



Town of Amherst
Regular Council Meeting
Agenda

Date: **Monday, April 24, 2023**
Time: **6:00 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. CALL TO ORDER	
2. TERRITORIAL ACKNOWLEDGMENT	
<p>“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.”</p>	
3. APPROVAL OF AGENDA/MINUTES	
3.1 Approval of the Agenda	
3.2 Approval of Minutes	
3.2.1 March 27, 2023 Regular Council	4 - 31
3.2.2 March 29, 2023 Special Council	32 - 33
3.2.3 April 12, 2023 Public Hearing	34 - 35
4. REQUESTS FOR DECISION	
4.1 Citizen Appointment to the Amherst Board of Police Commissioners - Davidson	36 - 41
4.2 Citizen Appointment to the Accessibility Advisory Committee - Fawthrop	42 - 47
4.3 36/38 Beacon Street Rezoning Second Reading - Chambers	48 - 52
4.4 52 Hickman Street Development Agreement Second Reading - Landry	53 - 66

4.5	9 North Adelaide Street Development Agreement Second Reading - Davidson	67 - 82
4.6	16 Prince Arthur Street - Baker	83 - 85
4.7	Local Improvement Bylaw Second Reading - Emery	86 - 101
4.8	Bylaw Respecting Discharge into Public Sewers Second Reading - Fawthrop	102 - 130
4.9	Mobile Vending Bylaw Second Reading - Landry	131 - 143
4.10	Maintenance of Grass Bylaw First Reading - Baker	144 - 149
4.11	Proceedings of Council Policy Amendments - Davidson	150 - 181
4.12	Council Committees Policy - Landry	182 - 190
4.13	Purchase and Use of Bottled Water Policy Amendments - Chambers	191 - 197
4.14	Town Crest Policy Amendments - Baker	198 - 201
4.15	Capital Budget Carry Overs - Emery	202 - 205
4.16	Capital Budget Amendments - Fawthrop	206 - 208
4.17	Capital Paving - Davidson	209 - 211
4.18	Asphalt Patching - Landry	212 - 214
4.19	Wellfield Variable Frequency Drives - Fawthrop	215 - 217
4.20	Estimate of Revenues and Expenditures - Davidson	218 - 218
4.21	General Tax Rate - Baker	219 - 219
4.22	Area Rate - Community Support - Chambers	220 - 220
4.23	Area Rate - Mandatory Provincial Contribution - Landry	221 - 221
4.24	Sanitary Sewer Rates - Emery	222 - 223
4.25	Wastewater Treatment Facility Uniform Charge - Fawthrop	224 - 224
4.26	Solid Waste Management Uniform Charge - Emery	225 - 225

4.27	Operating Budget - Water Utility - Chambers	226 - 226
4.28	General Borrowing Resolution - Landry	227 - 230
4.29	Policy Amendments Relating to Operating Budget Approval - Davidson	231 - 265
5.	INFORMATION / DISCUSSION ITEMS	
5.1	2023-24 Operating Capital Budget Reports	266 - 291
6.	INTERNAL COMMITTEE REPORTS	
6.1	Planning Advisory Committee - No Report	
6.2	Amherst Board of Police Commissioners - Davidson	292 - 292
6.3	Audit Committee - No Report	
6.4	Amherst Youth Town Council - Leah Brunt	293 - 293
6.5	Accessibility Advisory Committee - No Report	
6.6	Inclusion Diversity and Equity Committee - No Report	
6.7	Poverty Reduction Advisory Committee - Landry	294 - 294
7.	EXTERNAL COMMITTEE REPORTS	
7.1	Cumberland Public Libraries - Fawthrop	295 - 295
7.2	Cumberland YMCA - Fawthrop	296 - 296
7.3	Northern Region Solid Waste - Baker	297 - 298
7.4	L. A. Animal Shelter	299 - 299
7.5	Senior Safety - Emery	300 - 300
8.	ADJOURNMENT	

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

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

Members Present Mayor David Kogon
Deputy Mayor Leon Landry
Councillor Charlie Chambers
Councillor George Baker
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 & IT
Tom McCoag, Corporate Communications Officer
Natalie LeBlanc, Municipal Clerk
Cindy Brown, Administrative Assistant

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 Baker

Seconded By Councillor Emery

To approve the agenda as circulated.

Motion Carried

3.2 Approval of Minutes

3.2.1 February 27, 2023 Council

Moved By Councillor Fawthrop

Seconded By Deputy Mayor Landry

To approve the minutes of the February 27, 2023 regular meeting of Council as included in the agenda package.

Motion Carried

3.2.2 March 22, 2023 Public Hearing

Moved By Councillor Davidson

Seconded By Councillor Chambers

To approve the minutes of the March 22, 2023 Public Hearing as included in the agenda package.

Motion Carried

4. REQUESTS FOR DECISION

4.1 Volunteer Award Nominations

Moved By Councillor Davidson

Seconded By Deputy Mayor Landry

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.

Motion Carried

4.2 Mitacs Funding Pathways to Resiliency

Moved By Deputy Mayor Landry

Seconded By Councillor Fawthrop

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.

Motion Carried

4.3 Councillor Chambers Appointments to Committees

Moved By Deputy Mayor Landry

Seconded By Councillor Davidson

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.

Motion Carried

4.4 Planning Advisory Committee Policy Amendments

Moved By Councillor Davidson

Seconded By Councillor Emery

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

Motion Carried

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.
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*.
- 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 **social media website**.
- 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

4.5 Citizen Appointments to the Planning Advisory Committee

Mayor Kogon and Councillor Emery both declared a conflict of interest.

Moved By Councillor Davidson

Seconded By Councillor Fawthrop

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.

Motion Carried

4.6 North Tyndal Wellfield Advisory Committee Policy Amendments

Moved By Councillor Fawthrop

Seconded By Councillor Emery

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

Motion Carried

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.
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.

For Administrative Use Only:

VERSION LOG

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

Minutes reference date: 26 May 2014

4.7 Citizen Appointment to the North Tyndal Wellfield Advisory Committee

Councillor Emery declared a conflict of interest.

Moved By Councillor Fawthrop

Seconded By Councillor Chambers

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.

Motion Carried

4.8 Citizen Appointments to the Advisory Committee to Reduce Poverty

Moved By Deputy Mayor Landry

Seconded By Councillor Emery

That Council appoint 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.

Motion Carried

4.9 Citizen Appointment to the Amherst Board of Police Commissioners

Moved By Councillor Davidson

Seconded By Councillor Chambers

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.

Motion Carried

4.10 Citizen Appointments to the Accessibility Advisory Committee

Moved By Councillor Emery

Seconded By Councillor Fawthrop

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.

Motion Carried

4.11 Citizen Appointment to the Inclusion, Diversity and Equity Committee

Moved By Councillor Davidson

Seconded By Councillor Chambers

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.

Motion Carried

4.12 Stadium Canteen Concession Agreement

Moved By Councillor Emery

Seconded By Councillor Baker

That Council defer approval of the stadium canteen concession agreement between Dwayne Ripley and the Town of Amherst to the next meeting of Council.

Motion Defeated 5-2

Moved By Councillor Chambers

Seconded By Councillor Davidson

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.

**Motion Carried 6-1
NAY vote Councillor Baker**

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.

**4.13 3,4,5,7 Robie Street Development Agreement Second Reading - Baker
Moved By Councillor Baker
Seconded By Deputy Mayor Landry
That Council give second and final reading of the Development Agreement for
3,4,5,7 Robie Street.**

Motion Carried

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

Schedule A

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

Terms and Conditions:

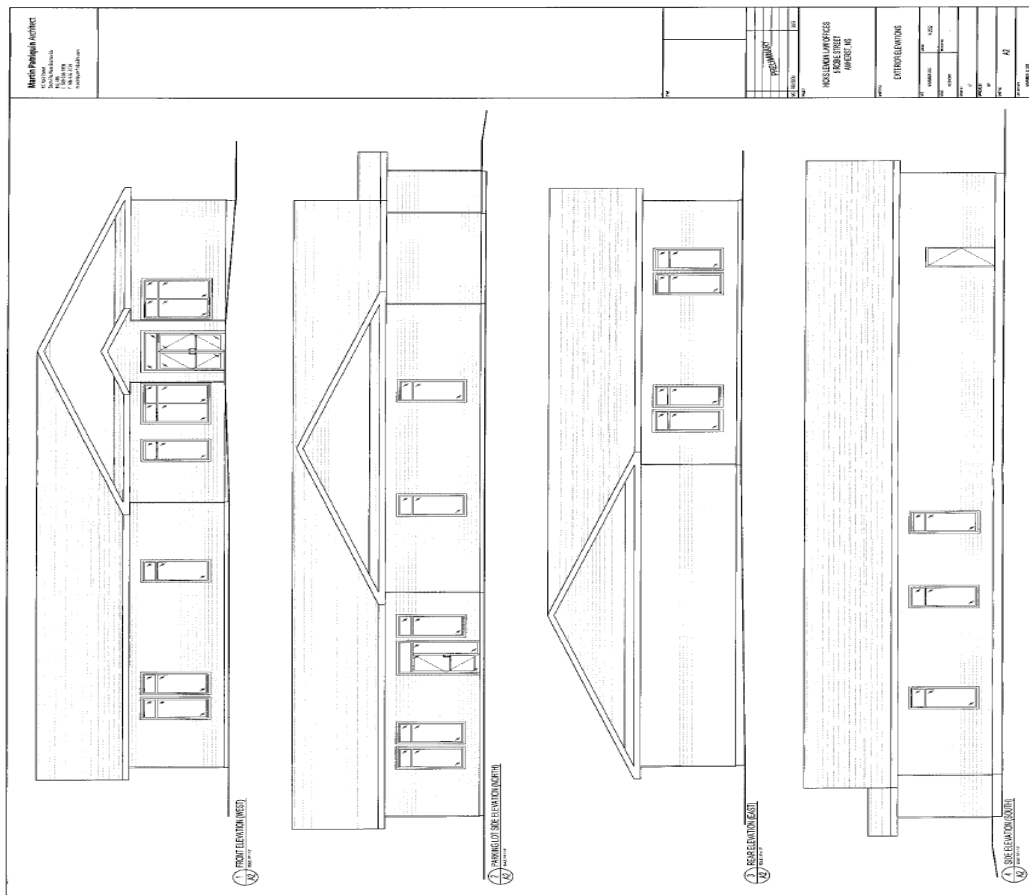
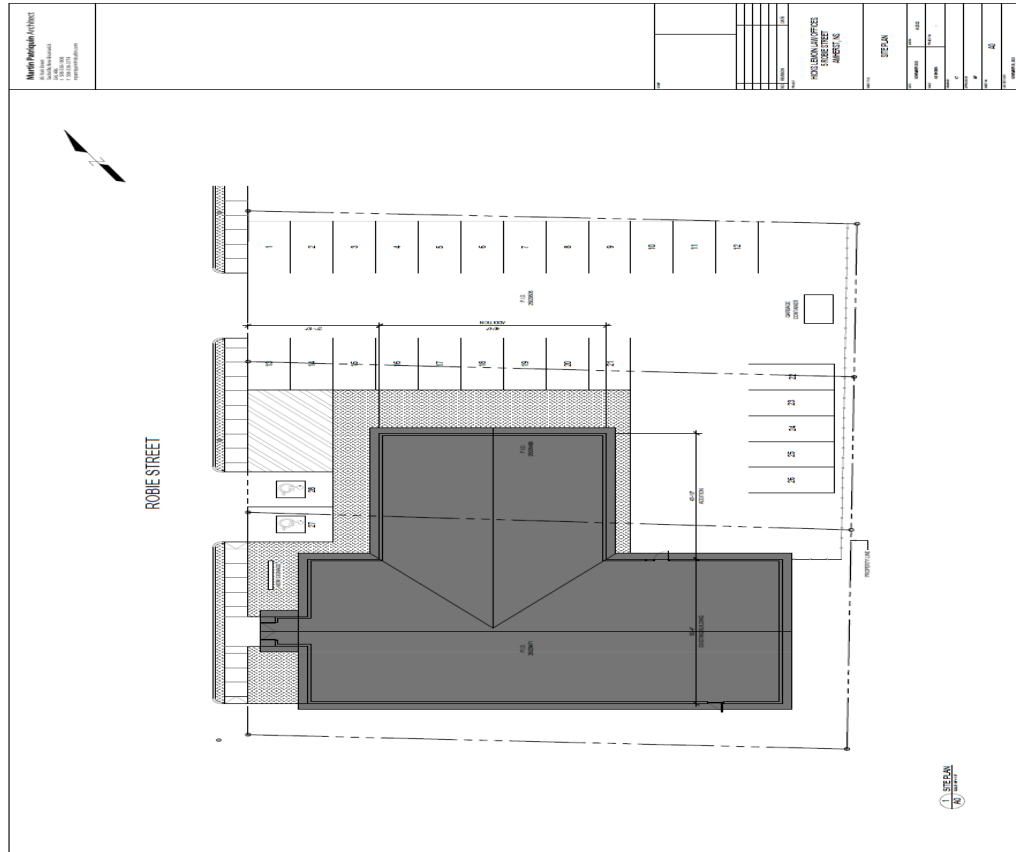
1.0 USE OF LAND AND BUILDINGS

- 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.





**4.14 264 Church Street Development Agreement Second Reading
Moved By Deputy Mayor Landry**

Seconded By Councillor Fawthrop

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.

Motion Carried

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:

- (e) Schedule 'A' - Terms and Conditions
- (f) Schedule 'B' - Property Location Map
- (g) Schedule 'C' - Site Plan
- (h) Schedule 'D' - Floor Plan
- (i) 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

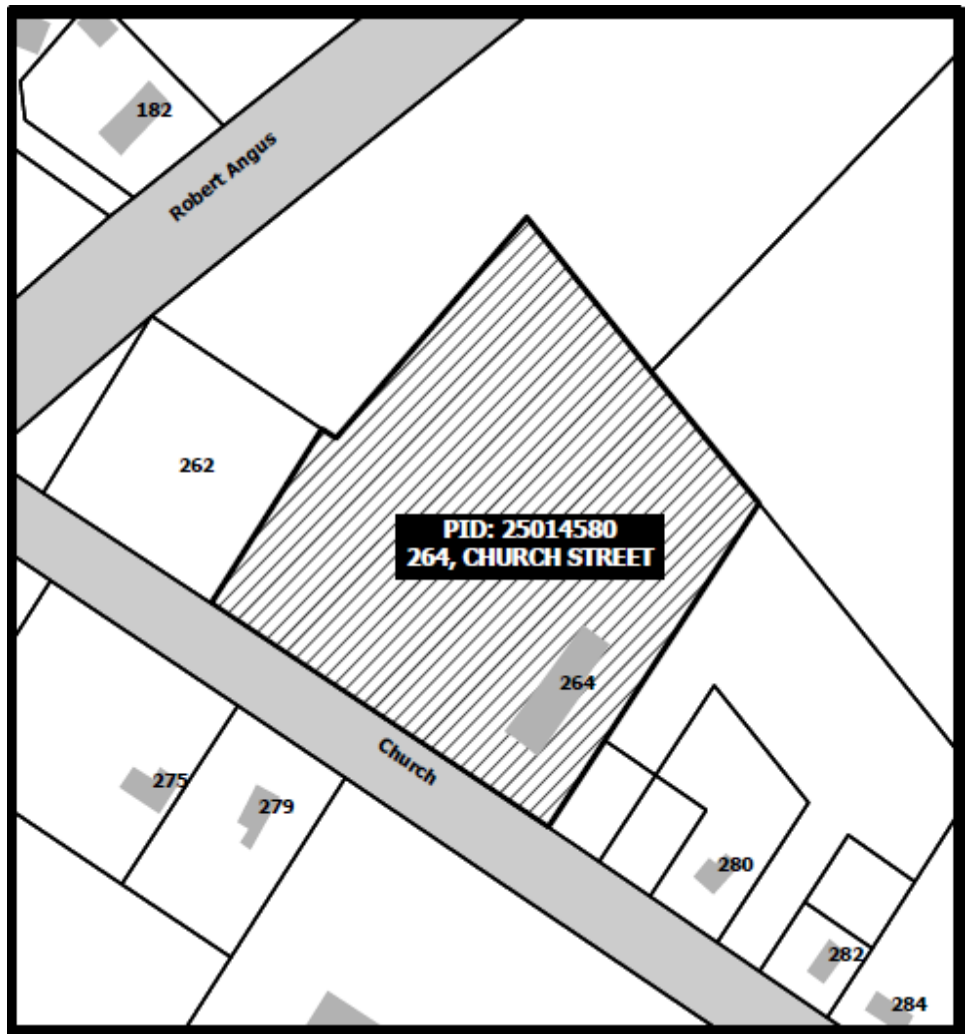
Terms and Conditions:

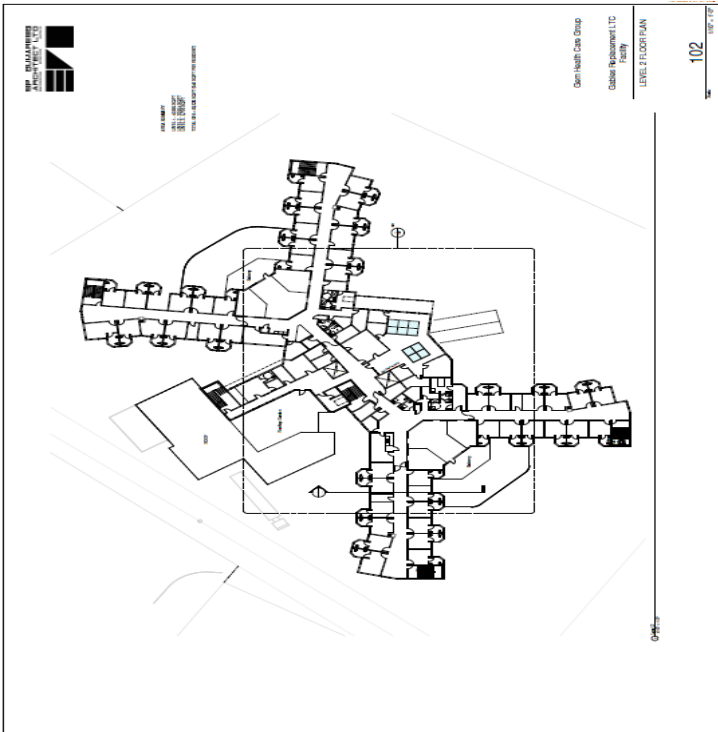
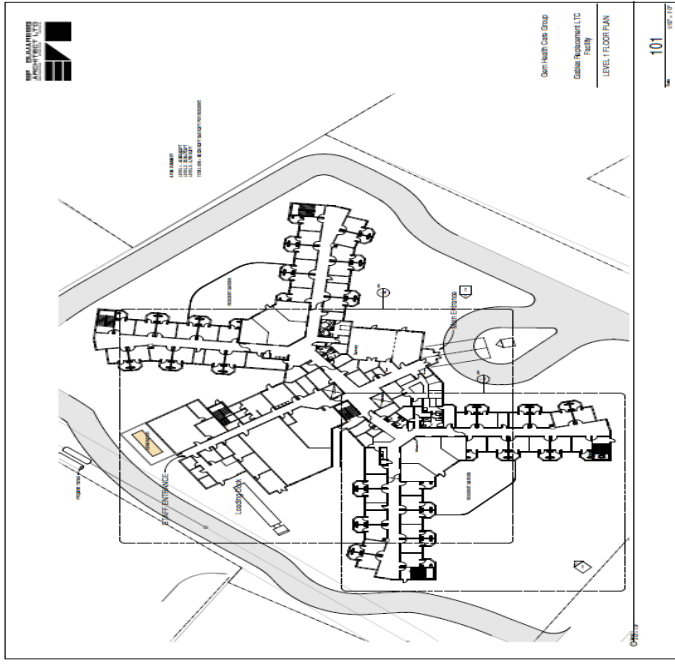
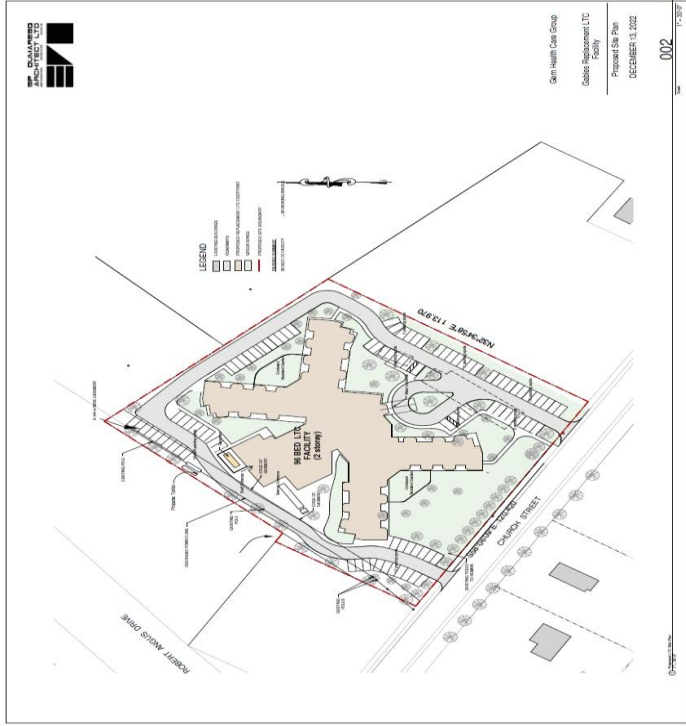
1.3 USE OF LAND AND BUILDINGS

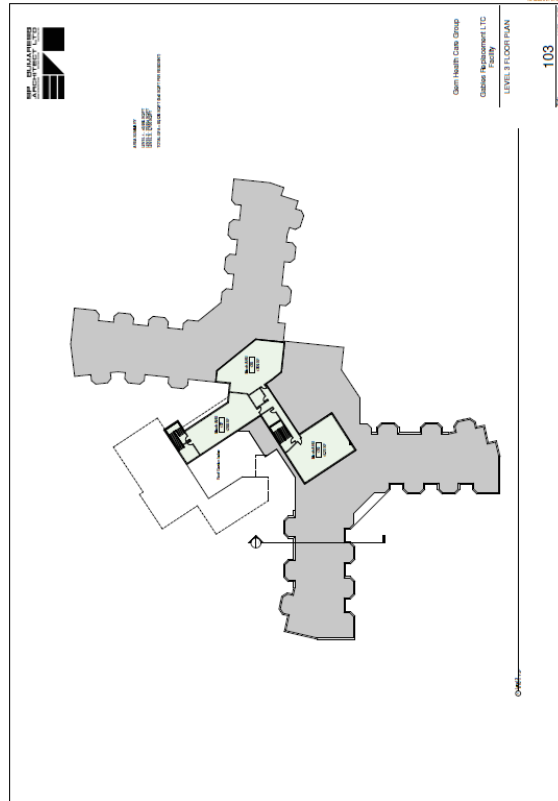
- 1.4 The use of the properties shall be limited to residential uses within a maximum of a 2-storey (plus roof structure), 96-bed long-term care facility and one existing vacant dwelling in the general location as shown on Schedule 'C', 'D', and 'E'.
- 1.5 A minimum of 90 parking spaces shall be provided 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.







4.15 52 Hickman Street Development Agreement First Reading
Moved By Councillor Emery
Seconded By Deputy Mayor Landry

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.

Motion Carried

4.16 9 North Adelaide Street Development Agreement First Reading

Moved By Councillor Baker
 Seconded By Councillor Chambers

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 12:00 noon.

Motion Carried

4.17 36/38 Beacon Street Rezoning First Reading

Moved By Councillor Chambers
 Seconded By Deputy Mayor Landry

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, 2023 at 12:00 noon.

Motion Carried

4.18 Requests for Proclamations and Flag Raising Ceremonies Policy Amendments

Moved By Councillor Davidson
 Seconded By Councillor Chambers

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

Motion Carried

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

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	

**4.19 Salary Administration Policy Amendments
 Moved By Deputy Mayor Landry
 Seconded By Councillor Fawthrop
 That Council approve the amended Salary Administration Policy.**

Motion Carried

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

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.

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:

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

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

LUNCH BREAKS:

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

PERFORMANCE EVALUATION:

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

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

SCOPE OF RESPONSIBILITY:

The Town Council shall:

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

The Chief Administrative Officer shall:

1. Review and recommend changes to policy and procedures as they relate to the employee compensation program.
2. Ensure the maintenance of the salary rating and performance appraisal procedures.
3. Conduct salary rating and performance evaluation procedures relative to Director positions.
4. Monitor salary surveys and make recommendations to Council concerning market conditions as appropriate 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.

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.

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

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 Unsanitary 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
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	March 27, 2023

MINUTES REFERENCE DATE

December 12, 2000	November 2, 2004 (See April 26, 2004 Minutes)	November 27, 2006
December 18, 2006	February 26, 2007	March 31, 2008
September 29, 2008	March 30, 2009	September 28, 2009
April 26, 2010	March 28, 2011	August 2, 2011
May 23, 2012	November 26, 2012	December 17, 2012
September 23, 2013	October 28, 2013	December 16, 2013
May 21, 2015	March 29, 2016	May 25, 2016
May 23, 2017	June 26, 2017	September 25, 2017
		July 16, 2008
		March 29, 2010
		January 30, 2012
		May 1, 2013
		April 30, 2014
		September 2, 2016
		December 18, 2017

February 26, 2018
June 7, 2021

March 14, 2018
October 5, 2021

February 28, 2019
November 29, 2021

September 28, 2020
September 28, 2022

4.20 Overtime Policy Amendments - Non Union Employees

Moved By Councillor Emery

Seconded By Councillor Davidson

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

Motion Carried

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

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:

3. Determine which employees are eligible for overtime;
4. Identify the methods of compensation for overtime;
5. Define the process for authorization and approval of overtime and;
6. 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.
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.
- 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: <ol 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: <ol 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: <ol 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: <ol 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.

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

**4.21 Inventory Control of Non-Capital Equipment Policy
 Moved By Councillor Chambers
 Seconded By Deputy Mayor Landry
 That Council approve the new Inventory Control of Non-Capital Equipment Policy.**

Motion Carried

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
New Policy	Director of Finance, Wilson	Council	March 27, 2023

4.22 Procurement Policy Amendments

Moved By Councillor Davidson

Seconded By Councillor Emery

That Council approve the amendments to the Procurement Policy.

Motion Carried

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.
- 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;
 - 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.

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:

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.
- 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.
- 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 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.

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.
 - 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 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.
 - 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 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.

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

4.23 Local Improvement Bylaw First Reading

Moved By Councillor Emery

Seconded By Councillor Fawthrop

That Council repeal the existing Local Improvement Bylaw and give first reading of the new Local Improvement Bylaw.

Motion Carried

4.24 Bylaw Respecting Discharge into Public Sewers D-3 First Reading

Moved By Councillor Fawthrop

Seconded By Deputy Mayor Landry

That Council give first reading of the amendments to the Bylaw Respecting Discharge into Public Sewers D-3.

Motion Carried

4.25 Mobile Vendors on Streets and Sidewalks Bylaw C-10

Moved By Councillor Emery

Seconded By Councillor Davidson

That Council give first reading to the recommended amendments made to the Vending Bylaw.

Motion Carried

5. INTERNAL COMMITTEE REPORTS

- 5.1 Planning Advisory Committee - Landry**
Information item only; no direction given or action required.
- 5.2 Amherst Board of Police Commissioners - Davidson**
Information item only; no direction given or action required.
- 5.3 Audit Committee - Emery**
Information item only; no direction given or action required.
- 5.4 Amherst Youth Town Council – No Report**
- 5.5 Accessibility Advisory Committee – No Report**
- 5.6 Inclusion Diversity and Equity Committee - Davidson**
Information item only; no direction given or action required.
- 5.7 Poverty Reduction Advisory Committee - Landry**
Information item only; no direction given or action required.

6. EXTERNAL COMMITTEE REPORTS

- 6.1 Cumberland Public Libraries - Fawthrop**
Information item only; no direction given or action required.
- 6.2 Cumberland YMCA - Fawthrop**
Information item only; no direction given or action required.
- 6.3 Northern Region Solid Waste - Baker**
Information item only; no direction given or action required.
- 6.4 L. A. Animal Shelter - Fawthrop**
Information item only; no direction given or action required.
- 6.5 Senior Safety – No Report**
Information item only; no direction given or action required.
- 6.6 Intermunicipal Tourism Committee – No Report**
- 6.7 Municipal Alcohol Project – No Report**

7. ADJOURNMENT

**Moved By Councillor Emery
Seconded By Councillor Davidson
To adjourn the meeting.**

Motion Carried

Natalie LeBlanc
Municipal Clerk

David Kogon, MD
Mayor

**Amherst Town Council
Special Meeting
Minutes**

Date: March 29, 2023
Time: 4:30 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
Aaron Bourgeois, Director, Operations
Sarah Wilson, Director, Finance
Krista Crossman, Director, HR & Customer Services
Kim Jones, Director, Corporate Communications & IT
Tom McCoag, Corporate Communications Officer
Natalie LeBlanc, Municipal Clerk
Cindy Brown, Administrative Assistant

1. CALL TO ORDER

Mayor Kogon called the meeting to order.

2. REQUEST FOR DECISION

2.1 CUPE Local 1233 Collective Agreement

Moved By Deputy Mayor Landry

Seconded By Councillor Chambers

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

Motion Carried

2.2 CJSMA Dissolution

Moved By Councillor Emery

Seconded By Councillor Fawthrop

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

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

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

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

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

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

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

Motion Carried

3. **ADJOURNMENT**
Moved By Deputy Mayor Landry
Seconded By Councillor Davidson
To adjourn the meeting.

Motion Carried

Natalie LeBlanc
Municipal Clerk

David Kogon, MD
Mayor

**Town of Amherst
Public Hearing
Minutes**

Date: April 12, 2023
Time: 12:00 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

Members Absent Councillor George Baker

Staff Present Andrew Fisher, Director, Planning & Strategic Initiatives
Abiola Falaye, Land Use Planner/GIS Coordinator
Cindy Brown, Administrative Assistant
Natalie LeBlanc, Municipal Clerk

1. Call to Order

The Mayor called the meeting to order.

2. 36 / 38 Beacon Street

2.1 Staff Report

Abiola Falaye presented the application to amend the Land Use Bylaw Schedule "A" Zoning Map to rezone the property at 36/38 Beacon Street (PID: 25011248, 25011255) from General Residential to Open Space.

2.2 Council Questions / Comments

There were no questions or comments from members of Council.

2.3 Public Questions / Comments

Thomas Trenholm, property owner of 39 Beacon Street, spoke in support of the proposed rezoning.

3. 9 North Adelaide Street

3.1 Staff Report

Andrew Fisher presented the proposal for a development agreement application to increase the number of dwelling units within the building at 9 North Adelaide Street (PID: 25008798) from 6 to 8 units, noting if the application is not successful it is permitted to remain as a 6-unit building.

3.2 Council Questions / Comments

There were no questions or comments from members of Council.

3.3 Public Questions / Comments

Alton Robertson of 1 Harding Avenue wanted to know who owns the building and expressed concern about who will be renting the units, adding the previous owner's tenants seemed to cause issues with garbage and pets. He also expressed that his neighborhood is currently quiet and he would like it to remain that way. Andrew Fisher replied that Six Point Star Ltd. owns the property and as part of the Development Agreement the owner is to take care of the garbage. Mr. Fisher added that there will be an opaque fence installed at the rear of the property.

Alfie O'Brien, property owner of 4 Harding Avenue and 19 North Adelaide Street, stated that he believed they should have received notice of this development sooner than March. He is concerned about the parking and the level of tenancy. He spoke with the owner who was present prior to the meeting and he felt his concerns were addressed. He is in favor of the application.

Thomas Mattinson, owner of the subject property at 9 North Adelaide Street, addressed the concerns expressed. He indicated that although he cannot legally discriminate against potential tenants, he did not spend the amount of money he did renovating the property to have it destroyed. His intent is to rent to the average working person for a reasonable rent. They have been reconstructing the current driveway so there is adequate parking, and an opaque fence will be installed. Pets will be permitted on a case-by-case basis after he has met the owner and the pet. A solid waste bin will be provided on the property and solid waste collection will be contracted out to be collected weekly.

