagement is required.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications. The increase to the hourly rate grid is required in order to be in compliance with the provincial minimum wage order legislation.

ALTERNATIVES:

1. Accept recommendation
2. Direct staff to develop alternative recommendation.

ATTACHMENTS:

Policy No. 04530-01, Salary Administration Policy

Report prepared by: Krista Crossman, Dir. HR + Customer Services

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

APPROVAL DATE: _____

CAO Signature: _____

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 the 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.

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

~~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

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, Mayor, and Council and Directors of departments shall receive a monthly vehicle allowance of \$150.00. Mayor and Council shall receive the same monthly vehicle allowance of \$150.00 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.

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

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 with an overall market review to be completed every three (3) years, or as directed by Council.
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.
7. Determine salary ratings for temporary and casual positions.

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.

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

APPENDIX A

Town of Amherst

Salary Grid

January 1, 2019

Job Level	Salary Amount	
Mayor	Stipend	\$41,178.00
Deputy Mayor	Stipend	\$27,723.00
Councilor	Stipend	\$25,050.00

APPENDIX A-1

April 1, 2022

Salary Grid
Other Non-Union Positions

Job Level
Chief of Police
Deputy Chief of Police

**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% of the first-class constable rates.

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

APPENDIX B

April 1, 2023

Town of Amherst

Hourly Rate Grid – Casual

Job Title	Hourly Rate				
	Step 1	Step 2	Step 3	Step 4	Step 5
Casual Firefighter	17.27	17.55	17.86	18.17	18.46
Jail Guards	17.27	17.55	17.86	18.17	18.46
Canine Control Officer	14.63	15.12	15.62	16.12	16.70
School Crossing Guards	14.63	15.12	15.62	16.12	16.70
Ice Marshall	14.57	15.03	15.54	16.04	16.61

Other (including students) Provincial Minimum Wage

APPENDIX C JOB CATEGORIES

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

Category	Position
8	Director, Community Living
	Director, Communications and Information Technology
	Director, Finance
	Director, Fire Services
	Director, HR & Customer Services
	Director, Operations
	Director, Planning and Strategic Initiatives
7	Engineering Technologist
	Public Works Foreman
6	Building Official
	Business Development Officer
	Community Well-Being Manager
	Engineering Technician
	Facility Manager
	IT Manager
	Land Use Planner
	Municipal Clerk
	Parks & Recreation Foreman
Solid Waste Education and Coordination Officer	
5	Exec Asst/Dispatch Coordinator
	Fire Inspector
4	Accounting Clerk/Accounts Payable
	Corporate Communications Officer (CCO)
	Dangerous and Unsightly Premises Administrator
	Fire Fighter
	HR Administrator
	Procurement Coordinator
	Revenue Officer
3	Active Living Coordinator
	Administrative Assistant – Clerk's Office
	Bylaw Enforcement Officer
	Cashier/Customer Service
	Crime Prevention Coordinator (2-year term)
	Culture, Community Events & Marketing Coordinator
	Dispatcher
	IT Coordinator
Water/Sewer Billing Clerk	
2	Criminal Records Checks
1	Vacant

APPENDIX C-1

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

September 28, 2022

Level	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
8	87,814	89,656	91,502	93,346	95,189	97,034	98,878	100,722
7	72,585	73,652	74,719	75,786	76,854	77,921	78,988	80,055
6	60,481	62,314	64,148	65,981	67,814	69,647	71,481	73,314
5	53,620	55,078	56,535	57,992	59,449	60,906	62,363	63,820
4	52,037	53,357	54,676	55,996	57,315	58,635	59,954	61,273
3	43,753	45,519	47,285	49,051	50,816	52,582	54,349	56,114
2	40,247	41,252	42,256	43,260	44,264	45,269	46,272	47,277
1	37,566	38,452	39,339	40,226	41,112	41,999	42,886	43,772

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Chief Administrative Officer	As indicated under “Scope of Responsibility”
Directors and Managers	As indicated under “Scope of Responsibility”

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
<ol style="list-style-type: none"> NS minimum wage updates; Position name changes: Municipal Clerk, Dir. Corp. Communications + Info Technology, removal of GIS Coordinator, addition of Engineering Technician 	Crossman: Director, HR and Customer Services	Council	

MINUTES REFERENCE DATE

TITLE: SALARY ADMINISTRATION POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04530-01

NEW AMENDED POLICY

December 12, 2000
December 18, 2006
September 29, 2008
April 26, 2010
May 23, 2012
September 23, 2013
May 21, 2015
May 23, 2017
February 26, 2018
June 7, 2021

November 2, 2004 (See April 26, 2004 Minutes)
February 26, 2007
March 30, 2009
March 28, 2011
November 26, 2012
October 28, 2013
March 29, 2016
June 26, 2017
March 14, 2018
October 5, 2021

March 31, 2008
September 28, 2009
August 2, 2011
December 17, 2012
December 16, 2013
May 25, 2016
September 25, 2017
February 28, 2019
November 29, 2021

November 27, 2006
July 16, 2008
March 29, 2010
January 30, 2012
May 1, 2013
April 30, 2014
September 2, 2016
December 18, 2017
September 28, 2020
September 28, 2022

SYNOPSIS

Amendments to the Overtime Policy – Non-Union Employees

Since the last review of the Overtime Policy for Non-Union Employees in 2006, the application of overtime compensation for staff has been inconsistent with policy. The proposed changes to the policy contained herein are intended to bring consistency to the application of overtime earned for all non-union staff and to ensure compliance with Nova Scotia Employment Standards legislation.

Primary updates to the policy as recommended include:

1. Defining employee eligibility for overtime compensation;
2. Building in a pre-approval process when employees are required to work overtime;
3. Providing a consistent approach in the application of all overtime hours earned and;
4. Ensuring controls are in place for the management of overtime hours worked, including a maximum allowable number of overtime hours, carry-forward limits, and restrictions on the pay-out of overtime.

MOTION:

That Council approve the amendments to the Overtime Policy for Non-Union Employees.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Krista Crossman, Director of HR and Customer Services

DATE: March 27, 2023

SUBJECT: Overtime Policy – Non-Union Employees Amendments

ORIGIN:

Council priority to review all policies and bylaws.

LEGISLATIVE AUTHORITY:

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

RECOMMENDATION:

That Council approve the amended Overtime Policy - Non-Union Employees.

BACKGROUND:

Staff are completing a review of all Town policies and bylaws to ensure they are relevant and updated appropriately. The Non-Union Overtime Policy was reviewed as a result of this initiative.

DISCUSSION:

Since the last review of the Overtime Policy for Non-Union Employees in 2006, the application of overtime compensation for staff has been inconsistent with policy. The proposed changes to the policy contained herein are intended to bring consistency to the application of overtime earned for all non-union staff and to ensure compliance with Nova Scotia Employment Standards legislation.

Primary updates to the policy as recommended include:

1. Defining employee eligibility for overtime compensation;
2. Building in a pre-approval process when employees are required to work overtime;
3. Providing a consistent approach in the application of all overtime hours earned and;
4. Ensuring controls are in place for the management of overtime hours worked, including a maximum allowable number of overtime hours, carry-forward limits, and restrictions on the pay-out of overtime, etc.



FINANCIAL IMPLICATIONS:

There are no financial implications. Compensation for overtime hours earned shall largely be via time off in lieu. Any anticipated overtime requiring pay out has been accommodated within the proposed 2023/24 operating budget for each department.

COMMUNITY ENGAGEMENT:

No community engagement is required. A review of current Nova Scotia Employment Standards legislation and overtime policies of similar municipal units was completed as part of the review process for this policy.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS:

Ensuring a consistent approach in the application of overtime builds trust between leadership and staff, increases productivity by having clear guidelines to apply, encourages predictability by eliminating confusion and establishes accountability.

ALTERNATIVES:

1. Accept recommendation
2. Direct staff to develop alternative recommendation.

ATTACHMENTS:

Policy No. 04000-05, Overtime Policy – Non-Union Employees

Report prepared by: Krista Crossman, Dir. HR + Customer Services

TITLE: OVERTIME POLICY – NON-UNION EMPLOYEES
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04000-05 **NEW AMENDED POLICY**

APPROVAL DATE: _____ **CAO Signature:** _____

POLICY STATEMENT

It is the policy of the Town of Amherst to provide and sustain appropriate staffing levels during normal working hours in order to reduce the necessity for overtime work. When employees are required to work extra time in addition to their normal working hours, it is the intent of the Town to provide fair compensation and they shall be compensated for such overtime as set out in this policy.

PURPOSE

The purpose of the overtime policy is to provide for the authorization, administration and compensation for overtime worked by non-union employees of the Town.

OBJECTIVE

The objectives of this policy are to:

1. Determine which employees are eligible for overtime;
2. Identify the methods of compensation for overtime;
3. Define the process for authorization and approval of overtime and;
4. Explain the administration and use of overtime earned.

ELIGIBILITY

1. All non-union casual employees, as per Appendix "B" of the Salary Administration Policy are eligible for overtime compensation in accordance with Nova Scotia Employment Standards legislation.
2. All non-union employees as indicated in Appendix "C" of the Salary Administration Policy, are eligible to receive compensation for hours worked in excess of their normal weekly hours of work.
3. Directors and the Deputy Chief of Police are not eligible for overtime. Reasonable compensatory time off based on straight time may be approved at the sole discretion of the CAO (for Directors) and the Chief of Police (for the Deputy Chief of Police).

APPLICATION

1. Overtime must be pre-approved by the applicable manager, except when emergency or urgent conditions prevent the ability to obtain advance approval.
2. Where possible and desirable, an employee's schedule may be adjusted to accommodate the need to work outside of normal working hours in an effort to keep the employee's total hours worked for the week within their usual number of hours thereby eliminating the need for overtime.

TITLE: OVERTIME POLICY – NON-UNION EMPLOYEES
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04000-05

NEW AMENDED POLICY

4. Department Directors will ensure workloads are managed appropriately to reduce the need for overtime and will exercise discretion in the utilization of overtime within their department.
5. Compensation for all overtime will be via time off in lieu. All overtime worked shall be banked into the employee's overtime bank at the applicable rates set out below. Every reasonable effort will be made to provide time off in lieu at a mutually agreeable time between the employee and their manager however, time off may be scheduled by the applicable manager if required.
6. Overtime hours accumulated in an employee's overtime bank shall not be paid out unless expressly approved and at the sole discretion of the CAO, or upon resignation/retirement/termination of employment.
7. Overtime may be paid out to non-union Fire Department personnel in exceptional circumstances whereby time off interferes with operational continuity, at the discretion of the Fire Chief.
8. Employees are permitted to bank a maximum of one-week of earned overtime hours, based on their usual number of hours worked in a week (i.e 35 hours/week). This limit may be increased at the sole discretion of the CAO when a plan is in place to utilize the banked hours at a later date.
9. Non-union Firefighters whose regular work schedule consists of one shift worked (24 hours) followed by three shifts off (72 hours), are permitted to bank no more than three (3) worked shifts in their overtime bank (i.e 108 hours).
10. Once the maximum number of overtime hours has been reached, the manager and employee will establish an appropriate plan to use the banked hours within a reasonable amount of time. Time off to reduce non-union Firefighter and Fire Inspector overtime banks will be at the sole discretion of the Fire Chief in order to ensure continuity in operations.
11. Time spent travelling to/from or in attendance at conferences or training courses is not eligible for overtime compensation.
12. Unused overtime hours at December 31 may be carried forward upon approval of the CAO, however an employee's overtime time bank shall not exceed the maximum allowable number of hours as set forth in this policy.
13. Employees are not permitted to work through the lunch hour in order to bank overtime.

RATES

Employees who are eligible for overtime shall be compensated at the following rates:

- a. Non-union casual employees, as indicated in Appendix "B" of the Salary Administration Policy, shall be compensated for overtime in accordance with Nova Scotia Employment Standard legislation.
- b. Non-union employees, as indicated in Appendix "C" of the Salary Administration Policy, shall bank the hours worked in excess of their regular number of hours worked in a day at 1.5x.

TITLE: OVERTIME POLICY – NON-UNION EMPLOYEES
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04000-05

NEW AMENDED POLICY

- c. Employees who may be required to work on a holiday will receive overtime compensation in accordance with Nova Scotia Employment Standard legislation, if eligible for holiday pay.

CALL-IN

Employees who have left their workplace at the end of a regular day's work and are called back to perform unscheduled work before their next scheduled day of work shall be compensated for a minimum of three (3) hours, or the actual hours worked, at 1.5x their regular rate of pay, whichever is greater, to be banked and taken as time off in lieu.

Due to the ability to monitor and check on alarms from remote locations with available technology, Public Works employees will not be paid overtime unless they are required to report to work to resolve the issue.

Fire Inspectors who are called in while off-shift for emergency response shall be compensated at 1.5x their regular rate of pay for a minimum of three (3) hours, or actual hours worked, whichever is greater. Call in hours may be banked into the employee's overtime bank at 1.5x or paid out if so requested, at the discretion of the Fire Chief.

ON-CALL

Employees required to be on-call on a scheduled basis, such as Public Works non-union supervisors/managers, will be compensated at 1.5x their regular rate of pay for time worked only.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Chief Administrative Officer	The Chief Administrative Officer will: <ul style="list-style-type: none"> a. Review, on a timely basis, all employee requests to be paid out overtime, to exceed the allowable limits of banked overtime and all requests to carry-forward overtime balances at year-end.
HR Administrator	The HR Administrator will: <ul style="list-style-type: none"> a. Monitor overtime records in employee's banks to ensure compliance with the Overtime policy.
Directors and Managers	Directors and Managers will: <ul style="list-style-type: none"> a. Strictly monitor overtime to ensure compliance with this policy; b. Thoughtfully plan the workload for their department to ensure the need for overtime is limited and only occurs when unavoidable and operational deadlines require it.
Employees	Employees will: <ul style="list-style-type: none"> a. Endeavor, as much as possible, to complete all work assigned within normal working hours; b. When overtime hours are required, seek prior approval from their manager before working overtime hours; c. Limit the amount of overtime hours worked so as to achieve a healthy balance between their work and personal lives.

TITLE: OVERTIME POLICY – NON-UNION EMPLOYEES
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04000-05 **NEW AMENDED POLICY**

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Policy Review	Crossman: Director, HR and Customer Services	Council	

MINUTES REFERENCE DATE

March 25, 1996

November 27, 2006

DEPARTMENT: ALL TOWN DEPARTMENTS

EXISTING POLICY

TITLE: **OVERTIME POLICY – NON UNION EMPLOYEES**

Minutes reference date: March 25, 1996

1st Revision date: Nov. 27/2006

PURPOSE: To establish Council Policy respecting the authorization, administration and compensation for overtime worked by non-union employees other than Department Heads.

POLICY STATEMENT: When employees are required to work extra time in addition to their normal working hours they shall be compensated for such overtime as set out in this policy.

OBJECTIVES: To regulate the administration of approved overtime compensation, by listing and clarifying authority and conditions for such compensation.

1. For non-union employees in Level 8 and below as indicated in Appendix “B” of the Salary Administration Policy, the Town will compensate overtime, at each pay period, at the rate of:
 - a) one and one-half times the hours worked in excess of the number of hours required per day.
 - b) double time for work on Sundays or Holidays.
2. Upon request of the employee, the Town may grant compensatory time off in lieu of paid overtime at the Town’s discretion at the appropriate overtime rates.
3. Compensatory time off may be accumulated to a maximum of 40 hours to be used at a later time upon mutual agreement. Time in lieu must be used by the end of each calendar year or will be paid off on the first pay in January.
4. Department Heads are the authority for the approval of overtime requests. It shall be the responsibility of the Department Head to determine whether overtime or compensatory time be granted to the employee when compensatory time is requested in lieu of paid overtime.
5. All positions in Level 9 and above as indicated in Appendix “B” in the Salary Administration Policy shall not be paid for overtime. Reasonable compensatory time off based on straight time may be approved by the employee’s immediate supervisor.
6. Department Heads will exercise discretion in the utilization of overtime within their department’s operating/capital budgets.
7. Time involved in travelling to/from or in attendance at conferences or training courses is not eligible for overtime compensation.

SYNOPSIS

Inventory Control of Non-Capital Equipment Policy

At a meeting of the Audit Committee in the fall, staff were directed to develop a new policy for Inventory Control of Non-Capital Equipment.

The purpose of the Inventory Control of Non-Capital Equipment Policy is to ensure that non-capital equipment for the Town of Amherst is accounted for on an annual basis. Non-capital equipment is defined as tools, computers, communications devices and equipment used by employees to carry out their work with an approximate value between \$1,000 and \$5,000.

This policy was presented to the Audit Committee at the March 7th meeting for review and discussion. The Audit Committee accepted the Policy for Inventory Control of Non-Capital Equipment, and a motion was approved to forward the policy to Council for consideration.

MOTION:

That Council approve the new Inventory Control of Non-Capital Equipment Policy.



AMHERST TOWN COUNCIL

RFD# 2023028

Date: March 27, 2023

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Sarah Wilson, Director of Finance

DATE: March 27, 2023

SUBJECT: New Policy – Inventory Control of Non-Capital Equipment

ORIGIN: New policy requested by Audit Committee.

LEGISLATIVE AUTHORITY: Municipal Government Act, Policies 48 (3) “In addition to matters specified in this Act or another Act of the Legislature, the Council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.”

RECOMMENDATION: That Council approve the new Inventory Control of Non-Capital Equipment Policy.

BACKGROUND: At a meeting of the Audit Committee in the fall, a request was made for staff to develop a new policy for Inventory Control of Non-Capital Equipment.

DISCUSSION: The purpose of the Inventory Control of Non-Capital Equipment Policy is to ensure that non-capital equipment for the Town of Amherst is accounted for on an annual basis. Non-capital equipment is defined as tools, computers, communications devices and equipment used by employees to carry out their work with an approximate value between \$1,000 and \$5,000.

This policy was presented to the Audit Committee at the March 7th meeting for review and discussion. The Audit Committee accepted the Policy for Inventory Control of Non-Capital Equipment, and a motion was approved to forward the policy to a Committee of the Whole meeting.

FINANCIAL IMPLICATIONS: There are no financial implications to this policy.

COMMUNITY ENGAGEMENT: No community engagement required.

ENVIRONMENTAL IMPLICATIONS: No environmental implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications to this decision.

ALTERNATIVES: Refer the policy back to the Audit Committee for further review.

