



Town of Amherst
Regular Council Meeting
Agenda

Date: **Monday, January 22, 2024**
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>	
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**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: December 18, 2023
Time: 6:00 pm
Location: Council Chambers, Town Hall

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

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
Kim Jones, Director, Corporate Communications & IT
Natalie LeBlanc, Municipal Clerk
Cindy Brown, Administrative Assistant

1. CALL TO ORDER

Mayor Kogon called the meeting to order.

2. TERRITORIAL ACKNOWLEDGMENT

Mayor Kogon gave the Territorial Acknowledgement.

3. AGENDA APPROVAL / ACCEPTANCE OF MINUTES

3.1 Approval of the Agenda

Moved By Deputy Mayor Fawthrop
Seconded By Councillor Baker
To approve the agenda as circulated.

Motion Carried

3.2 Acceptance of Minutes

3.2.1 November 23, 2023 Public Hearing

Mayor Kogon called for any errors or omissions. There being none the minutes of the November 23, 2023 Public Hearing were accepted as included in the agenda package.

3.2.2 November 27, 2023 Regular Meeting

Mayor Kogon called for any errors or omissions. There being none the minutes of the November 27, 2023 regular meeting were accepted as included in the agenda package.

3.2.3 November 29, 2023 Special Meeting

Mayor Kogon called for any errors or omissions. There being none the minutes of the November 29, 2023 special meeting were accepted as included in the agenda package.

3.2.4 December 12, 2023 Special Meeting

Mayor Kogon called for any errors or omissions. There being none the minutes of the December 12, 2023 special meeting were accepted as included in the agenda package.

4. REQUESTS FOR DECISION

4.1 Poverty Reduction Advisory Committee Terms of Reference Amendments

Moved By Councillor Landry
Seconded By Councillor Davidson
That Council approve the revised Poverty Reduction Advisory Committee Terms of Reference for the Town of Amherst.

Motion Carried

TITLE: Poverty Reduction Advisory Committee Terms of Reference
SECTION: Executive Office
POLICY NO: 10350-29

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

POLICY STATEMENT

This policy will govern the terms of reference for the Poverty Reduction Advisory Committee for the Town of Amherst.

PURPOSE:

The purpose of the Poverty Reduction Advisory Committee (PRAC) is to advise Amherst Town Council on matters regarding poverty reduction through the application of social equity lenses within our community. The primary goals of the PRAC are:

1. Assist with increasing awareness of wellness and quality of life for all constituents living in Amherst focusing on what is needed to prevent people from experiencing poverty.
2. To support those who are equity deserving by focusing on inclusion, empowerment, capacity building, and cross-sectoral collaboration

ROLE OF COMMITTEE:

Mandate:

The mandate of the Poverty Reduction Advisory Committee is to:

- Provide advice and recommendations to Municipal Council as determined by the goals of strategic plan, or as determined by ongoing collaboration with the community
 - Work collaboratively with community organizations and neighboring municipalities to carry out priorities as identified in the strategic plan
 - Create awareness and education around poverty and its impact on social wellness;
 - Function as a hub of community-based poverty reduction assets;
 - Consider and integrate the advice and activities of other council committees with mandates aligned with poverty reduction;
 - Align with strategic priorities of councils that are matters related to the committee's purpose; and
 - Review these Terms of Reference every three years.
-

MEMBERSHIP:

Committee Composition and Term

The committee will endeavor to maintain a diverse and inclusive membership and represent all demographics and cultural groups within Amherst.

The Chair and Vice Chair will be elected by the committee at the first meeting of each calendar year.

The membership of the PRAC will be as follows:

- Two Councillors as voting members
- Up to six members of the public as voting members ideally with experience in a social equity field or lived experience. Membership will not be limited to Town of Amherst residents; however, preference will be given to residents of the Town of Amherst.
- Staff are not voting members.
- Applications for community representatives may be solicited using radio, newspaper, social media and municipal websites. Interested citizens will be invited to submit a letter of interest and experience. Staff will review the applications with the Councillor appointed to the Committee and make a recommendation to Amherst Town Council for approval of the citizen appointments.