4. 52 Hickman Street

4.1 Staff Report

Andrew Fisher presented the proposal for a development agreement application to permit the construction of a garden suite at 52 Hickman Street (PID: 25021973).

4.2 Council Questions / Comments

There were no questions or comments from members of Council.

4.3 Public Questions / Comments

There were no questions or comments from the public.

5. Adjournment

The Mayor adjourned the meeting.

Natalie LeBlanc
Municipal Clerk

David Kogon, MD
Mayor

SYNOPSIS

Citizen Appointment to the Amherst Board of Police Commissioners

The Bylaw Respecting the Amherst Board of Police Commissioners sets out the terms for citizen appointments to the Board. Holly MacDonald was appointed last March for a two-year term expiring March 31, 2024. Sandy Fairbanks was recently re-appointed to a one-year term. As the other one-year citizen appointment expired on March 31, 2023, there is still a citizen vacancy on the Board.

Following the deadline for expressions of interest, Angela Ryan-Bourgeois application was confirmed. Staff are recommending she be appointed to the Board to fill the vacancy and give the Board a full compliment of voting members.

MOTION:

That Council appoint Angela Ryan-Bourgeois to the Amherst Board of Police Commissioners effective April 24, 2023 to March 31, 2024.



AMHERST TOWN COUNCIL

RFD# 2023050

Date: April 24, 2023

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: April 24, 2023

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

ORIGIN: Current citizen membership terms expired March 31, 2023

LEGISLATIVE AUTHORITY: Bylaw Respecting the Amherst Board of Police Commissioners

RECOMMENDATION: That Council appoint Angela Ryan-Bourgeois to the Amherst Board of Police Commissioners effective April 24, 2023 to March 31, 2024.

BACKGROUND: Holly MacDonald was appointed last March for a two-year term expiring March 31, 2024. Sandy Fairbanks was recently re-appointed to a one-year term. As the other one-year citizen appointment expired on March 31, 2023, there is still a citizen vacancy on the Board.

DISCUSSION: When we advertised for expressions of interest to serve on the Board, Angela Ryan-Bourgeois expressed interest; however, was not in a position to formally apply. Ms. Ryan-Bourgeois has as since expressed her desire and ability to serve on the Board and staff are recommending she be appointed to fill the vacancy and give the Board a full compliment of voting members.

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. 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: Do not make this appointment and continue to seek an expression of interest.

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

Report prepared by: Natalie LeBlanc

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 Appointment to the Town of Amherst Accessibility Advisory Committee

In accordance with the Town of Amherst Accessibility Advisory Committee Terms of Reference Policy, there is an ability to appoint six Town of Amherst residents to the committee.

When a call for expressions of interest went out, staff received three applications from current members who expressed interest in reoffering. Council re-appointed these three members to two-year terms at their regular meeting on March 27, 2023.

Following the deadline for applications, staff received another expression of interest from Mr. Jim Prendergast, who if appointed, will give this Committee a diverse and inclusive compliment of voting members while adhering to the Terms of Reference.

MOTION:

That Council appoint Jim Prendergast to the Accessibility Advisory Committee effective April 24, 2023 to March 31, 2025.



AMHERST TOWN COUNCIL

RFD# 2023051

Date: April 24, 2023

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: April 24, 2023

SUBJECT: Appointment to the Town of Amherst Accessibility Advisory Committee

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

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

RECOMMENDATION: That Council appoint Jim Prendergast to the Accessibility Advisory Committee effective April 24, 2023 to March 31, 2025.

BACKGROUND: In accordance with the Town of Amherst Accessibility Advisory Committee Terms of Reference Policy, there is an ability to appoint six Town of Amherst residents to the committee.

When a call for expressions of interest went out, staff received three applications from current members who expressed interest in reoffering. Council re-appointed these three members to two-year terms at their regular meeting on March 27, 2023. Following the deadline for applications, staff received another expression of interest from Mr. Prendergast, attached.

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. 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, appointing Jim Prendergast will fill this requirement.

Now that the Accessibility Strategy has been approved and work has begun, staff feel that with 2 Council appointees and 4 citizen appointees we are able to continue the work required.

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, at that time staff received three applications.

ENVIRONMENTAL IMPLICATIONS: No direct environmental implications.



SOCIAL JUSTICE IMPLICATIONS: This Committee will assist staff in their efforts of providing accessible facilities and infrastructure as required by the Act.

ALTERNATIVES: Not appoint this applicant and continue to solicit expressions of interest as there is an ability to appoint up to six citizen appointees to the Committee. However, staff feel that appointing this applicant will give the committee a nice compliment of voting members.

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

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

Land Use Bylaw Zoning Map Amendment

36 & 38 Beacon Street

Second Reading

The Amherst Little League Baseball Club has applied 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, the Planning Advisory Committee recommended that Council approve the amendment. Council held an advertised Public Hearing on April 12, 2023 where no issues were raised. As detailed in the attached report, the proposal meets the general intent of the town's Municipal Planning Strategy policies.

MOTION:

That Council give Second 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.

TO: Mayor Kogon and Members of Council

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

DATE: April 24, 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.

RECOMMENDATION: That Council give Second 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.

BACKGROUND: An advertised Public Participation Opportunity was held on March 1, 2023, 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. The PAC approved a motion that Council rezone the property. Council gave First Reading at their regular meeting in March, and an advertised Public Hearing was held on April 12, 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: March 1, 2023 Public Participation Opportunity, and April 12, 2023 Public Hearing. If approved, notice of the right to appeal council's decision is placed in the local newspaper.

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

Development Agreement Application

52 Hickman Street

Second Reading

The proposed 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. Council held an advertised public hearing on April 12, 2023, and no issues were raised. As detailed in the attached staff report to the PAC, the proposal meets the general intent of MPS policies.

MOTION:

That Council give Second Reading of the Development Agreement for 52 Hickman Street to permit the construction of a garden suite.

TO: Mayor Kogon and Members of Council

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

DATE: April 24, 2023

SUBJECT: Development Agreement – Garden Suite on 52 Hickman Street

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.*

RECOMMENDATION: That Council give second reading of the development agreement to permit a garden suite at 52 Hickman Street.

BACKGROUND: An advertised Public Participation Opportunity was held on March 1, 2023. An issue was raised regarding the setback of the building along Snowden Avenue; however, it was resolved on the basis that the distance provided in the proposal conforms with other buildings in the neighborhood. On March 6, 2023 the PAC recommended that Council enter into the attached Development Agreement for 52 Hickman Street that would permit the construction of a garden suite. Council gave First Reading at their regular meeting on March 27, 2023. An advertised Public Hearing was held on April 12, 2023.

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. The draft development agreement is also attached.

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.





AMHERST TOWN COUNCIL

RFD# 2023065

Date: April 24, 2023

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, and April 12, 2023 Public Hearing. If approved, notice of the right to appeal council's decision is placed in the local newspaper.

ALTERNATIVES: 1) Refer the application back to the PAC for more information; 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:



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.

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.

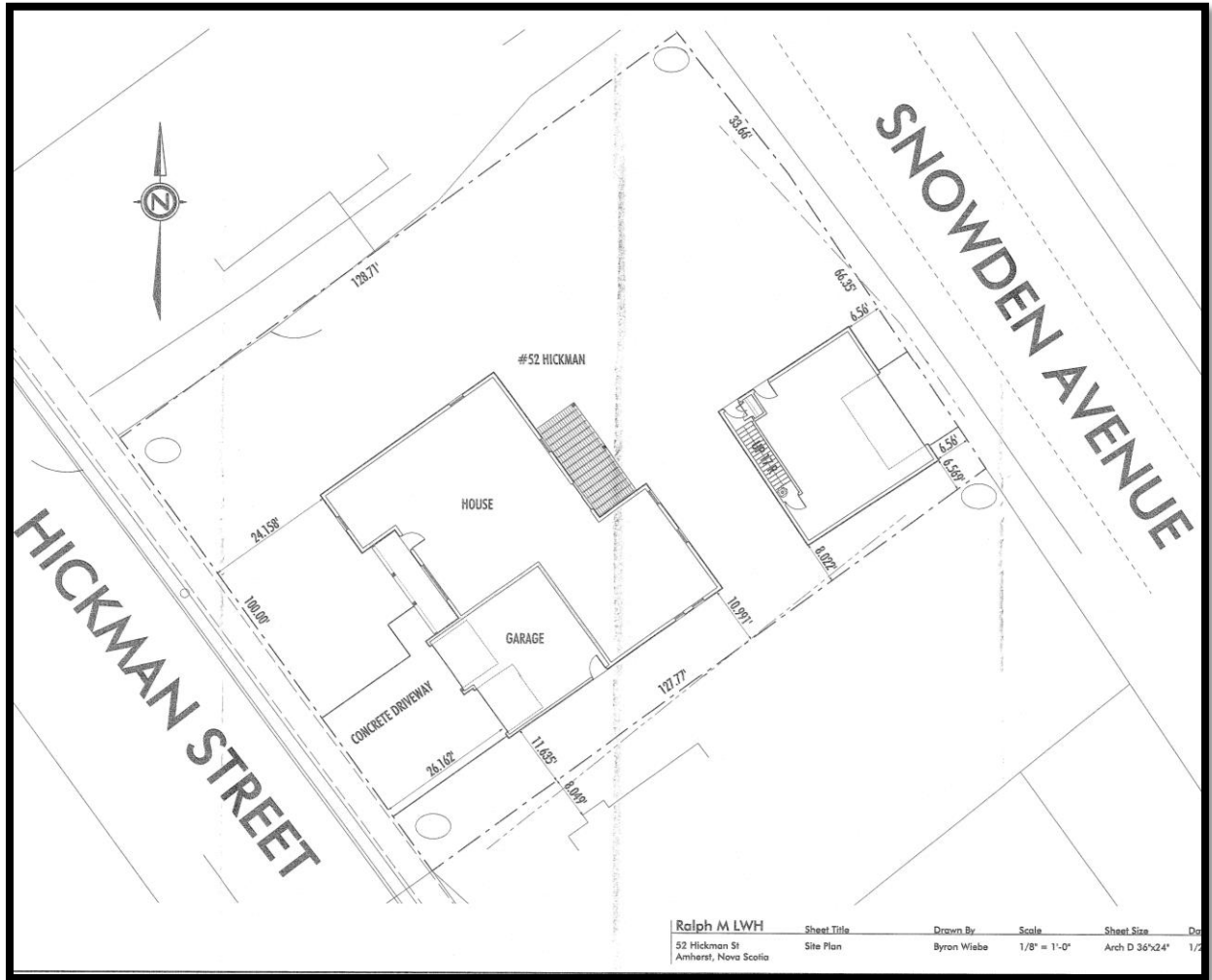
2.0 GENERAL REQUIREMENTS

- 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.

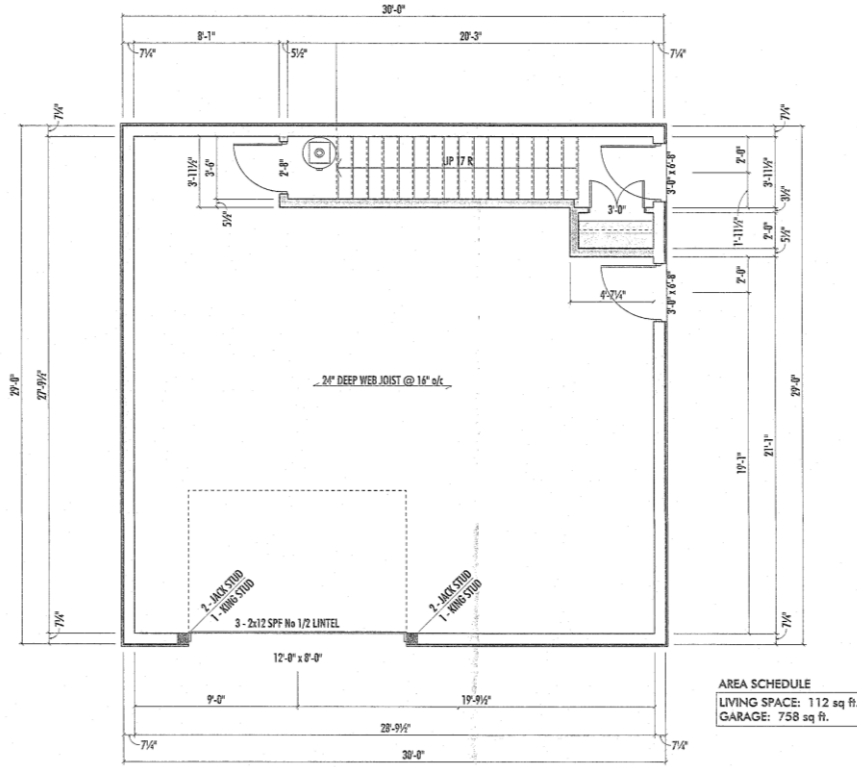
SCHEDULE 'B'



SCHEDULE 'C'

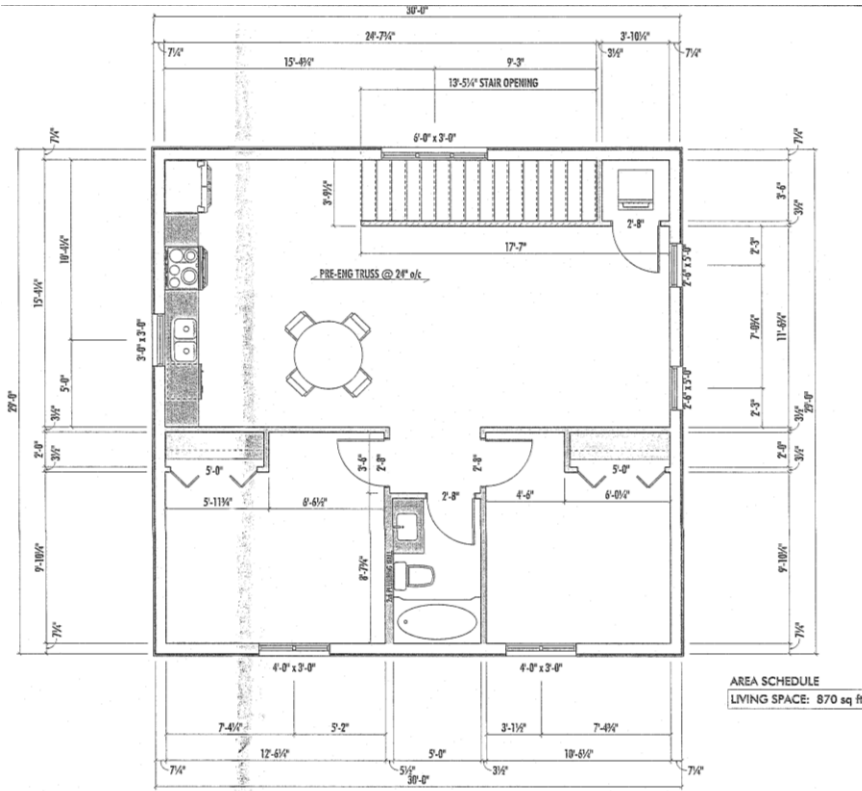


SCHEDULE 'D'



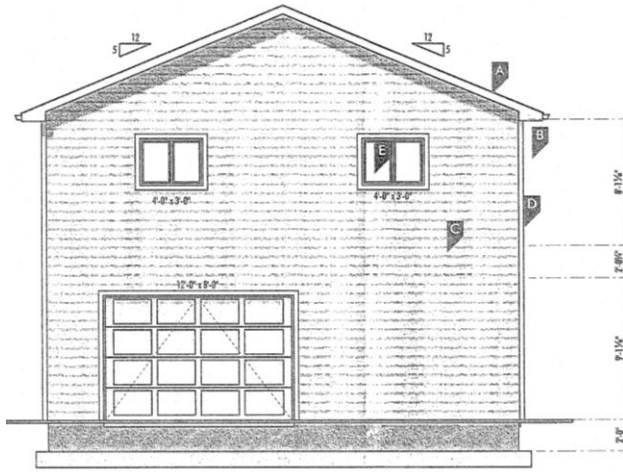
MAIN FLOOR PLAN

SCHEDULE 'D'

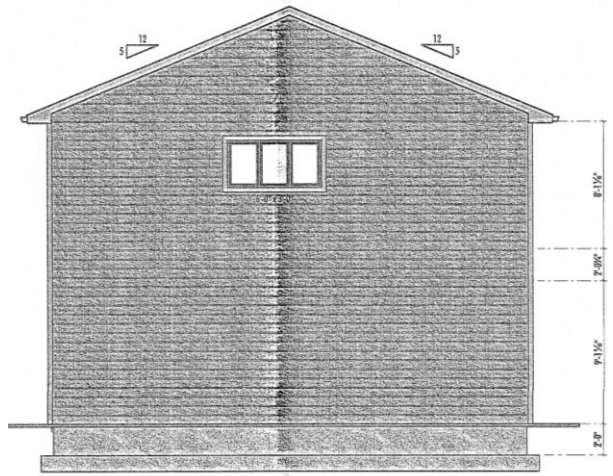


SECOND FLOOR PLAN

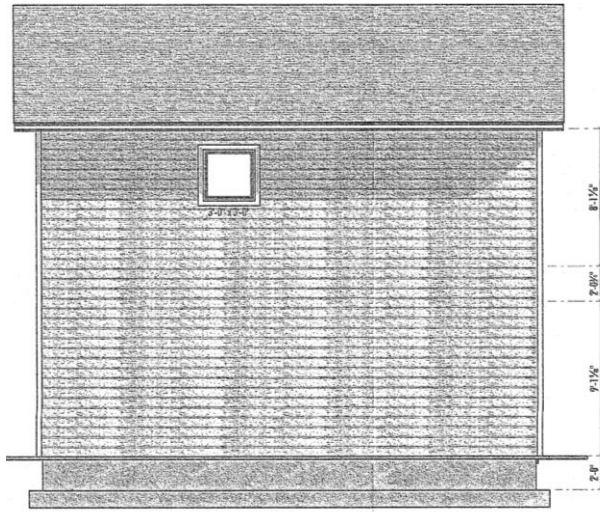
SCHEDULE 'E'



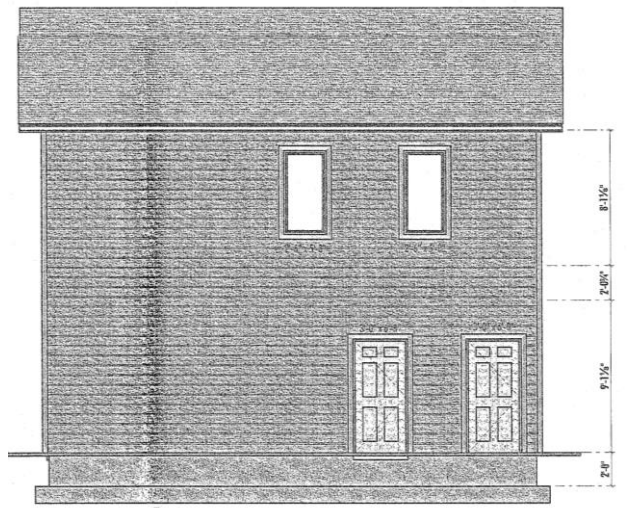
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

SYNOPSIS

Development Agreement for 9 North Adelaide Street Second Reading

The proposed development agreement for 9 North Adelaide Street would permit two additional units within the existing 6-unit structure.

Following a Public Participation Opportunity, the Planning Advisory Committee recommended that Council enter into the agreement. Council held an advertised public hearing on April 12, 2023. As detailed in the attached report, the proposal meets the general intent of Town's Municipal Planning Strategy policies.

MOTION:

That Council give Second Reading of the Development Agreement for 9 North Adelaide Street to allow two additional units within the existing 6-unit structure.

TO: Mayor Kogon and Members of Council

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

DATE: April 24, 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 six-unit dwelling.

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

RECOMMENDATION: That Council give second reading of the development agreement for 9 North Adelaide Street to allow two additional units within the existing six-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. 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. Council gave first reading at their regular meeting on March 27, 2023. An advertised Public Hearing was held on April 12, 2023. Concerns were raised regarding parking, solid waste and pets. The subject property owner was in attendance and addressed these concerns.

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.



AMHERST TOWN COUNCIL

RFD# 2023066

Date: April 24, 2023

COMMUNITY ENGAGEMENT: March 1, 2023 Public Participation Opportunity, and April 12, 2023 Public Hearing. If approved, notice of the right to appeal council's decision is placed in the local newspaper.

ALTERNATIVES: 1) Refer the application back to the PAC for more information; 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:



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.

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:

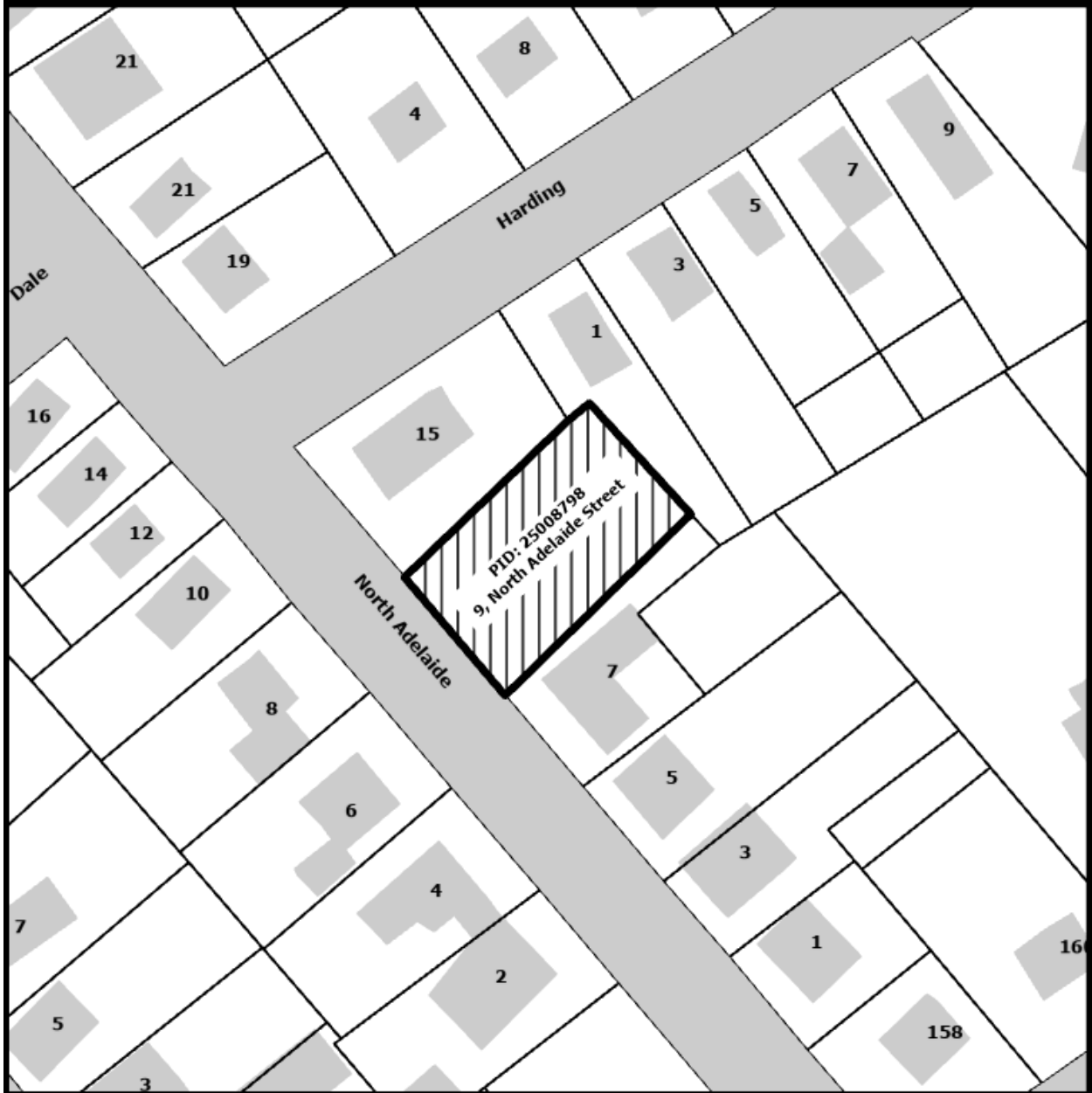
1.0 USE OF LAND AND BUILDINGS

- 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.

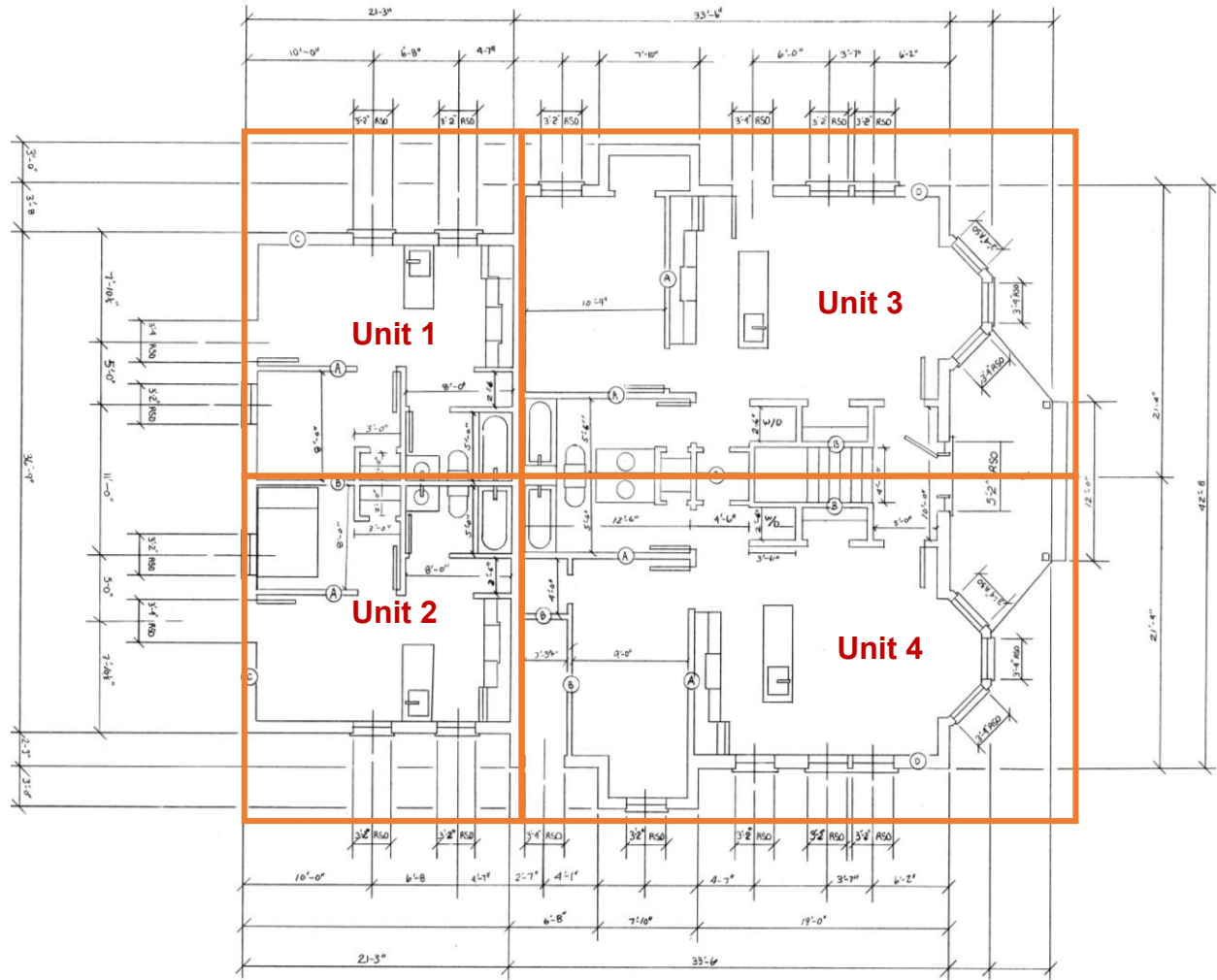
2.0 GENERAL REQUIREMENTS

- 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'

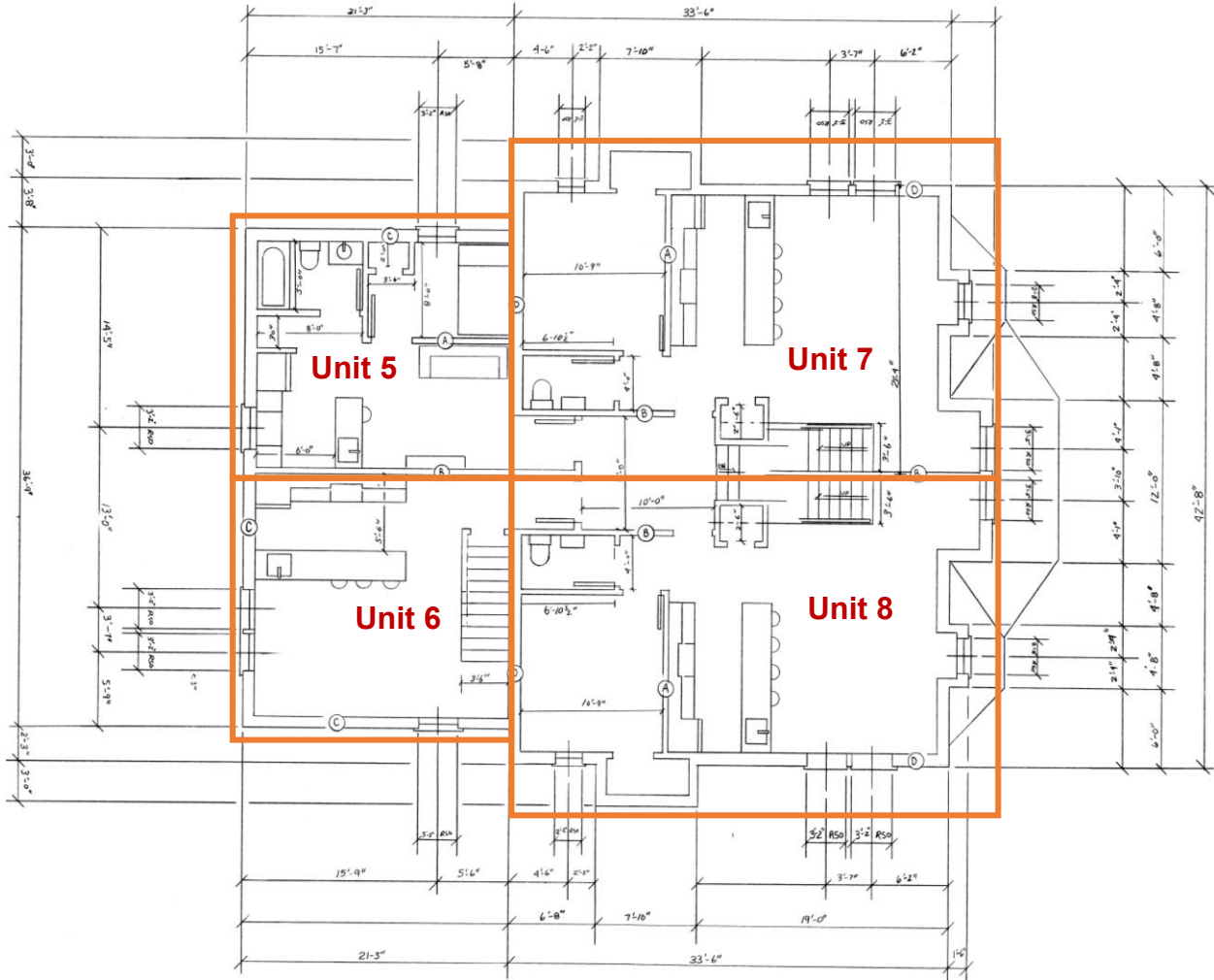


SCHEDULE 'C'



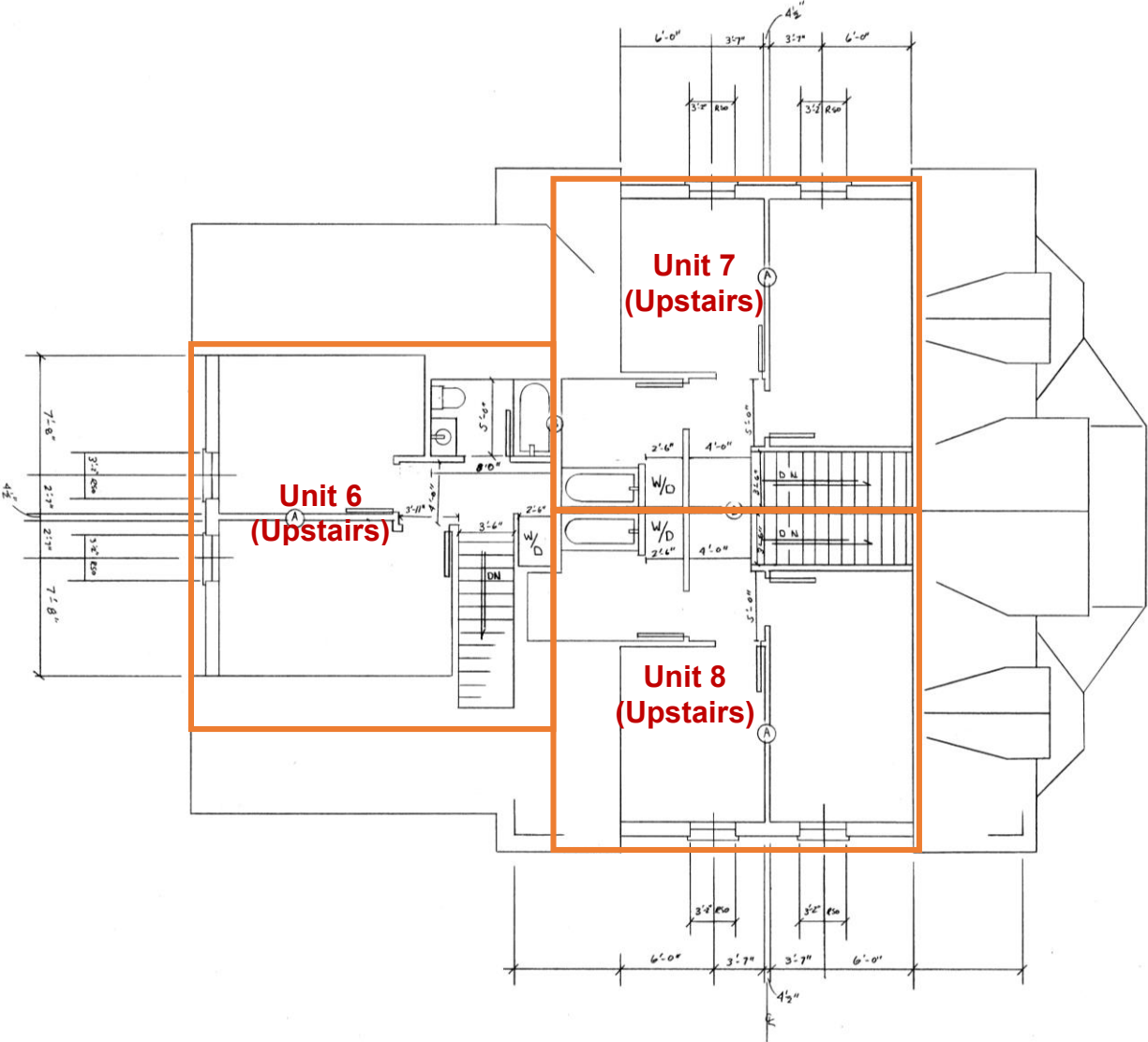
First Floor

SCHEDULE 'C'



Second Floor

SCHEDULE 'C'



Third Floor

SCHEDULE 'D'



Front Elevation



Right Elevation

SCHEDULE 'D'



Left Elevation



Rear Elevation

SYNOPSIS

16 Prince Arthur Street

The property located at 16 Prince Arthur Street had been vacant since July 12, 2013 and was deemed unsightly and unsafe. Demolition of the property was completed on August 14, 2019. The property was included at the public auction tax sale held on December 10, 2019. No bids were received.