ATTACHMENTS: Inventory Control of Non-Capital Equipment Policy.

Report prepared by: Sarah Wilson, Director of Finance Report and Financial approved by:



TITLE: Inventory Control of Non-Capital Equipment Policy
SECTION: Financial Management
POLICY NO: 03000-10

APPROVAL DATE:

CAO Signature: _____

POLICY STATEMENT

The Town will ensure proper accounting of Town workplace equipment.

PURPOSE

To ensure that non-capital equipment for the Town of Amherst is accounted for on an annual basis.

APPLICATION

Departmental Directors will prepare a list of non-capital equipment in their department with a value between \$1,000 and \$5,000. This list will be updated on an annual basis and submitted to the Director of Finance no later than March 31. Any unaccounted-for change in equipment will be noted.

DEFINITION

For the purposes of this policy, non-capital equipment is defined as tools, computers, communications devices and equipment used by employees to carry out their work with an approximate value between \$1,000 and \$5,000.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Director of Finance	To ensure that non-capital equipment for the Town of Amherst is accounted for on an annual basis.
Departmental Directors	To maintain a list of non-capital inventory and ensure that it is updated annually and submitted to the Director of Finance no later than March 31. Any unaccounted-for change in equipment will be noted.

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
	Director of Finance		

SYNOPSIS

Amendments to the Procurement Policy

Over the last couple of years, it has become apparent that our procurement process needs to be streamlined. The purchasing threshold limits have been in place since 2012, and impacts of inflation and supply chain issues that have been ongoing since the start of the pandemic have seen our costs increase across the board and the transaction limits need to be updated to keep pace.

Increasing the limits is in line with some other municipalities, including East Hants, where the proposed new limits have been in place since 2019. In particular, by increasing the lowest level to \$5,000, we will redirect approximately 286 transactions to the Director level of responsibility.

By streamlining the process, it is hoped this will allow for documents to be released earlier in the year which may yield better value. In addition, it will free up the Procurement Coordinator to work on other improvements to the system, including such things as more multi-year procurement approvals.

MOTION:

That Council approve the amendments to the Procurement Policy.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Kimberlee Jones, Director of Communications

DATE: March 27, 2023

SUBJECT: *Procurement Policy Amendment*

ORIGIN: Review of town policies and bylaws

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

Public Procurement Act. 2011, c. 12, s. 1.

Town of Amherst Procurement Policy #3700-01,

RECOMMENDATION: That Council approve the amendments to the Procurement Policy #3700-01.

BACKGROUND: The purchasing threshold limits have been in place since 2012.

DISCUSSION: The existing purchasing thresholds are being recommended to be increased. The impacts on inflation and supply chain issues that have been ongoing since the start of the pandemic have seen our costs increase across the board. This also increases the strain on our procurement process as now many additional transactions fall within the current threshold limits. Increasing the limits is in line with some other municipalities, including East Hants, where the proposed new limits have been in place since 2019.

In particular, by increasing the lowest level to under \$5,000, based on data from the current year operating budget, approximately 286 transactions will be redirected to the Director level responsibility.

FINANCIAL IMPLICATIONS: By streamlining the process, it is hoped this will allow for documents to be released earlier in the year which may yield better value.

SOCIAL JUSTICE IMPLICATIONS: There are none

ENVIRONMENTAL IMPLICATIONS: There are none





AMHERST TOWN COUNCIL

RFD# 2023040

Date: March 27, 2023

COMMUNITY ENGAGEMENT: There was none prior to proposing amendments

ALTERNATIVES: 1) approve the amendments as presented
2) refer back to staff for alternative amendments
3) do not approve amendments as presented.

ATTACHMENTS: Current Policy with proposed amendments, New policy

Report prepared by: Kimberlee Jones, Director
Report and Financial approved by:



TITLE: Procurement Policy
SECTION: Financial Management
POLICY NO: 3700-01

APPROVAL DATE:

CAO Signature: _____

1) Policy Statement

The purpose of this policy is to establish transparent procurement guidelines to ensure the most effective and efficient methods are used to provide best value for the procurement of goods, services and construction for the Town of Amherst (hereinafter referred to as the “Town”).

The Town will conduct procurement practices in compliance with all Provincial legislation, International, National and Regional Trade Agreements, including the Nova Scotia Public Procurement Act and any amendments thereto.

2) Definitions

- a) Alternative Procurement (ALTP) - the procurement of goods, services and construction without a competitive process due to certain conditions/situations.
- b) Best Value - the bid that is determined by the Town to be in its best interests, not necessarily the lowest price bid, which is determined by evaluation of bids based on criteria or factors that may include purchase price, life cycle cost considerations, environmental and social considerations, delivery, servicing, past experience and performance, and any other criteria or factors stated in the requesting documents.
- c) Bid - a supplier’s response to a Request for Quotation (RFQ), Request for Construction (RFC), Tender, Request for Proposal (RFP), Request for Expression of Interest (REI) or a Two Phase Bid to provide goods, services or construction.
- d) Invitational Competition – is a competitive process in which an invitation to submit bids is issued to three suppliers, provided three suppliers can be identified.
- e) Local Preference Area – all suppliers located within the County of Cumberland and the Town of Tantramar, New Brunswick.
- f) Procurement Web Portal – means the public website owned by the Province of Nova Scotia where all public tender notices are posted.
- g) Public Request for Submission - refers to inviting responses to tenders, request for proposals, two phase bids, request for construction, request for expression of interest and request for standing orders.

TITLE: Procurement Policy
SECTION: Financial Management
POLICY NO: 3700-01

- h) Purchase Card - a corporate credit card for the Town with various restrictions and limits based on the cardholder.
- i) Purchaser – a Town employee with the authority to purchase goods.
- j) Request for Construction (RFC) - used to publicly tender for a construction, reconstruction, demolition, remediation, repair or renovation of a building, structure, road, bridge or other engineering or architectural work.
- k) Request for Expression of Interest (REI) - process in which suppliers are invited to propose a solution to a problem and then those chosen are asked to respond to a subsequent Request for Proposal.
- l) Request for Quotations (RFQ) - informally obtaining price quotations from a number of different suppliers.
- m) Request for Proposal (RFP) - a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet the needs of the Town.
- n) Purchase Requisition/Purchase Order-an electronically generated document for the supply of goods or services from an approved vendor.
- o) Single Source – A single source procurement is an alternative procurement practice in which two or more suppliers can supply the goods and/or perform the services required by the Town of Amherst, but where the Town of Amherst selects one supplier over the others for reasons such as expertise, previous municipal or their related experience and not through a competitive process.
- p) Sole Source Procurement – is an alternative procurement practice in which it is evident that only one supplier can supply the goods and/or perform the services required and an award is made to that supplier.
- q) Standing Offer- a contractual arrangement with a supplier to provide certain goods or services on an “as required” basis, during a particular period of time, at a predetermined price or discount, generally within a predefined dollar limit.
- r) Sustainable Procurement- involves taking a holistic approach to obtain best value by integrating the following considerations in the procurement process:
 - Environmental considerations: e.g. Green House Gas Reduction, Waste Reduction, Toxic Use Reduction;

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- Economic considerations: e.g. Life Cycle Cost, Fiscal Responsibility, Support for the Local Economy;
 - Social considerations: e.g. Employee Health and Safety, Inclusiveness and Fair Wage, Health Promotion.
- o) Tender- a formal request to solicit for goods, services or construction obtained through posting on the Town and the Provincial websites.
- p) Two Phase Bid- a two stage process in which suppliers submit proposals for evaluation, and separately submit prices.

3) Guiding Principles

The following principles will guide the procurement practices of the Town:

- a) Procurement policy and procedures should provide the most efficient and effective methods resulting in best value for the Town.
- b) The procurement process is to ensure a fair, open, consistent and transparent process in the acquisition of goods, services and construction.
- c) Procurement methods are to encourage competition, innovative ideas and solutions, wherever possible, while respecting all legislative and trade agreement obligations for the supply of goods services and construction.
- d) Procurement policy provides for the use of suppliers, who can be expected to provide satisfactory performance, based on, but not limited to:
 - (i) past performance and/or previous contacts
 - (ii) financial and other resources to complete the contract bid;
 - (iii) references
- e) Promoting the use of Sustainable Procurement when evaluating bids by striving to obtain best value, taking into consideration environmental, economic and social considerations.
- f) This policy does not apply to payments for reoccurring items such as utilities, leases, rentals and similar reoccurring operating charges, while recognizing that in some circumstances, the initial commitment that leads to these ongoing payments is subject to the provisions of this policy.

TITLE: Procurement Policy
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4) General

- a) This policy applies to all departments, agencies, boards and commissions of the Town over which the Town has jurisdiction.
- b) The procuring of goods, services and construction will be facilitated by the Director of the requesting department in conjunction with the Procurement Coordinator according to this policy.
- c) The Town will be under no obligation to accept any bid received which is considered to be not in its best interest, in response to a verbal or written request.
- d) The Town may work with other levels of government, other municipal units, other agencies, boards and commissions, and associations such as the FCM (Federation of Canadian Municipalities) and NSFM (Nova Scotia Federation of Municipalities) to encourage standardization of items and/or reduce overall costs to the Town for joint purchasing.
- e) The dollar values indicated within this policy are exclusive of the Town's non-recoverable HST and are in Canadian Dollars.

5) Purchasing Guidelines

The following guidelines will be followed for the procurement of goods services and construction for the Town:

Spending Category	Low Value	Low Value	High Value
	Quotations	Invitational Competition	Open Competition
Goods	Less than \$5,000	\$5,000 - \$24,999	\$25,000 and above
Services	Less than \$5,000	\$5,000 - \$49,999	\$50,000 and above
Construction	Less than \$5,000	\$5,000 - \$49,999	\$50,000 and above

Dividing procurement activity to reduce or keep the procurement value below certain thresholds is not permitted.

a) Low Value Procurement

If the value of the Goods, Services or Construction are less than \$5,000:

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For procurement under \$5,000, the minimum of three quotations is not mandatory, however staff are expected to perform due diligence in selecting such suppliers, including obtaining quotations in cases where there are sufficient suppliers to do so, where there is sufficient time to do so, and when the value of the goods, services or construction makes it practical to do so.

If the value of the Goods, Services or Construction is \$5,000 and over but less than the Open Competition thresholds:

The acceptable process is to use an Invitational Competition. All Invitational Competitions must be conducted in accordance with the Procurement Guidelines and are subject to review by the Procurement Coordinator prior to issue.

b) High Value Procurement

If the value of the Goods, Services or Construction is above Open Competition thresholds, staff must work with the Procurement Coordinator to conduct a public competitive process. Open competitions are posted on the Town of Amherst website and the Nova Scotia Procurement Web Portal.

If an Invitational Competition is issued and the results demonstrate that the cost from the supplier determined to be providing best value is above the High Value Procurement threshold, the CAO may, at their discretion:

- Cancel the competition and not award
- Accept the result and award. The resulting award is an Alternative Procurement Practice; or
- Reject the result and require that the Competition be re-issued as an Open Competition.

6) Methods of Procurement

All procurement activity must be obtained through one of the following methods:

- a) Tender - A formal invitation to solicit competitive bids. It is used when detailed specifications are available that permit the evaluation of tenders against clearly stated criteria and specifications. A Request for Tenders (RFT) is a formal, competitive, sealed bidding process. Bid deposits and performance security may be required. The award is normally to the lowest bid received from a qualified bidder meeting the requirements of the tender and providing best value. Tender purchases shall be made by purchase order. Tenders must be opened in the presence of at least one elected official and the CAO or his/her designate at a time and location that is open to the public.

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- b) Request for Proposal - A Request for Proposal (RFP) is a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet specific needs of the Town. It is used when a supplier is invited to propose a solution to a problem, requirement, or objective. Request for Proposals are evaluated against stated criteria to the terms of the RFP to determine if any should be accepted.

Negotiations with suppliers may be required to finalize any aspect of the proposal provided such discussion and negotiations are conducted to:

- (1) Award equitable treatment to each qualified bidder with respect to an opportunity for discussion and the revision of the proposal.
- (2) Prevent the disclosure of the proposal content of one proponent to another.

Proposals submitted in response to a request for proposal need not be opened in public. A list of the proponents may be made available upon request. An award of a contract based upon a request for proposals will be made to the supplier whose proposal has the highest score based upon the criteria for evaluation set out in the request for proposals and equitably applied to all proposals. RFP purchases shall be made by purchase order.

- c) Request for Quotation - A request for quotation is an informal request for prices for goods and services that the purchaser will attempt to solicit from at least three (3) different suppliers. This process is normally used where bid deposit and performance bonds are not required and where the cost of the work does not warrant the time and level of effort and expense required for a normal tender process. Quotations should be in written form and attached to the Request for Quotation form which must be completed and given to the Procurement Coordinator for filing once it has been awarded.

If a quote is obtained verbally, the person obtaining it must document the quotation, including time, date, supplier, price and description of the goods and services, the person from whom the quotation was obtained and the name of the municipal staff obtaining the quotation. The RFQ form should be used for documentation purposes. RFQ purchases shall be made by purchase order, or purchase card if in US Dollars

- d) Standing Offer – A tender process to guarantee a continuous supply of various goods, services or construction at a specific price for a specific period of time. The term of the standing offer can vary in duration but will be clearly defined in the tender documents. Standing Offers of the Government of the Province of Nova Scotia or other public sector entities may be used under the constraints within this policy where it is in the best interest of the Town.

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- e) Two Phase Bids- Where detailed specifications are not available or it is impractical to prepare a specification based on price, a two phase bid may be issued, inviting for the submission of bids as follows:

Phase One- Pre-qualification step in which bidders submit proposals/expressions of interest in response to basic terms of reference for evaluation; need not be opened in public

Phase Two- Only those bidders whose submissions were determined to be acceptable in Phase One will be invited to submit priced bids for further consideration. Phase Two bids must be opened in public.

This type of purchasing has the advantage of a request for proposal in Phase One and the advantages of a tender in Phase Two. Two phase bid purchases shall be made by purchase order.

- f) Request for Expression of Interest - This process is similar to the Request for Proposal and is sometimes referred to as a Pre-Qualification, where suppliers are invited to propose a solution to a problem. The REI, however, is only the first stage in the procurement process. Bidders responding to the REI will be short listed according to their scoring in the evaluation process. The short listed firms will then be invited to respond to a subsequent Request for Proposal. A REI does not normally include pricing as price is a key evaluation criteria used in the second stage RFP process.
- g) Request for Construction - Used to publicly tender for a construction, reconstruction, demolition, remediation, repair, or renovation of a building, structure, road, bridge, or other engineering or architectural work. When a supplier is invited to bid on a construction project the tender documents usually contain a set of terms and conditions and separate bid form that apply to that specific project. Suppliers are requested to submit a response (bid) in accordance with predefined criteria. The selection of the successful proposal is based on a number of factors as described in the tender documents. A request for construction usually does not include professional consulting services related to the construction contract, unless they are included in the specifications.
- h) Negotiations - Negotiations with suppliers for the supply of goods and/or services would take place when any of the following conditions exist:
- (a) Due to market conditions, goods and/or services are in short supply;
 - (b) There is only one source of the goods or services;
 - (c) All bids received are non-compliant or exceed the amount budgeted for the purchase;

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- (d) The extension or reinstatement of existing contract would be more cost effective or beneficial to the Town providing the extension has been outlined in original documents. The extension or reinstatement of existing contract is subject to the approvals listed in section 9 – Award of Contracts.
- i) Alternative Procurement - In certain circumstances, described in this section, the Town may purchase goods, services and construction without using one of the options set out above. An alternative procurement purchase may occur.
- (a) Where an unforeseeable situation of urgency exists and the goods, services or construction cannot be obtained in time by means of open procurement procedures. An emergency purchase occurs when a situation creates immediate and serious need which may not be reasonably met by any other procedure and includes without limitation:
- A condition where lack of supplies or services may adversely affect the functioning of civic government, threaten public or private property or the environment, or jeopardize the health or safety of the public;
- Emergency purchases are completed using the most expedient method, but will take economy into consideration.
- Emergency purchases must be pre-approved by the CAO (or designate) where such approval may be reasonably sought.
- (b) Where goods or consulting services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise government confidentiality, cause economic disruption or otherwise be contrary to the public interest;
- (c) Where compliance with the open tendering provisions set out in this policy would interfere with the Town's ability to maintain security or order or to protect human, animal or plant life or health;
- (d) In the absence of tenders in response to an open or selective tender, or when the tenders submitted have been collusive, or not in conformity with the essential requirements in the tender;
- (e) To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative;

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- (f) Where there is an absence of competition for technical reasons and the goods or services can only be supplied by a particular supplier and no alternative or substitute exists;
- (g) For the purchase of goods on a commodity market;
- (h) For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly;
- (i) For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor;
- (j) For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;
- (k) For the procurement of a prototype or a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for routine purchases;
- (l) For the purchase of goods under exceptionally advantages circumstances such as bankruptcy or receivership, but not for routine purchases;
- (m) For the procurement of original works of art;
- (n) For the procurement of subscriptions to newspapers, magazines or other periodicals;
- (o) For the procurement of real property;
- (p) For the procurement of goods intended for resale to the public;
- (q) For the procurement from charitable institutions, prison labour, persons with disabilities, sheltered workshop programs or through employment equity programs;
- (r) For procurement from a public body or non-profit organization; or
- (s) For the procurement of services of expert witnesses, specifically in anticipation of litigation or for the purpose of conducting litigation.

**When an alternative procurement purchase occurs, the reason for doing so must be documented using the Alternative Procurement (ALTP) form.

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7) Local Preference

If the goods, services or construction available from a local business are equal in providing best value to those available from a non-local business, the goods, services or construction from the local business shall be purchased.

In evaluating which goods, services or construction offer best value to the Town of Amherst, the Town shall apply a preference of 5% to the price offered by a local business as compared with non-local businesses, such that the price offered by the local business is adjusted lower by 5% for the purposes of evaluating which goods, services or construction offer best value.

In accordance with the Atlantic Procurement Agreement, the local preference described above does not apply to the following procurements:

- a) goods that have a value of \$25,000 or greater;
- b) services that have a value of \$50,000 or greater;
- c) construction that has a value of \$100,000 or greater.

All requests for quotations and public requests for submissions must state that local preference applies to the procurement.