MEETINGS:

Delegated Authority

The PRAC is established as an advisory committee to the Amherst Town Council and does not have any delegated authority. The Committee has no authority to direct staff but may request direction from the CAO as needed.

Functioning of the Committee

The Clerks Office will manage the scheduling and facilitation of Committee meetings.

A quorum consists of a majority of the members of the Committee. The Committee will attempt to make decisions by consensus, in the absence of such a vote will be held.

Budget and Resources Remuneration

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

Frequency of Meetings

It is expected the PRAC will meet quarterly or as determined by the Committee.

Absenteeism

If a committee member misses three consecutive meetings without giving notice to the Committee, the position will be considered vacated and a new representative will be appointed.

Title/Role	Responsibilities
Director Community Living	Ensure the Committee meets quarterly, follows the terms of reference and brings forward recommendations from the committee to Council
CAO	Ensures recommendations are reviewed by Council at Committee of the Whole meetings and communication on meetings is forward to PRAC
Council	Reviews monthly reports on progress and considers any recommendations brought forward with due diligence

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Revise the Terms of Reference to be a Town of Amherst Committee	Director of Community Living, Bristol	Council	

4.2 Nature Challenge Fund Land Acquisition

Moved By Councillor Emery

Seconded By Deputy Mayor Fawthrop

That Council approve the purchase of a 110-acre parcel of woodland off the Green Road for \$99,000, plus any applicable tax and closes costs, subject to an appraisal, to be fully funded through the Nature Challenge Fund; and further, that the Mayor and CAO be authorized to execute the necessary documents.

Motion Carried

4.3 Water Utility Dump Truck Purchase

Moved By Councillor Chambers

Seconded By Councillor Emery

That Council approve of an amendment to the 2023/24 Water Utility Capital Budget to include \$355,000 from the water depreciation fund for the purchase of a dump truck for the Amherst Water Utility, and further, the contract to supply the dump truck be awarded to Nova Truck Centres in the amount of \$339,500 plus applicable taxes.

Motion Carried

4.4 Appointment of Development Officer

Moved By Councillor Baker

Seconded By Councillor Emery

That Council appoint Torben Laux as a Development Officer for the Town of Amherst.

Motion Carried

5. INTERNAL COMMITTEE REPORTS

5.1 Amherst Board of Police Commissioners - Davidson

Information item only; no direction given or action required.

5.2 Amherst Youth Town Council - AYTC Member

Information item only; no direction given or action required.

5.3 Inclusion Diversity and Equity Committee - Davidson

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 Management - 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 Municipal Alcohol Project - Emery

Information item only; no direction given or action required.

7. ADJOURNMENT

There being no further business, Mayor Kogon adjourned the meeting.

Natalie LeBlanc
Municipal Clerk

David Kogon, MD
Mayor

SYNOPSIS

2024 Strategic Priorities

The attached Council Strategic Priority Projects for 2024 sets the Vision, Mission and Guiding Principles for the organization. It also establishes four Strategic Priority Projects that include:

- **Pursuit of a new Community Centre**
- **Supply of Suitable and Affordable Housing**
- **A new Municipal Planning Strategy**
- **Development of a Mobility Strategy**

Council also identified the following five Ongoing Core Priorities:

- Drugs and Addiction
- Social Needs
- Community Collaboration
- Community Vibrancy
- Economic Development

MOTION:

That Council adopt the Strategic Priorities for 2024.



AMHERST TOWN COUNCIL

RFD# 2024003

Date: January 22, 2024

TO: Mayor Kogon and Members of Council

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

DATE: January 22, 2024

SUBJECT: 2024 Strategic Priorities

ORIGIN: Following a Strategic Priorities Planning Day in November, draft Strategic Priorities for 2024 were provided for Council feedback in December with a view to formally adopt in January.

LEGISLATIVE AUTHORITY: MGA Section 9A *The purposes of a municipality are to (a) provide good government; (b) provide services, facilities and other things that, in the opinion of the council, are necessary or desirable for all or part of the municipality; and (c) develop and maintain safe and viable communities.*

RECOMMENDATION: That Council adopt the 2024 Strategic Priorities.

BACKGROUND: On November 15, 2023 Council and staff developed Strategic Priorities for the 2024 calendar year. The attached document reflects those priorities.