The current balance outstanding on the account is \$81,924.07 and consists of outstanding property taxes from 2017 to 2023 in addition to dangerous and unsightly charges and interest charged on overdue amounts.

Given the location and size of the property its value is severely limited, it is likely that it's highest and best use is to consolidate it with an adjacent property for a future larger development. The property is only 3,600 square feet and has an assessment of \$7,300. A value of \$15,000 (\$4.16 / square foot) is similar to the purchase price for the lot at 95 Victoria Street which was purchased by the Town in 2021 and reflects its location on a significantly less visible street.

Staff are recommending that council set a minimum bid of \$15,000 for the pending May 16, 2023 tax sale.

MOTION:

That Council set the minimum bid for 16 Prince Arthur Street at \$15,000 for the tax sale scheduled on May 16, 2023.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Jason MacDonald, CAO

DATE: April 24, 2023

SUBJECT: 16 Prince Arthur St Tax Sale Property – Minimum Bid

ORIGIN: Property failed to solicit any bids at the previous tax sale held on December 10, 2019.

LEGISLATIVE AUTHORITY: MGA Section 141 (3) The Council may direct the treasurer as to what constitutes an acceptable minimum tender or bid, if the treasurer is of the opinion that the property might not realize sufficient to cover the outstanding taxes, interest and expenses.

RECOMMENDATION: That Council set the minimum bid for 16 Prince Arthur Street at \$15,000 for the tax sale scheduled on May 16, 2023.

BACKGROUND: The property located at 16 Prince Arthur Street had been vacant since July 12, 2013 and was deemed unsightly and unsafe. Demolition of the property was completed on August 14, 2019. The property was included at the public auction tax sale held on December 10, 2019. No bids were received.

The current balance outstanding on the account is \$81,924.07 and consists of outstanding property taxes from 2017 to 2023 in addition to dangerous and unsightly charges and interest charged on overdue amounts.

DISCUSSION: Given the location and size of the property its value is severely limited. It is likely that it's highest and best use is to consolidate it with an adjacent property for a future larger development. The property is only 3,600 square feet and has an assessment of \$7,300. A value of \$15,000 (\$4.16 / square foot) is similar to the purchase price for the lot at 95 Victoria Street which was purchased by the Town in 2021 for \$6.82 / square foot, and reflects its location on a significantly less visible street.

Staff are recommending that council set a minimum bid of \$15,000 for the pending May 16, 2023 tax sale.



FINANCIAL IMPLICATIONS: A valuation allowance for unsightly premises for this property has been recorded in the amount of \$64,539.39 at March 31, 2022. The valuation allowance will be adjusted again at March 31, 2023 and it is estimated to increase to \$71,619.77. The allowance is recorded to recognize the potential reduction in value due to the outstanding amount not likely to be fully recovered. This is an offset to determine the net realizable value of the property.

Should this property enable a larger development to take place further tax assessment is possible.

COMMUNITY ENGAGEMENT: The tax sale will be advertised using various media.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ALTERNATIVES: Do not set a minimum price or set an alternative minimum price.

ATTACHMENTS: None

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

SYNOPSIS

Local Improvement Bylaw

Second Reading

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 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 infrastructure.

MOTION:

That Council repeal the existing Local Improvement Bylaw and give second reading of the new Local Improvement Bylaw.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Aaron Bourgeois, Director of Operations

DATE: April 24, 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 second 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# 2023068

Date: April 24, 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: Notice of Intent appeared in the Cumberland Wire on April 5, 2024. If approved, notice of publication will appear in the Cumberland Wire.

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: OPERATIONAL SERVICES
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
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-02

- 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: OPERATIONAL SERVICES
BYLAW NO: D-02

- (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: OPERATIONAL SERVICES
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
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-02

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

TITLE: LOCAL IMPROVEMENT BYLAW
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-02

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.

TITLE: LOCAL IMPROVEMENT BYLAW
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-02

- 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.

TITLE: LOCAL IMPROVEMENT BYLAW
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-02

- 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)).

TITLE: LOCAL IMPROVEMENT BYLAW
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-02

- 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
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-02

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.

For Administrative Use Only

Local Improvement Bylaw D-3 Adoption	
First reading:	March 27, 2023
Notice of Publication:	April 5, 2023
Second Reading:	
Notice of Publication and Effective Date of Bylaw:	
Notice to Service Nova Scotia & Municipal Relations:	

VERSION LOG

Bylaw Owner	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
Director of Operations, Bourgeois	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

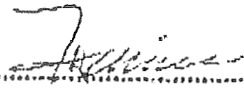
- 5. a) A local improvement charge on a property shall be payable by five equal annual payments of principal plus accrued interest, the first payable on receipt of notice of the charge, and the other payments on the anniversary date on which notice of the charge is mailed to the assessed owner of the 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.

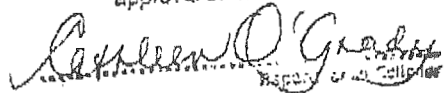
GIVEN under the hand of the Town Clerk and under the corporate seal of the said Town this 31st day of October A.D., 1995.



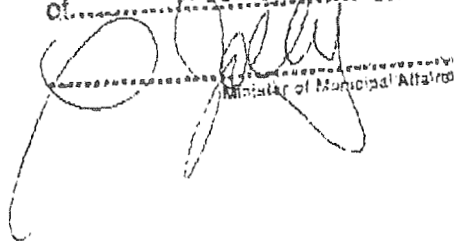
TOWN CLERK

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

D-2

SYNOPSIS

Amendments to the Bylaw Respecting Discharge into Public Sewers D-3

Second Reading

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 second 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: April 24, 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 second 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# 2023067

Date: April 24, 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: Notice of Intent appeared in the Cumberland Wire on April 5, 2024. If approved, notice of publication will appear in the Cumberland Wire.

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: OPERATIONAL SERVICES
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;

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

- (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

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

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

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

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;

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

- (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;

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

- (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

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

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.

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

5. DISCHARGE TO STORMWATER SYSTEM

- (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.

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

7. SPILLS

- (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.

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

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.

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

- (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.
- (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.

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

- (2) The Engineer may specify specific time periods for collection of samples and analytical requirements based on practices of the business, as required.
- (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.

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

- (3) No work shall be carried out on any sewer other than by the authority of the Municipal Engineer.
- (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

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

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

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.

TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-3

For Administrative Use Only:

Bylaw Respecting Discharge into Public Sewers D-3 Adoption	
First reading:	March 27, 2023
Notice of Intent:	April 5, 2023
Second Reading	
Notice of Publication and Effective Date of Bylaw:	
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 Vendors on Streets and Sidewalks Bylaw Amendments Second Reading

The current Town of Amherst Mobile Vendors on Streets and Sidewalks Bylaw was developed in September of 1998. This bylaw 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 Second Reading to the recommended amendments made to the current Mobile Vendors on Streets and Sidewalks Bylaw.



AMHERST TOWN COUNCIL

RFD# 2023069

DATE: April 24, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Dwayne Pike, Chief of Police

DATE: April 24, 2023

SUBJECT: Mobile Vendors on Streets and Sidewalks Bylaw 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 ByLaw 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 second reading to the recommended amendments made to the current Mobile Vendors on Streets and Sidewalks Bylaw C-10.

BACKGROUND: The current Town of Amherst Mobile Vendors on Streets and Sidewalks Bylaw was developed in September of 1998. This bylaw 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 bylaw 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 bylaw, there are numerous recommendations for change, many of which are a result of comparisons with similar bylaws in other jurisdictions as well as changes in relation to liabilities and other concerns.

Changes include:

1. Removing the words “streets and sidewalks’ from the title and name of the bylaw and replace with Town Property, and change the word “vendors” to “vending”;
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;
10. Waive the \$200 application fee for youth entrepreneurs.

FINANCIAL IMPLICATIONS: There are no financial implications to amending this bylaw.

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

ENVIRONMENTAL IMPLICATIONS: No environmental implications.

COMMUNITY ENGAGEMENT: Notice of Intent appeared in the Cumberland Wire on April 5, 2024. If approved, notice of publication will appear in the Cumberland Wire.

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 Bylaw

ATTACHMENTS:

1. Town of Amherst Mobile Vending on Town Property Bylaw proposed;
2. Current Mobile Vendors on Streets and Sidewalks Bylaw existing.

Report prepared by: Dwayne Pike, Chief of Police
Report and Financial approved by:

TITLE: Mobile Vending on Town Property Bylaw
SECTION: Protective Services
BYLAW NO: C-10

APPROVAL DATE:

CAO Signature: _____

This bylaw may be cited as the **Vending Bylaw**.

1. In this bylaw 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 bylaw does not apply to events that are fund raisers approved by the Town of Amherst where permission has been obtained from the ~~Town Clerk~~ **Chief of Police or their designate** 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;

TITLE: Mobile Vending on Town Property Bylaw
SECTION: Protective Services
BYLAW NO: C-10

- 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;

TITLE: Mobile Vending on Town Property Bylaw
SECTION: Protective Services
BYLAW NO: C-10

- 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, and
 - 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 bylaw, if applicable;
 - g. Photograph of the fire extinguisher required under section 5 of this bylaw 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 vend 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 Operations Parks, Recreation and Leisure Services deems as pertinent in each circumstance and may include restrictions to the location of the operations;
 - d. The Chief of Police 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.

TITLE: Mobile Vending on Town Property Bylaw
SECTION: Protective Services
BYLAW NO: C-10

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 Mobile Vending Bylaw 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 Mobile Vending on Town Property Bylaw could result in a fine of up to \$1000 for each violation of the Mobile Vending on Town Property Bylaw and revocation of my vending permit.

Signature of Applicant: _____ Date: _____

Approved: Yes No

 Chief of Police / applicable Director or their designate Date: _____

For Administrative Use Only:

Mobile Vending on Town Property Bylaw C-10 Adoption	
First reading:	March 27, 2023
Notice of Intent:	April 5, 2023
Second Reading:	
Notice of Publication and Enactment of Bylaw:	
Notice to Service Nova Scotia & Municipal Relations:	

VERSION LOG

Amendment Description	Bylaw Owner	Approved By	Approval Date
1. Remove the words "Streets and Sidewalks" from the title of the bylaw and replace with "Town Property", and further	Chief of Police, Pike	Council	

TITLE: Mobile Vending on Town Property Bylaw
SECTION: Protective Services
BYLAW NO: C-10

<p>change “vendors” to “vending”</p> <ol style="list-style-type: none"> 2. Adding new definitions that include: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. 10. Allows the permit fee of \$200 to be waived for vending businesses owned and operated by the youth of our community 			
---	--	--	--

Minutes reference date: 21 September 1998

**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

SYNOPSIS

Maintenance of Grass Bylaw D-21 Amendments

The maintenance of grass bylaw was enacted in 2005 and requires property owners to maintain the grass between the sidewalk and curb in front of their property. If not maintained, tall grass between the curb and sidewalk can create a public safety hazard and is not aesthetically pleasing.

Staff are not recommending any changes to the standards or penalties in the existing bylaw. The recommended changes are minor housekeeping items to help provide clarity and interpretation of the bylaw.

The new sections being added to the bylaw include the; Short Title, Purpose, and Definitions.

MOTION:

That Council give first reading of the amendments to the Maintenance of Grass Bylaw D-21.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Aaron Bourgeois, Director of Operations

DATE: April 24, 2023

SUBJECT: Maintenance of Grass Bylaw Review

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 Maintenance of Grass Bylaw D-21.

BACKGROUND: This bylaw was enacted in 2005 and requires property owners to maintain the grass between the sidewalk and curb in front of their property. Long grass between the curb and sidewalk can create public safety hazards and is not aesthetically pleasing.

DISCUSSION: Staff are not recommending any changes to the standards or penalties in the existing bylaw. The recommended changes are minor housekeeping items to help provide clarity and interpretation of the bylaw and for the format of the bylaw to be consistent other bylaws and policies that have recently been revised.

New Sections

1. SHORT TITLE

(1) This Bylaw shall be known as Bylaw Number D-21, and may be cited as the "Grass Maintenance Bylaw."

2. PURPOSE

(1) The purpose of this Bylaw is to ensure any grasses between a sidewalk and curb or the edge of the road are maintained at a reasonable height such that the height of the grass is not unsightly or pose a public safety hazard.

3. DEFINITIONS

(1) In this Bylaw:

(a) "Public Safety Hazard" means obstructions to pedestrians, cyclists and motorized vehicles and sight restrictions along sidewalks and streets.

(b) "Grass" means any lawns, grasses and or weeds.





AMHERST TOWN COUNCIL

RFD# 2023055

Date: April 24, 2023

FINANCIAL IMPLICATIONS: There are no financial implications.

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 not approve the proposed amendments to the bylaw.

ATTACHMENTS:

Maintenance of Grass Bylaw D-21 – Existing

Maintenance of Grass Bylaw D-21 – Proposed

Report prepared by: Aaron Bourgeois, Director of Operations

Report and Financial approved by:



TITLE: MAINTENANCE OF GRASS BYLAW
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-21

APPROVAL DATE:

CAO Signature: _____

1. SHORT TITLE

(1) This Bylaw shall be known as Bylaw Number D-21, and may be cited as the “Grass Maintenance Bylaw.”

2. PURPOSE

(1) The purpose of this Bylaw is to ensure any grasses between a sidewalk and curb or the edge of the road are maintained at a reasonable height such that the height of the grass is not unsightly or pose a public safety hazard.

3. DEFINITIONS

(1) In this Bylaw:

- (a) “Public Safety Hazard” means obstructions to pedestrians, cyclists and motorized vehicles and sight restrictions along sidewalks and streets.
- (b) “Grass” means any lawns, grasses and or weeds.

4. MAINTENANCE OF GRASS

(1) Owners of properties with sidewalk frontage shall maintain any grass between the sidewalk and the curb or edges of the street in a closely clipped manner and to a height not greater than 6” (0.15m) and shall keep such areas in good order including raking and removal of grass as necessary.

5. PENALTY

(1) Any person who commits an offence under this bylaw is liable upon summary conviction to a penalty of not less than one hundred dollars and not more than ten thousand dollars. Every day during which an offence pursuant to this bylaw occurs is a separate offence.

TITLE: MAINTENANCE OF GRASS BYLAW
SECTION: OPERATIONAL SERVICES
BYLAW NO: D-21

For Administrative Use Only

Maintenance of Grass Bylaw D-21 Adoption	
First reading:	
Notice of Publication:	
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	Minor housekeeping items to help provide clarity and interpretation of the bylaw and for the format of the bylaw to be consistent other bylaws and policies that have recently been revised.	

TOWN OF AMHERST
Maintenance of Grass Bylaw

Owners of properties with sidewalk frontage shall maintain any grass between the sidewalk and the curb or edges of the street in a closely clipped manner and to a height not greater than 6” (0.15m) and shall keep such areas in good order including raking and removal of grass as necessary.

Any person who commits an offence under this bylaw is liable upon summary conviction to a penalty of not less than one hundred dollars and not more than ten thousand dollars. Every day during which an offence pursuant to this bylaw occurs is a separate offence.

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 day of , 2005.

Given under the hand of the Clerk and under the corporate seal of the said Town of Amherst this day of 2005.

Ed Childs, C.A., Town Clerk

SYNOPSIS

Proceedings of Council Policy Amendments

The proposed amendments reflected in this policy include adding the Territorial Acknowledgement to the Committee of the Whole agenda template, creating flexibility for the time and date of when public hearings are held, removing the national anthem from the Council agenda template, recognizing the requirements for recording and live streaming of meetings, removing the requirement to raise a hand to be recognized by the Chair, as well as some housekeeping amendments.

Staff have also removed the definition of “committees” from the policy as this policy is written in such a way that it pertains to Council and Committee of the Whole meetings. Staff have drafted a new Council Committees Policy for Council’s consideration that addresses how other Statutory, Special and Standing Committees should be conducted.

MOTION:

That Council approve of the amendments to the Proceedings of Council Policy #10350-24.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: April 24, 2023

SUBJECT: Proceedings of Council Policy Amendments

ORIGIN: Request to include Territorial Acknowledgement at Committee of the Whole, as well as the ongoing Policy review.

LEGISLATIVE AUTHORITY: MGA 23(1) The council may make policies (a) respecting the date, hour and place of the meetings of the council and the notice to be given for them; and (b) regulating its own proceedings and preserving order at meetings of Council.

RECOMMENDATION: That Council approve of the amendments to the Proceedings of Council Policy #10350-24.

BACKGROUND: The Proceedings of Council Policy sets out the requirements for the conduct of meetings and the preparations of the meeting materials for Council and the public. In reviewing the Policy originally, it was noted that the reading of the Territorial Acknowledgement was not included on the agenda of Committee of the Whole. In keeping with the requirement to include the territorial acknowledgement on all committee agendas it is proposed that it be added to the COW agenda as listed in the policy.

DISCUSSION: As the policy spells out what is contained on Committee of the Whole and Council agendas, and as staff are currently conducting a review of our policies, staff thought it would be appropriate to review this policy in its entirety and recommend all and any changes they felt necessary at this time.

The proposed amendments reflected in the policy include adding the Territorial Acknowledgement to the Committee of the Whole agenda template, changing the time and date of when public hearings are held to as required, removing the national anthem from the Council agenda template, recognizing the requirements for recording and live streaming of meetings, removing the requirement to raise a hand to be recognized by the Chair, as well as some housekeeping amendments.

Staff have also removed the definition of “committees” from the policy as this policy is written in such a way that it pertains to Council and Committee of the Whole meetings. Staff have drafted a new Council Committees Policy for Council’s consideration that addresses how other Statutory, Special and Standing Committees should be conducted.

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



AMHERST TOWN COUNCIL

RFD# 2023062

Date: April 24, 2023

COMMUNITY ENGAGEMENT: There has been no community engagement. If Council approves the amendments the policy will be available on the Town of Amherst website.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ALTERNATIVES:

- 1- Approve the policy with the amendments as presented
- 2- Approve the policy amendment with alternative language

ATTACHMENTS: Proceedings of Council Policy Amended, Proceedings of Council Policy with Proposed Amendments

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



TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

APPROVAL DATE:

CAO Signature: _____

General

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

Definitions

2. In this Policy, unless the context otherwise requires,
 - (a) “business day(s)” means a day when the Town of Amherst office is open for business;
 - (b) “Chair” means the presiding officer;
 - ~~(c) “committee” means any standing or ad hoc committee or commission, the members of which are appointed by Council;~~
 - (c) “Council” means the Council of the Town of Amherst;
 - (d) “Council Member(s)” include(s) the Mayor unless the context indicates otherwise;
 - (e) “majority” means more than one half of those present, unless the context indicates otherwise.
 - (f) “Consent Agenda” means routine items or non -controversial items that are listed under the Consent Agenda section of the Agenda.

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

3. Unless otherwise specified pursuant to section 5, regular meetings of Council shall be held:
 - (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
 - (b) On the fourth Monday of every month except that there shall be no regular meeting during the months of July and August;
 - ~~(c) Commencing at 6:00 PM and concluding not later than 8:00 PM; when public hearings are scheduled, the hearing will commence at 5:30 PM and the Council meeting will commence at 6:00 PM.~~
 - (d) Public hearings will be scheduled as required.**
 - (e) Council members must attend Council meetings in person, or if requested in advance to the Clerk, for a valid reason, one or more Council members may appear at a meeting by videoconference.
 - (f) Council members attending a meeting by videoconference shall be considered present at the meeting. If a Council member becomes disconnected from the meeting due to technical problems or other reasons, the Council member shall

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

notify the Clerk as soon as possible. The minutes will reflect that the member be considered to have left the meeting at the time of disconnection, unless they are able to rejoin and that shall be recorded.

- (g) Council meetings will be recorded and live-streamed. Should technical difficulties arise, and livestream not be enabled or if livestreaming is not possible, the meeting will continue as scheduled. If a recording of the meeting is available it will be posted to the Town of Amherst website the day following the meeting.

4. Unless otherwise specified to section 5, regular meetings of Committee of the Whole shall be held:

- (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
- (b) On the third Monday of every month except that there shall be no regular meeting during the months of July and August;
- (c) Commencing at 4:00 PM and concluding not later than 6:00 PM, **unless unanimously agreed to by Council to continue past 6:00 PM.**
 - i. Should there remain unfinished business on the agenda ~~at 6:00 PM~~, the meeting shall be adjourned ~~until 4:00 PM on the fourth Monday~~ **and a date and time for a continuation meeting will be set** when the balance of the business on the agenda shall be addressed.
- (d) Council members must attend Committee of the Whole meetings in person, or if requested in advance to the Clerk, for a valid reason, one or more Council members may appear at a meeting by videoconference.
- (e) Council members ~~s~~ attending a meeting by videoconference shall be considered present at the meeting. If a Council member becomes disconnected from the meeting due to technical problems or other reasons, the Council member shall notify the Clerk as soon as possible. The minutes will reflect that the member be considered to have left the meeting at the time of disconnection, unless they are able to rejoin and that shall be recorded.
- (g) **Committee of the Whole meetings will be recorded and live-streamed. Should technical difficulties arise, and livestream not be enabled or if livestreaming is not possible, the meeting will continue as scheduled. If a recording of the meeting is available it will be posted to the Town of Amherst website the day following the meeting.**

5. Requirements for Virtual Attendance

- (a) A Council ~~or committee~~ member may request in advance to join a meeting electronically. The reason for the request shall be communicated to the Clerk at the time of the request and is subject to review. Attendance shall be reviewed quarterly.

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

- (b) All participants must have access to the necessary equipment for participation. A right of membership is participation; therefore, the technology used must be accessible to all members to be included in the meeting. All rules pertaining to in-person Council or Committee **of the Whole** meetings apply equally to electronic meetings, for example, notice, pre-meeting package requirements, quorum, minute-taking, voting, confidentiality requirements, etc.
- (c) Participants are to login 10 minutes before the scheduled meeting time to resolve any technical issues before the meeting starts.
- (d) During In Camera sessions, all meeting participants must ensure they maintain complete privacy in their off-site meeting space. This will ensure all discussions are kept confidential and are only heard by those invited to and attending the meeting.
- (e) All provisions and policy related to in camera meetings and conflict of interest will apply equally for all electronic meetings.

Subject to any conditions or limitations provided for under the Act, Regulations, Bylaws or this Policy, a Council member who participates in a meeting through electronic means shall be deemed to be present at the meeting and will be recorded as in attendance at and part of the quorum of the meeting.

- 6. Regular meetings of Council or Committee of the Whole may be rescheduled, relocated or cancelled:
 - (a) By resolution of Council at a previous meeting three or more days in advance of the additional or special meeting;
 - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
 - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances, provided the Mayor believes that the majority of Council Members would support such a step.
- 7. Additional or special meetings of Council or Committee of the Whole may be convened
 - (a) By resolution of Council at a previous meeting three or more days in advance of the additional meeting;
 - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
 - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances provided the Mayor believes that the majority of Council Members would support, **or are requesting**, such a step.
 - (d) Business conducted at a special meeting must conform to what is specified in the call of the meeting.
- 8. Specific notice to Council Members and to the public need not be provided of
 - (a) Meetings held pursuant to section 3 or 4; or

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

- (b) Meetings held pursuant to subsection (a) and (b) of section 5 or 6; but, subject to any statutory relaxation of notice requirements, three days' notice shall be specifically provided for other meetings to Council Members in the manner described in section 9 and to the public in the manner described in section 10.

- 9. Within 30 days following the first meeting of Council after a municipal election or by-election:
 - (a) The CAO shall provide a cellular phone to each Council Member which the Council Member will check at least once per day; and
 - (b) The CAO shall provide an electronic email address to each Council Member, and the Council Member will check at least once per day;

- 10. Subject to section 7, notice of meetings shall be provided by electronic mail to each Council member through the Town electronic mail address as provided in section 8.

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

Conduct of Meetings

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

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

- (l) Adjourn the meeting when the business is concluded or, when an adjournment time has been set and approved by majority vote or when the adjournment time has been reached, except when it is extended by unanimous consent.

Council Agenda

13. All items appearing on the Council agenda will only consist of items that have been:
- (a) Recommended or referred to Council by motion through either Committee of the Whole or a committee of Council;
 - (b) Placed on the agenda by Council through a motion or notice of motion at a previous meeting;
 - (c) Submitted by a member of Council prior to the issuing of the final agenda;
14. Consent Agenda – Regular Meetings of Council
- (a) Subject to subsection (b), the Consent Agenda may contain routine or non-controversial items;
 - (b) The following matters shall not be set on the Consent Agenda:
 - i. Second Readings of by-laws and land use bylaws, including any amendments
 - ii. Policies
 - iii. Planning documents as defined by the Municipal Government Act;
 - iv. Development agreements, including any amendments thereto;
 - v. Appeals;
 - vi. Motions of rescission, or motions requiring a 2/3 vote of Council;
 - vii. In Camera matters; and
 - viii. Late or added items to the agenda
 - (c) After the Consent Agenda motion has been duly moved and seconded, any member may move that an item be removed from the Consent Agenda, with no seconder, the motions shall be granted as of right.
 - (d) During the consideration of the motion to approve the Consent Agenda, there shall be no discussion or debate on the specific items contained therein.
 - (e) The Chair shall clarify the items that remain on the Consent Agenda, before a vote shall be taken.
 - (f) The vote on the Consent Agenda shall require a majority vote of the Council Members present.
 - (g) Items listed under the Consent Agenda are deemed approved when the vote as described in subsection (f) is passed.
 - (h) An item removed during the Consent Agenda, will be dealt with where it has been placed on the agenda.
15. Except for matters arising from correspondence, committee or other reports, agenda items, or notices of motion or other material circulated to Council Members on or before the business day before the meeting, and except for matters arising from an *in camera* meeting, no motion committing the Town of Amherst to the expenditure of funds shall be

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

accepted by the Chair for the consideration of Council except with the unanimous consent of Council Members present.

16. Preliminary Council agendas will be issued by 4:30 PM on the Thursday preceding the regularly scheduled meeting.
17. Final Council agendas will be issued by noon on the day of the meeting.
18. Items included on the Council agenda will include a copy of the motion to be made when the item arises on the agenda.
19. Copies of the agenda and supporting documentation will be made available to the public in electronic format by 9:00 AM the day of the meeting except for the supporting documents related to matters to be dealt with in camera.
20. At Council meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:
 - (a) Call to Order
 - (b) Territorial Acknowledgement
 - ~~(c) National anthem~~
 - (d) Presentations
 - (e) Approval of agenda
 - (f) Consent Agenda
 - (g) Approval of minutes from the previous meetings
 - (h) Requests for Decision
 - (i) Information / Discussion Items
 - (j) Internal Committee Reports
 - (k) External Committee Reports
 - (l) Adjournment
21. Councillors who have been appointed to outside Boards and Agencies shall provide a written report to the Council to be included in the agenda package. Recognizing that such reports provide Council with the ability to make informed decisions, reports may contain such elements as:
 - (a) The date the meeting was held;
A review of the key issues or discussion points covered that have an impact on the Town;
 - (b) Information and decisions that may impact a current Council position, or future Council course of action;
 - (c) A summary of the organization's key operations and events.

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

Committee of the Whole Agenda

22. The Committee of the Whole will meet for the purpose of discussion and possible referral to Council and no formal decisions will be made by Committee of the Whole, except to the extent that Committee of the Whole is specifically designated bylaw, policy or delegated by a resolution of Council as having the authority to make a decision.
23. Items appearing on the Committee of the Whole agenda will only consist of items as follows:
- (a) Placed on the agenda by Council or Committee of the Whole through a motion or notice of motion from a previous meeting;
 - (b) Submitted by a member of Council prior to the issuing of the final agenda;
 - (c) Staff reports;
 - (d) Items from the administration requiring a decision or direction;
24. Consent Agenda – Committee of the Whole
- (a) Subject to subsection (b), the Consent Agenda may contain routine or non-controversial items;
 - (b) The following matters shall not be set on the Consent Agenda:
 - i. Policies
 - ii. Planning documents as defined by the Municipal Government Act;
 - iii. Development agreements or any amendments thereto;
 - iv. Motions of rescission, or motions requiring a 2/3 vote of Council;
 - v. In Camera matters; and
 - vi. Late or added items to the agenda
 - (c) After the Consent Agenda motion has been duly moved and seconded, any member may move that an item be removed from the Consent Agenda, with no seconder, the motions shall be granted as of right.
 - (d) During the consideration of the motion to approve the Consent Agenda, there shall be no discussion or debate on the specific items contained therein.
 - (e) The Chair shall clarify the items that remain on the Consent Agenda, before a vote shall be taken.
 - (f) The vote on the Consent Agenda shall require a majority vote of the Council Members present.
 - (g) Items listed under the Consent Agenda are deemed approved when the vote as described in subsection (f) is passed.
 - (h) An item removed during the Consent Agenda, will be dealt with where it has been placed on the agenda.
25. Preliminary Committee of the Whole agendas will be issued by 4:30 pm on the Thursday preceding the regularly scheduled meeting.