8) Award of Contracts

- a) The Chief Administrative Officer (CAO) may authorize the procurement of goods, services and construction:
 - i) that are \$250,000 or less and are included within the approved operating and capital budgets; Awards over the value of \$250,000 will be submitted to Council for approval.
 - ii) that exceed the approved budget by 25% or \$50,000, whichever is less. This will be done when it is reasonable to do so and when options to achieve project completion or item procurement are limited.
 - iii) that is an emergency situation. In these cases, the CAO is authorized to make reasonable and informed procurement decisions (operating and capital) which are determined by him/her to be necessary. Among other things such decisions may be deemed by the CAO to be necessary to protect the legal interests or satisfy legal obligations of the Town, or involve a situation where failure to act could reasonably be expected to compromise Town confidentiality, cause economic disruption, or would otherwise be contrary to the public interest. Authorizations for such expenditures are considered to be over and above the other authorities given under this policy to exceed approved budget amounts.

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- iv) where the purchase was made in accordance with this policy and falls within the thresholds established within the Atlantic Procurement Agreement and all subsequent amendments thereto.
 - v) Where the purchase was the result of a public purchasing process conforming to the Town's procurement policy and The Atlantic Trade and Procurement Partnership, and all appropriate Trade Agreements and their subsequent amendments.
 - vi) Where the purchase is awarded to the supplier providing best value and meeting specifications.
 - vii) Where the award of a Request for Proposal is made to the highest scoring qualified proponent based upon evaluation criteria within the Request for Proposal.
 - viii) Where there is no legislative requirement to obtain Council approval.
- b) All bids are subject to evaluation after opening and before award of contract. The bid request documents must clearly identify the requirements of the procurement, the evaluation method, evaluation criteria based on the purpose and objectives of this policy, and the weights assigned to each criterion.
 - c) Where award is over the limits established in the Atlantic Trade Procurement Partnership for the purchase of goods, services and construction, award amount and company name is to be posted on the Provincial Procurement Web Portal.
 - d) A quarterly report to Council of awards of contracts under the value of \$250,000 approved by the CAO or designate shall be made available to Council and shall show the name of the contract, the name of the successful bidder, the amount of the award, any person or company to whom a single or sole source has awarded, and the budgetary provision.
 - e) At the discretion of the CAO, any award of goods, services or construction may be referred to Council for approval.

10) Documentation Requirements

The following documents are required in order to work for the Town:

Workers Compensation Board (WCB) - WCB certificates are required any time a service and/or construction project is being completed on Town of Amherst property. The proponent MUST provide a valid WCB certificate prior to the commencement of any work. This certificate will state when the coverage expires. If the WCB certificate

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expires before the project is finished, then the replacement certificate MUST be received in order for the work to continue. Town employees have the right to stop any work in progress if an up-to-date WCB certificate is not provided. If the approved vendor is exempt from WCB, proof of the exemption will be supplied before work can commence.

Liability Insurance - Proponents must provide a valid certificate from their insurance company with the Town named and added under Additional Insured for liability purposes with at least \$2,000,000 liability coverage. This certificate must be provided before the commencement of any work.

Construction Safety- A Certificate of Good Standing is required from a registered safety certified company such as the Nova Scotia Construction Safety Association whenever any type of construction, reconstruction, demolition, remediation, repair or renovation is being completed on Town property for any projects that are over \$10,000. This documentation must be provided before the commencement of any work.

11) Code of Ethics

All procurement carried out by the Town must be conducted according to policies, provincial and federal legislation, trade agreements and ethical business practices. All employees must in good faith, conduct business with current and prospective suppliers and be fair in all business dealings. We shall encourage the negotiation of an equitable and mutually acceptable settlement when a dispute arises and request removal from a procurement process when a personal conflict of interest is perceived. We shall require suppliers to provide accurate representations of goods, services and construction and encourage them to consider sustainability in their products. We shall strive to obtain best value for each expenditure.

12) Supplier Performance

- a) Suppliers may be subject to disqualifications if there is sufficient evidence of failure to meet the standards specified by the Town. Suppliers may be evaluated based on competitive price, quality of a product, contract adherence and performance and after sales service. Upon reasonable notice in writing to the supplier involved, and after a reasonable opportunity for response, a supplier can be disqualified for a period not exceeding three years from participation in solicitation for goods, services and construction when:
 - i. Serious breach of contract indicating unwillingness to perform a contract in accordance with the terms and conditions or specifications or a record of unsatisfactory performance of one or more contracts in accordance with its specifications or both.

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- ii. The offer of any gratuity to an official or employee of the Town by a supplier or contractor for consideration.
- b) A written decision shall be issued to the person disqualified or suspended setting out its reasons for disqualification or suspension, to the usual business address of that person as shown in the records of the purchasing section.
- c) Disqualification will be approved by the CAO.

13) Supplier Debriefing

Upon request of a supplier who is an unsuccessful bidder, the Town must conduct a debriefing with that supplier to provide feedback on the evaluation of the bid. The debriefing must be conducted as follows:

- a) the CAO or designate and/or Procurement Coordinator, along with the person named in the documents, will attend the meeting;
- b) the debriefing must provide reasons for the disqualification of the supplier, or in the case where evaluation scoring was used, provide an overview of the supplier's score in each category and reasons for that score;
- c) the debriefing must also provide information to the supplier on how to improve future submissions;
- d) the debriefing must not disclose any information regarding other bidders or their submissions.

14) Contract Documents, Bid and Performance Securities and Specifications

- a) The CAO may, from time to time, approve such standard forms including bid and performance securities if any, for purchase by Invitation to Tender, Request for Proposals, Request for Quotations, sole source, or emergency purchases as well as forms of contract for types of purchase including but not limited to construction, supplies and installation or service as they may deem advisable.
- b) Bid bonds, performance bonds, irrevocable letters of credit and other securities including labour and material bonds may be required for such purposes in such form and in such amounts as the CAO deems advisable.

15) Special Services

- a) Legal Services - Legal services will be acquired by staff based upon qualifications, experience, services offered, past performance, proposed fees and other relevant considerations. The acquisition of legal services must be approved by the CAO in consultation with the Director(s) of the user department(s). (These services include expert witnesses, and subject experts required for legal proceeding, hearing or similar

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matter.) Legal services having a value of \$10,000 or more shall be approved by Council. The term for legal services will be at the discretion of the Town.

- b) Financial Auditing Services – These services may be contracted on a one year term to be renewed on an annual basis on terms satisfactory to the Town. Selection of an auditor shall be completed by the Audit Committee of Council who will recommend the selection of an auditor to Council. Annual selection and/or renewal of the contract for audit services will be made by the Audit Committee.

16) Tie Bids

After the assessment process is complete and it cannot be reasonably determined who has submitted the lowest compliant bid and a tie exists, the Procurement Coordinator may flip a coin to determine the award.

17) Suppliers indebted to the Town of Amherst

Any supplier/contractor having a customer account with the Town, which is in arrears, will have such arrears deducted from any payments due to the supplier/contractor. Such deduction may be waived by the CAO, where the supplier/contractor has entered into a payment arrangement deemed to be suitable by the Treasurer.

18) Purchases by Town of Amherst Employees

Employees or immediate family members (husband, wife, son, or daughter) of employees of the Town are not permitted to purchase personal use items through the purchasing system except where employee purchase plans are being offered.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Policy Owner	The policy owner is responsible for ensuring that the policy is implemented and being followed. In addition, they are responsible for reviewing the policy regularly for relevancy and compliance with provincial guidelines.
Staff	All personnel that fall within the scope of this policy must follow the policy
Procurement Coordinator	Facilitate the implementation of the policy, including the Open and Invitational procurement processes. Support procurement at all threshold levels. Develop and provide procurement templates and tools. Periodically review procurement practices within the province.

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For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
	Title/Last Name	Council	
Creation of the policy	CAO, MacDonald	Council	April 30, 2007
Amendment to bring the policy into compliance with Atlantic Procurement Agreement	CAO, MacDonald	Council	Sept 28, 2009
Amendment to bring the policy into compliance with Atlantic Procurement Agreement	CAO, MacDonald	Council	Nov 26, 2012
CAO may authorize the procurement of goods, services and construction that are \$250,000 or less and are included within the approved operating and capital budgets.	CAO, MacDonald	Council	Nov 27, 2017
Increased purchasing limits and minor housekeeping amendments	CAO, MacDonald	Council	March 27, 2023

DEPARTMENT: ALL TOWN DEPARTMENTS

TITLE: **Procurement Policy**

Minutes reference date: 30 April 2007 28 September 2009 26 November 2012 27 November 2017

1) Policy Statement

The purpose of this policy is to establish transparent procurement guidelines to ensure the most ~~cost~~ effective and ~~cost~~ efficient methods are used to provide best value for the procurement of goods, services and construction for the Town of Amherst (hereinafter referred to as the "Town").

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The Town will conduct procurement practices in compliance with all Provincial legislation, International, National and Regional Trade Agreements, including the Nova Scotia Public Procurement Act and any amendments thereto.

2) Definitions

a) Alternative Procurement (ALTP) - the procurement of goods, services and construction without a competitive process due to certain conditions/situations.

b) Best Value - the bid that is determined by the Town to be in its best interests, not necessarily the lowest price bid, which is determined by evaluation of bids based on criteria or factors that may include purchase price, life cycle cost considerations, environmental and social considerations, delivery, servicing, past experience and performance, and any other criteria or factors stated in the requesting documents.

c) Bid - a supplier's response to a Request for Quotation (RFQ), Request for Construction (RFC), Tender, Request for Proposal (RFP), Request for Expression of Interest (REI) or a Two Phase Bid to provide goods, services or construction.

e)d) Invitational Competition – is a competitive process in which an invitation to submit bids is issued to at least three suppliers.

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e) Local Preference Area – all suppliers located within the County of Cumberland and the Town of ~~Sackville~~, Tantramar, New Brunswick, ~~plus a ten (10) mile radius outside of Sackville~~ New Brunswick's town boundaries.

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e)f) Procurement Web Portal – means the public website owned by the Province of Nova Scotia where all public tender notices are posted.

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e)g) Public Request for Submission - refers to inviting responses to tenders, request for proposals, two phase bids, request for construction, request for expression of interest and request for standing orders.

- h) Purchase Card - a corporate visa-credit card for the Town with various restrictions and limits based on the cardholder.
- i) Purchaser – a Town employee with the authority to purchase goods.
- j) Request for Construction (RFC) - used to publicly tender for a construction, reconstruction, demolition, remediation, repair or renovation of a building, structure, road, bridge or other engineering or architectural work.
- k) Request for Expression of Interest (REI) - process in which suppliers are invited to propose a solution to a problem and then those chosen are asked to respond to a subsequent Request for Proposal.
- l) Request for Quotations (RFQ) - informally obtaining price quotations from a number of different suppliers.
- m) Request for Proposal (RFP) - a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet the needs of the Town.
- n) Purchase Requisition/Purchase Order-an electronically generated document for the supply of goods or services from an approved vendor.
- o) Single Source – A single source procurement is an alternative procurement practice in which two or more suppliers can supply the goods and/or perform the services required by the Town of Amherst, but where the Town of Amherst selects one supplier over the others for reasons such as expertise, previous municipal or other related experience and not through a competitive process.
- p) Sole Source Procurement – is an alternative procurement practice in which it is evident that only one supplier can supply the goods and/or perform the services required and an award is made to that supplier.
- q) Standing Offer- a contractual arrangement with a supplier to provide certain goods or services on an “as required” basis, during a particular period of time, at a predetermined price or discount, generally within a predefined dollar limit.
- r) Sustainable Procurement- involves taking a holistic approach to obtain best value by integrating the following considerations in the procurement process:
- Environmental considerations: e.g. Green House Gas Reduction, Waste Reduction, Toxic Use Reduction;
 - Economic considerations: e.g. Life Cycle Cost, Fiscal Responsibility, Support for the Local Economy;
 - Social considerations: e.g. Employee Health and Safety, Inclusiveness and Fair Wage, Health Promotion.

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- o) Tender- a formal request to solicit for goods, services or construction obtained through posting on the Town and the Provincial websites.
- p) Two Phase Bid- a two stage process in which suppliers submit proposals for evaluation, and separately submit prices.

3) Guiding Principles

The following principles will guide the procurement practices of the Town of

- a) Procurement policy and procedures should provide the most efficient and effective methods resulting in best value for the Town.
- b) The procurement process is to ensure a fair, open, consistent and transparent process in the acquisition of goods, services and construction.
- c) Procurement methods are to encourage competition, innovative ideas and solutions, wherever possible, while respecting all legislative and trade agreement obligations for the supply of goods services and construction.
- d) Procurement policy provides for the use of suppliers, who can be expected to provide satisfactory performance, based on, but not limited to:
 - (i) past performance and/or previous contacts
 - (ii) financial and other resources to complete the contract bid;
 - (iii) references
- e) Promoting the use of Sustainable Procurement when evaluating bids by striving to obtain best value, taking into consideration environmental, economic and social considerations.
- f) This policy does not apply to payments for reoccurring items such as utilities, leases, rentals and similar reoccurring operating charges, while recognizing that in some circumstances, the initial commitment that leads to these ongoing payments is subject to the provisions of this policy.

4) General

- a) This policy applies to all departments, agencies, boards and commissions of the Town over which the Town has jurisdiction.
- b) The procuring of goods, services and construction will be facilitated by the Director of the requesting department in conjunction with the Procurement Coordinator according to this policy.
- c) The Town will be under no obligation to accept any bid received which is considered to be not in its best interest, in response to a verbal or written request.
- d) The Town may work with other levels of government, other municipal units, other agencies, boards and commissions, and associations such as the FCM (Federation of

Canadian Municipalities) and ~~UNSM-NSFM~~ (~~Union of Nova Scotia Federation of Municipalities~~) to encourage standardization of items and/or reduce overall costs to the Town for joint purchasing.

- e) The dollar values indicated within this policy are ~~inclusive-exclusive~~ of the Town's non-recoverable HST and are in Canadian Dollars.

5) Purchasing Guidelines

The following guidelines will be followed for the procurement of goods services and construction for the Town:

- ~~a) Up to \$2,000 - For purchases that are random in nature, purchaser will use standing offer, if one exists. Otherwise, purchases may be purchased by the department using a purchase order or Town purchase card in accordance with the Guiding Principles of this policy.~~
- ~~b) More than \$2,000 but less than \$15,000 - Where three or more suppliers exist, purchaser will attempt to solicit at least three written quotations. Award will be to the supplier offering best value. Funds are to be clearly identified in the approved operating or capital budget.~~
- ~~c) More than \$15,000 but less than \$25,000 - Where three or more suppliers exist, purchaser will attempt to solicit at least three written quotations. The Procurement Coordinator will post these opportunities on the Town website. Award will be to the supplier offering best value. Funds are to be clearly identified in the approved operating or capital budget.~~

~~If there is a possibility that the value will be over \$25,000 and/or there is uncertainty of the exact requirements of this request, other methods of procuring, such as RFP's and Tenders, should be used. These would be posted on both the Town and the Provincial website. This decision would be made by the Director of the requesting department in conjunction with the Procurement Coordinator.~~

- ~~d) \$25,000 or greater - the Procurement Coordinator will issue a public request for submissions (see Definitions, Section 2 e) by posting on the Town website and the Nova Scotia Procurement web portal. Documentation must state if submissions received are to be acknowledged at a public opening at a designated place, date and time. After bids are evaluated they are to be forwarded to the CAO, or Council for approval on the recommendation of the CAO. Funds are to be clearly identified in approved operating or capital budget.~~

Spending Category	Low Value	Low Value	High Value
	Quotations	Invitational Competition	Open Competition
Goods	Less than \$5,000	\$5,000 - \$24,999	\$25,000 and above
Services	Less than \$5,000	\$5,000 - \$49,999	\$50,000 and above
Construction	Less than \$5,000	\$5,000 - \$49,999	\$50,000 and above

Dividing procurement activity to reduce or keep the procurement value below certain thresholds is not permitted.

a) Low Value Procurement

If the value of the Goods, Services or Construction are less than \$5,000:

Staff are expected to obtain competitive quotations whenever possible and award to the bid that provides the best overall value. For procurement under \$5,000, the minimum of three quotations is not mandatory, however staff are expected to perform due diligence in selecting such suppliers, including obtaining quotations in cases where there are sufficient suppliers to do so, where there is sufficient time to do so, and when the value of the goods, services or construction makes it practical to do so.

If the value of the Goods, Services or Construction is \$5,000 and over but less than the Open Competition thresholds:

The acceptable process is to use an Invitational Competition. All Invitational Competitions must be conducted in accordance with the Procurement Guidelines and are subject to review by the Procurement Coordinator prior to issue.

b) High Value Procurement

If the value of the Goods, Services or Construction is above Open Competition thresholds, staff must work with the Procurement Coordinator to conduct a public competitive process. Open competitions are posted on the Town of Amherst website and the Nova Scotia Procurement Web Portal.

If an Invitational Competition is issued and the results demonstrate that the cost from the supplier determined to be providing best value is above the High Value Procurement threshold, the CAO may, at their discretion:

- Cancel the competition and not award
- Accept the result and award. The resulting award is an Alternative Procurement Practice; or
- Reject the result and require that the Competition be re-issued as an Open Competition.

6) Methods of Procurement

All procurement activity must be obtained through one of the following methods:

- a) Tender - A formal invitation to solicit competitive bids. It is used when detailed specifications are available that permit the evaluation of tenders against clearly stated criteria and specifications. A Request for Tenders (RFT) is a formal, competitive, sealed bidding process. Bid deposits and performance security may be required. The award is normally to the lowest bid received from a qualified bidder meeting the requirements of the tender and providing best value. Tender purchases shall be made

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by purchase order. Tenders must be opened in the presence of at least one elected official and the CAO or his/her designate at a time and location that is open to the public.

- b) Request for Proposal - A ~~R~~request for ~~P~~proposal (RFP) is a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet specific needs of the Town. It is used when a supplier is invited to propose a solution to a problem, requirement, or objective. ~~Unlike tenders,~~ Request for Proposals are evaluated against stated criteria to the terms of the RFP to determine if any should be accepted.

Negotiations with suppliers may be required to finalize any aspect of the proposal provided such discussion and negotiations are conducted to:

- (1) Award equitable treatment to each qualified bidder with respect to an opportunity for discussion and the revision of the proposal.
- (2) Prevent the disclosure of the proposal content of one bidder-proponent to another.

Proposals submitted in response to a request for proposal need not be opened in public. A list of the proponents may be made available upon request. An award of a contract based upon a request for proposals will be made to the supplier whose proposal has the highest score based upon the criteria for evaluation set out in the request for proposals and equitably applied to all proposals. RFP purchases shall be made by purchase order.

- c) Request for Quotation - A request for quotation is an informal request for prices for goods and services that the purchaser will attempt to solicit from at least three (3) different suppliers. This process is normally used where bid deposit and performance bonds are not required and where the cost of the work does not warrant the time and level of effort and expense required for a normal tender process. Quotations should be in written form and attached to the Request for Quotation form which must be completed and given to the Procurement Coordinator for filing once it has been awarded.

If a quote is obtained verbally, the person obtaining it must document the quotation, including time, date, supplier, price and description of the goods and services, the person from whom the quotation was obtained and the name of the municipal staff obtaining the quotation. The RFQ form should be used for documentation purposes. RFQ purchases shall be made by purchase order, or purchase card if in US Dollars.

- d) Standing Offer – A tender process to guarantee a continuous supply of various goods, services or construction at a specific price for a specific period of time. The term of the standing offer can vary in duration but will be clearly defined in the tender documents. Standing Offers of the Government of the Province of Nova Scotia or other public sector entities may be used under the constraints within this policy where it is in the best interest of the Town.

- e) Two Phase Bids- Where detailed specifications are not available or it is impractical to prepare a specification based on price, a two phase bid may be issued, inviting for the submission of bids as follows:

Phase One- Pre-qualification step in which bidders submit proposals/expressions of interest in response to basic terms of reference for evaluation; need not be opened in public

Phase Two- Only those bidders whose submissions were determined to be acceptable in Phase One will be invited to submit priced bids for further consideration. Phase Two bids must be opened in public.

This type of purchasing has the advantage of a request for proposal in Phase One and the advantages of a tender in Phase Two. Two phase bid purchases shall be made by purchase order.

- f) Request for Expression of Interest - This process is similar to the Request for Proposal and is sometimes referred to as a Pre-Qualification, where suppliers are invited to propose a solution to a problem. The REI, however, is only the first stage in the procurement process. Bidders responding to the REI will be short listed according to their scoring in the evaluation process. The short listed firms will then be invited to respond to a subsequent Request for Proposal. A REI does not normally include pricing as price is a key evaluation criteria used in the second stage RFP process.
- g) Request for Construction - Used to publicly tender for a construction, reconstruction, demolition, remediation, repair, or renovation of a building, structure, road, bridge, or other engineering or architectural work. When a supplier is invited to bid on a construction project the tender documents usually contain a set of terms and conditions and separate bid form that apply to that specific project. Suppliers are requested to submit a response (bid) in accordance with predefined criteria. The selection of the successful proposal is based on a number of factors as described in the tender documents. A request for construction usually does not include professional consulting services related to the construction contract, unless they are included in the specifications.
- h) Negotiations - Negotiations with suppliers for the supply of goods and/or services would take place when any of the following conditions exist:
- (a) Due to market conditions, goods and/or services are in short supply;
 - (b) There is only one source of the goods or services;
 - (c) All bids received are non-compliant or exceed the amount budgeted for the purchase;
 - (d) The extension or reinstatement of existing contract would be more cost effective or beneficial to the Town providing the extension has been outlined in original documents. The extension or reinstatement of existing contract is subject to the approvals listed in section 9 – Award of Contracts.

i) Alternative Procurement - In certain circumstances, described in this section, the Town may purchase goods, services and construction without using one of the options set out above. An alternative procurement purchase may occur.

(a) Where an unforeseeable situation of urgency exists and the goods, services or construction cannot be obtained in time by means of open procurement procedures. An emergency purchase occurs when a situation creates immediate and serious need which may not be reasonably met by any other procedure and includes without limitation:

A condition where lack of supplies or services may adversely affect the functioning of civic government, threaten public or private property or the environment, or jeopardize the health or safety of the public;

Emergency purchases are completed using the most expedient method, but will take economy into consideration.

Emergency purchases must be pre-approved by the CAO (or designate) where such approval may be reasonably sought.

(b) Where goods or consulting services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise government confidentiality, cause economic disruption or otherwise be contrary to the public interest;

(c) Where compliance with the open tendering provisions set out in this policy would interfere with the Town's ability to maintain security or order or to protect human, animal or plant life or health;

(d) In the absence of tenders in response to an open or selective tender, or when the tenders submitted have been collusive, or not in conformity with the essential requirements in the tender;

(e) To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative;

(f) Where there is an absence of competition for technical reasons and the goods or services can only be supplied by a particular supplier and no alternative or substitute exists;

(g) For the purchase of goods on a commodity market;

(h) For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly;

(i) For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor:

- (j) For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;
- (k) For the procurement of a prototype or a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for routine purchases;
- (l) For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases;
- (m) For the procurement of original works of art;
- (n) For the procurement of subscriptions to newspapers, magazines or other periodicals;
- (o) For the procurement of real property;
- (p) For the procurement of goods intended for resale to the public;
- (q) For the procurement from charitable institutions, prison labour, persons with disabilities, sheltered workshop programs or through employment equity programs;
- (r) For procurement from a public body or non-profit organization; or
- (s) For the procurement of services of expert witnesses, specifically in anticipation of litigation or for the purpose of conducting litigation.

**When an alternative procurement purchase occurs, the reason for doing so must be documented using the Alternative Procurement (ALTP) form.

7) Local Preference

If the goods, services or construction available from a local business are equal in providing best value to those available from a non-local business, the goods, services or construction from the local business shall be purchased.

In evaluating which goods, services or construction offer best value to the Town of Amherst, the Town shall apply a preference of 5% to the price offered by a local business as compared with non-local businesses, such that the price offered by the local business is adjusted lower by 5% for the purposes of evaluating which goods, services or construction offer best value.

In accordance with the Atlantic Procurement Agreement, the local preference described above does not apply to the following procurements:

- a) goods that have a value of \$25,000 or greater;
- b) services that have a value of \$50,000 or greater;
- c) construction that has a value of \$100,000 or greater.

All requests for quotations and public requests for submissions must state that local preference applies to the procurement.

8) Award of Contracts

- a) The Chief Administrative Officer (CAO) may authorize the procurement of goods, services and construction:
 - i) that are \$250,000 or less and are included within the approved operating and capital budgets; Awards over the value of \$250,000 will be submitted to Council for approval.
 - ii) that exceed the approved budget by 25% or \$50,000, whichever is less. This will be done when it is reasonable to do so and when options to achieve project completion or item procurement are limited.
 - iii) that is an emergency situation. In these cases, the CAO is authorized to make reasonable and informed procurement decisions (operating and capital) which are determined by him/her to be necessary. Among other things such decisions may be deemed by the CAO to be necessary to protect the legal interests or satisfy legal obligations of the Town, or involve a situation where failure to act could reasonably be expected to compromise Town confidentiality, cause economic disruption, or would otherwise be contrary to the public interest. Authorizations for such expenditures are considered to be over and above the other authorities given under this policy to exceed approved budget amounts.
 - iv) where the purchase was made in accordance with this policy and falls within the thresholds established within the Atlantic Procurement Agreement and all subsequent amendments thereto.
 - v) Where the purchase was the result of a public purchasing process conforming to the Town's procurement policy and The Atlantic Trade and Procurement Partnership, and all appropriate Trade Agreements and their subsequent amendments Agreement.
 - vi) Where the purchase is awarded to the supplier providing best value and meeting specifications.
 - vii) Where the award of a Request for Proposal is made to the highest scoring qualified proponent based upon evaluation criteria within the Request for Proposal.
 - viii) Where there is no legislative requirement to obtain Council approval.
- b) All bids are subject to evaluation after opening and before award of contract. The bid request documents must clearly identify the requirements of the procurement, the evaluation method, evaluation criteria based on the purpose and objectives of this policy, and the weights assigned to each criterion.

- c) Where award is over the limits established in the Atlantic [Trade Procurement Partnership Agreement](#) for the purchase of goods, services and construction, award amount and company name is to be posted on the Provincial Procurement Web Portal.
- d) A quarterly report to Council of awards of contracts under the value of \$250,000 approved by the CAO or designate shall be made available to Council and shall show the name of the contract, the name of the successful bidder, the amount of the award, any person or company to whom a single or sole source has awarded, and the budgetary provision.
- e) At the discretion of the CAO, any award of goods, services or construction may be referred to Council for approval.

10) Documentation Requirements

The following documents are required in order to work for the Town:

Workers Compensation Board (WCB) - WCB certificates are required any time a service and/or construction project is being completed on Town of Amherst property. The proponent MUST provide a valid WCB certificate prior to the commencement of any work. This certificate will state when the coverage expires. If the WCB certificate expires before the project is finished, then the replacement certificate MUST be received in order for the work to continue. Town employees have the right to stop any work in progress if an up-to-date WCB certificate is not provided. If the approved vendor is exempt from WCB, proof of the exemption will be supplied before work can commence.

Liability Insurance - Proponents must provide a valid certificate from their insurance company with the Town named and added under Additional Insured for liability purposes with at least \$2,000,000 liability coverage. This certificate must be provided before the commencement of any work.

Construction Safety- A Certificate of Good Standing is required from a registered safety certified company such as the Nova Scotia Construction Safety Association whenever any type of construction, reconstruction, demolition, remediation, repair or renovation is being completed on Town property for any projects that are over \$10,000. This documentation must be provided before the commencement of any work.

11) Code of Ethics

All procurement carried out by the Town must be conducted according to policies, provincial and federal legislation, trade agreements and ethical business practices. ~~We~~ [All employees](#) must in good faith, conduct business with current and prospective suppliers and be fair in all business dealings. We shall encourage the negotiation of an equitable and mutually acceptable settlement when a dispute arises and request removal from a procurement process when a personal conflict of interest is perceived. We shall require suppliers to provide accurate representations of goods, services and construction and encourage them to consider sustainability in their products. We shall strive to obtain best value for each expenditure.

12) Supplier Performance

-
- a) Suppliers may be subject to disqualifications if there is sufficient evidence of failure to meet the standards specified by the Town. Suppliers may be evaluated based on competitive price, quality of a product, contract adherence and performance and after sales service. Upon reasonable notice in writing to the supplier involved, and after a reasonable opportunity for response, a supplier can be disqualified for a period not exceeding three years from participation in solicitation for goods, services and construction when:
 - i. Serious breach of contract indicating unwillingness to perform a contract in accordance with the terms and conditions or specifications or a record of unsatisfactory performance of one or more contracts in accordance with its specifications or both.
 - ii. The offer of any gratuity to an official or employee of the Town by a supplier or contractor for consideration.
 - b) A written decision shall be issued to the person disqualified or suspended setting out its reasons for disqualification or suspension, to the usual business address of that person as shown in the records of the purchasing section.
 - c) Disqualification will be approved by the CAO.

13) Supplier Debriefing

Upon request of a supplier who is an unsuccessful bidder, the Town must conduct a debriefing with that supplier to provide feedback on the evaluation of the bid. The debriefing must be conducted as follows:

- a) the ~~Treasurer~~ CAO or designate and/or Procurement Coordinator, along with the person named in the documents, will attend the meeting;
- b) the debriefing must provide reasons for the disqualification of the supplier, or in the case where evaluation scoring was used, provide an overview of the supplier's score in each category and reasons for that score;
- c) the debriefing must also provide information to the supplier on how to improve future submissions;
- d) the debriefing must not disclose any information regarding other bidders or their submissions.

14) Contract Documents, Bid and Performance Securities and Specifications

- a) The CAO may, from time to time, approve such standard forms including bid and performance securities if any, for purchase by Invitation to Tender, Request for Proposals, Request for Quotations, sole source, or emergency purchases as well as forms of contract for types of purchase including but not limited to construction, supplies and installation or service as they may deem advisable.
- b) Bid bonds, performance bonds, irrevocable letters of credit and other securities including labour and material bonds may be required for such purposes in such form and in such amounts as the CAO deems advisable.

15) Special Services

- a) Legal Services - Legal services will be acquired by staff based upon qualifications, experience, services offered, past performance, proposed fees and other relevant considerations. The acquisition of legal services must be approved by the CAO in consultation with the Director(s) of the user department(s). (These services include expert witnesses, and subject experts required for legal proceeding, hearing or similar matter.) Legal services having a value of \$10,000 or more shall be approved by Council. The term for legal services will be at the discretion of the Town.
- b) Financial Auditing Services – These services may be contracted on a one year term to be renewed on an annual basis on terms satisfactory to the Town. Selection of an auditor shall be completed by the Audit Committee of Council who will recommend the selection of an auditor to Council. Annual selection and/or renewal of the contract for audit services will be made by the Audit Committee.

16) Tie Bids

After the assessment process is complete and it cannot be reasonably determined who has submitted the lowest compliant bid and a tie exists, the Procurement Coordinator may flip a coin to determine the award.

17) Suppliers indebted to the Town of Amherst

Any supplier/contractor having a customer account with the Town, which is in arrears, will have such arrears deducted from any payments due to the supplier/contractor. Such deduction may be waived by the CAO, where the supplier/contractor has entered into a payment arrangement deemed to be suitable by the Treasurer.

18) Purchases by Town of Amherst Employees

Employees or immediate family members (husband, wife, son, or daughter) of employees of the Town are not permitted to purchase personal use items through the purchasing system except where employee purchase plans are being offered.

SYNOPSIS

Local Improvement Bylaw

Local Improvement Bylaws have been used by municipalities for many years to help cover the capital costs of infrastructure improvements deemed to only benefit a specific neighbourhood or area. Local Improvements can include constructing or improving streets, curbs, sidewalks, and the extension of sewer and water systems.

The existing bylaw, approved in 1995, is outdated and should be repealed as it is solely focused on the installation and payment of new infrastructure on existing streets.

The proposed bylaw will still allow for such work to be completed, but more importantly it will allow for the financing of new streets and infrastructure that are needed to promote new residential development within the Town. More specifically, the bylaw will allow for the cost of the infrastructure to be financed by the Town with the Town holding a first lien on the property for the outstanding balance owed. The lien is treated much like outstanding property taxes and removes much of the risk to the Town when financing new residential infrastructure.

MOTION:

That Council repeal the existing Local Improvement Bylaw and give first reading of the new Local Improvement Bylaw.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Aaron Bourgeois, Director of Operations

DATE: March 27, 2023

SUBJECT: Local Improvement Bylaw Review

ORIGIN: Requirement to update the bylaw in order to incentivise new residential construction within the Town.

LEGISLATIVE AUTHORITY: MGA section 47(1) states; The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law. MGA Section 81 provides that council of a Town may make bylaws imposing, fixing, and providing methods of enforcing payment for charges of local improvements;

RECOMMENDATION: That Council repeal the existing Local Improvement Bylaw and give first reading of the new Local Improvement Bylaw.

BACKGROUND: Local Improvement Bylaws have been used by municipalities for many years to help cover the capital costs of infrastructure improvements deemed to benefit a specific neighbourhood or area.

Local Improvements can include constructing or improving streets, curbs, sidewalks, and the extension of sewer and water systems within the public right of way.

The existing Bylaw, approved in 1995, is outdated and should be repealed.

DISCUSSION: The existing bylaw is focussed on the installation and payment of new infrastructure on existing streets where Council feel the desired infrastructure is not a priority. An example of this may be a new sidewalk on a local street. While the proposed bylaw still allows for such work to be completed, more importantly it allows for the financing of new streets and infrastructure that is needed to promote new residential development within the Town. Specifically, the bylaw allows for the cost of the infrastructure to be financed by the Town with the outstanding balance being a first lien on a property, much like outstanding taxes. This change removes much of the risk of the Town financing new residential infrastructure.



AMHERST TOWN COUNCIL

RFD# 2023034

Date: March 27, 2023

FINANCIAL IMPLICATIONS: When used, local improvement charges help the Town cover the cost for capital projects on existing streets. It also removes much of the risk of financing new infrastructure for residential development.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

COMMUNITY ENGAGEMENT: There is no community engagement required at this time.

ALTERNATIVES:

Direct staff to make additional changes to the bylaw.
Do approve the proposed amendments to the bylaw.

ATTACHMENTS:

Local Improvement Bylaw - Existing
Local Improvement Bylaw - Proposed

Report prepared by: Aaron Bourgeois, Director of Operations
Report and Financial approved by:



TITLE: LOCAL IMPROVEMENT BYLAW
SECTION: OPERATIONS
BYLAW NO: D-02

APPROVAL DATE:

CAO Signature: _____

1. SHORT TITLE

1.1. This bylaw shall be known as bylaw D-02 and may be cited as the “Local Improvement Bylaw”.

2. PURPOSE

2.1. The purpose of this bylaw is to establish the manner in which the Town shall impose, fix, and enforce payment of Charges for Local Improvements.

3. DEFINITIONS

- (a) “Corner Lot” means a Property situated at the intersection of and abutting upon two or more Streets;
- (b) “Charge” means a charge imposed pursuant to Section 81 of the *Municipal Government Act* in an amount to be determined pursuant to this bylaw for the Cost of a Local Improvement;
- (c) “Cost of a Local Improvement” means the capital cost of service provision and shall include but is not limited to the costs of study, design, construction, installation and administration, engineering, surveying, municipal staff time, and other incidental expenses as well as the costs of financing including bridge financing, if any, and the cost of financing throughout the amortization period of the project whether or not the money is financed internally or externally. The cost of any particular Local Improvement may be reduced by its proportionate share of financial contribution from federal, provincial or municipal grant dollars;
- (d) “Council” means the Council of the Town of Amherst;
- (e) “Engineer” means the Town employee designated as Town Engineer pursuant to the provisions of the *Municipal Government Act*;
- (f) “Frontage” means the linear measurement of the Property line which abuts a Local Improvement, irrespective of whether the Property line is a front, rear, side or flanking lot line;
- (g) “Local Improvement” means and includes Charges for:
 - i) wastewater facilities or stormwater systems, the use of wastewater facilities or stormwater systems and connecting to wastewater facilities or stormwater systems;

TITLE: LOCAL IMPROVEMENT BYLAW
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- ii) expenditures incurred for the wastewater management system in a wastewater district;
 - iii) the capital cost of installing a water system;
 - iv) laying out, opening, constructing, repairing, improving, and maintaining Streets, curbs, sidewalks, gutters, bridges, culverts, and retaining walls, whether the cost is incurred by the Town directly or by, pursuant to, an agreement with His Majesty In Right of the Province, the Minister of Public Works or any person;
 - v) laying out, opening, constructing, repairing, improving and maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads where the cost is incurred i) by the Town or ii) under an agreement between the Town and a person;
 - vi) the Town portion of the cost of a major tree removal program or the cost of removing trees from a private Property;
 - vii) the Town portion of the capital cost of placing the wiring and other parts of an electrical distribution system underground; and
 - viii) depositing in a special purpose tax account to provide for future expenditures for wastewater facilities, stormwater systems, water systems, transportation facilities or other anticipated capital requirements.
- (h) “Majority Approval” means majority approval based on the signatures from Owners representing at least two-thirds of all Properties in the area that Council has determined to benefit from a Local Improvement and at least two-thirds of the methodology chosen as set out in Section 9.8;
- (i) “Town” means the Town of Amherst;
- (j) “Owner” has the same meaning as set out in the *Municipal Government Act*, except where the context requires otherwise;
- (k) “Property” means a parcel or lot of property which is in an area determined by Council to benefit from a Local Improvement;
- (l) “Schedule A” means a list of projects and properties subject to a local improvement, as amended from time to time, and shall include at a minimum; a brief description of the project, PID number of all properties subject to the local improvement, charges imposed, terms of repayment, any exceptions/adjustments to charges, and any other project relevant project information.