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

26. Final Committee of the Whole agendas will be issued by 10:00 am on the day of the meeting.
27. Items included on the Committee of the Whole agenda will include a copy of the motion to be made when the item arises on the agenda.
28. Copies of the Committee of the Whole agenda and supporting documentation will be made available to the public in electronic format by 10:00 AM the day of the meeting, except for the supporting documents related to matters to be dealt with in camera.
29. At Committee of the Whole meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:
 - (a) Call to Order
 - (b) Territorial Acknowledgement
 - (c) Approval of Agenda
 - (d) Consent Agenda
 - (e) Approval of Minutes
 - (f) Presentations
 - (g) Council Direction Requests
 - (h) Information / Discussion Items
 - (i) Monthly Departmental Reports
 - (j) Adjournment

Minutes

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

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

Motions, Voting and Speaking

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

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

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

41. A motion:

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

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

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

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

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

44. The following questions shall be decided without debate:

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

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

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

47. Every Council Member, prior to speaking on any question or motion, shall indicate such ~~and raise a hand~~ and wait to be recognized by the Chair. When two or more Council Members ~~raise their hands~~ wish to speak, the Chair shall recognize the first designate as

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

~~the Council Member who, has the floor. the Council Member who,~~ in the opinion of the Chair, indicated so first. ~~first raised a hand.~~

48. No Council Member may speak more than twice, without the leave of Council, on any motion except to explain a misconception of his remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate.
49. When a Council Member wishes to explain, the Council Member shall ~~raise a hand and~~ ask leave of the Chair, without further comment, and if permitted by the Chair, shall explain only an actual misunderstanding of language.
50. No Council Member shall speak more than two minutes upon any matter at one time, without the leave of Council.
51. During a meeting Council may adjourn for short periods or move to another place, without ending the meeting.

Reconsideration

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

Rescission

56. No motion to rescind any resolution of Council shall be made unless Notice of intention to move the same has been given at the regular meeting of Council just previous to that at which the same is moved.

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

57. A Notice of motion to rescind any previous resolution of the Council may be given by any member at any regular meeting of Council.
58. When giving Notice of motion to rescind, the member shall provide a brief explanation of the reason for the Notice.
59. A Notice of motion to rescind shall be dealt with at the next meeting of the Council.
60. At such meeting, the giver of such Notice, or in the absence of the giver, any other member on the giver's behalf shall move the motion to rescind and shall briefly state the reasons therefor.
61. If the motion to rescinded is seconded the same becomes subject to debate according to the normal rules except that it may not be amended.
62. A motion to rescind requires the same vote as was required for the resolution which is subject to rescission. That is, if the resolution subject to rescission required a majority vote of Council the motion to rescind such resolution shall require a majority vote of Council.

Points of Order

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

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

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

Presentations to Council

76. Persons wishing to make a presentation to Council shall write **at least** one week in advance of the next Committee of the Whole meeting to the CAO **or the Clerk** outlining their issue and the decision they wish Council to consider, and request to make a presentation.
77. The request will be added to the next Committee of the Whole agenda to be issued.

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

78. Committee of the Whole will discuss the matter when it appears on the agenda, and will determine if they wish to have the presentation at a future meeting.
79. The CAO or the Clerk shall advise the person or group requesting to make a presentation of the decision of Committee of the Whole including, if approved, the date and time of the presentation.
80. Presentations shall be limited to 15 minutes, unless Committee of the Whole determines a longer period of time is needed.
81. When a delegation is recognized and offered an opportunity to speak, the Mayor or Chairperson of the meeting will request the spokesperson to come forward from the gallery to present. Only one person shall be permitted to speak.
82. No debate or decision on the presentation will occur during the meeting in which the presentation is made, unless the item was previously an agenda item for that meeting.

Petitions

83. Persons wishing to present a petition to Council shall file a copy of the petition with the CAO before 12:00 noon on the Wednesday prior to the meeting of Council at which it is proposed to be presented.
84. The CAO shall circulate a copy of any such petition to each member of Council before the meeting at which it is proposed to be presented.
85. The body of the petition itself, excluding the list of names, shall, if determined by the Chairperson to be practical, be read by the CAO on behalf of the group supporting the petition.
86. No petition shall be presented which Council determines to contain impertinent or improper matter.
87. No persons shall be permitted to speak, whether supporting or opposing the petition, unless the petition comes up for discussion which shall be at the next regular meeting of Council unless Council decides according to the rules to hold a special meeting of Council for that purpose.

TITLE: Proceedings of Council Policy
SECTION: Executive Operations
POLICY NO: 10350-24

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Mayor/Council/Committee Members	Adhere to the Policy
Municipal Clerk	Review the Policy as necessary to ensure content is relevant and accurate

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Remove date and time of when public hearings will be held, add Territorial Acknowledgement to the Committee of the Whole agenda, remove the requirement to end Committee of the Whole meetings at 6:00pm if unanimously agreed to by Council, remove the requirement to raise a hand to be recognized by the Chair, and remove the definition of committee.	Clerk, LeBlanc	Council	

Minutes reference date: 23 February 2015 22 June 2015 2019 January 2019 2020 November 23 2021 May 25

DEPARTMENT: Council**TITLE: Proceedings of Council**

Minutes reference date: 23 February 2015 22 June 2015 2019 January 2019 2020 November 23 2021 May 25

General

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

Definitions

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

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

3. Unless otherwise specified pursuant to section 5, regular meetings of Council shall be held:
 - (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
 - (b) On the fourth Monday of every month except that there shall be no regular meeting during the months of July and August;
 - (c) Commencing at 6:00 PM and concluding not later than 8:00 PM; when public hearings are scheduled, the hearing will commence at 5:30 PM and the Council meeting will commence at 6:00 PM.
 - (d) Council members must attend Council meetings in person, or if requested in advance to the Clerk, for a valid reason, one or more Council members may appear at a meeting by videoconference.

- (e) Council member attending a meeting by videoconference shall be considered present at the meeting. If a Council member becomes disconnected from the meeting due to technical problems or other reasons, the Council member shall notify the Clerk as soon as possible. The minutes will reflect that the member be considered to have left the meeting at the time of disconnection, unless they are able to rejoin and that shall be recorded.
4. Unless otherwise specified to section 5, regular meetings of Committee of the Whole shall be held:
- (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
 - (b) On the third Monday of every month except that there shall be no regular meeting during the months of July and August;
 - (c) Commencing at 4:00 PM and concluding not later than 6:00 PM.
 - i. Should there remain unfinished business on the agenda at 6:00 PM, the meeting shall be adjourned until 4:00 PM on the fourth Monday when the balance of the business on the agenda shall be addressed.
 - (d) Council members must attend Committee of the Whole meetings in person, or if requested in advance to the Clerk, for a valid reason, one or more Council members may appear at a meeting by videoconference.
 - (e) Council member attending a meeting by videoconference shall be considered present at the meeting. If a Council member becomes disconnected from the meeting due to technical problems or other reasons, the Council member shall notify the Clerk as soon as possible. The minutes will reflect that the member be considered to have left the meeting at the time of disconnection, unless they are able to rejoin and that shall be recorded.
5. Requirements for Virtual Attendance
- (a) A Council or committee member may request in advance to join a meeting electronically. The reason for the request shall be communicated to the Clerk at the time of the request and is subject to review. Attendance shall be reviewed quarterly.
 - (b) All participants must have access to the necessary equipment for participation. A right of membership is participation; therefore, the technology used must be accessible to all members to be included in the meeting. All rules pertaining to in-person Council or Committee meetings apply equally to electronic meetings, for example, notice, pre-meeting package requirements, quorum, minute-taking, voting, confidentiality requirements, etc.
 - (c) Participants are to login 10 minutes before the scheduled meeting time to resolve any technical issues before the meeting starts.

- (d) During In Camera sessions, all meeting participants must ensure they maintain complete privacy in their off-site meeting space. This will ensure all discussions are kept confidential and are only heard by those invited to and attending the meeting.
- (e) All provisions and policy related to in camera meetings and conflict of interest will apply equally for all electronic meetings.

Subject to any conditions or limitations provided for under the Act, Regulations, Bylaws or this Policy, a Council member who participates in a meeting through electronic means shall be deemed to be present at the meeting and will be recorded as in attendance at and part of the quorum of the meeting.

- 6. Regular meetings of Council or Committee of the Whole may be rescheduled, relocated or cancelled:
 - (a) By resolution of Council at a previous meeting three or more days in advance of the additional or special meeting;
 - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
 - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances, provided the Mayor believes that the majority of Council Members would support such a step.
- 7. Additional or special meetings of Council or Committee of the Whole may be convened
 - (a) By resolution of Council at a previous meeting three or more days in advance of the additional meeting;
 - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
 - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances provided the Mayor believes that the majority of Council Members would support such a step.
 - (d) Business conducted at a special meeting must conform to what is specified in the call of the meeting.
- 8. Specific notice to Council Members and to the public need not be provided of
 - (a) Meetings held pursuant to section 3 or 4; or
 - (b) Meetings held pursuant to subsection (a) and (b) of section 5 or 6;

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

9. Within 30 days following the first meeting of Council after a municipal election or by-election:
 - (a) The CAO shall provide a cellular phone to each Council Member which the Council Member will check at least once per day; and
 - (b) The CAO shall provide an electronic email address to each Council Member, and the Council Member will check at least once per day;
10. Subject to section 7, notice of meetings shall be provided by electronic mail to each Council member through the Town electronic mail address as provided in section 8.
11. Subject to section 7, notice of meetings shall be provided to the public by posting in the lobby of the Dominion Public Building and in a prominent place on the Town's website, a "Notice of Council Meeting" containing the time, date and place of the meeting.

Conduct of Meetings

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

Council Agenda

13. All items appearing on the Council agenda will only consist of items that have been:
 - (a) Recommended or referred to Council by motion through either Committee of the Whole or a committee of Council;
 - (b) Placed on the agenda by Council through a motion or notice of motion at a previous meeting;
 - (c) Submitted by a member of Council prior to the issuing of the final agenda;

14. Consent Agenda – Regular Meetings of Council
 - (a) Subject to subsection (b), the Consent Agenda may contain routine or non-controversial items;
 - (b) The following matters shall not be set on the Consent Agenda:
 - i. Second Readings of by-laws and land use bylaws, including any amendments
 - ii. Policies
 - iii. Planning documents as defined by the Municipal Government Act;
 - iv. Development agreements, including any amendments thereto;
 - v. Appeals;
 - vi. Motions of rescission, or motions requiring a 2/3 vote of Council;
 - vii. In Camera matters; and
 - viii. Late or added items to the agenda
 - (c) After the Consent Agenda motion has been duly moved and seconded, any member may move that an item be removed from the Consent Agenda, with no seconder, the motions shall be granted as of right.
 - (d) During the consideration of of the motion to approve the Consent Agenda, there shall be no discussion or debate on the specific items contained therein.
 - (e) The Chair shall clarify the items that remain on the Consent Agenda, before a vote shall be taken.
 - (f) The vote on the Consent Agenda shall require a majority vote of the Council Members present.
 - (g) Items listed under the Consent Agenda are deemed approved when the vote as described in subsection (f) is passed.
 - (h) An item removed during the Consent Agenda, will be dealt with where it has been placed on the agenda.

15. Except for matters arising from correspondence, committee or other reports, agenda items, or notices of motion or other material circulated to Council Members on or before the business day before the meeting, and except for matters arising from an *in camera* meeting, no motion committing the Town of Amherst to the expenditure of funds shall be accepted by the Chair for the consideration of Council except with the unanimous consent of Council Members present.

16. Preliminary Council agendas will be issued by 4:30 PM on the Thursday preceding the regularly scheduled meeting.

17. Final Council agendas will be issued by noon on the day of the meeting.

18. Items included on the Council agenda will include a copy of the motion to be made when the item arises on the agenda.

19. Copies of the agenda and supporting documentation will be made available to the public in electronic format by 9:00 AM the day of the meeting except for the supporting documents related to matters to be dealt with in camera.

20. At Council meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:
 - (a) Call to Order
 - (b) Territorial Acknowledgement
 - (c) National anthem
 - (d) Presentations
 - (e) Approval of agenda
 - (f) Consent Agenda
 - (g) Approval of minutes from the previous meeting
 - (h) Requests for Decision
 - (i) Information / Discussion Items
 - (j) Internal Committee Reports
 - (k) External Committee Reports
 - (l) Adjournment

21. Councillors who have been appointed to outside Boards and Agencies shall provide a written report to the Council to be included in the agenda package. Recognizing that such reports provide Council with the ability to make informed decisions, reports may contain such elements as:
 - (a) The date the meeting was held;
 - (b) A review of the key issues or discussion points covered that have an impact on the Town;
 - (c) Information and decisions that may impact a current Council position, or future Council course of action;
 - (d) A summary of the organization's key operations and events.

Committee of the Whole Agenda

22. The Committee of the Whole will meet for the purpose of discussion and possible referral to Council and no formal decisions will be made by Committee of the Whole, except to the extent that Committee of the Whole is specifically designated bylaw, policy or delegated by a resolution of Council as having the authority to make a decision.

23. Items appearing on the Committee of the Whole agenda will only consist of items as follows:

- (a) Placed on the agenda by Council or Committee of the Whole through a motion or notice of motion from a previous meeting;
- (b) Submitted by a member of Council prior to the issuing of the final agenda;
- (c) Staff reports;
- (d) Items from the administration requiring a decision or direction;

24. Consent Agenda – Committee of the Whole

- (a) Subject to subsection (b), the Consent Agenda may contain routine or non-controversial items;
- (b) The following matters shall not be set on the Consent Agenda:
 - i. Policies
 - ii. Planning documents as defined by the Municipal Government Act;
 - iii. Development agreements or any amendments thereto;
 - iv. Motions of rescission, or motions requiring a 2/3 vote of Council;
 - v. In Camera matters; and
 - vi. Late or added items to the agenda
- (c) After the Consent Agenda motion has been duly moved and seconded, any member may move that an item be removed from the Consent Agenda, with no seconder, the motions shall be granted as of right.
- (d) During the consideration of of the motion to approve the Consent Agenda, there shall be no discussion or debate on the specific items contained therein.
- (e) The Chair shall clarify the items that remain on the Consent Agenda, before a vote shall be taken.
- (f) The vote on the Consent Agenda shall require a majority vote of the Council Members present.
- (g) Items listed under the Consent Agenda are deemed approved when the vote as described in subsection (f) is passed.
- (h) An item removed during the Consent Agenda, will be dealt with where it has been placed on the agenda.

25. Preliminary Committee of the Whole agendas will be issued by 4:30 pm on the Thursday preceding the regularly scheduled meeting.

26. Final Committee of the Whole agendas will be issued by 10:00 am on the day of the meeting.

27. Items included on the Committee of the Whole agenda will include a copy of the motion to be made when the item arises on the agenda.

28. Copies of the Committee of the Whole agenda and supporting documentation will be made available to the public in electronic format by 10:00 AM the day of the meeting, except for the supporting documents related to matters to be dealt with in camera.

29. At Committee of the Whole meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:

- (a) Call to Order
- (b) Approval of Agenda
- (c) Consent Agenda
- (d) Approval of Minutes
- (e) Presentations
- (f) Council Direction Requests
- (g) Information / Discussion Items
- (h) Monthly Departmental Reports
- (i) Adjournment

Minutes

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

Motions, Voting and Speaking

- 33. The Chair shall start every question properly presented to Council and before putting it to a vote, shall ask, "Is Council ready for the question" and if no Council Member offers to speak, the Chair shall put the question, after which no Council Member shall be permitted to speak upon it.
- 34. The usual form of voting shall be by the Chair calling for "yeas" and "nays", but any Council Member, before or after a voice vote can call for, and obtain through the Chair, a show of hands and any two Council Members can call for, and obtain through the Chair, a recorded vote with each Council Member's vote entered into the minutes.

35. A motion must be seconded and then repeated by the Chair or read aloud by the Chief Administrative Officer before it is debated. The Chair may direct that the motion be put in writing.
36. After reading of a motion by the Chair or Chief Administrative Officer, it shall be open for discussion.
37. A motion may at any time before the Council has voted on it be withdrawn by the mover with the consent of the seconder.
38. The Chair must vote and shall be deemed to have voted in the affirmative on any resolution unless the Chair indicates clearly it is voting in the negative.
39. When any question is before the Council, the only motions in order shall be:
- (a) A motion in amendment of the original motion;
 - (b) A motion to refer the question, including the motion and amendment if one is moved, to any committee;
 - (c) A motion to defer the consideration of the question either indefinitely or to a specified time;
 - (d) A motion to close the debate at a specified time;
 - (e) A motion that the question be put to a vote;
 - (f) A motion to adjourn.
40. When any one of the motions mentioned in the next preceding section has been made as an amendment to the original motion, no other motion may be made as an amendment except to the original motion or to the amendment, except the following:
- (a) To refer to a committee;
 - (b) To defer the consideration of the question;
 - (c) To close the debate at a specified time;
 - (d) That the question be put to a vote;
 - (e) To adjourn
- Any of which may be moved either to the original motion or to the amendment of the original motion.
41. A motion:
- (a) That the debate be closed at a specified time; or
 - (b) That the question be put to a vote,

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

42. A motion that the question be put to a vote shall preclude all amendments to the main question until the motion is decided, and shall be put to a vote, without debate, in the following words: "That this question be put to a vote". If this motion is resolved in the affirmative, the original question shall be put to a vote immediately, without any amendment or debate, but if such motion is resolved in the negative, then the Council shall proceed to other business.
43. A motion to adjourn shall always be in order except in the following cases:
 - (a) When a Council Member is in possession of the floor;
 - (b) When the "yeas" and "nays" are being called;
 - (c) While the Council Members are voting; or
 - (d) When the adjournment was the last preceding motion.
44. The following questions shall be decided without debate:
 - (a) A motion to reconsider;
 - (b) All motions as to priority of business or as to the suspension of the order of the day;
 - (c) Applications to speak more than the prescribed number of times;
 - (d) A motion to allow any person other than the Council Members or CAO to address the Council;
 - (e) A motion to postpone to a specified time or day;
 - (f) A motion to lay on the table when claiming a privilege over another person; and
 - (g) A motion to adjourn.
45. Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be decided or withdrawn before the main question is put to a vote. Only one amendment shall be allowed to an amendment and any further amendment must be to the main question.
46. Any notice of motion given by a Council Member for a subsequent meeting may, in the absence of the Council Member giving such notice, be taken up by any other Council Member.
47. Every Council Member, prior to speaking on any question or motion, shall raise a hand and wait to be recognized by the Chair. When two or more Council Members raise their hands to speak, the Chair shall designate as the Council Member who has the floor the Council Member who, in the opinion of the Chair, first raised a hand.

48. No Council Member may speak more than twice, without the leave of Council, on any motion except to explain a misconception of his remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate.
49. When a Council Member wishes to explain, the Council Member shall raise a hand and ask leave of the Chair, without further comment, and if permitted by the Chair, shall explain only an actual misunderstanding of language.
50. No Council Member shall speak more than two minutes upon any matter at one time, without the leave of Council.
51. During a meeting Council may adjourn for short periods or move to another place, without ending the meeting.

Reconsideration

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

Rescission

56. No motion to rescind any resolution of Council shall be made unless Notice of intention to move the same has been given at the regular meeting of Council just previous to that at which the same is moved.
57. A Notice of motion to rescind any previous resolution of the Council may be given by any member at any regular meeting of Council.
58. When giving Notice of motion to rescind, the member shall provide a brief explanation of the reason for the Notice.

59. A Notice of motion to rescind shall be dealt with at the next meeting of the Council.
60. At such meeting, the giver of such Notice, or in the absence of the giver, any other member on the giver's behalf shall move the motion to rescind and shall briefly state the reasons therefor.
61. If the motion to rescinded is seconded the same becomes subject to debate according to the normal rules except that it may not be amended.
62. A motion to rescind requires the same vote as was required for the resolution which is subject to rescission. That is, if the resolution subject to rescission required a majority vote of Council the motion to rescind such resolution shall require a majority vote of Council.

Points of Order

63. It shall be the duty of the Chair, and the privilege of any Council Member, to call any Council Member to order, who violates any established rule or order. A point of order must be decided before the subject under consideration is proceeded with.
64. When a Council Member is called to order, the Council Member shall remain seated and silent until the point is determined, until called upon by the Chair to be heard on the point of order.
65. A point of order is not debatable amongst other Council Members, unless the Chair invites discussion in an effort to assist in making a ruling. Where the Chair permits discussion of a point of order, no Council Member shall speak more than once.
66. Decisions of the Chair on points of order or procedure, including an order expelling and excluding a person from the Council Chambers pursuant to sections 65 and 66, are not debatable but are appealable to Council by any Council Member. When an appeal is made from the decision of the Chair, the Chair shall simply put the question, "Shall the decision of the Chair be sustained?"
67. No Council Member shall use offensive or unparliamentary language or speak disrespectfully to or about anyone while in Council, or speak outside the parameters of the question in debate.
68. If a Council Member resists the rules of Council, willfully obstructs the business of Council or disobeys the decision of the Chair, or of Council on appeal, on any question of order or practice or upon the interpretation of the rules of Council after being called to order by the Chair or otherwise disrupts the proceedings of council, the Council Member may be ordered by the Chair to leave the Council Member's seat provided that a majority vote of Council shall be required to sustain the expulsion.
69. If the Council Member refuses to leave the Council Member's seat, the Chair may order the Council Member to be expelled and excluded from the Council Chambers.
70. Such Council Member may, by vote of Council, later in the meeting or at a subsequent meeting be permitted to re-enter Council Chambers and to resume participation in Council's business with or without conditions.
71. Persons who are not Council Members of officers or employees of the Town of Amherst shall observe silence and order in the Council Chambers, unless given permission to speak. Any such persons disturbing the proceedings of Council shall be called to order by the Chair, and, if

they fail to comply, shall be ordered by the Chair to be expelled and excluded from the Council Chambers, provided that a majority vote of Council shall be required to sustain the expulsion.

72. Such member of the public may, by vote of Council, later in the meeting or at a subsequent meeting, be permitted to re-enter Council Chambers with or without conditions.
73. An order of the Chair to expel a person from the Council Chambers pursuant to section 68 of this Policy constitutes a direction from the Town of Amherst to leave the premises for purposes of the *Protection of Property Act* and other applicable laws.
74. If any question arises that is not provided for by applicable legislation or the foregoing rules, it shall be decided according to the ruling of the Chair, having regard to general principles of parliamentary procedure to the best of the Chair's ability but the Chair shall not be expected to conform its decisions with parliamentary procedure texts or precedents.
75. Any of the rules of order may be suspended in its operation by the unanimous consent of the Council Members present.

Presentations to Council

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

Petitions

83. Persons wishing to present a petition to Council shall file a copy of the petition with the CAO before 12:00 noon on the Wednesday prior to the meeting of Council at which it is proposed to be presented.
84. The CAO shall circulate a copy of any such petition to each member of Council before the meeting at which it is proposed to be presented.

85. The body of the petition itself, excluding the list of names, shall, if determined by the Chairperson to be practical, be read by the CAO on behalf of the group supporting the petition.
86. No petition shall be presented which Council determines to contain impertinent or improper matter.
87. No persons shall be permitted to speak, whether supporting or opposing the petition, unless the petition comes up for discussion which shall be at the next regular meeting of Council unless Council decides according to the rules to hold a special meeting of Council for that purpose.

SYNOPSIS

Council Committees Policy

The Proceedings of Council Policy sets out the requirements for the conduct of meetings and the preparation of the meeting materials for Council and Committee of the Whole. In reviewing the Policy, it was noted that the it does not specifically provide clarity on the conduct of meetings of committees other than Council and Committee of the Whole meetings.

With the number of Council Committees we have outside of Council and Committee of the Whole, staff felt it appropriate to draft a new Council Committees Policy for Council's consideration to address how other Committees will conduct business. It should be noted that it is spelled out in the draft new policy that Committees shall follow the meeting procedures set out in the Town of Amherst Proceedings of Council Policy #10350-24.

MOTION:

That Council approve of the new Council Committees Policy #10350-32.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: April 24, 2023

SUBJECT: Council Committees Policy #10350-32

ORIGIN: Policy review, and amendments to the Proceedings of Council Policy.

LEGISLATIVE AUTHORITY: MGA 23(1) The council may make policies (b) regulating its own proceedings and preserving order at meetings of Council

RECOMMENDATION: That Council approve of the new Council Committees Policy #10350-32.

BACKGROUND: The Proceedings of Council Policy sets out the requirements for the conduct of meetings and the preparation of the meeting materials for Council and Committee of the Whole. In reviewing the Policy, it was noted that it does not specifically provide clarity on the conduct of meetings of committees other than Council and Committee of the Whole meetings.

DISCUSSION: With the number of Council Committees we have outside of Council and Committee of the Whole, staff felt it appropriate to draft a new Council Committees Policy for Council's consideration to address how other Committees will conduct business. It should be noted that it is spelled out in the draft new policy that Committees shall follow the meeting procedures set out in the Town of Amherst Proceedings of Council Policy #10350-24.

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

COMMUNITY ENGAGEMENT: There has been no community engagement. If Council approves this new Policy it will be available on the Town of Amherst website.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ALTERNATIVES:

- 1- Approve the policy with amendments
- 2- Do not approve the policy





AMHERST TOWN COUNCIL

RFD# 2023063

Date: April 24, 2023

ATTACHMENTS: Draft Council Committees Policy #10350-32

Report prepared by: Natalie LeBlanc, Municipal Clerk

Report and Financial approved by:



TITLE: Council Committees Policy
SECTION: Executive Operations
POLICY NO: 10350-32

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

1. This policy is entitled the *Council Committees Policy*.
2. This policy is made pursuant to section 24 of the MGA, which empowers Council to establish committees, and section 23(1)(c) of the MGA, which empowers Council to make policies providing for committees and conferring powers and duties upon them.
3. Where the terms of this Policy are inconsistent with the Terms of Reference for a committee, another Council policy or bylaw, or statute or agreement, the provisions of the Terms of Reference, other policy or bylaw, or statute or agreement shall prevail over the terms of this Policy.

Definitions

4. In this Policy:
 - (a) “CAO” means the Chief Administrative Officer for the Town;
 - (b) “MGA” means the *Municipal Government Act* (Nova Scotia);
 - (c) “Special Committee” means a short-term committee established by Council to inquire into or deal with a specific issue;
 - (d) “Standing Committee” means a committee of indefinite duration established by Council;
 - (e) “Statutory Committee” means a board, commission, or committee established pursuant to a specific enabling statute or agreement.
 - (f) “Town” means Town of Amherst.

Membership

5. Membership of committees:
 - (a) will be inclusive and diverse, and broadly reflective of the community.
 - (b) will also reflect desired experience, knowledge, expertise, and geographic representation in the community.

TITLE: Council Committees Policy
SECTION: Executive Operations
POLICY NO: 10350-32

6. Qualifications

In order to be eligible for membership of a committee, an individual must be a member of Council, or a citizen appointed by Council who resides in the Town of Amherst (unless otherwise indicated in Terms of Reference for the Committee) and not be in arrears in payment of any property taxes to the Town.

7. Appointments of Council Members of Committees

- (a) Council members will be appointed to Committees annually in October unless the terms of the appointment are for more than one year.
- (b) Any member of Council not appointed to a committee may attend committee meetings as an observer but is not entitled to participate in committee discussions or to vote.
- (c) The CAO is a non-voting member of every Standing and Special Committee, but is not obligated to attend meetings and is not counted in determining if a quorum is present.

8. Appointments of Citizen Members to Committees

- (a) As and when required, the opportunities to serve as committee members will be widely advertised in a local paper and on Town of Amherst social media so that interested citizens can apply.
- (b) Council will meet *in camera* to review the applications and consider the applicants for committees.
- (c) Following the *in camera* meeting, Council will appoint citizen members to committees at their next regular Council meeting.
- (d) In considering appointments of citizens to committees Council will consider the following:
 - i) Lived and professional experience and background of the applicants in a field related to the work of the committee;
 - ii) Applicants' education in a field related to the work of the committee;

TITLE: Council Committees Policy
SECTION: Executive Operations
POLICY NO: 10350-32

- iii) Experience of the applicants in serving on committees and boards;
 - iv) Ensuring that committee membership is inclusive and diverse and representative of the community;
 - v) Recommendations made by the applicable committee, if applicable;
 - vi) The Terms of Reference for each individual committee will specify the number of members to be appointed to the committee, and the term of the appointments.
- (e) Committee members will be volunteers, with no financial incentives.
- (f) Committee stability and membership continuity will be taken into consideration when considering re-appointments for a consecutive term.

9. Attendance of Members at Meetings

Any member who is absent from three consecutive committee meetings without leave of absence by resolution from the committee will cease to be a member of the committee, and the CAO shall advise Council of the vacancy.

10. Removal of Member from Committee

At the request of the committee or on its own initiative, Council may remove or request the resignation of any of its committee appointees, whether a citizen member or Council member, for malfeasance or any other good and sufficient cause.

11. Resignation of Member

- (a) Any citizen member of a committee wishing to resign from the committee is requested to provide the resignation in writing to the committee Chair with a copy to the CAO, who will inform Council of the vacancy.
- (b) A Council member of a committee may ask to leave a committee prior to the expiration of their term, and Council may grant such request if the Mayor believes it would not unduly impact the work of the committee.

TITLE: Council Committees Policy
SECTION: Executive Operations
POLICY NO: 10350-32

12. Staff Support

Staff will be appointed to committees by the CAO. The staff is not a member of the committee and therefore is not entitled to vote. The responsibilities of the staff include:

- (i) Providing information and professional advice;
- (ii) Supporting the Chair in developing agendas, arranging meetings, and promoting effective committee functioning;
- (iii) Ensuring the preparation of draft minutes; and approval of such at the next meeting;
- (iv) Preparing presentations for the committee;
- (v) Providing an orientation to the work of the committee when required;
- (vi) Any other projects or tasks approved by the CAO.

13. Meeting Schedules

Committee meeting schedules will be established by the Terms of Reference of the Committee.

14. Quorum

- (a) A majority of the members constitutes a quorum, provided that at least one Council member is in attendance.
- (b) In the event of no quorum after 20 minutes past the scheduled start time, or if quorum is lost during a meeting, the committee's official business will cease, the names of those present will be recorded, members will be permitted to leave, and staff will excuse themselves from the meeting.

15. Chair and Vice-Chair

- (a) Each committee will elect a Chair and Vice-Chair as per the Terms of Reference or enabling statute, bylaw or policy.
- (b) The role of the Chair is to carry out the following duties:

TITLE: Council Committees Policy
SECTION: Executive Operations
POLICY NO: 10350-32

- (i) Set the agenda, which will include the territorial acknowledgement;
- (ii) Ensure the committee follows the agenda;
- (iii) Prevent new issues from side-tracking the agenda;
- (iv) Limit additions to the agenda;
- (v) Establish and maintain order and decorum;
- (vi) Respect members' views and be open-minded;
- (vii) Ensure all members have the opportunity to participate by encouraging those who hold back and preventing others from dominating the discussion;
- (viii) Seek agreement and build consensus;
- (ix) Close debate and guide the group to resolution in a timely manner;
- (x) Assist members to word motions clearly and succinctly;
- (xi) Participate in discussion but focus on presiding over the meeting.

(c) The role of the Vice-Chair is to chair meetings as required in the absence of the Chair.

16. **Agendas**

The Chair, in consultation with staff, sets the committee agendas, which are prepared and distributed to committee members by 4:30 p.m. at least two business days prior to the meeting.