TITLE: LOCAL IMPROVEMENT BYLAW
SECTION: OPERATIONS
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- (m) “Subdividable Lot” means, for the purpose of this bylaw, a Property which is capable of being subdivided into at least two buildable lots if, taking into consideration the lot Frontage, lot area, zoning and the location of existing buildings, the Town would approve the subdivision of the Property into at least two lots;
- (n) “Street” means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts, and retaining walls in connection therewith located within the Town whether vested in the Town or the Province of Nova Scotia;
- (o) “Through Lot” means a Property bounded on two opposite sides by two or more Streets;
- (p) “Usable Frontage” means Property Frontage that has not been determined to be unusable under Section 7.2;

4. CHARGE IMPOSED

- 4.1. Where a Local Improvement has been carried out:
 - 4.1.1. by the Town in an area identified in Schedule “A”, as defined in section 3, and as amended from time to time, a Charge is hereby levied upon every Owner of Property situated in whole or in part within the identified area except to the extent that any Property or the Owner thereof is totally or partially exempt from the Charge by provisions in this bylaw or the provisions of Schedule “A”; or
 - 4.1.2. as a result of a petition receiving Majority Approval and the project having been adopted and approved by Council, a Charge is hereby levied upon every Owner of Property situated in whole or in part within the area identified in the petition except to the extent that any Property or Owner thereof is totally or partially exempt from the Charge by provisions in the petition or in this bylaw;
- 4.2. Municipally, provincially and federally owned land may be exempt from Charges arising from the provisions of this bylaw unless otherwise indicated in the approved petition or Schedule “A”.
- 4.3. An interim Charge may be imposed when Council approves the project to proceed based on the best estimate of the cost of the project at that time. The interim Charge will be adjusted at the completion of the project.

5. AMOUNT OF CHARGE

- 5.1. The Charge levied pursuant to Section 4 shall be determined in accordance with the provisions of this bylaw and, if applicable, of the approved petition or Schedule “A” and may be calculated based on:

TITLE: LOCAL IMPROVEMENT BYLAW
SECTION: OPERATIONS
BYLAW NO: D-02

- (a) a uniform amount for each Property in existence or subsequently created by subdivision;
- (b) the Frontage of the Property on any Street;
- (c) the use of the Property;
- (d) the area of the Property;
- (e) the assessed value of the Property;
- (f) any combination of two or more such methods of calculating the Charge; or
- (g) such other method as Council deems fit.

6. VARIATIONS IN CHARGES

- 6.1. The Charge levied pursuant to this bylaw may be fixed at different rates for different classes or uses of Properties and may be fixed at different rates for different areas or zones as outlined in the approved petition and/or as outlined in Schedule “A”.

7. FRONTAGE CHARGE

- 7.1. If the Charge contains a component calculated in whole or in part based upon the Frontage of the Property on a Street, the component of the Charge which is based upon Frontage shall be calculated in accordance with this section unless otherwise outlined in the approved petition, if applicable, or in Schedule “A” or an agreement.

FC = Frontage Charge

TF = Total of all individual Frontages (IF) determined as per the provisions of this bylaw

IF = Total Frontage of an individual Property (as possibly adjusted by any Frontage reductions or Frontage adjustments as per the provisions of this bylaw

TC = Total cost of the Local Improvement

GC = Municipal/Provincial/Federal contribution towards the Local Improvement

$FC = [IF/TF] \times [TC - GC]$

- 7.2. Subdivisions plans, deed descriptions, retracement plans and/or geographical information as deemed appropriate by the Town shall be used to determine the total Frontage of an individual Property
- 7.3. In the event of a dispute between a Property Owner and the Town as to any measurements of a Property, the Owner shall retain, at his or her sole expense, a Licensed Nova Scotia

TITLE: LOCAL IMPROVEMENT BYLAW
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Land Surveyor, who shall certify the measurements of the Property and submit the same to the Town.

Frontage Reduction

- 7.4. Where an Owner can reasonably demonstrate, and provide evidence such as an environmental study or written confirmation from Nova Scotia Department of Environment and Climate Change, that the Property is unusable for development by reason of soil type, environmental hazard, or other natural factors that do not permit the land to be subdivided for the purpose of creating a lot, a Frontage reduction of up to 75 percent may be applied to the portion of unusable Frontage. This proof must be provided prior to the inclusion of the Local Improvement into Schedule "A", if applicable, or approval of a petition by Council.

Frontage Adjustments

- 7.5. A minimum Frontage may be established for each Local Improvement.
- 7.6. For Corner Lots and Through Lots, where both Streets adjacent to the Property are subject to a Local Improvement, the total Frontage will be adjusted as follows:
- (a) For the longest Frontage, the Frontage will not be subject to any adjustment and will be Charged 100 percent of the Frontage;
 - (b) For the shortest Frontage, the Frontage may be reduced by 50 percent.
- 7.7. For Corner Lots and Through Lots, where one of the two Streets is subject to a Local Improvement and the other Street has previously been the subject of a Local Improvement, the Property will only be Charged for the portion of the Frontage subject to the current Local Improvement.
- 7.8. For Corner Lots or Through Lots, where one of the two Streets is subject to a Local Improvement and the other Streets has not been the subject of a Local Improvement, the Property will only be Charged for the portion of the Frontage subject to the Local Improvement and there shall not be any adjustments to the total Frontage.
- 7.9. For greater clarity, a Corner Lot will be deemed to benefit from a Local Improvement on all Streets that the Property has Frontage

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8. EXEMPTIONS/ADJUSTMENTS TO CHARGES

- 8.1. A Property may be exempt from or given an adjustment to a Charge if the Property is considered to not benefit from the Local Improvement. An adjustment or exemption may be given when:
- (a) a Property is already serviced; or
 - (b) a Property does not directly benefit from a Local Improvement and it cannot be reasonably argued that the Local Improvement provides an indirect benefit to the Property, such as the ability to further subdivide and develop the Property.
- 8.2. If Frontage is the method of Charge, the Property may also be subject to any adjustment or reductions available in Section 7.
- 8.3. An additional exemption or adjustment may be given to a Lot because of the size, configuration, topography, or ground conditions of the Property.
- 8.4. Properties given an exemption or adjustment to the Charge under this Section will be identified in Schedule “A” or, if applicable, within the approved petition or agreement.

9. ADMINISTRATIVE GUIDELINES

- 9.1. Council may proceed with a Local Improvement at its own discretion or in response to a petition which receives Majority Approval.
- 9.2. Where a petition has been conducted and does not receive Majority Approval, Council will not proceed with a Local Improvement, at its own discretion, for a minimum of three years. Property Owners are not prevented from requesting subsequent petitions within the three-year timeframe.

Initiating a petition

- 9.3. The petition process may be initiated by:
- (a) a request from the sole owner of Property(s) or at least two Properties that would be subject to the petition; or
 - (b) a motion from Council directing Town staff to initiate the petition process.

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- 9.4. The petition request from Property Owners and the motion from Council must include a description of the proposed Local Improvement, the desired method of Charge, and the proposed Charge area.
- 9.5. At Council's discretion, a petition may include Properties fronting onto more than one Street, whether those Streets are contiguous or not.

Processing a Petition

- 9.6. The following steps shall be followed:
- a) The petition will be conducted by Town staff and they will be responsible for preparing the petition documents and package.
 - b) The petition documents will include: a description of the Local Improvement and the method of Charge, a map of the proposed Charge area, the estimated total cost of the Local Improvement, the estimated cost for each Property and the financing options.
 - c) The petition documents will also include a letter explaining the Local Improvement process and will give each Property Owners an opportunity to vote YES or NO for the Local Improvement.
 - d) The petition package and documents with a stamped return envelope will be sent by mail to the Owners representing each Property.
 - e) The petition shall give Owners at least 30 days to respond.

Approval of the Petition

- 9.7. Where Council considers carrying out a Local Improvement on the basis of a petition, such Charges would be considered only where there is at least Majority Approval.
- 9.8. The Properties representing at least 2/3 of the methodology used for the Charge must be in favor of the petition. For example,
- (a) if the Charge is based on the area of the Property, the Properties representing at least 2/3 of the area would have to vote in favor;
 - (b) if the Charge is based on the assessed value of the Property, the Properties representing at least 2/3 of the assessed value would have to vote in favor;
 - (c) regardless of the methodology used for the Charge, the Owners representing at least 2/3 of the total Properties must be in favor for a petition.

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- 9.9. Successful petitions are considered to be valid for a period of 5 years from the date of approval by Council. Within that time frame, the validity of the petition is not affected by the number of times any Property may have changed Owners.
- 9.10. In the event that the information relied upon by Council or staff to assess whether a petition has received Majority Approval later proves to be wrong, the decision based upon such information shall be as valid as if the information were correct.
- 9.11. If the Town does not receive a response from the Owners by the petition deadline, the Owners will be deemed to have voted NO and not being in favor of the Local Improvement.
- 9.12. In circumstances where there is more than one Owner of a Property, the Property will be considered to be in favor of the Local Improvement when the majority (50 percent) of the Owners have voted "YES" for the Local Improvement.

Local improvement without a petition

- 9.13. Where a Local Improvement is approved by Council without a petition, Council shall, by policy, determine a suitable method for advising residents affected by the decision taken under this bylaw.
- 9.14. Where a request for a Local Improvement is made by one or more Property Owners collectively owning 100% of the Properties in the area to be affected by the Local Improvement, there shall be no need to follow the petition process set out in this bylaw and the Town may enter into an agreement with those Property Owners with respect to the carrying out and payment for the Local Improvement Charge and any matters incidental thereto.

Municipal contribution to local improvement

- 9.15. For Local Improvements on Streets owned by the Town, at its own discretion, Council may choose to make a financial contribution up to ten (10) percent towards the cost of the Local Improvement or in special circumstances a percentage higher than ten (10) percent at the discretion of Council.

10. LIEN

- 10.1. A Charge imposed pursuant to this bylaw constitutes a first lien on Property in the same manner and with the same effect as rates and taxes under the *Municipal Government Act* (Section 81(3)(f)).

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- 10.2. A Charge imposed pursuant to this bylaw is collectable in the same manner as rates and taxes and, at the option of the Treasurer, collectable at the same time and by the same proceedings, as rates and taxes.
- 10.3. The liens against the Property become effective on the earliest of the date on which the interim Charge is imposed or the Engineer files with the Treasurer a certificate that the improvement has been completed.
- 10.4. The lien provided for in this bylaw shall remain in effect until the Charge plus interest has been paid in full.
- 10.5. Where a Property subject to a lien is subdivided, the unpaid amount of the Charge plus interest shall be apportioned among the new subdivided lots according to the assessed value that the new lots have in relation to the total assessed value of the Property before subdivision.

11. INTEREST

- 11.1. Interest shall accrue on Charges outstanding from the due date forward, at a rate approved by Council. The due date is the date of completion or the date that installments are due if the annual payment option is available.

12. REPAYMENT OF THE CHARGE

- 12.1. At the option of the Owner(s) of a Property which is subject to a Charge, the Charge may be paid in either of the following ways:
- (a) by payment, in full, at the time of invoicing by the Municipality;
 - (b) by annual installments. In the event of default of payment of an installment, the whole balance shall become due and payable without notice or demand; or
 - (c) as otherwise set out in an agreement with the Property Owners.
- 12.2. The term of repayment shall be outlined in Schedule "A", in the wording of the approved petition or in the Council motion approving the project and, where applicable, in the agreement with the Town. Annual installments shall not exceed 25 years.
- 12.3. Where applicable, the Property Owner(s) shall have one month from the date of their initial notice of amounts owing, to notify the Treasurer, in writing, which financing option has been selected. If there is no written notification, the Property Owner(s) shall be deemed to have selected the annual payment option.

TITLE: LOCAL IMPROVEMENT BYLAW
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13. AMENDMENT TO THE BYLAW

13.1. Any amendment to this bylaw shall not affect existing projects outlined in Schedule “A” unless expressly intended to do so through an amendment to the Schedule.

14. REPEAL AND REPLACE

14.1. The previous version, and all other versions of the Bylaw, are repealed and replaced by this version.

Bylaw D-3 Adoption	
First reading:	
Notice of Publication:	
Second Reading and Enactment:	
Final Publication:	
Notice to Service Nova Scotia & Municipal Relations:	

VERSION LOG

Version Number	Amendment Description	Council Approval Date
	The Civic Improvement Charges Bylaw as approved by the Minister of Municipal Affairs on May 22, 1968 and all amendments thereto are repealed.	October 31, 1995
	The Local Improvement Bylaw as approved on October 31, 1995 and all amendments thereto are repealed.	

TOWN OF AMHERST

LOCAL IMPROVEMENT BYLAW

1. IN THIS BYLAW:

Interpretation

- a) "Local Improvement" means laying out, constructing, or improving streets, curbs, sidewalks, gutters, driveways, ramps, culverts, basins, catchbasin leads and extensions of the sewer and water systems within the public right of way; and
- (b) "Frontage" of a lot means the linear measurement of the property line which abuts a street.

Procedure

- 2. a) Any lot owner who wishes to have Council construct a local improvement within the street right-of-way in front of their property may present to Council a petition of those persons owning more than 50% of the frontage of the real property where the improvement is to take place and who are also prepared to participate in cost sharing the work to be done.
- b) Upon receiving a petition, Council will have estimates of the costs prepared, following which each affected property owner will receive a notice by registered mail describing the work to be done, the total cost and the cost to each property owner. The property owner will be asked to respond in favour or against the local improvement within 7 days.
- c) If persons owning more than 50% of the affected frontage agree, the project will proceed.

Charges

- 3. The Town will charge to the lot owners fronting on a street a local improvement charge for any local improvements constructed by the Town on that street as follows:
 - a) All costs to service undeveloped Town owned streets or right of ways;
 - b) All costs to install new curbing on existing streets; and
 - c) All costs to construct new sidewalks will be shared by abutting property owners on each side of the street and may be shared 50% by the Town should Council decide the new sidewalk is beneficial to residents who do not live on the street in question,

in accordance with the following formula:

$$\frac{(T.C. - F.C.) \times P.P.F.}{T.P.F.} = D.L.S.I.C.$$

where:

- T.C. = Total cost of improvement;
- F.C. = Total financial contributions of Federal, Provincial or Municipal governments;
- T.P.F. = Total property frontages to be taken into account;
- P.P.F. = The particular property frontage; and
- D.L.S.T.C. = The designated local street improvement charge for that particular property.

Lien on Property

- 4. A local improvement charge imposed under this bylaw shall constitute a lien upon the lots affected and is collectible in the same manner as rates and taxes on real property collected pursuant to the Assessment Act of Nova Scotia.

Terms of Payment

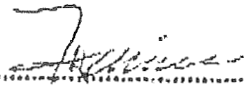
- 5. a) A local improvement charge on a property shall be payable by five equal annual payments of principal plus accrued interest, the first payable on receipt of notice of the charge, and the other payments on the anniversary date on which notice of the charge is mailed to the assessed owner of the lot by the Town.
- b) Interest shall accrue on the local improvement charge commencing thirty (30) days after the date on which notice of the local improvement charge is mailed to the assessed owner of the lot and shall be calculated at the interest rate established annually by the Town Council for arrears of real property taxes.
- c) A lot owner may prepay the whole or a portion of a local improvement charge without any penalty being charged by the Town.

Repeal

- 6. The Civic Improvement Charges Bylaw as approved by the Minister of Municipal Affairs on May 22, 1968 and all amendments thereto are repealed.

I, Fred W. Haines, Town Clerk of the Town of Amherst, do hereby certify that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Town Council of the Town of Amherst duly convened and held on the 16th day of October A.D., 1995.

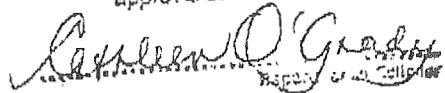
GIVEN under the hand of the Town Clerk and under the corporate seal of the said Town this 31st day of October A.D., 1995.



TOWN CLERK

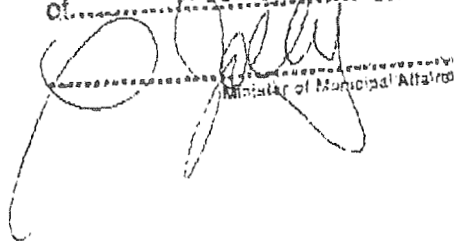
DEPARTMENT OF MUNICIPAL AFFAIRS

Recommended for approval of the Minister



Kathleen O'Grady
Deputy Minister

APPROVED this 17th day
of November 1995



Minister of Municipal Affairs

SYNOPSIS

Bylaw Respecting Discharge into Public Sewers D-3

As part of the policy and bylaw review process, this bylaw has been reviewed by staff and some changes are being recommended.

The objective of the wastewater discharge bylaw is to protect the Town's sewer infrastructure and to protect the environment. Any discharge of wastewater that exceeds the parameters set forth in the bylaw has the potential to cause damage to sewer infrastructure, create treatment problems, or harm the environment.

The recommended amendments to the bylaw will help provide clarity on the intent and interpretation of the bylaw. The parameters within the bylaw are not being recommended for change.

MOTION:

That Council give first reading of the amendments to the Bylaw Respecting Discharge into Public Sewers D-3.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Aaron Bourgeois, Director of Operations

DATE: March 27, 2023

SUBJECT: Bylaw Respecting Discharge into Public Sewers D-3

ORIGIN: A complete policy and bylaw review is a one of Council's strategic priorities.

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

RECOMMENDATION: That Council give first reading of the amendments to the Bylaw Respecting Discharge into Public Sewers D-3.

BACKGROUND: This purpose of the wastewater discharge bylaw is to protect the Town's sewer infrastructure, which include the sewer lines, sewage pump-stations and the wastewater treatment plant. Any wastewater discharge in excess of the parameters set forth in the bylaw have the potential to cause damage to sewer infrastructure and create treatment problems.

DISCUSSION: Upon review, staff are recommending the following amendments to the wastewater discharge bylaw:

New Section

2. PURPOSE

- (1) This Bylaw outlines the controls for connections and discharges to public sewer systems. The objectives of the Bylaw are to:
- (a) Protect the sewer collection system from corrosion, damage, and obstruction
 - (b) Protect the wastewater treatment process from upset
 - (c) Protect the public, municipal workers, and property from hazardous conditions
 - (d) Protect the environment

Definition section amended

- (b) "Building Service Connection" means any piping system which conveys sewage or liquid waste from the buildings on any property to a public sewer;

The proposed changes help to provide clarity on the intent and interpretation of the bylaw.





AMHERST TOWN COUNCIL

RFD# 2023033

Date: March 27, 2023

FINANCIAL IMPLICATIONS: There are no financial implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications to amending this bylaw.

COMMUNITY ENGAGEMENT: There is no community engagement required at this time. A notice advertising Council's intent to give second reading will appear in a local newspaper.

ALTERNATIVES:

Direct staff to make additional changes to the bylaw.
Do approve the proposed amendments to the bylaw.

ATTACHMENTS:

Bylaw Respecting Discharge into Public Sewers Bylaw D-3.

Report prepared by: Aaron Bourgeois, Director of Operations
Report and Financial approved by:



TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONS
BYLAW NO: D-3

APPROVAL DATE:

CAO Signature: _____

1. SHORT TITLE

- (1) This Bylaw shall be known as Bylaw Number D-3, and may be cited as the “Wastewater Discharge Bylaw.”
- (2) The previous and all other versions of the Wastewater Discharge Bylaw are repealed and replaced by this version.

2. PURPOSE

- (1) This Bylaw outlines the controls for connections and discharges to public sewer systems. The objectives of the Bylaw are to:
 - (a) Protect the sewer collection system from corrosion, damage, and obstruction
 - (b) Protect the wastewater treatment process from upset
 - (c) Protect the public, municipal workers, and property from hazardous conditions
 - (d) Protect the environment

3. DEFINITIONS

- (1) In this Bylaw:
 - (a) “Biochemical Oxygen Demand” (BOD) means the quantity of oxygen utilized, expressed in milligrams per litre, in the biochemical oxidation of matter within a 120-hour period at a temperature of 20 degrees centigrade, as determined by procedures set forth in “Standard Methods”;
 - (b) “Building Service Connection” means any piping system which conveys sewage or liquid waste from the buildings on any property to a public sewer;
 - (c) “Chemical Oxygen Demand” (COD) means the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedure, expressed in milligrams per litre, as determined by procedures set forth in “Standard Methods”
 - (d) “Combined sewer” means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
 - (e) “Council” means the municipal council of the Town of Amherst;

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- (f) “Discharge” means to discharge, release, permit or cause to be discharged into the municipal wastewater facilities or stormwater system;
- (g) “Discharger” means the owner, occupant or person who has charge, management or control of effluent, sewage, stormwater, uncontaminated water or any combination thereof, which is discharged into the municipal wastewater facilities;
- (h) “Engineer” means the Municipal Engineer for the Town of Amherst and includes a person acting under the supervision and direction of the Engineer;
- (i) “Fuel” includes alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;
- (j) “Grease” means total oil and grease extracted from aqueous solution or suspension according to the 4 laboratory procedure set forth in “Standard Methods” and includes, but is not limited to, hydrocarbons, esters, oils, fats, waxes, and high molecular fatty acids;
- (k) “Hauled wastewater” means any wastewater transported to and deposited into any location in the municipal wastewater facilities;
- (l) “Heat pump” means is a device that provides heat energy from a source of heat to a living or working space. Heat pumps are designed to move thermal energy opposite to the direction of spontaneous heat flow by absorbing heat from a cold space and releasing it to a warmer one. For purposes of this bylaw a heat pump refers to a water to air heat pump device, which is a device that extracts heat from a groundwater source to be used to heat a residential or commercial space.
- (m) “Industrial, commercial or institutional” includes or pertains to industry, manufacturing, commerce, trade, business, or institutions, as distinguished from domestic or residential;
- (n) “Inspector” means a person authorized by the Town of Amherst to carry out observations and inspections and to take samples as prescribed in this bylaw;
- (o) “Leachate” includes any liquid that has percolated through solid waste and has extracted dissolved or suspended materials from it, including the liquid produced from the decomposition of waste materials and liquid that has entered the waste

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material from external sources including surface drainage, rainfall and groundwater;

- (p) “Municipality” means the Town of Amherst;
- (q) “National Building Code of Canada” (N.B.C.) applies to the construction of buildings including extensions, substantial alterations, buildings undergoing a change of occupancy, and upgrading of buildings to remove an unacceptable hazard. The NBC is prepared by the Canadian Commission on Building and Fire Codes and is published by the National Research Council of Canada;
- (r) “Pathological waste” includes those fluids or materials which may contain pathogens of human or animal origin;
- (s) “Pesticides” includes any substance that is a pest control product within the meaning of the “Pest Control Products Act” (Canada) or a fertilizer within the meaning of the “Fertilizers Act” (Canada) that contains a pest control product;
- (t) “pH” means the measure of the intensity of the acid or alkaline condition of a solution determined by the hydrogen ion concentration of the solution in accordance with the “Standard Methods”;
- (u) “Phenolic compounds” means hydroxyl derivatives of benzene and its condensed nuclei;
- (v) “Sewage” means the combination of liquid and water carried wastes from buildings, containing animal, vegetable or mineral matter in suspension or solution, together with such groundwater, surface water or stormwater as might be present;
- (w) “Sewer” means a pipe or conduit for carrying sewage, groundwater, stormwater or surface runoff, and includes all sewer drains, storm sewers, Clearwater sewers, storm drains and combined sewers vested in, or under the control of, the municipality;
- (x) “Sewage System” means all pipes, mains, equipment, buildings, and structures for collecting, pumping or treatment of wastewater and operated by the municipality, but does not include a storm sewer;
- (y) “Standard Methods” means Standard Methods for the examination of water and wastewater by the utilization of analytical and examination procedures provided in

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the edition current at the time of testing, published jointly by the American Public Health Association and the American Water Works Association or any publication by or under the authority of the Canadian Standards Association for the testing of water and waterworks to determine water quality standards;

- (z) “Storm Sewer” means a sewer that carries stormwater and surface runoff water, excluding sewage;
- (aa) “Stormwater” means water from precipitation of all kinds, and includes water from the melting of snow and ice, groundwater discharge and surface water that meets the pollution limits of Table 1 Section 3-4;
- (bb) “Stormwater system” means a method or means of carrying stormwater including, but not limited to, those ditches, swales, storm sewer retention ponds, streets or roads that are owned by the municipality;
- (ab) “Suspended Solids” means the insoluble matter suspended in wastewater that is separable by laboratory filtration as determined by procedures set forth in Standard Methods”;
- (ac) “Total Kjeldahl Nitrogen” (TKN) means organic nitrogen;
- (ad) “Uncontaminated water” means potable water or any other water to which no matter has been added as a consequence of its use;
- (ae) “Waste” means any material discharged into the sewage system;
- (af) “Wastewater” means any liquid waste containing animal, vegetable, mineral or chemical matter in solution or suspension carried from any premises;
- (ag) “Wastewater Facilities” means the structure, pipes, devices, equipment, processes, or other things used, or intended, for the collection, transportation, pumping or treatment of sewage and disposal of the effluent.

4. PROHIBITED DISCHARGE TO WASTEWATER FACILITIES

- (1) No person shall discharge, into wastewater facilities, sewage or wastewater which causes or may cause or results or may result in:
 - (a) A health or safety hazard;
 - (b) Obstructions or restrictions to the flow in the wastewater facilities;

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- (c) An offensive odour, toxic emission, or poisonous vapour to emanate from wastewater facilities, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, mercaptans, carbon disulphide, other reduced sulphur compounds, amines, or ammonia in such quantity that may cause an offensive odour;
 - (d) Damage to wastewater facilities;
 - (e) Interference with the operation and maintenance of wastewater facilities;
 - (f) A restriction of the beneficial use of sludge from the municipality's wastewater facilities;
 - (g) Effluent from municipal wastewater facilities to be in violation of any Provincial or Federal Acts or Regulations.
- (2) No person shall discharge, into wastewater facilities, sewage, or wastewater with any one or more of the following characteristics:
- (a) A pH less than 5.5 or greater than 9.5;
 - (b) Two or more separate liquid layers
 - (c) A temperature greater than sixty-five (65) degrees Celsius.
- (3) No person shall discharge, into wastewater facilities, sewage or wastewater containing one or more of the following:
- (a) Combustible liquid;
 - (b) Fuel;
 - (c) Hauled sewage or hauled wastewater, except where written permission from the municipality has been obtained;
 - (d) Ignitable waste including but not limited to, flammable liquids, solids, and/or gases, capable of causing or contributing to explosion or supporting combustion in wastewater facilities;
 - (e) Detergents, surface-active agents, or other substances that may cause excessive foaming in the wastewater facilities;
 - (f) Sewage containing dyes or colouring materials which pass through wastewater facilities and discolour the wastewater facility or effluent;
 - (g) Material that, when combined with other wastes, reacts to form a highly coloured stream;
 - (h) Material containing polychlorinated biphenyls (PCBs);
 - (i) Pesticides, herbicides or xenobiotics;
 - (j) Reactive materials;
 - (k) Radioactive substances;
 - (l) Leachate, except where the discharger has written permission from the municipality;

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- (m) Pathological waste in any quantity;
 - (n) Animal wastes from tanning operations;
 - (o) Viscous or solid matter (i.e., ashes, cinders, sand, clay, wood, plastics, etc.) that may cause obstructions of flow or interference with the sewage operation.
- (4) No person shall discharge, into wastewater facilities, sewage or wastewater containing a concentration in excess of any of the limits set out in Table 1:

Table 1 – Concentration Limits – Wastewater Facilities

Substance	Milligrams per Liter
Aluminum, Total	50
Antimony, Total	5
Arsenic, Total	1
Barium, Total	5
Benzene	0.01
Beryllium, Total	5
Biochemical Oxygen Demand	300
Bismuth, Total	5
Cadmium, Total	0.1
Chemical Oxygen Demand	1000
Chlorides	1500
Chloroform	0.05
Chromium, Total	4
Cobalt, Total	5
Copper, Total	1
Cyanide, expressed as HCN Total	2
1,2 - Dichlorobenzene	0.1
1,4 – Dichlorobenzene	0.1
Cis – 1,2 – Dichloroethylene	4.0
Trans – 1,3 – Dichloropropylene	0.15
Ethylbenzene	0.15
Fluoride expressed as F	10
Iron, Total	50
Lead, Total	1
Manganese, Total	5
Mercury, Total	0.01
Methylene chloride	0.2
Substance	Milligrams per Liter
Molybdenum, Total	5

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Nickle, Total	2
Oil & Grease – mineral or synthetic in origin	15
Oil & Grease – animal or vegetable in origin	100
o-Xylene	0.5
Phenolic Compounds (4AAP)	1
Phosphorus, Total	10
Selenium, Total	1
Silver, Total	2
Sulphates Expressed as SO ₄	1500
Sulfides expressed as H ₂ S ₂	2
Suspended Solids, Total	350
1,1,2,2 – Tetrachloroethane	1.0
Tetrachloroethylene	1.0
Tin, Total	5
Titanium, Total	5
Toluene	0.01
Total Kjeldahl Nitrogen	100
Trichloroethylene	1.0
Vanadium, Total	5
Xylenes, Total	1.5
Zinc, Total	2

* A reference to “Total” in this table denotes total concentrations of all forms of the metal and ion including both particulate and dissolved species.

- (5) No person shall discharge, into wastewater facilities sewage or wastewater under circumstances where water has been added for the purpose of dilution to achieve compliance with Sections 4(2) and 4(4).
- (6) No person shall discharge into wastewater facilities any effluent from a heat pump that extracts heat from a groundwater source.
- (7) No person shall discharge cooling water or uncontaminated water to wastewater facilities unless the discharge has been permitted by the municipality.
- (8) Compliance with any limit is not attainable by dilution.

5. DISCHARGE TO STORMWATER SYSTEM

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- (1) Except as otherwise provided in this bylaw, no person shall discharge, release, place or cause to be placed, any substance other than stormwater or uncontaminated water into a storm sewer.

6. GREASE, OIL, SEDIMENT, SAND TRAPS OR INTERCEPTORS

- (1) Grease, oil, sediment and sand traps or interceptors shall be installed in all food service facilities, and car or truck washes or any discharge when, in the opinion of the municipality, such a device is necessary for the proper handling and control of wastewater being discharged to the municipal wastewater facilities.
- (2) Traps or interceptors shall be installed such that they are easily accessible for all aspects of cleaning and inspection.
- (3) Traps or interceptors shall be maintained by the owner or operator in a condition of continuous efficient operation at the owner's expense.
- (4) No retained or trapped oil, grease, sediment, sand, silt, or other matter in any form shall be allowed to pass from the installed trap or interceptor into the wastewater facilities; removal of retained or trapped materials shall be achieved by pumping or other physical means and shall be hauled away and disposed of as required by law.
- (5) Whenever an inspection of an installed trap or interceptor results in a written notice for action on the part of the person(s) responsible for the installed device, such action shall be completed within the compliance period granted by the written notice.
- (6) The owner or operator of an establishment shall provide the municipality, upon request, with the frequency of inspection and maintenance of any installed grease, oil, sediment and sand traps or interceptors as well as information as to the disposal method employed and location of hauled waste material.
- (7) Any reasonable request for inspection by the municipality shall be granted by the owner or operator of the establishment.

7. SPILLS

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- (1) Every person who discharges, deposits, causes, or permits the discharge or deposit of any matter in any sewer that in nature or quantity is not in the ordinary course of events shall forthwith notify the Municipality.
- (2) For any discharge in Subsection 7(1) the information with the notification shall include:
 - a. Name of Company and civic address of the spill;
 - b. Name of the person, including contact numbers, reporting the event;
 - c. Particulars on the spill:
 - a. Time
 - b. Type and volume of the material discharged
 - c. Potential hazard of the material discharged\
 - d. Corrective actions being taken to control the spill
- (3) Within 5 days of the spill a detailed report describing the cause and actions taken is to be submitted to the Municipality. The report shall include preventative and corrective actions to prevent a recurrence.

8. REPORTING REQUIREMENTS

- (1) No industrial, commercial, or institutional discharger shall discharge sewage, wastewater, cooling water, uncontaminated water or any combination thereof, to wastewater facilities without first submitting to the Engineer of the Municipality the following completed reports:
 - a. The “Short Version of the Discharger Information Report” attached as Form 1; and
 - b. The “Complete Discharger Information Report” attached as Form 2 where, in the opinion of the Engineer, the discharge may have a significant impact on the wastewater facilities, and the municipality has notified the discharger that completion of the report is required; or where the discharger has or requires an extra strength or large volume surcharge agreement with the municipality.
- (2) If a discharger has been discharging to wastewater facilities prior to the enactment of this bylaw, the discharger shall comply with the requirements set out in subsection 7(1) within 30 days of receipt of written notice from the Engineer.
- (3) The discharger shall provide written notification to the municipality of any changes to the information filed pursuant to subsections 6(1) and 6(2) within 60 days of the change.

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9. DISCHARGER SELF-MONITORING

- (1) The discharger shall undertake the monitoring or sampling of any discharge to the wastewater facilities as may be required by the Engineer, and provide the results in accordance with written notice from the Engineer.
- (2) The obligations set out in or arising out of subsection 8(1) shall be completed at the expense of the discharger.

10. EXTRA STRENGTH AND VOLUME SURCHARGE AGREEMENT

- (1) Where large volumes of sewage, extra strength sewage or wastewater is discharged to wastewater facilities, the municipality may enter into a surcharge agreement with a discharger permitting exceedances of the limits set out in subsection 4(4), including, but not limited to, any one or more of the following:
 - a. Biochemical oxygen demand;
 - b. Solvent extractables – animal or vegetable in origin;
 - c. Total kjeldahl nitrogen;
 - d. Phosphorous, total;
 - e. Suspended solids, total; or
 - f. Large volumes.
- (2) The agreement may include terms and conditions under which the discharge is permitted and the method by which the municipality shall recover costs incurred by the pumping and treatment of the wastewater.
- (3) During the term of the agreement, the discharger shall be exempt from meeting the limits set out in subsection 4(4) for the parameter(s) included in the agreement, if all conditions stipulated in the agreement are met.
- (4) Notwithstanding subsection 9(1), where a discharger has entered into an extra strength surcharge or large volume agreement, any anticipated change in the information provided pursuant to Section 6 must be submitted to the municipality prior to the change to allow an assessment of the impact of the change on the agreement.
- (5) The municipality may terminate the agreement at any time and the termination shall be effective within 30 days of the delivery of a written notice to the discharger's site or head office.

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- (6) As part of the agreement the municipality may require the discharger to provide a Control Service Access as outlined in Section 13 of this bylaw.

11. COMPLIANCE AGREEMENT

- (1) Where the discharger, at the coming into force of this bylaw, is out of compliance with one or more conditions in Section 4, the municipality may enter into a compliance agreement with a discharger to provide a plan for achieving compliance with the bylaw within a specified time.
- (2) The agreement shall:
- a. Be for a fixed term;
 - b. Contain reporting requirements to the Engineer on significant stages in the progress towards compliance as determined by the municipality; and
 - c. Include a maximum interim limit for the parameter or parameters covered by the agreement.
- (3) During the term of the compliance agreement, the discharger shall be exempt from those parts of Section 4 specified in the compliance agreement provided that all of the conditions of the agreement are met by the discharger prior to the expiry of the agreement.
- (4) The agreement may be terminated with 48 hours' notice by the municipality at any time where the terms and conditions of the agreement are not being met.
- (5) As part of the agreement the municipality may require the discharger to provide a Control Service Access as outlined in Section 13 of this bylaw.