17. **Rules of Procedure**

Committees shall follow the meeting procedures set out in the Town of Amherst Proceedings of Council Policy #10350-25.

18. **New Committees**

In considering the formation of a new committee, Council will request staff to prepare a report to Council that includes a Terms of Reference for consideration by Council prior to establishing the committee.

19. **Meetings Open to Public**

- (a) All meetings of committees are open to the public and no person shall be excluded except in cases of improper conduct, or where the committee is considering an item where, in accordance with section 22 of the MGA, the committee is permitted or required to meet *in camera*.

TITLE: Council Committees Policy
SECTION: Executive Operations
POLICY NO: 10350-32

- (b) Statutory Committee meetings will be recorded and livestreamed. Should technical difficulties arise, and livestream not be enabled or if livestreaming is not possible, the meeting will continue as scheduled. If a recording of the meeting is available it will be posted to the Town of Amherst website the day following the meeting.

- (c) Special Committee and Standing Committee meetings will be recorded and livestreamed as required when decisions or motions to recommend items to Council are included on the agenda. Should technical difficulties arise, and livestream not be enabled or if livestreaming is not possible, the meeting will continue as scheduled. If a recording of the meeting is available it will be posted to the Town of Amherst website the day following the meeting.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Mayor/Council/Committee Members	Adhere to this policy, as well as the Proceedings of Council Policy.
Municipal Clerk	Review the policy as necessary to ensure content is relevant and accurate.

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
New Policy	Clerk, LeBlanc	Council	

SYNOPSIS

Purchase and Use of Bottled Water Policy Amendments

At the June 19, 2017 meeting of Committee of the Whole, Council directed staff to develop a policy with regards to bottled water that would address the use of Town provided bottled water and explore the best environmentally positive way in providing liquid refreshments to citizens and staff at meetings and events. Staff drafted a policy based on a similar policy in place at the provincial government level. Council approved the Purchase and Use of Bottled Water Policy on September 25, 2017.

As part of the ongoing Policy and Bylaw review, staff have reviewed this Policy and are recommending some minor changes to the wording that would no longer prohibit the use of bottled water but rather strongly discourage it unless deemed necessary.

MOTION:

That Council approve of the amendments to the Purchase and Use of Bottled Water Policy #01130-02.



AMHERST TOWN COUNCIL

RFD# 2023052

Date: April 24, 2023

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: April 24, 2023

SUBJECT: Purchase and Use of Bottled Water Policy

ORIGIN: Policy / Bylaw Review

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

RECOMMENDATION: That Council approve of the amendments to the Purchase and Use of Bottled Water Policy #01130-02.

BACKGROUND: At the June 19, 2017 meeting of Committee of the Whole, Council directed staff to develop a policy with regards to bottled water that would address the use of Town provided bottled water within Town Hall and explore the best environmentally positive way in providing liquid refreshments to citizens at events. Staff drafted a policy based on a similar policy in place at the provincial government level. Council approved the Purchase and Use of Bottled Water Policy on September 25, 2017.

DISCUSSION: As part of the ongoing Policy and Bylaw review, staff have reviewed this Policy and are recommending some minor changes to the wording that would no longer prohibit the use of bottled water but rather strongly discourage it unless deemed necessary.

FINANCIAL IMPLICATIONS: While not significant, the amount of money spent on bottled water for meetings and events is normally about \$750 per year.

COMMUNITY ENGAGEMENT: No community engagement has taken place.

ENVIRONMENTAL IMPLICATIONS: The use of tap water over bottled water conserves energy and reduces utilization of fossil fuels.

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

ALTERNATIVES: 1) Make no / or other amendments to the Policy; or 2) Repeal the Policy



ATTACHMENTS: 01130-02 Purchase and Use of Bottled Water Policy Existing, -1130-02 Purchase and Use of Bottled Water Policy with Amendments.

Report prepared by: Natalie LeBlanc

Report and Financial approved by:

TITLE: Purchase and Use of Bottled Water Policy
SECTION: Administration – Corporate Identity Program
POLICY NO: 01130-02

APPROVAL DATE:

CAO Signature: _____

Policy Statement:

The Town of Amherst, through the Amherst Water Utility, provides municipal drinking water in the area. It is important that the Town stands as a leader in the promotion of public drinking water, and the building of public confidence in the use of drinking water in Amherst. The use of tap water over bottled water conserves energy, reduces utilization of fossil fuels and saves money.

To this end, the Town of Amherst will ~~no longer~~ **make every attempt to not** purchase bottled water where potable tap water is available, and the Town will encourage staff to use potable tap water.

Definitions:

Bottled Water

Water that can be purchased in individual sized bottles (plastic and glass).

Potable Water

Water that is safe for human consumption and domestic use.

Tap Water

Water that is provided by a municipal water treatment or distribution facility and registered public drinking water supply.

Policy Objectives:

The objectives of this policy are to achieve the following:

- Eliminate the Town purchasing bottled water where potable water is available;
- Minimize Town staff and client use of bottled water;
- Increase the use of potable tap water for Town staff and clients.

Application

This policy applies to all Town employees.

It is recognized that individuals who are immune-compromised or have other sensitivities related to water quality may need to buy bottled water.

This policy is exempt in the case of an emergency as defined by the *Emergency Management Act*.

Policy Directives

- Meetings and events hosted by the Town of Amherst (on or off site) shall have tap water available to clients and employees when potable water is available. Bottled water will ~~not be provided~~; **only be provided when deemed necessary**;

TITLE: Purchase and Use of Bottled Water Policy
SECTION: Administration – Corporate Identity Program
POLICY NO: 01130-02

- The use of Town supplied bottled water will be limited to work places that do not have access to potable water or are under a water advisory.

Policy Guidelines

- Encourage staff to use potable water in refillable containers rather than purchasing bottled water when at work (e.g., buildings, meetings and training sessions);
- Encourage staff to drink water as part of a healthy lifestyle whereby potable tap water is an excellent source.

Accountability

Management and staff responsible for purchasing are accountable for executing this policy. Employees are responsible for following the policy.

Monitoring

Each department will be responsible for monitoring the policy’s implementation, performance and effectiveness

ROLES AND RESPONSIBILITIES

Title	Responsibilities
Municipal Clerk, LeBlanc	Review Policy as necessary
All Employees	Encourage the use of potable tap water

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Minor wording changes to discourage the use of bottle water rather than prohibit it	Clerk, LeBlanc	Council	

Minutes reference date: 25 September 2017

DEPARTMENT: Council and All Departments

TITLE: **Purchase and Use of Bottled Water Policy**

Minutes reference date:
Effective date: September 25, 2017

Policy Statement:

The Town of Amherst, through the Amherst Water Utility, provides municipal drinking water in the area. It is important that the Town stands as a leader in the promotion of public drinking water, and the building of public confidence in the use of drinking water in Amherst. The use of tap water over bottled water conserves energy, reduces utilization of fossil fuels and saves money.

To this end, the Town of Amherst will no longer purchase bottled water where potable tap water is available, and the Town will encourage staff to use potable tap water.

Definitions:

Bottled Water

Water that can be purchased in individual sized bottles (plastic and glass)

Potable Water

Water that is safe for human consumption and domestic use

Tap Water

Water that is provided by a municipal water treatment or distribution facility and registered public drinking water supply

Policy Objectives:

The objectives of this policy are to achieve the following:

- Eliminate the Town purchasing bottled water where potable water is available;
- Minimize Town staff and client use of bottled water;
- Increase the use of potable tap water for Town staff and clients

Application

This policy applies to all Town employees.

It is recognized that individuals who are immune-compromised or have other sensitivities related to water quality may need to buy bottled water.

This policy is exempt in the case of an emergency as defined by the *Emergency Management Act*.

Policy Directives

- Meetings and events hosted by the Town of Amherst (on or off site) shall have tap water available to clients and employees when potable water is available. Bottled water will not be provided;
- The use of Town supplied bottled water will be limited to work places that do not have access to potable water or are under a water advisory.

Policy Guidelines

- Encourage staff to use potable water in refillable containers rather than purchasing bottled water when at work (e.g., buildings, meetings and training sessions);
- Encourage staff to drink water as part of a healthy lifestyle whereby potable tap water is an excellent source.

Accountability

Management and staff responsible for purchasing are accountable for executing this policy. Employees are responsible for following the policy.

Monitoring

Each department will be responsible for monitoring the policy's implementation, performance and effectiveness

SYNOPSIS

Town Crest Policy Amendments

Staff are currently conducting a review of all policies and bylaws.

The Town Crest Policy sets out the requirements for individuals or organizations not directly connected to the Town for permission to use the Town Crest in any way.

This Policy has not been reviewed since March of 2007. Since that time social media has become more popular, therefore staff feel it is important to include it as part of the policy. The proposed amendments also change the wording to clarify that the Town Crest use be limited to uses by, or connected to, the Town of Amherst.

MOTION:

That Council approve of the amendments to the Town Crest Policy #01130-01.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: April 24, 2023

SUBJECT: Town Crest Policy Amendments

ORIGIN: Review of all Town policies and bylaws

LEGISLATIVE AUTHORITY: MGA 48(2) The council may adopt different policies for different areas of the municipality.

RECOMMENDATION: That Council approve of the amendments to the Town Crest Policy #01130-01.

BACKGROUND: The Town Crest Policy sets out the requirements for individuals or organizations not directly connected to the Town for permission to use the Town Crest in any way.

DISCUSSION: This Policy has not been reviewed since March of 2007. Since that time social media has become more popular, therefore staff feel it is important to include it as part of the policy. The proposed amendments also change the wording of the use of the crest from “restricted” to “limited”, and changes the requirement that it only be used or connected to use with the “Town Council” to the “Town of Amherst”.

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

COMMUNITY ENGAGEMENT: There has been no community engagement. If Council approves the amendments the policy will be available on the Town of Amherst website.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ALTERNATIVES: Approve the policy amendments with alternative language

ATTACHMENTS: Town Crest Police Amended, and Town Crest Policy Existing

Report prepared by: Natalie LeBlanc, Municipal Clerk

Report and Financial approved by:



TITLE: TOWN CREST POLICY
SECTION: Administration – Corporate Identity Program
POLICY NO: 01130-01

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

POLICY STATEMENT:

WHEREAS on the 29th day of June, 1962 the Town of Amherst received Letters Patent granting Arms to the Town by Royal Authority vested in the Earl Marshal, the Duke of Norfolk, and delegated by him to the Garter Principal King of Arms, London, England;

AND WHEREAS the Town Council of the Town of Amherst is justly proud of this grant and is desirous of assuring that the use of same is ~~restricted~~ **limited** in order that said Arms will not become common-place and the intrinsic value lost;

THEREFORE be it resolved that no reproductions, **or copies in any way**, ~~facsimiles~~ of all or any portion of the said Arms be ~~authorized by the Town Council~~ **permitted** except for the following purposes:

- (a) by the Town ~~of Amherst Council~~ **of Amherst Council** for such items as letterheads, presentation items, **social media** and other purposes directly connected with Town business;
- (b) for promotions connected directly with the Town of Amherst, such as ~~industrial brochures~~, ~~and~~ tourist booklets, **and social media promotions, by organizations working in conjunction on the Town's behalf.**

In any case where the Crest is proposed to be used by any individual or organization not directly connected with the Town ~~of Amherst Council~~, permission for said use must be first obtained from the Town Council.

ROLES AND RESPONSIBILITIES

Title	Responsibilities
Municipal Clerk, LeBlanc	Ensure the policy is followed, and reviewed for relevancy.
Council	Give permission when use of the Town Crest is requested.

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Bring the policy to date by including social media, change or limit permissions for it's use with outside individuals or organizations rather than restrict them.	Clerk, LeBlanc	Council	

DEPARTMENT: ALL TOWN DEPARTMENTS

TITLE: **Town Crest Policy**

Minutes reference date: October 21, 1963, page 86
1st Revision date: March 26, 2007

POLICY STATEMENT:

WHEREAS on the 29th day of June, 1962 the Town of Amherst received Letters Patent granting Arms to the Town by Royal Authority vested in the Earl Marshal, the Duke of Norfolk, and delegated by him to the Garter Principal King of Arms, London, England;

AND WHEREAS the Town Council of the Town of Amherst is justly proud of this grant and is desirous of assuring that the use of same is restricted in order that said Arms will not become common-place and the intrinsic value lost;

THEREFORE be it resolved that no reproductions, copies, facsimiles of all or any portion of the said Arms be authorized by the Town Council except for the following purposes:

- (a) by the Town Council for such items as letterheads, presentation items and other purposes directly connected with Town business;
- (b) for promotions connected directly with the Town of Amherst, such as industrial brochures and tourist booklets.

In any case where the Crest is proposed to be used by any individual or organization not directly connected with the Town Council, permission for said use must be first obtained from the Town Council.

SYNOPSIS

Capital Budget Carry Overs

When Council approved the Capital Budget a few months ago it was noted that some of the 2022/23 projects would require a carry over to the 2023/24 fiscal year due to not being completed by fiscal year end.

These projects were previously approved by Council (with the exception of the two budget increases noted below) and this motion simply authorizes that the spending authority be carried over into the current fiscal year (2023/24). A list of the carry over projects is attached for Council's reference.

There are two projects that required the budgets to be increased for 2023/24 from the prior year budget. The first is the dump truck in the Water Utility. The original budget was \$175,000 but with rising costs this budget isn't sufficient to purchase a dump truck. This budget has been increased to \$320,000 with the funding coming from the Water Deprecation fund. The second project is the Aerial Fire Truck. The original budget was \$1,600,000 and the final cost came in at \$2,084,677. This budget has been increased and will be funded from the Capital Reserve.

There are three other carry over projects listed in the Fire Department with the overall funding for the three projects remaining the same but the allocation to each project being adjusted as final costs are now known. The Air Compressor project was going to be under budget and the Fire Suppression Hose and the Fit Testing System were going to be over budget. So, the budgets have been adjusted to show a more accurate budget for each, while remaining within the same overall budget total.

The capital budget spending authority for 2023/24 would be amended by \$7,036,677 (\$1,202,900 for the Water Utility and \$5,833,777 for General Capital) for the carry over projects.

MOTION:

That Council approve of the inclusion of carry over projects to the Town of Amherst Water Utility and General Capital Budgets for the 2023/24 fiscal year. The capital budget spending authority for 2023/24 is amended by \$7,036,677 for the capital carry over projects (\$1,202,900 for the Water Utility and \$5,833,777 for General Capital).

The carry over projects will be funded by:

Water Utility Capital:

Water Depreciation	\$ 601,301
Grant - Water Utility	<u>\$ 601,599</u>
	<u>\$1,202,900</u>

General Capital:

Operating Reserve	\$ 485,000
Capital Reserve	\$2,529,477
Grants – General Capital	\$2,220,932
Long Term Debt – General/Sewer	<u>\$ 598,368</u>
	<u>\$5,833,777</u>



AMHERST TOWN COUNCIL

RFD# 2023056

Date: April 24, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Sarah Wilson, Director of Finance

DATE: April 24, 2023

SUBJECT: 2023/24 Capital Budget Carry Overs - Water Utility & General Capital

ORIGIN: 2023/24 budget preparations.

LEGISLATIVE AUTHORITY: Section 65 of the Municipal Government Act requires that council shall adopt an operating budget and a capital budget for each fiscal year.

RECOMMENDATION: That Council approve of the inclusion of carry over projects to the Town of Amherst Water Utility and General Capital Budgets for the 2023/24 fiscal year. The capital budget spending authority for 2023/24 is amended by \$7,036,677 for the capital carry over projects (\$1,202,900 for the Water Utility and \$5,833,777 for General Capital).

BACKGROUND: During last year's Capital Budget, capital projects were presented to Council who provided approval for the 2022/23 fiscal year. Although most of these projects were completed through the year, staff were not able to complete some of them. There are various reasons for this such as long delivery timelines and resource limitations for example.

On February 27, 2023, Council approved new projects for the 2023/24 General and Water Capital Budgets as well as in principle the years 2-5 proposed Capital Budgets. We are simply looking to amend the year 1 Capital Budget to add the carry over projects (approved in the 2022/23 budget) to our Capital Budget to allow for spending authority during 2023/24.

DISCUSSION: During the Capital Budget presentation and discussion, we indicated to Council that we were uncertain of the projects that would require a carry over to the 2023/24 fiscal year and that once we were past year end we would come back to Council to obtain authority to add these to the Capital Budget to ensure we have spending authority in the current fiscal year.

As stated above, these projects have already been approved by Council and we are simply requesting that the spending authority be carried over into the current fiscal year, with two budget adjustments (detailed below). A list of the carry over projects is attached for Council's reference.

FINANCIAL IMPLICATIONS: There are two projects that required the budgets to be increased for 2023/24 from the prior year budget. The first is the dump truck in the Water Utility. The original budget was \$175,000 but with rising costs this budget isn't sufficient to purchase a dump truck. This budget has been increased to \$320,000 with the funding coming from the Water Deprecation fund. The second project is the Aerial Fire Truck. The original budget was



\$1,600,000 and the final cost came in at \$2,084,677. This budget has been increased and will be funded from the Capital Reserve.

There are three other carry over projects listed in the Fire Department that the overall funding for the three projects remains the same but the allocation to each project has been adjusted as final costs are known. The Air Compressor project was going to be under budget and the Fire Suppression Hose and the Fit Testing System were going to be over budget. So, the budgets have been adjusted to show a more accurate budget for each, while remaining within the same overall budgets.

The carry over projects were approved by Council and financing was set in place in last fiscal year, with the exception of the two budget increases noted above. The financial implication is simply to move the spending authority from fiscal 2022/23 to 2023/24.

The capital budget spending authority for 2023/24 would be amended by \$7,036,677 (\$1,202,900 for the Water Utility and \$5,833,777 for General Capital). The projects are itemized in the attached listing. These projects will be funded by:

Water Utility Capital:

Water Depreciation	\$ 601,301
Grant - Water Utility	<u>\$ 601,599</u>
	<u>\$1,202,900</u>

General Capital:

Operating Reserve	\$ 485,000
Capital Reserve	\$2,529,477
Grants – General Capital	\$2,220,932
Long Term Debt – General/Sewer	<u>\$ 598,368</u>
	<u>\$5,833,777</u>

COMMUNITY ENGAGEMENT: Information on the budget has been shared via social media as approvals occur. A budget report will be added to the website once the operating budget has been approved.

ENVIRONMENTAL IMPLICATIONS: None anticipated.

SOCIAL JUSTICE IMPLICATIONS: None anticipated.

ALTERNATIVES: Delay the decision on carry over projects to a future meeting.

ATTACHMENTS: Listing of Capital Project Carry Overs for 2023/24.

Report prepared by: Sarah Wilson, Director of Finance
Report and Financial approved by: Sarah Wilson, Director of Finance

Capital Budget		Approved by Council June 8, 2022, amended Nov 28/22 (Stormwater Mgmt Study).						
Carry Over Projects from 2022/23 to 2023/24		Sources of Financing						
Projects	Estimated Gross Cost with non-recoverable HST included	Water Depreciation	Operating Reserve	Capital Reserve	Capital Reserve (Carry Overs)	Grants	ICIP Infrastructure Grant	Long Term Debt - General / Sewer
WATER								
Dump Truck <i>(carry over)</i>	320,000	320,000						
West Victoria Street ~ CNR to Hickman - water main replacement <i>[contingent on grant funding]</i>	820,400	218,801					601,599	
McCully Street Booster Station - study & design	50,000	50,000						
Water Meter Replacement	12,500	12,500						
WATER TOTAL	1,202,900	601,301	-	-	-	-	601,599	-
GENERAL CAPITAL								
EQUIPMENT								
LED Lighting upgrade <i>[contingent on grant funding]</i>	670,000	-	150,000	-	-	520,000	-	-
BUILDINGS / LAND								
Video Conference System for 5 Ratchford Street <i>(carry over)</i>	12,000				12,000			
Industrial Park Directory Sign Replacement <i>(carry over)</i>	25,000				25,000			
Library Door Replacement	35,000				35,000			
Town Hall - New Roof	135,000		135,000					
Works Garage - Heating / Cooling	50,000				50,000			
Land Purchase - Blaine Street & Ottawa Avenue	100,000			100,000				
Subtotal	357,000	-	135,000	100,000	122,000	-	-	-
LARGE MULTI - CATEGORY PROJECTS								
West Victoria Street ~ CNR to Hickman - sanitary sewer, storm sewer (corrugated), pulverize & rebuild street, curb, sidewalk <i>[contingent on grant funding]</i>	1,523,600						1,117,256	406,344
Russell Street - sanitary sewer, storm sewer (corrugated), pulverize & rebuild street <i>[contingent on grant funding]</i>	720,000						527,976	192,024
Subtotal	2,243,600	-	-	-	-	-	1,645,232	598,368
STORM/SANITARY SEWER								
Storm Water Management Plan	80,000	-	-	-	55,000	25,000	-	-
FIRE DEPARTMENT								
Fire Truck - replace Ladder 4 - Aerial device	2,084,677			1,883,677	201,000			
Air Compressor - replacement (Station unit)	10,000				10,000			
Fire suppression hose (Set # 2) - replacement	35,000				35,000			
Fit Testing System	17,000				7,000	10,000		
Subtotal	2,146,677	-	-	1,883,677	253,000	10,000	-	-
POLICE DEPARTMENT								
APD HVAC	18,000				18,000			
APD In House Camera Systems and Adjustments	8,500				8,500			
Subtotal	26,500	-	-	-	26,500	-	-	-
RECREATION								
Beacon Street Park - Sponge Surface Repair	20,000				14,300	5,700		
Rotary Park - Play Equipment Replacement	40,000				25,000	15,000		
Community Events Trailer	15,000				15,000			
Zero Turn Replacement c/w grass catcher	35,000				35,000			
Robbs Lighting	200,000		200,000					
Subtotal	310,000	-	200,000	-	89,300	20,700	-	-
GENERAL TOTAL	5,833,777	-	485,000	1,983,677	545,800	575,700	1,645,232	598,368
GRAND TOTAL WATER & GENERAL	7,036,677	601,301	485,000	1,983,677	545,800	575,700	2,246,831	598,368

SYNOPSIS

Capital Budget Amendments

The Town of Amherst's Agreement with the Challenge Fund allows the Town to purchase land within and around the North Tyndal Wellfield with the costs being covered by a grant from the Fund. This year the Challenge Fund will provide a maximum total contribution of \$338,470. The potential land purchases are completely funded by the Challenge Fund Grant so there is no financial impact to the Water Utility.

The boilers at the Police Station have not been performing as they should and recently one has failed completely. The status of these boilers leaves the building in danger of not having heat. The CAO authorized an emergency alternate procurement for new boilers at the Police Station. The old boilers were aluminum and have completely corroded, the new boilers will be stainless steel and have a lifetime warranty. The replacement of the Police Station Boilers will cost approximately \$65,000 and will be funded from the Capital Reserve – Unrestricted Funds.

MOTION:

That Council approve an amendment to the 2023/24 Town of Amherst Water Utility Capital Budget for the addition of \$338,470 for potential Land Purchases to be funded by the Challenge Fund Grant and the General Capital Budget for the addition of the Police Station Boiler Replacement of \$65,000 to be funded from Capital Reserve.



AMHERST TOWN COUNCIL

RFD# 2023057

Date: April 24, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Sarah Wilson, Director of Finance

DATE: April 24, 2023

SUBJECT: 2023/24 Capital Budget Amendments

ORIGIN: 2023/24 Capital Budget.

LEGISLATIVE AUTHORITY: Section 65 of the Municipal Government Act requires that council shall adopt an operating budget and a capital budget for each fiscal year.

RECOMMENDATION: That Council approve an amendment to the 2023/24 Town of Amherst Water Utility Capital Budget for the addition of \$338,470 for potential Land Purchases to be funded by the Challenge Fund Grant and the General Capital Budget for the addition of the Police Station Boiler Replacement of \$65,000 to be funded from Capital Reserve.

BACKGROUND: The Challenge Fund Grant (Nova Scotia Environment and Climate Change) has funded previous land purchases in the Water Utility. The purpose of these land purchases is to secure more land in and around the North Tyndall Wellfield.

The boilers at the Police Station have not been performing as they should and one has failed completely. The status of these boilers leaves the building in danger of not having heat.

DISCUSSION: The Town of Amherst's Agreement with the Challenge Fund sets the grant contribution for 2023/24 at \$338,470. Although this grant is available and covers all the costs of acquiring land, it can be difficult to locate and acquire parcels of land.

The CAO authorized an emergency alternate procurement for new boilers at the Police Station. The old boilers were aluminum and have completely corroded, the new boilers will be stainless steel and have a lifetime warranty.

FINANCIAL IMPLICATIONS: The potential land purchases are completely funded by the Challenge Fund Grant so there is no financial impact to the Water Utility.

The replacement of the Police Station Boilers is \$65,000 and will be funded from the Capital Reserve – Unrestricted Funds.

COMMUNITY ENGAGEMENT: Information on the capital budget has been shared via social media. A budget report (operating and capital) will be added to the website once the operating budget has been approved.

ENVIRONMENTAL IMPLICATIONS: None anticipated.



SOCIAL JUSTICE IMPLICATIONS: None anticipated.

ALTERNATIVES: Delay the decision to a future meeting.

ATTACHMENTS: None

Report prepared by: Sarah Wilson, Director of Finance

Report and Financial approved by: Sarah Wilson, Director of Finance

SYNOPSIS

Capital Paving Tender (RFT-23-14)

A tender for the capital paving program was issued with a closing date of March 29, 2023. The following two bids were received, excluding applicable taxes:

- Cumberland Paving (Miller Group) \$ 891,500
- Costin Paving and Contracting (Dexter Construction) \$ 779,850

The capital paving program for the 2023/24 fiscal year was approved by Council in the Capital Budget and awarding of the tender at this time will allow for timely completion of the work.

The approved 2023/24 capital budget includes \$774,000 inclusive of non-recoverable taxes for asphalt paving of streets. The cost of the proposed work including non-refundable taxes is \$813,274.37. Based on the estimated quantities the tendered amount is \$39,274.37 more than the approved budget. However, the final project cost is determined by the actual quantities of material used and is not expected to exceed the approved budget.

MOTION:

That Council award the Capital Paving Tender (RFT-23-14) to the lowest compliant bidder, Costin Paving and Contracting Ltd., at their unit prices based on our estimated quantities in the total amount of \$779,850 plus HST.



AMHERST TOWN COUNCIL

RFD# 2023053

Date: April 24, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Aaron Bourgeois, Director of Operations

DATE: April 24, 2023

SUBJECT: Capital Paving Tender RFT-23-14

ORIGIN: 2023/24 Capital Budget.

LEGISLATIVE AUTHORITY: 31700-01 Procurement Policy

RECOMMENDATION: That Council award the Capital Paving Tender (RFT-23-14) to the lowest compliant bidder, Costin Paving and Contracting Ltd., at their unit prices based on our estimated quantities in the total amount of \$779,850 plus HST.

BACKGROUND: A tender for the capital paving program was issued with a closing date of March 29, 2023. The following two bids were received (plus non-refundable taxes):

- Cumberland Paving (Miller) \$ 891,500
- Costin Paving and Contracting (Dexter) \$ 779,850

DISCUSSION: The capital paving program for the 2023/24 fiscal year was approved by Council in the Capital Budget. Award of the tender at this time will allow for timely completion of the work.

FINANCIAL IMPLICATIONS: The approved 2023/24 capital budget includes \$774,000 (non-recoverable taxes included) for asphalt paving of streets. The cost of the proposed work including non-refundable taxes is \$813,274.37. Based on the estimated quantities the tendered amount is \$39,274.37 more than the approved budget. However, the final project cost is determined by the actual quantities of material used and not expected to exceed the approved budget.

COMMUNITY ENGAGEMENT: The Town issued a tender as per our Procurement Policy. A media release will be issued pending Council approval. Hand delivered notices will be delivered to all affected residents and businesses prior to the start of construction.

ENVIRONMENTAL IMPLICATIONS: There are no direct environmental implications to the award of this contract. The repaving of streets with asphalt will generate greenhouse gas emissions; however, there is little alternative if our street infrastructure is to be maintained.



The approximately 500 tonnes of asphalt that will be removed through the cold milling process on Church Street and Academy Street can be used in our asphalt recycler for patching potholes or used in future projects such as trail construction.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications to the award of this contract.

ALTERNATIVES: As all bidders were compliant with the tendering process, Council has no alternative to awarding the contract to the low bidder, unless the project were to be cancelled altogether.

ATTACHMENTS: None

Report prepared by: Aaron Bourgeois, Director of Operations
Report and Financial approved by:

SYNOPSIS

Asphalt Patching Tender (RFT-23-18)

The 2023/24 combined general, water and sewer operating budgets include an amount of \$408,550 for contracted patching services. The work performed under this contract includes asphalt spreader patching of streets and the restoration of service cuts.

A tender for the asphalt patching program was issued with a closing date of April 12, 2023 and two bids were received, excluding applicable taxes;

Cumberland Paving (Miller group)	\$ 375,750
Costin Paving and Contracting (Dexter Construction)	\$ 356,725

The tender is a unit price contract based on estimated quantities, the final cost will be determined by the actual quantities of material used and will not exceed the budget approved by Council.

MOTION:

That Council award the Asphalt Patching Tender (RFT-23-18) to the lowest compliant bidder, Costin Paving and Contracting, at their unit prices in the amount of \$356,725 plus HST.



AMHERST TOWN COUNCIL

RFD# 2023072

Date: April 24, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Aaron Bourgeois, Director of Operations

DATE: April 24, 2023

SUBJECT: Asphalt Patching Tender (RFT-23-18)

ORIGIN: Operating Budget for the year ending March 31, 2024.

LEGISLATIVE AUTHORITY: 31700-01 Procurement Policy

RECOMMENDATION: That Council award the Asphalt Patching Tender (RFT-23-18) to the lowest compliant bidder, Costin Paving and Contracting, at their unit prices based on our estimated quantities in the amount of \$356,725 plus HST.

BACKGROUND: A tender for the asphalt patching program was issued with a closing date of April 12, 2023. The following two bids were received, excluding applicable taxes:

- Cumberland Paving (Miller Group) \$ 375,750
- Costin Paving & Contracting (Dexter Construction) \$ 356,725

DISCUSSION: Awarding of the tender at this time will allow for timely completion of the Town's contracted spreader patching and service cut restoration.

FINANCIAL IMPLICATIONS: The operating budget for 2023/24 includes \$250,000 in Operations, \$45,550 in Sewage and \$113,000 in the water utility operating budgets for a total of \$408,550 for contracted patching services. The cost of the proposed work including non-refundable taxes, based on the estimated quantities is \$356,725. As the tender is a unit price contract based on estimated quantities the final cost will be determined by the actual quantities of material used, and will not exceed the budget approved by Council.

COMMUNITY ENGAGEMENT: Social media posts will advise residents of the planned locations for asphalt patching activities.

ENVIRONMENTAL IMPLICATIONS: There are no direct environmental implications to the award of this contract. Asphalt patching does generate greenhouse gas emissions, however there is currently no alternative method of completing the work.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications to the award of this contract.



ALTERNATIVES: As both bidders were compliant with the tendering process, Council has no alternative but to awarding the contract to the low bidder, unless the project were to be cancelled altogether.

ATTACHMENTS: None

Report prepared by:

Report and Financial approved by:

SYNOPSIS

Wellfield Variable Frequency Drives

At the February 28, 2022 council meeting, Council approved an amendment to the original scope of work for the wellfield generator project and approved the purchase of a new towable diesel fueled generator and the upgrading of the 4 production wells at the North Tyndal Wellfield with variable frequency drives (VFD's).

Based on the consultants cost estimates the amended scope of work could be accommodated in the approved project budget of \$240,000 that included \$40,000 for engineering services, \$125,000 for the generator and \$73,000 for the VFD's.

The actual cost of the generator was \$175,983 and the cost of engineering services was \$47,737, for a total of \$223,720.

An RFP for the supply and installation of the VFD's was closed in February, one proposal was received with a cost of \$80,807 plus applicable taxes.

As the total project cost would now be well in excess of the original approved budget and in consultation with the Nova Scotia Utility and Review Board it was determined that the purchase and installation of the VFD's should be treated as a standalone project.

Amending the 2023/24 water utility capital budget is essential to completing the project. When the VFD installation is complete the Amherst Water Utility will be able to operate any 3 of the 4 production wells during a prolonged power outage to help ensure;

- no interruption in the delivery of potable water for our residents
- an adequate supply of water for fire suppression if needed, and
- replacing the existing direct online motor starters with VFD's will reduce turbidity, from the source, in our water distribution system.

The Wellfield VFD's will be funded from the Water Depreciation Fund. The estimated balance of the Water Depreciation Fund at March 31, 2024 will be \$1,200,000.

MOTION:

That Council approve of an amendment to the 2023/24 Water Utility Capital Budget and allocate \$85,000 from the water depreciation fund for the installation of variable frequency drives for the 4 production wells at the North Tyndal Wellfield.

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Aaron Bourgeois, Director of Operations

DATE: April 24, 2023

SUBJECT: **Wellfield Panel Upgrades (VFD's)**

ORIGIN: 2020/21 Water Utility Capital Budget.

LEGISLATIVE AUTHORITY: MGA Section 65 The council shall adopt an operating budget and a capital budget for each fiscal year

RECOMMENDATION: That Council approve of an amendment to the 2023/24 Water Utility Capital Budget and approve and allocate \$85,000 from the water depreciation fund for the installation of variable frequency drives (VFD's) for the 4 production wells at the North Tyndal Wellfield.

BACKGROUND: The wellfield generator project was originally approved in the 2020/21 water utility capital budget. An RFP for the engineering services was issued to size a single propane generator suitable to power the production wells and the chlorination building. The consultant provided a preliminary report to staff indicating cost to complete the project would be well beyond the approved budget, the engineer's preliminary cost estimates for the project ranged from \$638,000 to \$940,000.

At the February 28, 2022 council meeting, Council approved an amendment to the original scope of work for the wellfield generator project and approved the purchase of 1 new towable diesel fueled generator and upgrading the 4 production wells at the North Tyndal Wellfield with VFD's (variable frequency drives).

Based on the consultants cost estimates the amended scope of work could be accommodated in the approved project budget of \$240,000. (\$40,000 engineering services, \$125,000 generator and \$73,000 for the VFD's)

The actual cost of the generator was \$175,982.63 plus \$47,736.81 in engineering fees, for a total of \$223,719.53.

An RFP for the supply and installation of the VFD's was closed in February, one proposal was received with a cost of \$80,807 plus applicable taxes.



AMHERST TOWN COUNCIL

RF# 2023054

Date: April 24, 2023

All water utility projects valued at more than \$250,000 require approval from the UARB. Staff notified the UARB and provided them with the details and history of the project. It was agreed that the generator purchase and the purchase and installation of the VFD's could be treated as two separate projects and no approval from the Board would be required.

DISCUSSION: Amending the water utility capital budget at this time is necessary to complete the project. When the VFD installation is complete the Amherst Water Utility will be able to operate any 3 of the 4 production wells simultaneously during a prolonged power outage to ensure there is no interruption in the delivery of potable water for our residents, and an adequate supply of water for fire suppression if needed.

Replacing the existing direct online motor starters with VFD's will also reduce turbidity (from the source) in our water distribution system.

FINANCIAL IMPLICATIONS: The Wellfield VFD's will be funded from the Water Depreciation Fund. The estimated balance of the Water Depreciation Fund at March 31, 2024 is \$1,200,000.

COMMUNITY ENGAGEMENT: When the project is completed a media release should be issued as the water utility will now have a backup power source for the wellfield and the VFD's will help to reduce turbidity in the distribution system.

ENVIRONMENTAL IMPLICATIONS: There are no negative environmental implications associated with this decision.

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

ALTERNATIVES: Do not undertake this project at this time and defer it to a future budget year.

ATTACHMENTS: None

Report prepared by: Aaron Bourgeois, Director of Operations
Report and Financial approved by:



SYNOPSIS

Estimates of Revenues & Expenditures

MOTION:

THAT Council accepts the following estimates of the sums required by the Town of Amherst for the fiscal period ending March 31, 2024, prepared in accordance with Section 72 of the *Municipal Government Act*:

Revenues	
Taxes	\$ 15,815,943
Grants in Lieu of Taxes	280,638
Services Provided to Other Local Gov't	270,071
Sale of Services	1,512,123
Other Revenue from Own Sources	914,591
Unconditional Transfers	1,260,382
Conditional Transfers	564,800
Other Transfers	746,310
Total Revenues	\$ 21,364,858

Expenditures	
Corporate Services	\$ 2,747,349
Police	4,986,219
Fire	1,988,745
Communications & IT	510,289
Community Living	736,334
Operations	2,528,158
Recreation Facilities	2,076,084
Planning & Economic Development	581,950
Strategic	95,000
Environmental Stewardship	71,780
Sewage	1,153,679
Solid Waste	855,143
Mandatory Provincial Support Area Rate	2,375,217
Community Support Area Rate	658,911
Total Expenditures	\$ 21,364,858

SYNOPSIS

2023-2024 General Tax Rates

The General Tax Rate provides funding for General operations for the Town including Police, Fire, Transportation, Public Works, Economic Development, Planning, Strategic Priorities, Environmental Stewardship, Recreation Facilities, Community Living, Communications & IT and Corporate Services.

WHEREAS total estimated expenditures for the fiscal period April 1, 2023 - March 31, 2024 are \$16,321,908; and

WHEREAS total estimated revenues, other than taxes to be levied are \$4,583,567; and

WHEREAS the balance of revenues required, \$11,738,341 must be rated.

MOTION:

THEREFORE BE IT RESOLVED THAT for the Town of Amherst for the fiscal year ending March 31, 2024:

a) The general tax rates are as follows:

Residential / Resource \$1.187 per \$100 of assessment

Commercial \$3.987 per \$100 of assessment

AND THAT these taxes are due and payable on May 31, 2023 for the interim tax billing and on September 29, 2023 for the final billing with interest to be charged on the balance of all tax accounts outstanding at the rate of 1% per month, 12% per annum.

Synopsis

2023-2024 Community Support Area Rate

The Community Support Area rate provides funding for services that, in the opinion of Council, provide support to the community. This rate includes:

1. Grants to Organizations
2. Grant to the YMCA
3. Tax Exemption and Tax Reduction Policies
4. Community Events such as Canada Day, Esther Fest, Holiday Events, Winter Carnival, etc.

WHEREAS the estimated expenditures for the community support for the 2023-2024 fiscal period are \$620,161, net of own source funding in the amount of \$38,750, must be rated.

MOTION:

THEREFORE BE IT RESOLVED THAT for the fiscal year ending March 31, 2024, the Community Support Area Rate on all property assessments within the boundary of the Town of Amherst are as follows:

Residential / Resource	\$0.100 per \$100 of assessment
Commercial	\$0.100 per \$100 of assessment

AND THAT these area rates are due and payable on May 31, 2023 for the interim tax billing and on September 29, 2023 for the final billing with interest to be charged on the balance of all tax accounts outstanding at the rate of 1% per month, 12% per annum.

SYNOPSIS

2023-2024 Mandatory Provincial Contribution Area Rate

The Mandatory Provincial Contribution Area Rate provides funding for provincial services the Town is mandated by the province to pay for. They include amounts for Education, Property Valuation Services Corporation (PVSC) Assessment Services, Correctional Services, Housing and the Library.

The rate consists of:

Education	\$1,733,956
PVSC Assessment Services	109,995
Correctional Services	118,967
Housing	325,000
Library	<u>87,299</u>
	<u>\$2,375,217</u>

While the town collects the funds, the money is sent directly to the province.

WHEREAS the estimated expenditures for the mandatory provincial contributions for the 2023-2024 fiscal period are \$2,375,217 and must be rated.

MOTION:

THEREFORE BE IT RESOLVED THAT for the Town of Amherst for the fiscal year ending March 31, 2024, the Mandatory Provincial Contribution Area Rate on all property assessments within the boundary of the Town of Amherst are as follows:

Residential / Resource \$0.383 per \$100 of assessment

Commercial \$0.383 per \$100 of assessment

AND THAT these area rates are due and payable on May 31, 2023 for the interim tax billing and on September 29, 2023 for the final billing with interest to be charged on the balance of all tax accounts outstanding at the rate of 1% per month, 12% per annum.

SYNOPSIS

Sanitary Sewer Rates Resolution

WHEREAS Council has included in its estimates for the fiscal year ending March 31, 2024, the amount of \$1,153,679 to be expended for the purpose of sanitary sewer, a purpose for which the Town may expend funds; and

WHEREAS \$1,063,687 is funded from the Sanitary Sewer Rates; and

WHEREAS Council is authorized by the Town of Amherst Sanitary Sewer Rates By-law to set rates for sewer services;

THEREFORE BE IT RESOLVED THAT owners shall be billed for sewer services using one of the following methods effective April 1, 2023:

- **Metered Customers**

Those owners whose water service is metered shall pay a usage charge:

- **Residential**: \$0.99 per cu. meter of metered water consumption as determined by the Amherst Water Utility;
- **Commercial/Industrial/Institutional**: \$0.49 per cu. meter of metered water consumption as determined by the Amherst Water Utility.
- **Base Charges**

Those owners whose water service is metered shall pay a base charge quarterly.

The quarterly base charge by meter size is:

5/8"	\$18.00
3/4"	\$27.00
1"	\$43.75
1 1/2"	\$86.00
2"	\$136.25
3"	\$271.25
4"	\$500.00

- **Non-Metered Customers**

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

SYNOPSIS

Wastewater Treatment Facility Uniform Charge

WHEREAS Council has included \$34,992 in its estimates for the fiscal year ending March 31, 2024, to be raised for a portion of the debenture principal and interest payments for the wastewater treatment facility, a purpose for which the Town may expend funds; and

WHEREAS there are approximately 486 unmetered mobile homes within a land leased community within the boundaries of the Town of Amherst; and

WHEREAS the Council may, under paragraph 75(4)(b) of the *Municipal Government Act*, in lieu of levying an area rate, levy a uniform charge on each unmetered mobile home within a land leased community in the area;

THEREFORE BE IT RESOLVED that a uniform charge of \$72.00 be levied for the fiscal year ending March 31, 2024 on each unmetered mobile home within a land leased community within the boundaries of the Town of Amherst, and that these uniform charges are due and payable on May 31, 2023 for the interim tax billing and on September 29, 2023 for the final billing with interest to be charged on the balance of all tax accounts outstanding at the rate of 1% per month, 12% per annum.

SYNOPSIS

Solid Waste Management Uniform Charge

WHEREAS Council has included in its estimates for the fiscal year ending March 31, 2024, the amount of \$855,143 to be expended for the purpose of solid waste management, a purpose for which the Town may expend funds; and

WHEREAS \$854,843 is funded from the Solid Waste Management Uniform Charge; and

WHEREAS the Town collects solid waste from the approximately 3,198 residential premises with less than four such dwelling units within the Town; and

WHEREAS the Council may, under paragraph 75(4)(b) of the *Municipal Government Act*, in lieu of levying an area rate, levy a uniform charge on each property assessment in the area;

THEREFORE BE IT RESOLVED that a uniform charge of \$268.00 be levied for the fiscal year ending March 31, 2024 on each residential property within the boundaries of the Town of Amherst with less than four such dwelling units, and that these uniform charges are due and payable on May 31, 2023 for the interim tax billing and on September 29, 2023 for the final billing with interest to be charged on the balance of all tax accounts outstanding at the rate of 1% per month, 12% per annum.

Synopsis

Amherst Water Utility Operating Budget for 2023-2024

Staff have been assessing the operating needs of the Amherst Water Utility and developed the budget presented for Council's consideration today. Once approved, the budget gives direction and guidance to staff on all financial issues throughout the fiscal year.

The Water Utility is regulated by the Nova Scotia Utility and Review Board (NSUARB). The most recent water rate study was approved by the NSUARB on March 29, 2022.

The Amherst Water Utility operating budget for 2023-2024 is presented as follows:

Revenues	
Metered Sales	\$ 1,458,251
Flat Rate Sales	185,140
Bulk Water Sales	8,500
Fire Protection	843,004
Private Hydrants	14,750
Sprinkler Service	15,100
Interest	5,000
Sale of Services	12,000
Sundry	1,200
Total Revenues	\$ 2,542,945

Expenditures	
Source of Supply	\$ 34,000
Pumping	178,700
Water Treatment	19,300
Transmission & Distribution	874,943
Administration	1,017,269
Depreciation	418,733
Total Expenditures	\$ 2,542,945

MOTION:

That Council approve the 2023-2024 Amherst Water Utility Operating Budget of \$2,542,945 as presented.

SYNOPSIS

General Borrowing Resolution

Each year, usually in conjunction with approving the budget, Council approves a general borrowing resolution to authorize the borrowing of up to a specific amount from the Royal Bank to meet day to day expenditures of the Town until such time as the taxes are levied and collected. The amount of the authorization is \$7.7 million. This credit facility is almost never used and, when it is used, it is only briefly.

This general borrowing resolution ensures the provision of municipal services by the Town are able to be financed until taxes are collected. Approval of this resolution does not REQUIRE the town to borrow this amount but it does authorize the borrowing up to that amount.

The interest rate on such borrowing is Royal Bank prime minus $\frac{1}{4}$ %.

MOTION:

That Council approves a general borrowing resolution in authorizing a line of credit in the amount of \$7.7 million with the Royal Bank of Canada to meet the current expenditures of the Town of Amherst for the year ending March 31, 2024.



AMHERST TOWN COUNCIL

RFD# 2023070

Date: April 24, 2023

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Sarah Wilson, Director of Finance

DATE: April 24, 2023

SUBJECT: General Borrowing Resolution

ORIGIN: 2023-24 Operating Budget

LEGISLATIVE AUTHORITY: Municipal Government Act, section 84 states that a municipality may borrow to cover the annual current expenditure of the municipality that has been authorized by the council, but the borrowing shall not exceed fifty per cent of the combined total of the taxes levied by the municipality for the previous fiscal year and the amounts received, or to be received, by the municipality from Her Majesty in right of Canada or in right of the Province or from an agency of Her Majesty.

RECOMMENDATION: That Council approves a general borrowing resolution to authorize the borrowing of up to \$7,700,000 from the Royal Bank of Canada to meet the cash flow requirements of the Town of Amherst for the year ending March 31, 2024.

BACKGROUND: Each year, usually in conjunction with approving the budget, Council approves a general borrowing resolution to authorize the borrowing of up to \$7.7 million from the Royal Bank to meet expenditures of the Town until such time as the taxes are levied and collected. In prior years the borrowing limit was \$2 million but in 2020/21 the borrowing was increased to \$7.7 million due to the uncertainties of the COVID-19 pandemic. Per section 84 of the Municipal Government Act, the Town can borrow up to 50% of of the combined total of the taxes levied by the municipality for the previous fiscal year and the amounts received. The borrowing limit of \$7.7 million is now the approved annual limit with Royal Bank for the Town of Amherst. This does not mean that the Town will borrow this amount, it just means that it is able to. During 2020/21, 2021/22 and 2022/23 the Town did not need to access any of the borrowing.

DISCUSSION: This general borrowing resolution ensures the day to day operations of the Town are not affected by cash flow in times when revenue from taxes hasn't been collected yet.

Please note that this isn't to say the Town will fully utilize the \$7.7 million; it is just temporary financing that may be required from time to time to avoid any cash flow issues prior to taxes being collected.

FINANCIAL IMPLICATIONS: The interest rate on such borrowing is Royal Bank prime minus ¼%.



COMMUNITY ENGAGEMENT: This temporary borrowing is operational in nature; Community engagement is not being contemplated.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications associated with this borrowing.

SOCIAL JUSTICE IMPLICATIONS: N/A

ALTERNATIVES: Council could approve a General Borrowing Resolution for a different amount or decline approval of any temporary borrowing for this purpose.

ATTACHMENTS: 1) General Borrowing Resolution

Report prepared by: Sarah Wilson, Director of Finance
Report and Financial approved by: N/A

TOWN OF AMHERST
GENERAL BORROWING RESOLUTION

To authorize the borrowing of certain moneys from the Royal Bank of Canada to meet the current expenditure of the Corporation of the Town of Amherst (hereinafter called "the Corporation") for the year ending March 31, 2024.

WHEREAS it is necessary to borrow the sum of \$7,700,000 (Seven million, seven hundred thousand dollars) from the **Royal Bank of Canada** to meet the current expenditures of the Corporation until such time as the taxes to be levied therefore can be collected;

BE IT THEREFORE RESOLVED by the Municipal Council of the Corporation as follows:

1. **THAT** the Mayor and the Treasurer of the Corporation, be, and they are hereby authorized under the seal of the Corporation to borrow from the **Royal Bank of Canada** up to the sum of **\$7,700,000 (Seven million, seven hundred thousand dollars)** as the same may be required from time to time to meet the now current expenditures of the Corporation which said expenditures has been duly authorized by Council; and
2. **THAT** the said Mayor with the Treasurer aforesaid, be, and they are hereby authorized to pay or allow to the said bank, interest on the sum of **\$7,700,000 (Seven million, seven hundred thousand dollars)** at a rate of Royal Bank Prime minus ¼% per annum, which may be paid or allowed in advance by way of discount or otherwise howsoever as they may deem best; and
3. **THAT** the said sum of **\$7,700,000 (Seven million, seven hundred thousand dollars)** so to be borrowed shall be made payable on or before the 31st day of March, 2024, and the promissory note or notes of the Corporation, if any, given therefore, if made payable before the said 31st day of March, 2024, may be renewed by the said Mayor and Treasurer from time to time, but no renewal thereof shall fall due later than the said 31st day of March, 2024; and
4. **THAT** the said promissory note or notes of the Corporation, sealed with the corporate seal and signed by the Mayor and Treasurer of the Corporation be given from time to time as required, in security for the amounts borrowed from time to time under the provisions of this resolution; and
5. **THAT** giving of such renewal note or notes, as aforesaid, shall not be deemed satisfaction to the said bank of the said advance or interest, but as evidence only in indebtedness.

This is to certify that the foregoing is a true copy of a resolution of the Council of the Municipal Corporation of the **Town of Amherst** passed at a meeting of the said Council, duly called and held on the 24th day of April, 2023 at which a quorum of the Council was present and voting.

Given under the hands of the Mayor and Treasurer of the Town this _____ day of April, 2023.

.....
David Kogon, MD
Mayor

.....
Sarah Wilson
Treasurer

SYNOPSIS

Policy Amendments

(related to Operating Budget approval)

The Town's User Fee Policy and schedule of rates is reviewed annually during budget preparations. If the operating budget presented to Council impacts on other policies, those policies are brought forward during budget deliberations for discussion with the respective changes noted.

From this year's operating budget, there were four policies that required changes.

- User Fee Policy
 - increase the Solid Waste Collection Uniform Charge from \$185 to \$268 per year. This increase is due to an increase of \$207,513 in the new solid waste contract as well as an increase of \$54,325 in tipping fees which reflect the fact that for the last number of years, the expenses for tipping fees have been over budget.
- Tax Exemption Policy
 - Appendix B - remove the Cumberland Columbia Club properties on Robie Street.
 - Appendix A - correct typos to an address and assessment account number.
- Salary Administration Policy
 - Appendix B – amendment to the pay structure for the student hourly rate of pay.
- Community Support Grants Policy
 - Section 6 (d) – rename Poverty Reduction to Social Equity, remove reference of funding from deed transfer tax and change Poverty Reduction Action Committee to respective committees.

MOTION:

That Council approve amendments to the following policies to reflect the changes noted above and highlighted in the attached red-line policies.

- **User Fee Policy 03470-03**
- **Tax Exemption Policy 03800-04**
- **Salary Administration Policy 04530-01**
- **Community Support Grants Policy 72000-08**



AMHERST TOWN COUNCIL

RFD# 2023071

Date: April 24, 2023

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Sarah Wilson, Director of Finance

DATE: April 24, 2023

SUBJECT: Policy Amendments (related to operating budget approval)

ORIGIN: 2023-24 Operating Budget

LEGISLATIVE AUTHORITY: Municipal Government Act, section 84 allows council to make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

RECOMMENDATION: That Council approve the amendments to the following policies to reflect the changes noted below:

- User Fee Policy 03470-03
 - Solid Waste Rates - increase the Solid Waste Collection Uniform Charge from \$185 to \$268 per year.
- Tax Exemption Policy 03800-04
 - Appendix B - remove the Cumberland Columbia Club properties on Robie Street.
 - Appendix A - correct typos in an address and assessment account number.
- Salary Administration Policy 04530-01
 - Appendix B – amendment to the pay structure for the student hourly rate of pay.
- Community Support Grants Policy 72000-08
 - Section 6 (d) – rename Poverty Reduction to Social Equity, remove reference of funding from deed transfer tax and change Poverty Reduction Action Committee to respective committees.

BACKGROUND: The Town's User Fee Policy and schedule of rates is reviewed annually during budget preparations. If the operating budget presented to Council has impacts on other policies, those policies are brought forward during budget deliberations with the respective changes noted.



DISCUSSION: From this year's review, there were four policies that required changes.

- User Fee Policy
 - Increase the Solid Waste Collection Uniform Charge from \$185 to \$268 per year. This increase is due to an increase of \$207,513 in the new solid waste contract as well as an increase of \$54,325 in tipping fees. For the last number of years, the expenses for tipping fees been over budget.
- Tax Exemption Policy
 - Remove the Cumberland Columbia Club properties on Robie Street. These properties were sold in the spring of 2022, but the policy had not been updated to remove them.
 - Correct typos in an address and assessment account number. These were found during the review of the policy.
- Salary Administration Policy
 - Amendment to the pay structure for the student hourly rate of pay. Previously students were paid the Provincial Minimum Wage (with the exception of Engineering students). The amendment allows for returning students to be paid the Provincial Minimum Wage plus an additional \$1.00/hour and Professional Students to be paid the Provincial Minimum Wage plus an additional \$3.00/hour.
- Community Support Grants Policy
 - During budget deliberations a motion was passed by Council to rename Poverty to Social Equity.
 - Renaming in Section 6 (d) of the policy from Poverty Reduction to Social Equity, removing reference of funding from deed transfer tax and changing Poverty Reduction Action Committee to respective committees.

FINANCIAL IMPLICATIONS: Any financial increases or decreases due to the changes to the policies have been included in the budgets presented to Council at the April 5th meeting.

COMMUNITY ENGAGEMENT: The council budget session on April 5th was recorded for the public's information.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: N/A

ALTERNATIVES:

1. Council could not approve the policy changes as stated.
2. Council could request additional changes to the Policy(s).

ATTACHMENTS: Track changes version of the following policies:

1. User Fee Policy
2. Tax Exemption Policy
3. Salary Administration Policy
4. Community Support Grants Policy

Report prepared by: Sarah Wilson, Director of Finance
Report and Financial approved by: N/A

TITLE: Annual Review of User Fees
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03470-03

APPROVAL DATE:

CAO Signature: _____

PURPOSE:

To establish a schedule of user fees for Council to review for appropriateness and to revise if necessary, during the annual budgeting process.

POLICY STATEMENT:

It is appropriate for Council to charge fees, as authorized under the *Municipal Government Act*, in the Town's Bylaws, Policies and Procedures in order to defray its administrative costs. In order to allow for a systematic and thorough evaluation of those fees, a comprehensive schedule of User Fees with applicable tax status has been established. The responsibility for the accuracy of the Schedule shall rest with the department to which a fee applies. Any additions/deletions to the Schedule will be updated by the Executive Office. Those fees legislated under Provincial and/or Federal Acts and Authorities will also be shown on the schedules for completeness, but will not be subject to change by Council.

OBJECTIVES:

To make the administration of the cost recovery portion of the Town's Bylaws, Policies and Procedures more efficient and to determine the impact on each year's projected revenues during the budget process. By combining all of the fees in one document, the review will be more visible and complete.

TITLE: Annual Review of User Fees
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03470-03

Corporate Services		
SERVICE/PRODUCT/ADMINISTRATIVE	FEE	HST STATUS
Photocopies	.25/copy	Plus HST
Tax Certificates	\$50.00	HST Exempt
NSF Cheques	\$20.00	HST Exempt

By-Law Fees Collected by Corporate Services		
C-4 Dog-By-Law, Schedule A		
Dog License spayed/neutered	\$15/yr	HST Exempt
Dog License un-spayed/un-neutered	\$30/yr	HST Exempt
Lost Tag Replacement	\$15	HST Exempt
Dog-1 st Impoundment	\$30	Plus HST
Licensed Dog-2 nd Impoundment	\$70	Plus HST
Licensed Dog-3 rd & Subsequent Impoundments	\$100	Plus HST
Unlicensed Dog-Impoundments	\$100	Plus HST
Maintenance fee – Impoundment period	\$15/per day	Plus HST
C-11 False Alarms - After 2nd Notice	\$50/alarm	HST Exempt

Operational Services		
It is not the intention of the policy to rent Town of Amherst equipment to the general public; these rates and the availability of this equipment are contemplated for use by commercial concerns only.		
Equipment Charge out Rates	Rate per Hour	HST Status
Backhoe	\$93.00*	Plus HST
Loader	\$97.25	Plus HST
1-ton trucks/Service trucks	\$44.23*	Plus HST
3-5 ton trucks	\$66.00*	Plus HST
Street Sweeper	\$115.00*	Plus HST
Trackless	\$70.00*	Plus HST
Sewer Camera	\$100.00*	Plus HST
Line Locator	\$50.00*	Plus HST
Hole Hog	\$45.00*	Plus HST
Vermeer Brush Chipper	\$60.00*	Plus HST
Steamer	\$30.00*	Plus HST
Trash Pump	\$15.00	Plus HST
Diaphragm Pump	\$15.00	Plus HST
Line Painter	\$115.00/hour	Plus HST
Overhead charges extra – see procedure		

TITLE: Annual Review of User Fees
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03470-03

* Price includes one operator and fuel during normal working hours;
overtime labour rates are extra.

Operational Services By-Laws		
D-3 Wastewater Discharge By-Law		
One Connection	\$750.00	HST Exempt
Storm Sewer Connection (if done at the same time as sewer connection)	\$250.00	HST Exempt
D-19 Sanitary Sewer Rates By-Law		
Residential Metered Customers	\$.99 m ³	HST Exempt
Commercial/Industrial/Institutional metered customers	\$.49 m ³	HST Exempt
Annual Base Charges – Meter Size		
5/8"	\$72.00	HST Exempt
3/4"	\$108.00	HST Exempt
1"	\$175.00	HST Exempt
1.5"	\$344.00	HST Exempt
2"	\$545.00	HST Exempt
3"	\$1,085.00	HST Exempt
4"	\$2,000.00	HST Exempt
Annual Non-metered Mobile Home Park Owner	\$178.53 /dwelling unit/year	HST Exempt
Uniform Charge for Wastewater Treatment Facility for unmetered mobile homes billed on the property Tax Bill	\$72.00/yr	HST Exempt

Solid Waste Rates		
Solid Waste Collection billed on Tax Bill	\$185.00 268.00/yr	HST Exempt
Replacement Green Bin (Composter)	\$95.00	Plus HST
Replacement White Kitchen Compost (Bucket)	\$5.00	Plus HST

Services/Products – Operational Services		
Electric Vehicle Charging Station User Fee	\$1.50/hr	HST Included
Street Breaking Permit (Policy 31600-08)	\$500.00	Plus HST
Commercial Sewer Service (Policy 31600-14)	Cost of Service	Plus HST

TITLE: Annual Review of User Fees
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03470-03

Estimated by Engineer and final adjustment when work is done		
--	--	--

Planning and Development Department		
Zoning Confirmation Letter	\$50.00	HST Exempt
Copy of Land Use Bylaw or Municipal Planning Strategy	\$20.00	HST Exempt
Copy of Zoning Map (11 x 17)	\$5.00	HST Exempt
Copy of Zoning Map (50 cm x 60 cm)	\$10.00	HST Exempt
Application to Amend the Land Use Bylaw	\$200.00	HST Exempt
Application for a Development Agreement	\$200.00	HST Exempt
Application to Amend the Municipal Planning Strategy	\$300.00	HST Exempt
Application for a Variance or Site Plan	\$75.00	HST Exempt
Creation of Mapping Document	\$60.00/hr(including 10 lineal metres of maps	Plus HST
Print Existing Map – less than 50 cm x 50 cm	\$25.00	Plus HST
Print Existing Map – more than 50 cm x 50 cm	\$50.00	Plus HST

Building Permits		
New residential buildings, community centres, churches	\$50.00 + \$0.12 per square foot	HST Exempt
New Commercial, Industrial or other building not listed	\$50.00 + \$0.17 per square foot	HST Exempt
All alterations or repairs	\$50.00 + 0.25% of value	HST Exempt
Decks, accessory buildings and farm buildings	\$50.00 + \$0.04 per square foot	HST Exempt
Demolition	\$20.00	HST Exempt
Permit Renewals	\$50.00	HST Exempt
Development Permit	\$50.00	HST Exempt
Police Department		
Commissioner of Oaths Signing	\$15.98	HST Exempt
Criminal Record Check/Vulnerable Sector for Amherst citizens to participate as volunteers for community organizations.	Waived	N/A

TITLE: Annual Review of User Fees
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03470-03

Criminal Record Check	\$30.00	Plus HST
Criminal Record Check for Amherst citizens to participate as volunteers for community organizations	Waived	N/A
Serial # Verification (homemade trailers)	\$25.00	Plus HST
Fingerprints (for non-criminal reasons)	\$50.00	Plus HST
Accident Reports	\$25.00	Plus HST
Community Room Rental	\$125.00/day \$75.00/half day	Plus HST
C-9 Taxi By-Law, Schedule E		
Taxi Cab License	\$25/yr	HST Exempt
Taxi License Transfer	\$10	HST Exempt
Taxi Driver License	\$20/yr	HST Exempt
Taxi Driver License Replacement	\$10	HST Exempt
Taxi License Photo	\$10.00	Plus HST

Fire Department		
Firefighter	\$20.00/hour	HST Exempt
Apparatus	\$200.00/in use; \$100.00/standby	HST Exempt
Standby Jaws of Life Alarm	\$350.00	HST Exempt
Meters	\$50.00/hr	HST Exempt
Saws	\$50.00/hr	HST Exempt
Lighting System	\$25.00/hr	HST Exempt
Generator	\$25.00/hr	HST Exempt
Foam – All Types	\$185.00/jug	HST Exempt
Specialized Suits – Hazmat	Replacement cost	HST Exempt
PPE (bunker gear)	Replacement cost	HST Exempt
Fire Extinguisher Training	\$300.00 up to 15 people	Plus HST
Fire Inspections	\$75.00/hr	Plus HST
Inspection Confirmation Letter	\$50.00	HST Exempt

TITLE: Annual Review of User Fees
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03470-03

Recreation								
Ice Time/Stadium								
The rates below are per hour plus HST.								
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Holidays
Early Time 6:30-8:30am	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$128.00
Fair Time 8:30-5:00pm	\$99.00	\$99.00	\$99.00	\$99.00	\$99.00	-	-	\$128.00
Prime Time 5:00-12:00am	\$128.00	\$128.00	\$128.00	\$128.00	\$128.00	\$128.00	\$128.00	\$128.00
Youth Time Monday-Sunday	\$99.00	\$99.00	\$99.00	\$99.00	\$99.00	\$99.00	\$99.00	\$99.00

Youth Time Rates Include:

- Groups affiliated with Amherst Skating Club; or
- Groups affiliated with another skating club; or
- Groups affiliated with Skate Nova Scotia and/or Skate Canada who are **18 years old and younger.**
- Groups affiliated with Cumberland County Minor Hockey; or
- Groups affiliated with another minor hockey association; or
- Groups affiliated with Hockey Nova Scotia or Hockey Canada who are **18 years old and younger.**
- Groups affiliated with Ringette Nova Scotia; or
- Groups affiliated with Ringette Canada who are **18 years old and younger.**
- Community groups who don't reside in the Town of Amherst and are **18 years old and younger.**

Photocopies/Stadium (Policy 72000-06)		
8 ½ X 11 (Town Paper)	\$0.10/copy	Plus HST
8 ½ X 14 (Town Paper)	\$0.15/copy	Plus HST
11 X 17 (Town Paper)	\$0.25/copy	Plus HST
8 ½ X 11 (own paper)	\$0.05/copy	Plus HST
8 ½ X 14 (own paper)	\$0.05/copy	Plus HST
11 X 17 (own paper)	\$0.10/copy	Plus HST

TITLE: Annual Review of User Fees
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03470-03

Ballfield User Policy (Policy 72300-01)		
Lights	\$18/diamond/game	Plus HST
Tournament Fee	\$100/day	Plus HST
Tournament Lights	\$30/day	Plus HST

Stadium Advertising Rates plus artwork, design and production*		
Ice logos	\$400.00	Plus HST
Dasherboard	\$400.00	Plus HST
Wall Signage (4X6)	\$400.00	Plus HST
Ice Making Machine	\$2,500.00	Plus HST
Red and Blue Line – per line (not per side)	\$100.00	Plus HST
Stairs Kick Plates	3 for \$150.00	Plus HST
Score clock Small	\$600.00	Plus HST
Score clock Large	\$850.00	Plus HST

*In addition to the advertising rate, the customer will be responsible and invoiced for all cost(s) associated with the creation of artwork, design, production & installation if applicable. Actual quote will be provided at the time the service is requested.