12. SAMPLING AND ANALYTICAL REQUIREMENTS

- (1) Where the Engineer determines that monitoring of any discharge to the wastewater facilities is required, the owner or operator of industrial, commercial, or institutional premises may be required to monitor, analyse, and report to the Engineer the results of the monitoring program at the owner's expense.
- (2) The Engineer may specify specific time periods for collection of samples and analytical requirements based on practices of the business, as required.

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- (3) The Engineer may from time to time enter any premises and conduct such tests as deemed necessary.
- (4) All tests, measurements, analysis, and samples handling shall be carried out in accordance with “Standard Methods” and by a laboratory certified by the Canadian Association of Environmental Laboratories.

13. CONTROL SERVICE ACCESS

- (1) The Engineer may require the installation of a control service access or the upgrading of an existing control service access, for each connection to the wastewater facilities for the purpose of monitoring or sampling discharges.
- (2) A control service access required under subsection 13(1) shall be:
 - a. Located on the property of the discharger unless the municipality permits an alternative location;
 - b. Constructed and maintained at the expense of the discharger;
 - c. Accessible at all times by the municipality;
 - d. Constructed in a manner which meets the standards of the municipality; and
 - e. Maintained to ensure access and structural integrity.

14. GENERAL

- (1) For the purpose of the administration of this bylaw, the Inspector may, upon production of his identification, enter any industrial premises and have free unimpaired access, to observe and measure the flow of wastewater to any sewer and to collect any samples required at reasonable times upon reasonable notice.
- (2) No person shall break, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, deface or tampering with:
 - a. Any part of the sewage system or storm sewer system; or
 - b. Any permanent or temporary device installed in the sewage system or storm sewer system for the purpose of measuring, sampling, and testing of wastewater.
- (3) No work shall be carried out on any sewer other than by the authority of the Municipal Engineer.

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- (4) The Council shall have the power to stop and close up and prevent from discharging into the sewage system, any private sewer or drain through which substances are discharged or into which substances are thrown, deposited, or supposed to be put, prohibited by this bylaw or which are liable to injure the sewers or obstruct the flow of sewage.
- (5) The Council shall not cause any sewer to be closed up pursuant to this subsection unless the owner of the sewer is first notified and given an opportunity to be heard by the Council.

15. INSTALLATIONS

The Town shall provide all installations required for the connections within the rights-of-way of the Town streets when:

- a. The owner pays the connection charge provided in Section 18 hereof, and
- b. The property fronts on a street in which there is a sewer main.

16. REQUIREMENTS

- (1) Size, slope, alignment, materials of construction of the building sewer and the methods to be used in excavating, placing the pipe, jointing, testing, backfilling the trench and the connection to the public sewer, shall all conform to the requirements of the Town as they may exist at the time of installation.
- (2) All building sewers shall incorporate an effective backwater valve.

17. ELEVATION

- (1) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.
- (2) In all buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drains shall be lifted by an approved means and discharged to the building sewer.

18. FEES

The owner of every property fronting on any street in which there is a public sewer and which has been or may hereafter be connected with a public sewer by a building service connection from said house, shall pay to the Town the amount as set out in the Town's Annual Review of User Fees Policy, 03470-03

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19. PENALTY

- (1) Any person who contravenes any provision of this bylaw shall be liable upon summary conviction for every such offence to a penalty of not less than five hundred dollars (\$500.00) and not exceeding fifty thousand dollars (\$50,000.00) or in default of payment, to imprisonment for a term not exceeding ninety days and each day that the offence continues shall constitute a new offence.

- (2) Any person alleged to have violated this bylaw, who is given notice of the alleged violation and where the said notice so provides for payment, may pay a penalty in the amount of five hundred dollars (\$500.00) to the TOWN OF AMHERST provided that said payment is made within a period of 14 days following the day on which the alleged violation was committed, and said payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.

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Bylaw Respecting Discharge into Public Sewers D-3 Adoption	
First reading:	
Notice of Intent:	
Second Reading and Enactment:	
Final Publication:	
Notice to Service Nova Scotia & Municipal Relations:	

VERSION LOG

Bylaw Owner	Amendment Description	Council Approval Date
Director of Operations, Bourgeois	Amended to prohibit effluent from heat pumps to be discharged into the Town's sewage system, and housekeeping amendments	

**Town of Amherst Pollution Prevention Program
Discharger Information Report
(Form 1)**

1. General Information

(Company Name, Corporation, Owner)

(Telephone Number)

(Fax Number)

(Mailing Address)

(Postal Code)

Location of Premises:

(Street Name, Number, Block Number, Unit Number)

Company Officer responsible for waste effluent control:

(Name)

(Title)

(Telephone Number)

2. Product or Service Information

(a) Number of Employees: _____
Plant: _____ Office: _____

(b) Number of shifts per day: _____ Number of days per week: _____

(c) What are your principal products produced or services rendered:

(a) Provide a brief description of your manufacturing or service activities:

3. Waste Characteristics and Disposal

(a) Please list the types and volumes of chemicals used in your manufacturing process and/or stored on site.

Chemicals:

Quantities:

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

(b) Please list the type of chemicals, cooling water or other waste materials that are discharged to the sanitary sewer.

(c) Is your wastewater subjected to any type of treatment before discharge into the sewer system? Please describe the treatment provided to the wastewater.

(d) Has your company sampled and analysed wastewater that is discharged to the sewer system? If yes, please provide details and attach a copy of any available sample information.

Name of person submitting report:

(Name)

(Title)

(Date of Completion)

Town of Amherst Pollution Prevention Program

Discharger Information Report
(Form 2)

1. General Information

(Company Name, Corporation, Owner)

(Telephone Number)

(Fax Number)

(Mailing address) (Postal Code)

Location of Premises:

(Street Name, Number, Block Number, Unit Number)

Company Officer responsible for waste effluent control:

(Name)

(Title)

(Telephone Number)

2. Product or Service Information

- (a) What are your principal products produced or services rendered:
- _____
- _____
- _____

(a) Provide a brief description of your manufacturing or service activities:

(b) Standard Industrial or Canadian Codes (SIC) of those products produced:

Indicate if these are () SICs, or Canadian () SICs.

(c) Provide a brief description of the process(es) used in the manufacturing or servicing:

(d) Number of employees:

Plant: _____ Office: _____

(e) Number of shifts per day: _____ Number of shifts per week: _____

(f) Please indicate if major processes are:

() Batch () Continuous () Both

(g) Is the production subject to seasonal variation: () yes () no

If yes indicated, briefly describe your seasonal production cycle:

3. Waste Characteristics

(a) List all sources of water supply:

Municipal water	_____
Private well water	_____
Hauled water	_____
Other sources (Describe)	_____

(b) Type of waste water discharged: (please check all that apply)

<input type="checkbox"/> Sanitary sewage	Estimated volume: _____ m ³ /day
<input type="checkbox"/> Non-contact cooling water	Estimated volume: _____ m ³ /day
<input type="checkbox"/> Contact cooling water	Estimated volume: _____ m ³ /day
<input type="checkbox"/> Process water	Estimated volume: _____ m ³ /day
<input type="checkbox"/> Others	Estimated volume: _____ m ³ /day

(c) Wastewater is discharged to: (please check all that apply)

<u>Location</u>	<u>Estimated Volume</u>
<input type="checkbox"/> Sanitary # 1	_____ m ³ /day
<input type="checkbox"/> Sanitary # 2	_____ m ³ /day
<input type="checkbox"/> Storm sewer # 1	_____ m ³ /day
<input type="checkbox"/> Storm sewer # 2	_____ m ³ /day
<input type="checkbox"/> Surface water, pond, creek, river etc.	_____ m ³ /day
<input type="checkbox"/> Storage tank	_____ m ³ /day
<input type="checkbox"/> Ground water or well	_____ m ³ /day

Liquid waste hauler - please indicate company used and disposal site if known.

4. Pre-treatment and Disposal

Pre-treatment devices or processes used for treating wastewater or sludges before discharge to the sewer system. (Please check as many as is appropriate):

- | | |
|---|--|
| <input type="checkbox"/> Air floatation | <input type="checkbox"/> Screening |
| <input type="checkbox"/> Centrifuge | <input type="checkbox"/> Sedimentation |
| <input type="checkbox"/> Chemical Precipitation | <input type="checkbox"/> Septic Tank |
| <input type="checkbox"/> Chlorination | <input type="checkbox"/> Solvent Separation |
| <input type="checkbox"/> Cyclone | <input type="checkbox"/> Spill Protection |
| <input type="checkbox"/> Filtration | <input type="checkbox"/> Sump |
| <input type="checkbox"/> Flow Equalization | <input type="checkbox"/> Biological Treatment |
| <input type="checkbox"/> Grease or Oil Separation,
type: _____ | type: _____ |
| <input type="checkbox"/> Grease Trap | <input type="checkbox"/> Rainwater Diversion or Storage
type: _____ |
| <input type="checkbox"/> Grit Removal | <input type="checkbox"/> Other Chemical Treatment
_____ |
| <input type="checkbox"/> Ion Exchange | <input type="checkbox"/> Other treatment
type: _____ |
| <input type="checkbox"/> Neutralization, Ph correction | <input type="checkbox"/> No Pre-treatment Provided |
| <input type="checkbox"/> Ozonation | |
| <input type="checkbox"/> Reverse Osmosis | |

(a) Describe in detail the treatment process for your waste streams:

(b) Provide a flow diagram of your Pre-treatment Process in the space below:

(c) Provide a description of the identified pre-treatment facilities and operating data

(d) Describe how solids are handled, stored and disposed.

(e) Describe any current operational problems or required shutdowns of pre-treatment facilities that may affect the quality of wastewater discharged to the sewer system.

(f) Is sludge generated from the pre-treatment process: () yes () no
If yes, please describe the treatment and disposal method for sludge removal,

(g) Do you recover any chemicals from your wastewater: () yes () no
If yes, please explain

5. Pollutant Information (Sewer Discharge)

- (a) Please indicate in the appropriate location whether the chemical parameter is known, or suspected to be present in each waste stream leaving your facility.

Sewer Discharge Characteristics

Parameter	Known present	Suspected present	Concentration (mg/l)
Antimony			
Arsenic			
Bismuth			
BOD			
Cadmium			
Chromium			
Cobalt			
Copper			
Cyanide			
Kjeldahl			
Lead			
Manganese			
Mercury			
Molybdenum			
Nickel			
Oil/Grease (A/V)			
Oil/Grease (M/S)			
Phenolics			
Phosphorus			
Selenium			
Silver			
Tin			

Titanium			
TSS			
Vanadium			
Zinc			

6. Pollutant Information (No discharge)

- (a) List pollutants or chemicals that have the potential to enter either sanitary or storm sewers due to accidental spills, machinery malfunctions or process upsets:

- (b) Does your Company have any existing agreements with the Municipality, former municipalities or the Province regarding wastewater discharged to the sanitary or storm sewers?

- (c) Does the Company have any flow measurement or sampling equipment available?

- (d) Has the Company ever conducted sampling and analysis of wastewater discharged to either the sanitary or storm sewer system? If so, please provide as an attachment to this report any copies of analysis that are available.

Name of person submitting report:

Town of Amherst Representative

(Name)

(Title)

(Date of Completion)

Authorized Company Representative

I have reviewed this report.

(Name)

(Title)

(Date of Completion)

SYNOPSIS

Mobile Vending Bylaw Amendments

The current Town of Amherst Mobile Vendors on Streets and Sidewalks By-Law was developed in September of 1998. This by-law was designed to deal with mobile vendors on public streets, sidewalks, public parking areas and parks, and provided a mechanism for regulating such activities including an application and approval process.

While there are many changes being made to the bylaw, the overall intent remains the same. Most changes are house keeping in nature, such as updating job titles and adding definitions where appropriate. Restrictions are also added to regulate safety in regards to vehicle traffic and parking as well as fire safety issues. Neither the original nor amended bylaw regulate vending on private property or during Town approved events / fundraisers.

In order to promote youth entrepreneurship, the amended bylaw allows the permit fee of \$200 to be waived for vending businesses owned and operated by the youth of our community.

MOTION:

That Council give first reading to the recommended amendments made to the Vending Bylaw.



AMHERST TOWN COUNCIL

RFD# 2023031

DATE: March 27, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Dwayne Pike, Chief of Police

DATE: March 27, 2023

SUBJECT: Mobile Vendors on Streets and Sidewalks By-Law Review

ORIGIN: Staff are completing a review of all Town of Amherst By-Laws and Policies to ensure they are relevant and updated appropriately. Every document is to be reviewed on a 4-year cycle. The Vending By-Law was reviewed as a result of this initiative.

LEGISLATIVE AUTHORITY: MGA Sections 47 and 48 authorize council to make, amend and repeal by-laws and policies.

RECOMMENDATION: That Council give first reading to the recommended amendments made to the Vending Bylaw.

BACKGROUND: The current Town of Amherst Mobile Vendors on Streets and Sidewalks By-Law was developed in September of 1998. This by-law was designed to deal with mobile vendors on public streets, sidewalks, public parking areas and parks, and provided a mechanism for regulating such activities including an application and approval process. In the current by-law, the application process is either approved by the Chief of Police when the request is to vend on public streets, parking areas or sidewalks. Permission to vend in public parks is granted by the Director of 'Parks, Recreation and Leisure Services'. The application fee is \$200. Vending is defined as "the sale and offering for sale of food, beverage or other merchandise in the public streets or sidewalks". This by-law does not apply to events/fundraisers approved by the town of Amherst where vendors are participating and registered in the event. It also does not apply to commercial businesses who may from time to time, sell merchandise directly in front of their business. The penalty for violating the vending by-law is a fine not exceeding \$500 or imprisonment not exceeding 30 days.

DISCUSSION: As a result of a review of this by-law, there are numerous recommendations for change, many of which are a result of comparisons with similar by-laws in other jurisdictions as well as changes in relation to liabilities and other concerns.

Changes include:

1. Removing the word “mobile’ from the title and name of the bylaw
2. Adding new definitions that include:
 - a. Vendor
 - b. Vending
 - c. Crosswalk
 - d. Mobile Canteen
 - e. Vehicle
3. Prohibiting vending within specific distances of fire hydrants, fire exit, driveways, police/fire stations, or crosswalks;
4. Prohibiting the use of loud speakers or devices to use attract the attention of the public;
5. Prohibiting the use of a mobile canteen or a stand where:
 - a. Parking is prohibited,
 - b. It creates an obstruction for vehicular or pedestrian traffic
 - c. It would place waiting customers in a roadway or in such a way as to obstruct a sidewalk
6. Use of a fuel fired appliance requires an inspection by the fire inspector prior to approval and must have the appropriate fire extinguisher on site
7. Numerous changes to the application which documents information on the equipment used. Information about the applicant and necessary approvals or applicable insurance
8. Vending permit issued by the town must be displayed
9. Penalty changed to a fine not exceeding \$1000 and deleted the default imprisonment portion.

FINANCIAL IMPLICATIONS: There are no financial implications to amending this by-law.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications to this decision.

ENVIRONMENTAL IMPLICATIONS: No environmental implications.

COMMUNITY ENGAGEMENT: No Community engagement at this time, a notice will appear in the local newspaper 14 days before Council gives second reading advising of their intent to do so.

ALTERNATIVES:

1. Direct staff to do a further review or make specific changes to this by-law
2. Do not make changes to the current Mobile Vendors on Streets and Sidewalks By-Law

ATTACHMENTS:

1. Town of Amherst Vending By-Law Draft and proposed application;
2. Current Mobile Vendors on Streets and Sidewalks By-law

Report prepared by: Dwayne Pike, Chief of Police
Report and Financial approved by:

**TOWN OF AMHERST
A BY-LAW PROVIDING FOR
VENDORS ON STREETS AND SIDEWALKS**

This by-law shall be known as, and may be cited as the **Vending By-Law**

1. In this by-law all words have the usual meaning from dictionaries of the English language except for the following:
 - a. "Vendor" means the owner, agent, operator or employee of a vending service
 - b. "Vending" means the sale or offering for sale outside an enclosed building of:
 - i. Food, beverages or other merchandise, unless they are immediately delivered to a residence or shop by the person selling them;
 - ii. Services, unless they are provided in a building
 - c. "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of curb lines or the edge of a roadway and property lines at intersections or any portion of a roadway clearly indicated for pedestrian crossings by lines or other markings on the road surface.
 - d. "Mobile canteen" means a motorized vehicle used for the display, preparation or sale of food by a mobile vendor
 - e. "Vehicle" means any vehicle required to be licensed and registered pursuant to the **Nova Scotia Motor Vehicle Act** as well as any vehicle propelled by human power, whether required to be licensed or not
2. No person shall vend in the Town of Amherst on a public street, sidewalk, public parking area or park without having obtained permission from the Town of Amherst
 - a. Subject to sub-section 2(b) this by-law does not apply to a vendor who is also the occupier of a commercial premises in the town to which access is gained directly from the sidewalk and in respect of which the vendor is assessed a business occupancy tax, and who vends from a location in the sidewalk immediately in front of the premises
 - b. A person who vends pursuant to this section shall not obstruct pedestrian or other traffic on the sidewalk or street.
 - c. This by-law does not apply to events that are fund raisers approved by the Town of Amherst where permission has been obtained from the Town Clerk by the events organizers for vendors who are participating in the events and registered with the event organizers;
3. No vendor shall:
 - a. Leave any stand unattended;
 - b. Store, park or leave any stand overnight on a street or sidewalk;
 - c. Sell food or beverage for immediate consumption unless they have available their own or a public litter receptacle
 - d. Leave any location without first picking up, removing and disposing of all trash or refuse from their immediate location;
 - e. Solicit or conduct business with persons in motor vehicles; or
 - f. Vend within 75 feet of any restaurant unless permission is obtained from that commercial enterprise
 - g. Vend within 3 meters of a fire hydrant or a fire exit

- h. Vend in public places within 10 meters of any driveway entrance to a police or fire station or within 3 meters of any driveway entrance
- i. Vend within 3 meters of any crosswalk
- j. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry their wares to the disturbance of the public
- k. When vending from a mobile canteen:
 - i. Vend when the mobile canteen is situated in a no-parking area or in an area where parking is prohibited at that time;
 - ii. Vend where the mobile canteen obstructs a roadway, sidewalk or a crosswalk
 - iii. Vend in such a place that waiting customers are standing in a roadway or obstructing a sidewalk
- l. When vending from a stand:
 - i. Vend from a stand situated in a roadway, unless the stand is a pedal stand
 - ii. Vend as to obstruct the traffic of pedestrians
 - iii. Vend in such a place that waiting customers are standing in a roadway or obstructing a sidewalk
- 4. Any stand or mobile canteen that uses a fuel fired appliance for the preparation or warming of food or drinks shall be inspected by the Fire Inspector prior to the issuance of a vending permit
- 5. Any stand or mobile canteen equipped with a fuel fired appliance shall be equipped with a minimum of a 2A10BC rated fire extinguisher or suitable alternative as direction by the Office of the Fire Marshall
- 6. An application for permission shall contain:
 - a. The name, home and business address of the applicant;
 - b. A description of the type of food and beverage to be sold;
 - c. A description of any stand/mobile canteen to be used;
 - d. In the case of a vehicle that is used as a mobile canteen:
 - i. The motor vehicle registration number
 - ii. Make, model and year of the vehicle
 - e. Confirmation that the applicant will only operate in accordance with the Nova Scotia Health Protection Act, Motor Vehicle Act and other applicable legislation
 - f. Proof of successful fire inspection required under section 4 of this by-law, if applicable
 - g. Photograph of the fire extinguisher required under section 5 of this by-law if applicable;
 - h. A photograph of each mobile canteen/stand
 - i. Be accompanied by a non-refundable application fee of 2 hundred dollars (\$200.00)
- 7. A Vending Permit issued under this bylaw shall be conspicuously displayed so as to be clearly visible from the street at all times during which goods or services are being offered for sale pursuant to this by-law
- 8.
 - a. Permission to vend on a street, public parking area, or sidewalk may be granted by the Chief of Police.
 - b. Permission to vent in a public park may be granted by the applicable Director or their designate;

- c. Permission may be granted with such further terms and conditions as the Chief of Police or Director of Parks, Recreation and Leisure Services deems as pertinent in each circumstance and may include restrictions to the location of the operations.
 - d. The CAO may, upon review of the application, waive the fee for the vending permit for applicants 18 years of age and under;
 - e. All permission given shall expire on December 31 of the given year.
 - f. Permission granted may be revoked upon written notice for violation of any of the terms and conditions for which it was given.
9. Any person who violates any provision of this by-law shall be liable upon summary conviction of a penalty not exceeding \$500 \$1000.00. and in default of payment, to imprisonment for a period not exceeding 30 days.

Where the vending stand or mobile canteen is to be used for the sale of food and beverages, the vendor may only operate the mobile canteen in accordance with the requirements of the Health Act and its Regulations

Will the Vending Stand or Mobile Canteen contain any fuel fired appliance?

yes no

If yes, please describe:

If yes, a photo of the required fire extinguisher is required

Further terms and conditions (if pertinent):

Fee to be paid at time of Application:

\$200 Cash Cheque Other Fee Waived (Section 8(d))

I, _____ (print name) certify that I have read and understand the Town of Amherst Vending By-Law and will only operate my vending stand/mobile canteen in accordance with the conditions set out in the by-law.

I further certify that I will maintain my vending stand or mobile canteen in good working order and that it will at all times comply with all provincial food handling standards. I understand that failing to comply with the Town of Amherst Vending By-Law could result in a fine of up to \$1000 for each violation of the vending by-law and revocation of my vending permit.

Signature of Applicant: _____ Date: _____

Approved: Yes No

Chief of Police /applicable Director or their designate

Date: _____

**TOWN OF AMHERST
A BY-LAW PROVIDING FOR
MOBILE VENDORS ON STREETS AND SIDEWALKS**


This by-law shall be known as and may be cited as the Mobile Vendors By-Law.

1. In this by-law all words have the usual meaning from dictionaries of the English language except for the following:
 - (a) "Vendor" means a person who sells or offers for sale, food, beverages or other merchandise from a stand or mobile canteen.
 - (b) "Vending" means the sale and offering for sale of food, beverage or other merchandise in the public streets or sidewalks.
2. No person shall vend in the Town of Amherst on a public street, sidewalk, public parking area, or park without having obtained permission from the Town of Amherst.
 - (a) Subject to sub-section 2. (b), this by-law does not apply to a vendor who is also the occupier of a commercial premises in the Town to which access is gained directly from the sidewalk, and in respect of which the vendor is assessed a business occupancy tax, and who vends from a location on the sidewalk immediately in front of the premises.
 - (b) A person who vends pursuant to this section shall not obstruct pedestrian or other traffic on the sidewalk or street.
 - (c) This by-law does not apply to events that are fund raisers approved by the Town of Amherst where permission has been obtained from the Town Clerk by the events organizers for vendors who are participating in the event and registered with the event organizers.
3. No vendor shall:
 - (a) leave any stand unattended;
 - (b) store, park or leave any stand overnight on any street or sidewalk;
 - (c) sell food or beverage for immediate consumption unless they have available their own or a public litter receptacle;
 - (d) leave any location without first picking up, removing and disposing of all trash or refuse from their immediate location;
 - (e) solicit or conduct business with persons in motor vehicles; or
 - (f) vend within 75 feet of any restaurant unless permission is obtained from that commercial enterprise.
4. An application for permission shall contain:
 - (a) The name, home and business address of the applicant;
 - (b) A description of the type of food and beverage to be sold;
 - (c) A description of any stand to be used.
 - (d) Be accompanied by a non-refundable application fee of two hundred dollars (\$200.00).

5. (a) Permission to vend on a street, public parking area, or sidewalk may be granted by the Chief of Police.
- (c) Permission to vend in a public park may be granted by Director of Parks, Recreation and Leisure Services.
- (d) Permission may be granted with such further terms and conditions as the Chief of Police or Director of Parks, Recreation and Leisure Services deems as pertinent in each circumstance and may include restrictions to the location of the operations.
- (e) All permission given shall expire on December 31 of the year given.
- (f) Permission granted may be revoked upon written notice for violation of any of the terms and conditions under which it was given.
6. Any person who violates any provision of this bylaw shall be liable upon summary conviction of a penalty not exceeding \$500.00 and in default of payment, to imprisonment for a period not exceeding 30 days.

THIS IS TO CERTIFY that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Council of the Town of Amherst duly held on the 21st day of September, 1998.

Given under the hand of the Clerk and under the corporate seal of the said Town of Amherst this 30th day of September 1998.



.....
E. Childs, Town Clerk

APPLICATION FORM

TOWN OF AMHERST MOBILE VENDORS BY-LAW

I hereby apply for permission to vend on a street, public parking area, or sidewalk, or in a public park in the Town of Amherst.

NAME _____

HOME ADDRESS _____

BUSINESS NAME _____

BUSINESS ADDRESS _____

PHONE NUMBERS _____

Description of type of food and beverage to be sold:

Description of stand (if any) to be used:

Further terms and conditions (if pertinent) _____

Restrictions to location of operations (if pertinent) _____

FEE to be paid at time of application: \$200.00 CASH CHEQUE

Permission given to expire on December 31 of year given.

Signature of Applicant _____ **Date:** _____

Signature of Chief of Police _____ **Date:** _____

and/or Director of Parks, Recreation

and Leisure Services _____ **Date:** _____

NOTICE OF PUBLICATION

SUBJECT: TOWN OF AMHERST VENDING BY-LAW

Notice is hereby given that, following second reading given at a regular meeting held June 29, 1998 and third reading given at a regular meeting held September 21, 1998, the Amherst Town Council approved the adoption of a new Vending By-law.

This By-law sets out the regulations governing the sale and offering for sale of food, beverage or other merchandise in the public streets or sidewalks of the Town and includes information on application requirements. The objective of the bylaw is to regulate vending in the Town of Amherst on a public street, sidewalk, public parking area, or park.

Copies of the new by-law may be inspected at the office of the Town Clerk, Confederation Memorial Building, Ratchford Street during regular business hours.

Ed Childs
Town Clerk

Amherst Daily News
September 30th, 1998

THIS IS TO CERTIFY that the foregoing is a Notice of Publication regarding the approval of a new bylaw entitled *Town of Amherst Vending By-law* published in the local paper on September 30, 1998.

GIVEN under the hand of the Town Clerk
and under the seal of the Town of Amherst
this 1st day of October , 1998.


TOWN CLERK

Internal Committee Report

Planning Advisory Committee

March 2023

The Planning Advisory Committee met Monday, March 6, 2023 at 4:30p.m. when the following three motions were passed, recommending:

1. that Council enter into a Development Agreement for 52 Hickman Street to permit a garden suite;
2. that Council enter into a Development Agreement for 9 North Adelaide Street to permit the conversion of the current 6-unit building to an 8-unit; and,
3. that Council amend the Land Use Bylaw Zoning map to change the zoning of property at 36/38 Beacon Street from General Residential to Open Space.

The consultant from Upland Planning & Design was also in attendance to present first drafts of the new Municipal Planning Strategy and Land Use Bylaw. The Committee have submitted concerns, comments, or questions to staff, who will work with consultant to address the feedback received.

The PAC is scheduled to meet again on April 3, 2023 at 4:30 p.m. in Town Hall Council Chambers.

Internal Committee Report

Amherst Board of Police Commissioners

March 2023

The Amherst Board of Police Commissioners has a meeting scheduled for Tuesday, March 28, 2023 at 3:00 p.m. in Town Hall Council Chambers.

Items on the agenda will include the swearing in of Councillor Chambers, a review of the proposed Amherst Police Department operating budget, a discussion on Strategic Planning, and the Chief's report.

Internal Committee Report

Audit Committee

March 2023

The Audit Committee met on March 7, 2023 at 4:00 p.m. in Town Hall Council Chambers.

An election of Chair and Vice Chair was held at the beginning of the meeting, Mayor Kogon was elected as Chair for the 2023 calendar year. The election of Vice-Chair was deferred to the next meeting as no citizen members were in attendance.

The third quarter financial report and capital budget year-to-date report were presented, as were the Municipal FCI Results for 2020/21.

The committee passed a motion recommending the new Inventory Control for Non-Capital Equipment be forwarded to Committee of the Whole.

Internal Committee Report

Inclusion, Diversity and Equity Committee

March 2023

The Inclusion, Diversity and Equity Committee met on March 2, 2023 and March 21, 2023 at 6:00 p.m. in Town Hall Council Chambers.

On March 2, the Committee passed a motion to recommend Council approve amendments to the Request for Proclamations and Flag Raising Ceremony.

Discussions also took place around the renaming of Ancestral Drive, and promoting this during Multicultural week. The March 21 date was an informal information gathering event.

Internal Committee Report

Advisory Committee to Reduce Poverty

March 2023

The Advisory Committee to Reduce Poverty met on March 6, 2023 at 12:00 noon via Zoom when a motion was passed that the funding of the Mitacs project “Pathways to Resiliency” be recommended to the three participating municipal Councils and that the municipalities collaborate, through the respective CAOs, to determine a mutually agreeable funding formula.

The Committee met again on Thursday, March 16, 2023 at 4:30 p.m. in Town Hall Council Chambers. A motion was passed to forward the Intermunicipal Poverty Committee Strategic to all three municipal Councils for comments.

The Committee also agreed that now that the strategy is complete in draft form that the committee would form Subcommittees at this point to begin the work outlined in the strategy.

External Committee Report

Cumberland Public Libraries

March 2023

Dumpster Fire at the Library

During the night of March 23, there was a fire in the dumpsters outside the library. Fortunately there was not damage to the building. The library was closed and staff worked from home due to the smoke smell in the building.

After the School Bell Food Program donation

For March Break this year, the Amherst library asked patrons to donate boxes of cereal to be used during a program. We were able to donate 94 boxes of cereal to the After School Bell Food Program. Thanks to all our wonderful patrons who donated.

Statistics

In the month of February, Cumberland Public Libraries signed out over 9208 items, 5274 items in Amherst alone. This includes books, movies, TV shows, magazines and more.

Also, in February Four Father Library offered 18 in-person programs with 410 people in attendance. The Four Fathers library had 2007 in person visits.

Next Board meeting April 18, 2023.



RESERVED PARKING
AUTHORIZED
VEHICLES ONLY

NOTICE
VEHICLES ONLY

895-2709

AMHERST

V. MEGENEY

WASTE
SYSTEMS

External Committee Report

YMCA of Cumberland

March 2023

Childcare

The Friday Night Fun wrapped up for the year.

Membership

We have 1335 active members.

Our current promo is a two-week free trial.

Aquatics

The pool was extremely busy during the week of March Break with the Town of Amherst Free Swims averaging 94 swimmers per swim. We also offered two Wibit Inflatable swims that saw 30 youth in attendance both days.

Fitness

Our Sunday "Try-Athletics" program continued in March offering Try-Handball, Try-Pickleball and Try-Soccer Baseball. Next up will be Try-Soccer. Our March Break activities included Basketball, Pickleball, Soccer Baseball and finally Bouncy Castle Fun which was by far the most popular and saw at least 40 participants in attendance.

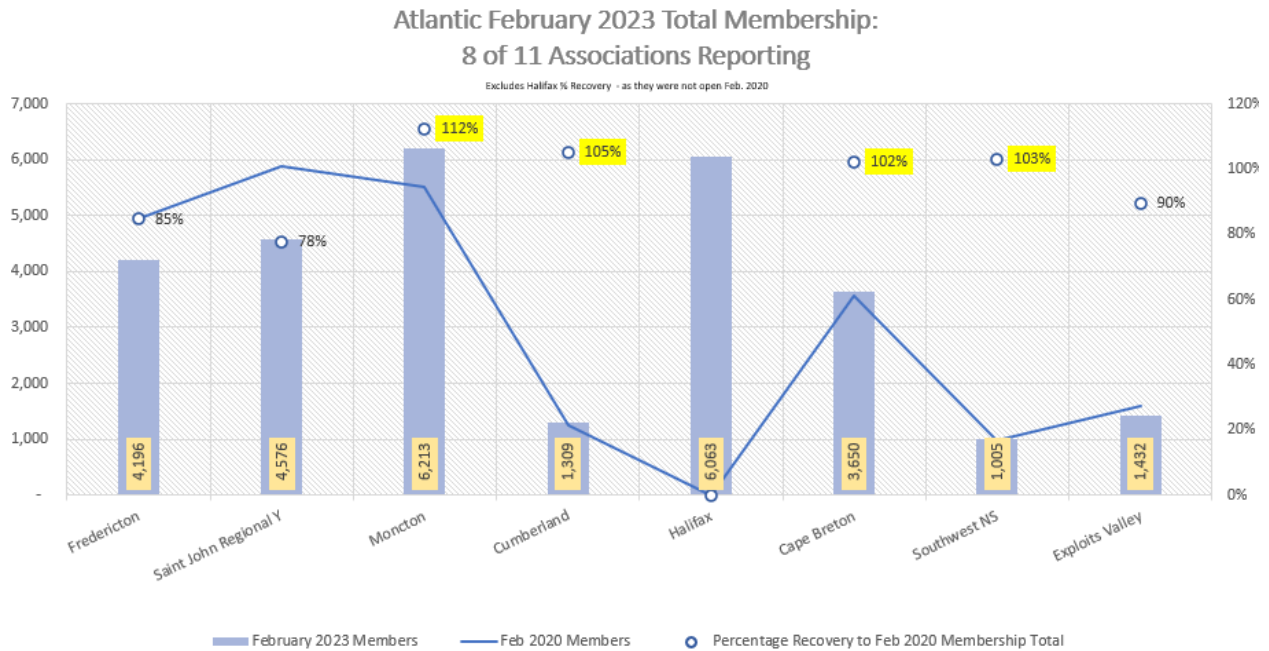
Donations/Fundraising

Our next fundraiser is our annual Spin-a-thon which will take place on Wednesday, March 29. There are currently 15 participants registered.

Our YMCA has had 105% membership recovery based on pre-pandemic membership numbers.

We are only 1 of 4 Y's in Atlantic Canada to have accomplished this and have the best recovery rate in Atlantic Canada when you consider we have not had a change in the size of our operations. The Moncton YMCA for example opened another YMCA branch during covid which impacts their membership recovery rate of 112%.

Since January we have increased our membership by 15% and it continues to grow!



This month we would like to celebrate the success of the YMCA of Cumberland in Nova Scotia.

In December 2022, the YMCA of Cumberland reviewed their membership offering. They made the decision to offer member-only swim lessons. As part of their roll out strategy, the Cumberland YMCA staff contacted all non-members participating in swim lessons to advise them of the change to an all-inclusive membership model.

The YMCA of Cumberland team did an excellent job of converting non-members to members. They've grown their membership by 15% since January 2023! Family memberships have increased since implementing this change, as families see value for fee and benefits to all family members.

External Committee Report

Northern Region Solid Waste Resource Committee

March 2023

Northern Region Meeting

The Northern Region Solid Waste Resource Committee is scheduled to meet on March 31st. The idea of moving to virtual only meetings will be discussed, with the option of holding 1-2 in-person meetings per year.

C&D Regulation Changes

No update at this time.

300 kg Disposal Target

As previously reported, the province has a goal to reduce the solid waste disposal rates to no more than 300kgs/person/year by 2030. Cumberland County's disposal rate for 2021/2022 is 480kgs/person/year which is down from 510kgs for 2020/2021.

Extended Producer Responsibility

No update at this time.

Divert NS Scholarship

The Divert NS Scholarship is now open for applications. There are 7, **\$2500 Regional scholarships** which will be distributed. The deadline for applications is April 30, 2023. More information can be found on the Divert NS website.

External Committee Report

L.A. Animal Shelter

March 2023

Our AGM was held on March 23. In 2022 we adopted out 469 animals and took in 534. Our most successful year to date!

Financial statements were presented and the Shelter ended the year with a \$51,000 surplus.

All seats on the executive were won by acclamation. Two new members and one returning member were welcomed to the board.

There was much discussion about the new building. Presentations have been made to the Town and Municipality, with plans for more in the works.

The Spring Tea will be held on Saturday, May 13.

For the year to date we have adopted out 80 animals and received 98.