Off Season Stadium Rentals		
Rink Floor Only	\$50.00 per hr or \$630.00 per day (8:00a.m. to 12:00a.m. midnight)*	Plus HST
Entire Facility including meeting rooms, team rooms	\$70.00per hr or \$790.00 per day (8:00a.m. to 12:00a.m. midnight)*	Plus HST
Extra Employees	\$25.00 per person per hour	Plus HST
2 nd Floor meeting room and lounge	\$50.00 per hour or \$150.00 per day	Plus HST

Beer/Liquor Concession Robb Centennial Park (Policy 72300-05)		
Concession only. NSAGA requirements responsibility of organizing committee	\$100.00/day	Plus HST

*Includes one employee during that time

TITLE: Annual Review of User Fees
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03470-03

Community Credit Union Business Innovation Centre			
Rental Fee	Daily	1/2 Day	Hourly
Conference Room	\$400.00	\$250.00	\$80.00
Conference Room – Community	\$240.00	\$150.00	\$48.00
Boardroom	\$125.00	\$80.00	\$25.00
Boardroom – Community	\$75.00	\$48.00	\$15.00
Hub	\$75	\$50	
Hub – Community	\$45	\$30	
Evening & Weekend Surcharge			\$20.00
Evening & Weekend Surcharge – Community			\$12.00
Sound & Lighting Technician			\$30.00
Sound & Lighting Technician – Community			\$18.00

*HST shall be applied and be in addition to all rates noted for the Community Credit Union Business Innovation Centre

Municipal Government Act Fees – FOI-POP Section 466, MGA
The fees charged for access to information under Part XX of the MGA (Freedom of Information and Protection of Privacy) shall be in accordance with the Freedom of Information and Protection of Privacy Regulations of Nova Scotia, as amended from time to time.

Note: “All rates and charges with respect to the Amherst Water Utility will be in accordance with the schedule of rates for water and water services as approved by the Utility and Review Board of Nova Scotia from time to time and as reflected in the Order of the Board.”

TITLE: Annual Review of User Fees
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03470-03

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Director of Finance	User Fee Policy is reviewed with departments annually as part of the operating budget process to determine if any updates / changes are required.

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Add Fee for Electric Vehicle Charging Station \$1.50/hr HST included.	Director of Finance - Wilson	Council	January 23, 2023
Increase Solid Waste Collection Uniform Charge from \$185 to \$268 per year.	Director of Finance – Wilson	Council	

30 April 2007	29 October 2007	18 April 2008
28 May 2009	26 April 2010	24 May 2011
23 May 2012	01 May 2013	30 April 2014
12 June 2015	25 May 2016	03 October 2016
23 January 2017	23 May 2018	15 May 2019
25 May 2020	22 June 2020	27 September 2021
08 June 2022		

TITLE: Tax Exemption Policy
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03800-04

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

PURPOSE:

The purpose of this policy is to provide relief of current taxes for property of qualifying registered Canadian charitable organizations and/or non-profit organizations as defined within this policy and as specifically identified on the appendices attached.

AUTHORITY:

This policy is authorized under Part IV, Sections 69A and 71, *Municipal Government Act*, as amended from time to time.

DEFINITIONS:

For the purpose of this policy:

Qualifying non-profit organization means:

- a registered Canadian charity [Canadian Revenue Agency] if the property being exempted is used directly and solely for a charitable purpose;
- a non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization.

POLICY STATEMENT:

Tax Exemption – Charitable and Non-profit Community Organizations

- a. Council may, at its discretion, provide a tax exemption to qualifying non-profit organizations demonstrating services to the residents of the Town of Amherst.
- b. In order to be considered for a tax exemption, all organizations or institutions must apply in writing to the Town of Amherst by January 31 of each year by completing Appendix C. Included with the application will be the annual financial statements for the most recent fiscal year. Exemptions granted will be based on the financial need of the organization or institution.
- c. The property of the organizations named in Appendices A and B to this policy shall be exempt or taxed in accordance with the particular appendix.
- d. The partial or total exemption provided in paragraph 4. c. shall apply only to that portion of the property specified in the appendix.

TITLE: Tax Exemption Policy
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03800-04

- e. When a property, or part thereof, listed on an appendix to this policy ceases to be occupied by the association or for the purposes set out in the appendix, or if not in good standing, then the partial or total exemption from taxation shall cease and the owner of the property shall immediately be liable for the real property tax on such property or part thereof for the portion of the year then expired.

TITLE: Tax Exemption Policy
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03800-04

APPENDIX A

Properties of a named registered Canadian charitable organization and that is used directly and solely for a charitable purpose be exempt from taxation under Section 71(1) (a) of the Municipal Government Act and from area rates in accordance with Section 71(5) of the Municipal Government Act, to the extent set out in the last two columns of this appendix. Properties in Appendix A can be Residential or Commercial assessed. The exemption for these properties is 100% of the commercial or residential taxes.

PROPERTY	OWNER	ASSESSMENT ACCOUNT NUMBER	CHARITABLE NUMBER
Land and Building 25 Park St.	Bright Beginnings Child Care Centre	00064017	106708126
Land and Building 1 Rupert St.	Amherst & District Residential Services Society	00635928	854331394
Land and Building 16 Station St.	Bridge Adult Services Society	03030563	852586551
Land and Building 20 Havelock St. 4 Ratchford St.	Trinity-St. Stephen's United Church	044053074	130164007
Land and Building 82 Willow St.	Amherst and District Residential Services Society	05127858	854331394
Land and Building 44 Park Street	Cumberland County Transition House	03533654	106995624

TITLE: Tax Exemption Policy
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03800-04

APPENDIX B

Properties of non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organizations that are assessed as taxable commercial property be reduced to the tax that would otherwise be payable if the property were residential, inclusive of area rates under Section 71(2) of the Municipal Government Act, to the extent set out in the last two columns of this appendix. Properties in Appendix B can only be assessed Commercial. The exemption for these properties is the difference between the amount of commercial taxes and residential taxes.

PROPERTY	OWNER	ASSESSMENT ACCOUNT NUMBER
Land and Building 20 Lawrence St	Amherst Masonic Society	00064149
Land and Building 3 Robie St.	Cumberland Columbia Club	01030914
Parking Lot 4-6 Robie St.	Cumberland Columbia Club	01030906
Parking Lot 5 Robie St.	Cumberland Columbia Club	01076573
Parking Lot 7 Robie St.	Cumberland Columbia Club	03256952
Land and Building 5 Electric St.	Amherst Lions Club	05127807
Land and Building 45 Prince Arthur St.	Amherst Curling Club	00064009
Board Room and Counselling Rooms 41 Russell Street (Commercial portion only)	Cumberland County Transition House Association	07419112
Land and Building 80 Church Street (Commercial portion only)	Tantramar Community Radio Society	00005045
Playground 36 Hickman St	Amherst Lions Club	04641027

TITLE: Tax Exemption Policy
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03800-04

APPENDIX C - APPLICATION

1. ORGANIZATION OR INSTIUTION INFORMATION

Name of Organization/Institution: _____

Civic Address: _____

AAN: _____

Full Mailing Address: _____

Contact Person: _____

Email Address: _____

Telephone: _____

2. Are you a registered Canadian Charitable Organization? YES ___ NO ___

If so, what is your Charitable number: _____

3. Are you a non-profit community, charitable, fraternal, educational, recreational, religious, cultural, or sporting organization? YES ___ NO ___

4. Attached are our most recent financial statements: YES ___ NO ___

TITLE: Tax Exemption Policy
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03800-04

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Director of HR & Customer Services	The Director will: <ol style="list-style-type: none"> a. Ensure applications are received annually and that club exemptions are applied to accounts after the annual operating budget is approved.
Revenue Officer	The Revenue Officer will: <ol style="list-style-type: none"> a. Notify the Director of changes to be considered; b. Administer and facilitate the application of the tax exemption policy to qualifying organization tax accounts in accordance with the policy.

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Policy reviewed for preparation of 2023/24 operating budget: remove Cumberland Columbia Club from Appendix “B” due to sale of properties.	Crossman: Director, HR and Customer Services	Council	

Minutes Reference Date: June 25, 2018 May 25, 2020

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

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

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:

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

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

LUNCH BREAKS:

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

PERFORMANCE EVALUATION:

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

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

SCOPE OF RESPONSIBILITY:

The Town Council shall:

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

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

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

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				
New Student	Provincial Minimum Wage				
Returning Student	Provincial Minimum Wage + \$1.00/hour				
Professional Student*	Provincial Minimum Wage + \$3.00/hour				

* Applies to student employees enrolled in a professional post-secondary program for which the Town is requiring specialized educational requirements as a condition of employment. i.e. Engineering, Planning, Accounting, etc.

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

APPENDIX C JOB CATEGORIES

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

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

APPENDIX C-1

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	March 27, 2023
Appendix B – amendment to the pay structure for student hourly rate of pay.	Director of HR & Customer Services	Council	

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

MINUTES REFERENCE DATE

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

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

APPROVAL DATE: _____ **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

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

- 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.

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

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.

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

d. Funding for ~~Poverty Reduction Social Equity~~ Initiatives

For the purposes of this policy, "~~Poverty Reduction Social Equity~~ 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 social equity issues 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 Social Equity~~ Funding allotment or associated reserves set aside for this purpose will be referred to the ~~respective committees 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 Social Equity~~ 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

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

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*

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

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: _____



98 East Victoria Street, PO Box 516, Amherst, NS, Canada B4H 4A1
 Phone: 902-667-3352 Fax 902-667-5409

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

APPLICATION

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.

For Administrative Use Only:

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
Amendment to policy to remove Deed Transfer reference from Poverty Funding. Rename Poverty Funding to Social Equity.	Director Community Living, Bristol	Council	

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 27 February 2023



MEMO

To: Mayor & Council

From: Sarah Wilson, Director of Finance

Date: April 24, 2023

Re: 2023/24 Operating & Capital Budget Report

Attached is the 2023/24 Operating & Capital Budget Report. This report will be placed on the Town of Amherst website following the Operating budget approval.

This report provides information and narrative to the public on the following rates:

Tax Rates:

- General
- Mandatory Provincial Contributions Area Rate
- Community Support Area Rate

Other Rates:

- Deed Transfer Tax
- Uniform Charge – Solid Waste
- Sewer Rates
- Uniform Charge – Wastewater Treatment Facility
- Water Utility Rates

Also included in this report is information on the General Operating budget with budget details for the General Rate, Mandatory Provincial Contributions Area Rate, Community Support Area Rate, Sewage and Solid Waste. As well as information on the Water Utility Operating budget.

The last section of the report details all the Water and General Capital projects and their budgets for the 2023/24 fiscal year as well as the total source financing.

The 2023/24 Operating & Capital Budget Report has been included for informational purposes and will not be reviewed at the Council meeting.





OPERATING & CAPITAL BUDGETS

2023/24

Final approvals by Council April 24, 2023

Town of Amherst



TABLE OF CONTENTS

The operating and capital budget report is divided into the following segments:

Governance & the Budget Process, page 3

Assessment Changes 2022/23 to 2023/24, page 4

Tax Rates:

- 🌿 General, page 5
- 🌿 Mandatory Provincial Contributions Area Rate, pages 5 – 6
- 🌿 Community Support Area Rate, page 6

Other Rates:

- 🌿 Deed Transfer Tax, page 7
- 🌿 Uniform Charge – Solid Waste, page 7
- 🌿 Sewer Rates, page 7
- 🌿 Uniform Charge – Wastewater Treatment Facility, page 8
- 🌿 Water Utility Rates, page 8

General Operating Budget:

- 🌿 2023/24 General Operating Budget - Summary, pages 9 - 10
- 🌿 General Operating Budget Comparatives:
 - 🌿 Part 1 – General Operations, page 11
 - 🌿 Part 1– General Operations– Departmental Expenditure Detail, pages 12 – 14
 - 🌿 Part 2 - Mandatory Provincial Contributions Area Rate, page 15
 - 🌿 Part 3 - Community Support Area Rate, page 16
 - 🌿 Part 4 - Sewage, page 17
 - 🌿 Part 5 - Solid Waste, page 18

Water Utility Operating Budget:

- 🌿 2023/24 Water Utility Operating Budget - Charts, page 19
- 🌿 Water Utility Operating Budget Comparative, page 20

Capital Budget:

- 🌿 2023/24 Water & General Capital Budgets, pages 21 – 24
- 🌿 2023/24 Water & General Capital Budgets Source Financing, page 25

GOVERNANCE & THE BUDGET PROCESS

The Town of Amherst is governed by a Mayor and six Councillors and operates under the Council/Chief Administrative Officer (CAO) system. As outlined in the Nova Scotia Municipal Government Act; it is the responsibility of the CAO to provide advice to Council and to administer the operations of the Town in accordance with the policies and programs approved by Council. The role of Council is to provide strategic direction for the Town.

The fiscal year of the Town is April 1 – March 31. The Town’s General and Water Utility operating budgets are prepared for the upcoming fiscal year. The General and Water Utility capital budgets are prepared for the upcoming five fiscal years. Only the first fiscal year of the General and Water capital budgets are formally approved, the remaining four years are for planning purposes only.

Fiscal responsibility within the Town is enhanced through the establishment of Operating and Capital Reserves intended to set funds aside on an annual basis for certain operating and capital expenditures in future years. This is balanced with using cash to pay for equipment and projects with shorter useful lives where possible.

Tax rates are calculated to generate the revenue required to fund the various programs and services offered by the Town. These rates are also influenced by the annual assessment levels for properties in the Town, as established annually through the Assessment Roll generated by review of assessed values which is completed by the Nova Scotia Property Valuation Services Corporation (PVSC).

For the 2023/24 budgets each segment was approved by Council individually:

1. General – April 24
2. Mandatory Provincial Contribution Area Rate – April 24
3. Community Support Area Rate – April 24
4. Sewage – April 24
5. Solid Waste – April 24
6. Water Utility – April 24
7. Capital – February 27, amended April 24

ASSESSMENT CHANGES 2022/23 TO 2023/24

The Assessment Roll is provided from Property Valuation Services Corporation (PVSC), an agency of the Government of Nova Scotia. PVSC does an assessment of the properties, reviews values and deals with appeals on an annual basis. Notices of assessment are sent to property owners each year in January.

As indicated in the chart below, residential assessment accounts have grown by 10.5%, commercial accounts have grown by 13.2% and resource accounts have grown by 0.6% from 2022/23 fiscal year to 2023/24.

ASSESSMENT COMPARISON **2022/23 vs. 2023/24**

Assessment Category	2022/23 CAP Assessment Base	2023/24 CAP Assessment Base	Change from 2022/23 to 2023/24	% Change from 2022/23 to 2023/24
Residential	\$ 418,761,100	\$ 462,530,100	\$ 43,769,000	10.5%
Commercial (not subject to CAP)	\$ 133,228,000	\$ 150,862,300	\$ 17,634,300	13.2%
Resource	\$ 1,300,200	\$ 1,308,400	\$ 8,200	0.6%

TAX RATES

There are three different tax rates: general, mandatory provincial contribution area rate and the community support area rate. These tax rates are established annually for residential, commercial and resource properties. Tax bills are issued bi-annually. The interim billing is 50% of the total prior year's bill and is due May 31, 2023. The final billing takes into consideration the accounts new assessment, the current year tax rate and uniform charges then deducting the interim billing. The final bill is due September 29, 2023.

Tax Rates

1. General – this rate is used to pay for services provided by the Town to residents of the Town. These services include; fire, police, planning, economic development, transportation and public works, recreation, community living, communications and information technology as well as internal services performed by the Corporate Services department. The general operations rate decreased by \$0.01 for fiscal 2023/24.
2. Mandatory Provincial Contributions Area Rate - the cost for provincial services the province charges the municipality for. Any changes in these costs are mandated by the Province and passed on to the municipalities to collect on their behalf. The Mandatory Provincial Contribution Area Rate decreased by \$0.019 for fiscal 2023/24. This rate includes the following provincial services:
 - Education
 - The Town is required to provide funding to the Chignecto Central Regional Centre for Education under the Education Act. This mandatory education contribution is set by the Province of Nova Scotia and is based on the Town's share of the Uniform Assessment.
 - Property Valuation Services Corporation (Assessment)
 - The Town is required to provide funding to pay a share of the cost of operating the provincial assessment system. The Town pays a portion of the total Property Valuation Services Corporation costs, based on the Town's share of the Uniform Assessment and the Town's share of assessment accounts across the province.
 - Correction Services
 - The Town is required to make a mandatory contribution to the province to fund the cost of correctional services. The contribution is set by the Province of Nova Scotia and is based on the Town's share of the Uniform Assessment and the Town's share of dwelling units across the province.

TAX RATES (cont'd)

🌿 Housing

🌿 The Cobequid Housing Authority administers and manages public non-profit housing for seniors and families on low incomes within the Town. The Town is required to fund a portion of the prior year deficit of the Cobequid Housing Authority annually.

🌿 Regional Library

🌿 The Town is required to fund the Cumberland Public Library pursuant to a formula determined by the Province of Nova Scotia. The Town does not share in any surplus or deficits. In addition, the Town provides funds for the operating and maintenance of the library building which is included in the General Rate.

3. Community Support Area Rate – a rate that provides funding for services that, in the opinion of Council, provide support to the community. The Community Support Area Rate increased by \$0.029 for fiscal 2023/24. This rate includes support for the following:

- | | |
|----------------------------|------------------------|
| 🌿 Grants to Organizations | 🌿 Tax Exemption Policy |
| 🌿 Grant to Cumberland YMCA | 🌿 Tax Reduction Policy |
| 🌿 Community Events | |

In summary, all tax and area rates are per \$100 of Assessment. The rates are as follows:

Residential / Resource	<u>2022/23</u>	<u>2023/24</u>
🌿 Residential / Resource Tax Rate	\$1.197	\$1.187
🌿 Mandatory Provincial Contributions Area Rate	\$0.402	\$0.383
🌿 Community Support Area Rate	<u>\$0.071</u>	<u>\$0.100</u>
Total Residential / Resource Rates	\$1.670	\$1.670
Commercial	<u>2022/23</u>	<u>2023/24</u>
🌿 Commercial Tax Rate	\$3.997	\$3.987
🌿 Mandatory Provincial Contributions Area Rate	\$0.402	\$0.383
🌿 Community Support Area Rate	<u>\$0.071</u>	<u>\$0.100</u>
Total Commercial Rates	\$4.470	\$4.470

OTHER RATES

1. Deed Transfer Tax

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

ℳ For the 2023/24 fiscal year the deed transfer tax will remain the same at 1.25%.

2. Uniform Charge

Solid Waste Management Uniform Charge

ℳ This uniform charge is levied on each dwelling unit within the boundaries of the Town of Amherst in residential premises with less than four such dwelling units.

ℳ The uniform charge for 2023/24 to be levied is \$268 (2022/23 - \$185). The increase in the uniform charge for 2023/24 is due to a new solid waste contract and a tonnage adjustment for tipping fees.

3. Sewer Rates

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

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

Sewer Consumption Rate (per cubic meter)

ℳ Residential - \$0.99 per cubic meter of metered water consumption

ℳ Commercial - \$0.49 per cubic meter of metered water consumption

Sewer Base Charges (Quarterly)

ℳ Size of Meter

ℳ 5/8" \$ 18.00

ℳ 3/4" \$ 27.00

ℳ 1" \$ 43.75

ℳ 1.5" \$ 86.00

ℳ 2" \$ 136.25

ℳ 3" \$ 271.25

ℳ 4" \$ 500.00

ℳ Sewer Non-Metered Customers

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

OTHER RATES (cont'd)

- a. Wastewater Treatment Facility Uniform Charge (this offsets expenses for sewer services for those not charged a sewer base charge).
- ℓ As of April 1, 2015 the Town has removed the uniform charge for the Wastewater Treatment Facility for all assessments with the exception of unmetered mobile homes within a land leased community and replaced it with a base charge on the quarterly sewer bill.
 - ℓ The uniform charge for unmetered mobile homes within a land leased community for 2023/24 to be levied is \$72 (2022/23 - \$72).

4. Water Utility Rates

The Town of Amherst Water Utility is regulated by the Nova Scotia Utility and Review Board (NSUARB). The most recent water rate study was approved by the NSUARB on March 29, 2022. In accordance with the NSUARB Order for the 2023/24 fiscal year, the rates are as follows:

Water Base Charges (Quarterly)

ℓ Un Metered \$ 92.57

ℓ Size of Meter

ℓ 5/8"	\$ 38.18
ℓ ¾"	\$ 55.55
ℓ 1"	\$ 90.31
ℓ 1.5"	\$ 177.20
ℓ 2"	\$ 281.47
ℓ 3"	\$ 559.53
ℓ 4"	\$ 872.34
ℓ 6"	\$1,741.25
ℓ 8"	\$3,131.52

Water Consumption Rate (per cubic meter)

ℓ \$0.860 per cubic meter

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

2023/24 GENERAL OPERATING BUDGET – SUMMARY

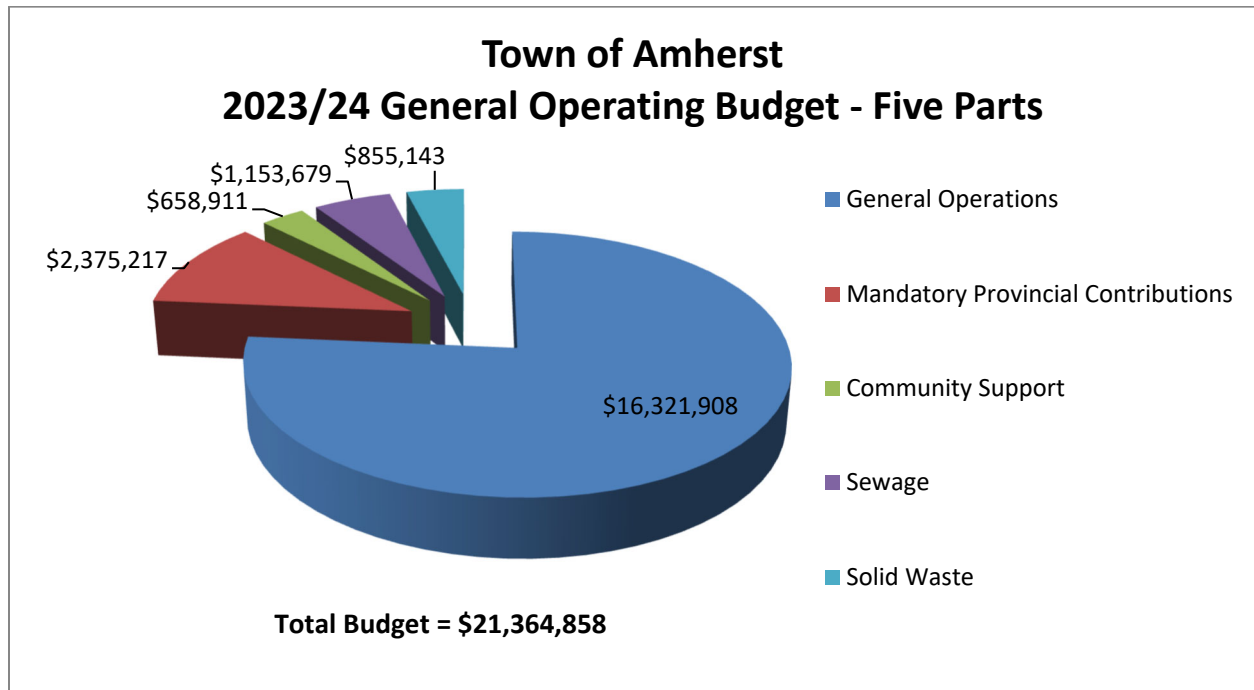
Summary - Total	2022/23 Budget	% of Total	2023/24 Budget	% of Total	
Taxes	\$ 14,286,562	74.4%	\$ 15,815,943	74.0%	
Grants in Lieu of Taxes	\$ 262,843	1.4%	\$ 280,638	1.3%	
Services Provided to Other Local Govt's	\$ 245,987	1.3%	\$ 270,071	1.3%	
Sales of Services	\$ 1,472,359	7.7%	\$ 1,512,123	7.1%	
Other Revenue from Own Sources	\$ 742,926	3.9%	\$ 914,591	4.3%	
Unconditional Transfers	\$ 1,260,382	6.6%	\$ 1,260,382	5.9%	
Conditional Transfers	\$ 490,300	2.6%	\$ 564,800	2.6%	
Other Transfers	\$ 436,904	2.3%	\$ 746,310	3.5%	
Total Revenue	\$ 19,198,263	100.0%	\$ 21,364,858	100.0%	
Page					
#					
Corporate	12	\$ 2,502,473	13.0%	\$ 2,747,349	12.9%
Police	12	\$ 4,716,495	24.6%	\$ 4,986,219	23.3%
Fire	12	\$ 1,946,060	10.1%	\$ 1,988,745	9.3%
Communications & IT	13	\$ 285,129	1.5%	\$ 510,289	2.4%
Community Living	13	\$ 525,369	2.7%	\$ 736,334	3.4%
Operations	13	\$ 2,290,193	11.9%	\$ 2,528,158	11.8%
Recreation Facilities	14	\$ 1,463,870	7.6%	\$ 2,076,084	9.7%
Planning & Economic Development	14	\$ 632,041	3.3%	\$ 581,950	2.7%
Strategic	14	\$ 200,000	1.0%	\$ 95,000	0.4%
Environmental Stewardship	14	\$ 53,719	0.3%	\$ 71,780	0.3%
Mandatory Provincial Contributions	15	\$ 2,244,712	11.7%	\$ 2,375,217	11.1%
Community Support	16	\$ 616,478	3.2%	\$ 658,911	3.1%
Sewage	17	\$ 1,129,929	5.9%	\$ 1,153,679	5.4%
Solid Waste	18	\$ 591,795	3.1%	\$ 855,143	4.0%
Total Expenditures		\$ 19,198,263	100.0%	\$ 21,364,858	100.0%

2023/24 GENERAL OPERATING BUDGET – SUMMARY (cont’d)

The General Operating budget is comprised of five parts:

1. General Operations – the general rate includes Corporate Services, Police, Fire, Communications & IT, Community Living, Recreation Facilities, Planning & Economic Development, Strategic Initiatives, Environmental Stewardship and Transportation & Public Works (pages 11-14).
2. Mandatory Provincial Contributions – the payments the Town is required to make for Education, Corrections, Housing, Property Valuation Services Corporation (Assessment) and Regional Library (page 15).
3. Community Support – this includes grants to organizations, Tax Exemption Policy, Tax Reduction Policy and Community Events. (page 16).
4. Sewage – the sewage budget includes the Wastewater Treatment Facility and the costs to maintain the sewer infrastructure in the Town of Amherst (page 17).
5. Solid Waste – the solid waste budget captures all costs with providing solid waste, recyclable and organic collections to residential customers in the Town of Amherst (page 18).

It is important to note that all of the five budget parts listed above has a balanced budget.



PART 1 - GENERAL OPERATIONS – BUDGET COMPARATIVE

Summary - Total	2022/23 Budget	2023/24 Budget	Change from 2023 Budget to 2024	% Change from 2023 Budget to 2024
Taxes	\$ 10,918,909	\$ 11,930,730	\$ 1,011,821	9.3%
Grants in Lieu of Taxes	\$ 262,843	\$ 280,638	\$ 17,795	6.8%
Services Provided to Other Local Govt's	\$ 245,987	\$ 270,071	\$ 24,084	9.8%
Sales of Services	\$ 394,422	\$ 410,436	\$ 16,014	4.1%
Other Revenue from Own Sources	\$ 725,626	\$ 897,291	\$ 171,665	23.7%
Unconditional Transfers	\$ 1,260,382	\$ 1,260,382	\$ -	0.0%
Conditional Transfers	\$ 485,300	\$ 559,800	\$ 74,500	15.4%
Other Transfers	\$ 321,880	\$ 712,560	\$ 390,680	121.4%
Total Revenue	\$ 14,615,349	\$ 16,321,908	\$ 1,706,559	11.7%
Wages & Benefits	\$ 9,128,833	\$ 9,614,621	\$ 485,788	5.3%
Administrative Costs	\$ 828,840	\$ 978,154	\$ 149,314	18.0%
Building & Facility Costs	\$ 693,131	\$ 748,086	\$ 54,955	7.9%
Vehicle & Equipment Costs	\$ 337,407	\$ 408,757	\$ 71,350	21.1%
Materials & Supplies	\$ 402,450	\$ 550,750	\$ 148,300	36.8%
Grants to Organizations	\$ 10,247	\$ 10,389	\$ 142	1.4%
Other Municipal Costs	\$ 823,540	\$ 756,540	\$ (67,000)	-8.1%
Fiscal Services	\$ 1,701,607	\$ 2,553,802	\$ 852,195	50.1%
Fire Protection Charge	\$ 726,114	\$ 737,629	\$ 11,515	0.0%
Cost Recovery	\$ (36,820)	\$ (36,820)	\$ -	0.0%
Total Expenditures	\$ 14,615,349	\$ 16,321,908	\$ 1,706,559	11.7%

PART 1 – GENERAL OPERATIONS – DEPARTMENT EXPENDITURE DETAIL

Department Expenditures	2022/23 Budget	2023/24 Budget	Change from 2023 Budget to 2024	% Change from 2023 Budget to 2024
-------------------------	-------------------	-------------------	---------------------------------------	--

Corporate

Wages & Benefits	\$ 1,135,251	\$ 1,048,518	\$ (86,733)	-7.6%
Administrative Costs	\$ 266,822	\$ 281,231	\$ 14,409	5.4%
Grants to Organizations	\$ 3,000	\$ 3,000	\$ -	0.0%
Other Municipal Costs	\$ 45,850	\$ 60,550	\$ 14,700	32.1%
Fiscal Services	\$ 1,051,550	\$ 1,354,050	\$ 302,500	28.8%
	\$ 2,502,473	\$ 2,747,349	\$ 244,876	9.8%

Police

Wages & Benefits	\$ 4,089,915	\$ 4,336,554	\$ 246,639	6.0%
Administrative Costs	\$ 161,741	\$ 166,909	\$ 5,168	3.2%
Building & Facility Costs	\$ 65,774	\$ 70,347	\$ 4,573	7.0%
Vehicle & Equipment Costs	\$ 106,813	\$ 122,855	\$ 16,042	15.0%
Materials & Supplies	\$ 5,000	\$ 6,000	\$ 1,000	20.0%
Grants to Organizations	\$ 1,000	\$ 1,000	\$ -	0.0%
Other Municipal Costs	\$ 125,190	\$ 124,890	\$ (300)	-0.2%
Fiscal Services	\$ 188,062	\$ 184,664	\$ (3,398)	-1.8%
Cost Recovery	\$ (27,000)	\$ (27,000)	\$ -	0.0%
	\$ 4,716,495	\$ 4,986,219	\$ 269,724	5.7%

Fire

Wages & Benefits	\$ 926,979	\$ 926,631	\$ (348)	0.0%
Administrative Costs	\$ 99,133	\$ 111,128	\$ 11,995	12.1%
Building & Facility Costs	\$ 83,503	\$ 94,256	\$ 10,753	12.9%
Vehicle & Equipment Costs	\$ 61,381	\$ 70,151	\$ 8,770	14.3%
Materials & Supplies	\$ 10,000	\$ 10,000	\$ -	0.0%
Other Municipal Costs	\$ 43,150	\$ 43,150	\$ -	0.0%
Fire Protection Charge	\$ 726,114	\$ 737,629	\$ 11,515	1.6%
Cost Recovery	\$ (4,200)	\$ (4,200)	\$ -	0.0%
	\$ 1,946,060	\$ 1,988,745	\$ 42,685	2.2%

PART 1 - GENERAL OPERATIONS – DEPARTMENT EXPENDITURE DETAIL (cont'd)

Department Expenditures	2022/23 Budget	2023/24 Budget	Change from 2023 Budget to 2024	% Change from 2023 Budget to 2024
-------------------------	-------------------	-------------------	---------------------------------------	--

Communications & IT

Wages & Benefits	\$ 221,404	\$ 413,811	\$ 192,407	86.9%
Administrative Costs	\$ 53,875	\$ 84,528	\$ 30,653	56.9%
Other Municipal Costs	\$ 9,850	\$ 11,950	\$ 2,100	21.3%
	\$ 285,129	\$ 510,289	\$ 225,160	79.0%

Community Living

Wages & Benefits	\$ 362,922	\$ 494,182	\$ 131,260	36.2%
Administrative Costs	\$ 58,747	\$ 123,452	\$ 64,705	110.1%
Building & Facility Costs	\$ 1,000	\$ 7,000	\$ 6,000	600.0%
Vehicle & Equipment Costs	\$ 1,500	\$ 1,500	\$ -	0.0%
Materials & Supplies	\$ 10,000	\$ 15,000	\$ 5,000	50.0%
Other Municipal Costs	\$ 91,200	\$ 95,200	\$ 4,000	4.4%
	\$ 525,369	\$ 736,334	\$ 210,965	40.2%

Operations

Wages & Benefits	\$ 1,092,222	\$ 1,122,788	\$ 30,566	2.8%
Administrative Costs	\$ 68,812	\$ 65,903	\$ (2,909)	-4.2%
Building & Facility Costs	\$ 242,003	\$ 265,283	\$ 23,280	9.6%
Vehicle & Equipment Costs	\$ 124,808	\$ 158,671	\$ 33,863	27.1%
Materials & Supplies	\$ 316,700	\$ 462,500	\$ 145,800	46.0%
Other Municipal Costs	\$ 253,700	\$ 266,850	\$ 13,150	5.2%
Fiscal Services	\$ 197,568	\$ 191,783	\$ (5,785)	-2.9%
Cost Recovery	\$ (5,620)	\$ (5,620)	\$ -	0.0%
	\$ 2,290,193	\$ 2,528,158	\$ 237,965	10.4%

PART 1 - GENERAL OPERATIONS – DEPARTMENT EXPENDITURE DETAIL (cont'd)

Department Expenditures	2022/23 Budget	2023/24 Budget	Change from 2023 Budget to 2024	% Change from 2023 Budget to 2024
-------------------------	-------------------	-------------------	---------------------------------------	--

Recreation Facilities

Wages & Benefits	\$ 821,317	\$ 873,564	\$ 52,247	6.4%
Administrative Costs	\$ 47,028	\$ 47,227	\$ 199	0.4%
Building & Facility Costs	\$ 299,187	\$ 308,762	\$ 9,575	3.2%
Vehicle & Equipment Costs	\$ 41,605	\$ 54,280	\$ 12,675	30.5%
Materials & Supplies	\$ 60,750	\$ 57,250	\$ (3,500)	-5.8%
Other Municipal Costs	\$ 42,900	\$ 47,250	\$ 4,350	10.1%
Fiscal Services	\$ 151,083	\$ 687,751	\$ 536,668	355.2%
	\$ 1,463,870	\$ 2,076,084	\$ 612,214	41.8%

Planning & Economic Development

Wages & Benefits	\$ 478,823	\$ 398,573	\$ (80,250)	-16.8%
Administrative Costs	\$ 72,682	\$ 97,776	\$ 25,094	34.5%
Vehicle & Equipment Costs	\$ 1,300	\$ 1,300	\$ -	0.0%
Other Municipal Costs	\$ 11,700	\$ 11,700	\$ -	0.0%
Fiscal Services	\$ 67,536	\$ 72,601	\$ 5,065	7.5%
	\$ 632,041	\$ 581,950	\$ (50,091)	-7.9%

Strategic

Other Municipal Costs	\$ 200,000	\$ 95,000	\$ (105,000)	-52.5%
	\$ 200,000	\$ 95,000	\$ (105,000)	-52.5%

Environmental Stewardship

Building & Facility Costs	\$ 1,664	\$ 2,438	\$ 774	46.5%
Grants to Organizations	\$ 6,247	\$ 6,389	\$ 142	0.0%
Fiscal Services	\$ 45,808	\$ 62,953	\$ 17,145	37.4%
	\$ 53,719	\$ 71,780	\$ 18,061	33.6%

Total Departmental Expenditures **\$ 14,615,349** **\$ 16,321,908** **\$ 1,706,559** **11.7%**

PART 2 - MANDATORY PROVINCIAL CONTRIBUTIONS AREA RATE – BUDGET COMPARATIVE

Summary - Total	2022/23 Budget	2023/24 Budget	Change from 2023 Budget to 2024	% Change from 2023 Budget to 2024
Taxes	\$ 2,244,712	\$ 2,375,217	\$ 130,505	5.8%
Total Revenue	\$ 2,244,712	\$ 2,375,217	\$ 130,505	5.8%
Education	\$ 1,643,211	\$ 1,733,956	\$ 90,745	5.5%
Corrections	\$ 110,753	\$ 118,967	\$ 8,214	7.4%
Housing	\$ 291,411	\$ 325,000	\$ 33,589	11.5%
Property Valuation Services Corp (Assessment)	\$ 112,038	\$ 109,995	\$ (2,043)	-1.8%
Library (Regional)	\$ 87,299	\$ 87,299	\$ -	0.0%
Total Expenses	\$ 2,244,712	\$ 2,375,217	\$ 130,505	5.8%

PART 3 - COMMUNITY SUPPORT AREA RATE – BUDGET COMPARATIVE

	2022/23 Budget	2023/24 Budget	Change from 2023 Budget to 2024	% Change from 2023 Budget to 2024
Summary - Total				
Taxes	\$ 396,454	\$ 620,161	\$ 223,707	56.4%
Deed Transfer Tax - Social Equity Grants	\$ 100,000	\$ -	\$ (100,000)	-100.0%
Federal Conditional Grant - Canada Day	\$ 5,000	\$ 5,000	\$ -	0.0%
Transfer from Operating Reserve:				
Social Equity Grant - NSCC	\$ 20,000	\$ -	\$ (20,000)	-100.0%
Social Equity Grant - Youth Centre	\$ 33,750	\$ 33,750	\$ -	0.0%
Youth Free Ice Time	\$ 60,000	\$ -	\$ (60,000)	-100.0%
Balance Rate	\$ 1,274	\$ -	\$ (1,274)	-100.0%
Total Revenue	\$ 616,478	\$ 658,911	\$ 42,433	6.9%
Grants to Organizations:				
Grants to Organizations	\$ 55,000	\$ 135,000	\$ 80,000	145.5%
'A' Fresh Start	\$ 35,000	\$ -	\$ (35,000)	-100.0%
Social Equity (from Deed Transfer Tax)	\$ 100,000	\$ -	\$ (100,000)	-100.0%
Social Equity - NSCC	\$ 20,000	\$ -	\$ (20,000)	-100.0%
Social Equity - Youth Centre	\$ 33,750	\$ 33,750	\$ -	0.0%
Social Equity Grants	\$ -	\$ 75,000	\$ 75,000	0.0%
Youth Free Ice Time	\$ 60,000	\$ 60,000	\$ -	0.0%
YMCA Grant	\$ 108,417	\$ 116,548	\$ 8,131	7.5%
Tax Exemption Policy	\$ 92,403	\$ 89,726	\$ (2,677)	-2.9%
Tax Reduction Policy	\$ 58,408	\$ 60,000	\$ 1,592	2.7%
Community Events:				
Canada Day	\$ 15,000	\$ 18,000	\$ 3,000	20.0%
Esther Fest	\$ 15,000	\$ 18,000	\$ 3,000	20.0%
Holiday Events	\$ 15,000	\$ 18,000	\$ 3,000	20.0%
Winter Carnival	\$ 5,000	\$ 8,000	\$ 3,000	60.0%
Inclusion & Diversity Events (new or included in above)	\$ -	\$ 5,000	\$ 5,000	0.0%
Physical Activity Events (new or included in above)	\$ -	\$ 12,000	\$ 12,000	0.0%
Business Appreciation Event	\$ -	\$ 3,000	\$ 3,000	0.0%
Other Events	\$ 3,500	\$ 6,887	\$ 3,387	96.8%
Total Expenses	\$ 616,478	\$ 658,911	\$ 42,433	6.9%

PART 5 - SOLID WASTE – BUDGET COMPARATIVE

	2022/23 Budget	2023/24 Budget	Change from 2023 Budget to 2024	% Change from 2023 Budget to 2024
Summary - Total				

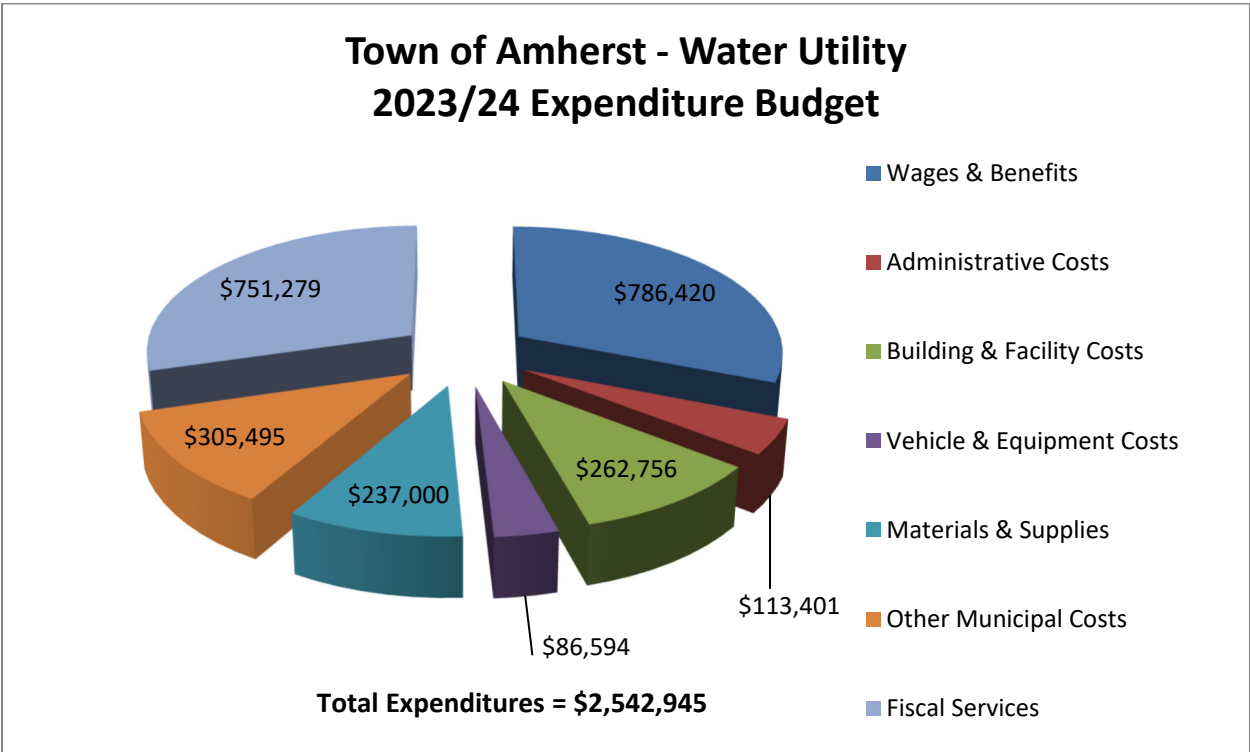
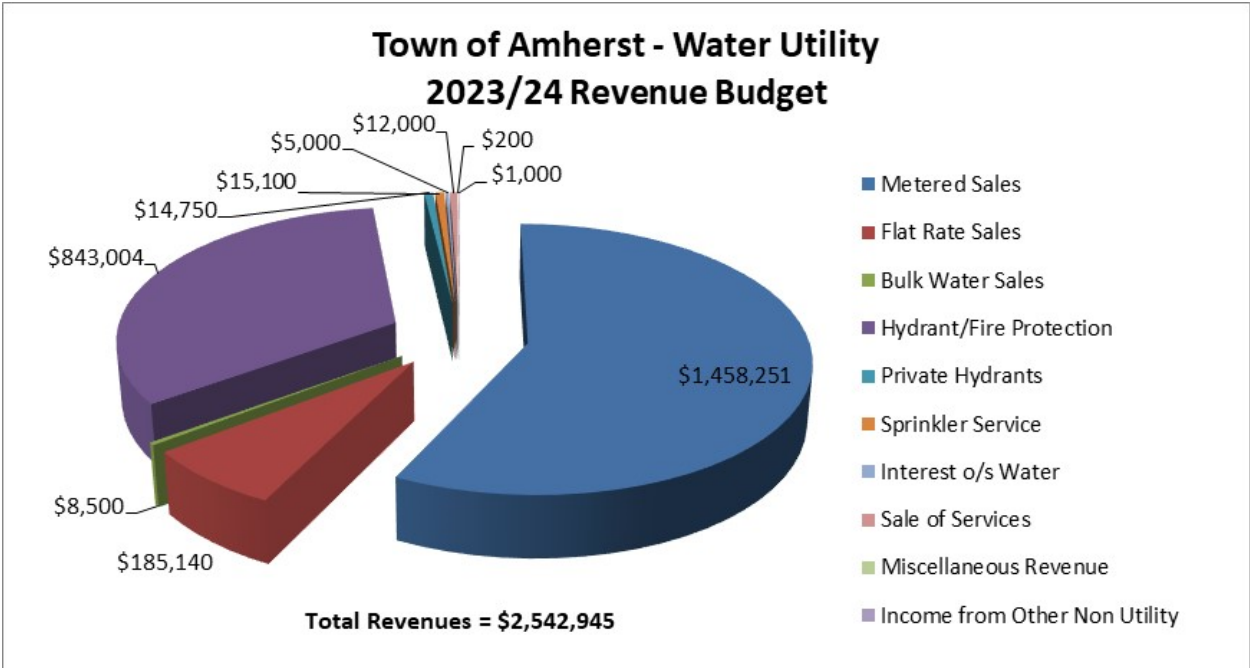
Uniform Charge Solid Waste	\$ 591,495	\$ 854,843	\$ 263,348	44.5%
Miscellaneous Revenue	\$ 300	\$ 300	\$ -	0.0%

Total Revenue \$ 591,795 \$ 855,143 \$ 263,348 44.5%

Wages & Benefits	\$ 22,340	\$ 23,910	\$ 1,570	7.0%
Administrative Costs	\$ 630	\$ 630	\$ -	0.0%
Building & Facility Costs	\$ 2,400	\$ 2,400	\$ -	0.0%
Vehicle & Equipment Costs	\$ 1,500	\$ 1,500	\$ -	0.0%
Materials & Supplies	\$ 2,060	\$ 2,000	\$ (60)	-2.9%
Other Municipal Costs:				
Collection Contract	\$ 281,840	\$ 489,353	\$ 207,513	73.6%
Tipping Fees	\$ 281,025	\$ 335,350	\$ 54,325	19.3%

Total Expenses \$ 591,795 \$ 855,143 \$ 263,348 44.5%

2023/24 WATER UTILITY OPERATING BUDGET - CHARTS



CAPITAL BUDGET – 2023/24 WATER & GENERAL CAPITAL

Projects	2023/24 Capital Budget
----------	------------------------------

WATER CAPITAL	
Dump Truck <i>(carry over)</i>	320,000
West Victoria Street ~ CNR to Hickman - water main replacement <i>[contingent on grant funding]</i> <i>(carry over)</i>	820,400
McCully Street Booster Station - study & design <i>(carry over)</i>	50,000
Water Meter Replacement <i>(carry over)</i>	12,500
McCully Street Booster Station - upgrades	300,000
Wellfield Engineering Design & Construction - Swab Launchers	80,000
Fire Hydrant Replacement	15,000
Water Meter Replacement	15,000
Wellfield Variable Frequency Drives (VFD's)	85,000
Land Purchases (potential)	<u>338,470</u>
WATER CAPITAL BUDGET TOTAL	<u>2,036,370</u>

GENERAL CAPITAL	
EQUIPMENT	
LED Lighting upgrade <i>[contingent on grant funding]</i> <i>(carry over)</i>	670,000
Sidewalk Snowplow with Blower	210,000
Service Truck (1 Ton) - Streets	<u>70,000</u>
Subtotal	<u>950,000</u>
BUILDINGS / LAND	
Video Conference System for 5 Ratchford Street <i>(carry over)</i>	12,000
Industrial Park Directory Sign Replacement <i>(carry over)</i>	25,000
Library Door Replacement <i>(carry over)</i>	35,000
Town Hall - New Roof <i>(carry over)</i>	135,000
Works Garage - Heating / Cooling <i>(carry over)</i>	50,000
Land Purchase - Blaine Street & Ottawa Avenue <i>(carry over)</i>	100,000
Town Hall - Server - replacement	22,000
Four Fathers Library - HVAC Upgrade	<u>40,000</u>
Subtotal	<u>419,000</u>

CAPITAL BUDGET – 2023/24 WATER & GENERAL CAPITAL (cont'd)

Projects	2023/24 Capital Budget
LARGE MULTI - CATEGORY PROJECTS	
West Victoria Street ~ CNR to Hickman - sanitary sewer, storm sewer (corrugated), pulverize & rebuild street, curb, sidewalk <i>[contingent on grant funding] (carry over)</i>	1,523,600
Russell Street - sanitary sewer, storm sewer (corrugated), pulverize & rebuild street <i>[contingent on grant funding] (carry over)</i>	720,000
Subtotal	<u>2,243,600</u>
STREETS	
Academy ~ Wellington to Dickey (Cold Mill and Pave)	62,000
Church ~ Longleah to Robert Angus Drive (Cold Mill and Pave)	125,000
Erncliffe ~ Copp to Lawrence (Overlay)	42,000
Foundry ~ Copp to Sackville (Overlay)	40,000
Hickman ~ West Pleasant to Mission (Overlay)	95,000
Lennox ~ Haliburton to Westland Est (Overlay)	18,000
Lusby ~ All (Overlay)	26,000
Melrose ~ Agnew to Robie (Overlay)	30,000
Park ~ McCully to Maltby Court (Overlay)	35,000
Terrace ~ All (Overlay)	45,000
Prince Arthur ~ Church to Maple (Overlay)	45,000
Pearl Place ~ All (Overlay)	15,000
Copp ~ Ernie to West Victoria (Overlay)	22,000
Clarence ~ Robie to Clifford (Overlay)	42,000
Maple ~ Victoria to Crescent (Overlay)	60,000
Crescent ~ Church to Maple (Overlay)	52,000
Gerard ~ All (Overlay)	20,000
Subtotal	<u>774,000</u>
SIDEWALKS	
Maltby Court ~ Park Street to West Highlands (TOA) - new construction	10,000
Cornwall Street ~ Anson Ave to Kent Drive (TOA) - replacement	20,000
Prince Arthur Street ~ Maple to Church - both sides (TOA) - replacement	80,000
Mission Street ~ Hickman to York (TOA) - replacement	15,000
Tactile Plates - pilot project downtown	20,000
Subtotal	<u>145,000</u>

CAPITAL BUDGET – 2023/24 WATER & GENERAL CAPITAL (cont'd)

Projects	2023/24 Capital Budget
STORMSEWER	
Storm Water Management Plan (<i>carry over</i>)	80,000
Flood Mitigation Upgrades	499,000
Subtotal	<u>579,000</u>
FIRE DEPARTMENT	
Fire Truck - replace Ladder 4 - Aerial device (<i>carry over</i>)	2,084,677
Air Compressor - replacement (Station unit) (<i>carry over</i>)	10,000
Fire suppression hose (Set # 2) - replacement (<i>carry over</i>)	35,000
Fit Testing System (<i>carry over</i>)	17,000
Structural Firefighting Bunker Gear (6-9 sets) - replacement	22,000
Replacement Wildland Coveralls (Qty 28)	16,000
Powered Extrication Tools - replacement	68,000
Breathing Air Refilling Stations - replacement (Station unit)	30,000
Fire Station Bldg Repairs - Replace front main entrance	18,000
Fire Station Bldg Repairs - Replace (1/3) interior & exterior lights (year 1 of 3)	13,000
Subtotal	<u>2,313,677</u>
POLICE DEPARTMENT	
APD HVAC (<i>carry over</i>)	18,000
APD In House Camera Systems and Adjustments (<i>carry over</i>)	8,500
Body Armour and attachments - 20 Units	30,000
Multisuns Voice Recorder	20,000
Containment Equipment - 4 Carbines and accessories	16,500
Police Station - Boiler Replacement	65,000
Subtotal	<u>158,000</u>

CAPITAL BUDGET – 2023/24 WATER & GENERAL CAPITAL (cont'd)

Projects	2023/24 Capital Budget
RECREATION	
Beacon Street Park - Sponge Surface Repair (<i>carry over</i>)	20,000
Rotary Park - Play Equipment Replacement (<i>carry over</i>)	40,000
Community Events Trailer (<i>carry over</i>)	15,000
Zero Turn Replacement c/w grass catcher (<i>carry over</i>)	35,000
Robbs Lighting (<i>carry over</i>)	200,000
Replace 1/2 Ton Truck	60,000
Utility Trailer Replacement	12,000
Decorative Lighting	25,000
4 Stream Waste Receptacles for Parks (year 1 of 2)	10,000
Trail Groomer (attachment for Kubota Tractor)	21,000
Willow Trail Fencing (adjacent properties on Abbey Road)	10,000
Stadium Elevated Viewing Surface (Ice Level)	10,000
Subtotal	<u>458,000</u>
GENERAL CAPITAL BUDGET TOTAL	8,040,277
GRAND TOTAL WATER & GENERAL CAPITAL BUDGETS	10,076,647

CAPITAL BUDGET – 2023/24 WATER & GENERAL CAPITAL SOURCE FINANCING

Water Capital

Water Operating	\$ 40,000
Water Depreciation	1,056,301
Grant - Federal/Provincial	<u>940,069</u>

Total Water Capital Source Financing **\$ 2,036,370**

General Capital

Capital from Revenue - General Operating	\$ 845,700
Operating Reserve	485,000
Capital Reserve	2,058,677
Capital Reserve - Carry Over Items	545,800
Canada Community-Building Fund (formerly Gas Tax Fund)	919,000
Grants - Federal/Provincial	2,587,732
Long Term Debt - General / Sewer	<u>598,368</u>

Total General Capital Source Financing **\$ 8,040,277**

Grand Total Water & General Capital Funding **\$ 10,076,647**

Internal Committee Report

Amherst Board of Police Commissioners

April 2023

The Amherst Board of Police Commissioners met on Tuesday, March 28, 2023 at 3:00 p.m. in Town Hall Council Chambers.

Councillor Chambers was sworn in as a Commissioner at the beginning of at the meeting.

The Board approved a motion that the Amherst Board of Police Commissioners support and approve the request for additional positions for staffing in the Major Crime Unit and in Crime Prevention by adding 1 additional police position to the Amherst Police Department and permanently adding the civilian Crime Prevention position (Option 4) which will cost approximately \$203,000 annually. This will result in a 3-person team in the Major Crime Unit and a full-time permanent Civilian Crime Prevention Coordinator.

Discussion ensued around the facilitation of a new APD Strategic Plan. The Board agreed this should be a fairly straight-forward process that someone in-house could facilitate. Chief Pike will look into options for a facilitator, as well as community engagement opportunities, and report back at the next meeting.

Before adjourning the meeting, the Board recognized a moment of silence for fallen officers Const. Travis Jordan, Const. Brett Ryan and Sgt. Maureen Breau all recently killed in the line of duty.

The Chair also thanked Commissioner Lloyd Bruce for his time on the Board, which expired March 31, 2023.

The Board is scheduled to meet again tomorrow, Tuesday, April 25, 2023 at 3:00 p.m. in Town Hall Council Chambers.

Internal Committee Report

Amherst Youth Town Council

April 2023

The Amherst Youth Town Council (AYTC) met on March 29th in the ARHS library and on April 13th in Town Hall Council Chambers.

Throughout the past month we worked on AYTC recruitment for the 2023-2024 year. We had a table at ARHS for two days to promote the council, as well as posters around the school and a post on the ARHS Instagram.

Since our last report the AYTC was given two separate presentations, one at each meeting. Councillor Hal Davidson presented about diversity in the Town of Amherst. He outlined the efforts of the Inclusion, Diversity and Equity Committee to promote belonging by ensuring equity, diversity and inclusion are supported in Amherst.

We also received a presentation from the Lions Club about the benefits that the club brings to individuals and groups of people. Many of the members of our council were impressed to learn the broad reach of the Lions Club and all they do. For example, we learned they have 50,000 clubs, with 4 million members worldwide and a non voting seat at the UN.

The Lions Club offered us a table at their upcoming event on May 27th. We are unsure if we will be attending but it may be a good opportunity to continue our recruitment efforts if we are still seeking new members. In this case we would likely be promoting the opportunity to join the AYTC to parents but that could be an effective strategy.

We are currently working on a report outlining the results of our research on youth hunger in Amherst.

Internal Committee Report

Advisory Committee to Reduce Poverty

April 2023

The Advisory Committee to Reduce Poverty met on April 20, 2023.

Items on the agenda included introduction of new citizen appointees Melissa Johnson and Lynn Welton representing the Town of Amherst, and Carrigan Guthro representing the Town of Oxford.

A discussion was also held around the Universal Lunch Program, and on the PRAC Strategy Working Group and Action Items.

The next meeting is scheduled for September 21, 2023.

External Committee Report

Cumberland Public Libraries

April 2023

Funding Formula

Council of Regional Librarians (CORL) is in the process of looking at the funding formula for libraries. We are in year 4 of 5 years. CORL has met twice in March to discuss funding going forward.

Period Poverty Grant

Cumberland Public Libraries has received a one-time \$25,000 grant to help with period poverty in Cumberland County. This money will be used to purchase period products for all Cumberland Public libraries as well as for some education initiatives. More information will be forthcoming.

DEIA overview of policies

Cumberland Public Libraries is currently undergoing an audit of all of our Personnel and Operational policies through a Diversity, Equity, Inclusion, and Accessibility lens. This audit is being conducted by Chrysalis Human Rights Agency and the library received a grant to cover the cost.

Statistics

In the month of February, Cumberland Public Libraries signed out over 9,208 items, 5,274 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 2,007 in person visits.

Next Board meeting April 25, 2023.

External Committee Report

YMCA of Cumberland

April 2023

Membership

We have 1391 active members.
Our current promo is a two-week trial.

Aquatics & Fitness

The spring fitness and aquatic schedules are in full swing.

The spring session of group swim lessons has started with 167 participants. There are 43 participants enrolled in private lessons.

Thanks to an accessibility grant, we were able to purchase a new wheelchair for the pool as well as an accessible recumbent bike for the wellness centre.

Donations/Fundraising

Our annual Spin-a-thon took place on Wednesday, March 29. We had 26 participants and raised \$5100.

External Committee Report

Northern Region Solid Waste Resource Committee

April 2023

Northern Region Meeting

The NR Committee met on March 31st where Councillor Jennifer Houghtaling was nominated and voted in as the Chair of the Northern Region. The committee also passed a motion stating that all meetings will be held virtually, with a minimum of 1 in-person meeting per year.

C&D Regulation Changes

Nova Scotia Environment and Climate Change (NSECC) has released a “What We Heard” document from the C&D engagement which was circulated to NR members.

The finalized guidelines have been approved and are available online:

- [Solid Waste Management Facility Guidelines for Construction and Demolition \(C&D\) Debris Storage, Transfer, Process and Disposal](#)
- [Solid Waste Management Facility Guidelines for Municipal Waste Transfer Facilities](#)

The Guidelines will come into effect on July 5, 2023 which align with the following two regulatory changes:

- Treated wood ban from disposal at C&D facilities
- Approvals required for processing, transfer and storage of C&D material

300 kg Disposal Target

Divert NS is anticipating that the landfill audits will begin this spring.

Extended Producer Responsibility (EPR)

- EPR remains a priority with NSECC and environment staff are hoping that the recommendations on regulations will be going to the Minister shortly.
- Divert NS is being recommended as the oversight body for EPR.
- NSECC staff are recommending a 3-year timeline from when EPR is announced to when industry will start collecting recyclable materials.
- The Priorities Committee met with the NSECC consultants to discuss a data collection plan. Municipalities will be required to submit information within 6 months of EPR being announced on how many households they collect from, and the number of commercial properties they collect from, etc.

Divert NS Scholarship

As a reminder, 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.

Diversion and MAP Funding

Region 3 received the final portion of the Diversion and MAP Funding. The tables below outline how the funding was distributed within our region.

Northern Region Funding				
Diversion Credit Funding F2023				
	Tonnage (21/22)	Overall Payment	Advancement (August)	Outstanding Funding (final pymt)
Region	31,613	\$ 449,603.97	\$ 331,100.00	\$ 118,503.97
Cumberland	4,558	\$ 64,824.44	\$ 38,692.47	\$ 26,131.96
Colchester	21,168	\$ 301,053.90	\$ 212,084.43	\$ 88,969.47
East Hants	5,887	\$ 83,725.64	\$ 80,323.10	\$ 3,402.54
Final Payment				
Tonnage	31,613			
Funding Allowance	\$ 449,604			
\$/T	\$ 14.22212			

Northern Region				
Municipal Approved Program Funding F2023				
	Tonnage (20/21)	Overall Payment	Advancement (August)	Outstanding Funding (final pymt)
Region	31,613	\$ 94,416.83	\$ 69,500.00	\$ 24,916.83
Cumberland	4,558	\$ 13,613.13	\$ 8,121.80	\$ 5,491.34
Colchester	21,168	\$ 63,221.32	\$ 44,517.87	\$ 18,703.44
East Hants	5,887	\$ 17,582.38	\$ 16,860.33	\$ 722.05
Final Payment				
Tonnage	31,613			
Funding Allowance	\$ 94,416.83			
\$/T	\$ 2.99			

External Committee Report

L.A. Animal Shelter

April 2023

Currently at the shelter we have 28 adult cats - quite a few of which are pregnant. We have 28 kittens - most are not yet old enough to be adopted. We also have 4 dogs. Due to the high number of adult cats, we are currently unable to accept any more adults due to space limitations.

In March we adopted out 8 dogs, 16 kittens and 12 adult cats.

The building planning committee has made several presentations and continues to work on the business plan, while continuing to contact potential large donors. We are currently hoping to break ground in April 2024. Discussion on a family friendly launch event for the building was had, as well as a discussion of a gala event to kick off the public solicitation for donations for the building fund.

Our Spring Tea will be held on Saturday, May 13th upstairs at Dayle's Grand Market.

External Committee Report

Senior Safety Committee

April 2023

The Senior Safety Committee met on Tuesday, April 18th at 2:45 via zoom.

The Senior Safety Coordinator has been busy helping seniors find services and doing home visits. During February and March there were over 75 requests by seniors for information regarding the Senior Care Grants. These requests were all either by phone or by email.

The coordinator has also done home visits to make sure seniors are getting what they need to live in their own homes – safely. In town she has done 15 home visits and another 13 home visits in the county.

The coordinator has done a presentation for county council regarding the services she provides so they could measure the funding with services provided.

Both the coordinator and the Chairperson (Lisa Emery) attended the memorial of the mass shooting, to remember and honour the victims and their families, on Tuesday, April 18th at 2:00 PM

There will be an Aging Well event hosted by the Superstore on Friday, April 28th from 10:00 to 2:00 upstairs. They will have tables set up with different organizations that serve seniors in our community. The Senior Safety Coordinator will be there.

The next meeting will be May 18th at 1:30 PM and it will be the AGM.