DISCUSSION: Council reviewed and confirmed the Town’s Vision, Mission and Guiding Principles. Three of the four Strategic Priority Projects: Community Centre, Supply of Suitable and Affordable Housing, Municipal Planning Strategy review remain unchanged. The fourth 2023 priority: Committee/Policy/Bylaw Review has been operationalized, so it has been replaced with a Mobility Strategy that encompasses active transportation improvements, a transit study, and physical activity opportunities.

FINANCIAL IMPLICATIONS: Consideration of the priorities is incorporated into the Capital and Operations Budget deliberations.

SOCIAL JUSTICE and ENVIRONMENTAL IMPLICATIONS: The Strategic Priorities are rooted in the concept of social justice and environmental sustainability.

COMMUNITY ENGAGEMENT: None specific to this issue, although engagement will take place at various points as the priorities are implemented.





AMHERST TOWN COUNCIL

RFD# 2024003

Date: January 22, 2024

ALTERNATIVES: Do not adopt the Strategic Priorities or direct staff to make further changes.

ATTACHMENTS: Vision, Mission, Guiding Principles, Project Priorities and Ongoing Core Priorities.

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



Council Strategic Priority Projects 2024



VISION Our vision is to be a healthy, prosperous, inclusive, and environmentally sustainable community in which people of all ages, abilities, and cultures are engaged and proud to live, work and play. **See Why We Love It!**

MISSION We provide quality leadership, services, opportunities and resources for the benefit of our citizens, and in support of our growth and development in our community in a fair, equitable and transparent manner.

GUIDING PRINCIPLES Respect · Integrity · Collaboration · Accountability · Inclusivity · Evidence-based Decision Making · Sustainability

Community Centre
Project Goal: Construction and operation of a financially feasible modern multi-purpose complex that includes an environmentally friendly, safe and inclusive facility that meets the needs of our citizens and partners by promoting community pride, healthy active lifestyles, and vibrancy that reflects community values and heritage.

Project Completion: Spring 2026

Supply of Suitable and Affordable Housing
Project Goal: Address the need to increase supply of housing across all segments of the housing market from emergency shelters to single-family homes

Project Completion: Ongoing

Municipal Planning Strategy Renewal
Project Goal: A new MPS that provides a policy framework to guide future decisions on the physical, environmental, economic, social, and cultural development of the town.

Project Completion: June 2024

Mobility Strategy
Project Goal: Establishment of a mobility strategy for the Town including: Active Transportation improvements; Transit Study; Physical Activity opportunities.

Project Completion: June 2025

Ongoing Core Priorities

These are priorities not linked to specific end dates or specific deliverables.

DRUGS AND ADDICTION	Internal and external education, individual and community support, enforcement
SOCIAL NEEDS	Poverty reduction, improved Accessibility for all, Inclusion Diversity and Equity
COMMUNITY COLLABORATION	Working together with government, non-profits, individuals, and community groups to achieve our mutually beneficial goals
COMMUNITY VIBRANCY	Activities, healthy lifestyles, celebrations, education, communication
ECONOMIC DEVELOPMENT	Support small and large business, promotion, business and industrial expansion

SYNOPSIS

15 & 31 East Victoria Street Development Agreement First Reading

An application for a development agreement has been received to allow the construction of a 6-storey mixed use building in addition to the already approved 3-story, 24-unit apartment building on three abutting properties bordered by East Victoria Street, Maple Avenue, and Electric Street.

An advertised Public Participation Opportunity was held on January 3, 2024. Members of the public in attendance were in support of the proposal.

At a meeting held on January 8, 2024, the Planning Advisory Committee recommended that Council enter into the development agreement.

MOTION:

That Council give First Reading of the Development Agreement for 15 and 31 East Victoria Street, and schedule a Public Hearing for Thursday, February 8, 2024 at 5:00 p.m.



AMHERST TOWN COUNCIL

RFD# 2024008

Date: January 22, 2024

TO: Mayor Kogon and Members of Council

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

DATE: January 22, 2024

SUBJECT: 15 & 31 East Victoria Development Agreement – First Reading

ORIGIN: An application for a development agreement to allow the construction of a 6-storey mixed use building in addition to the already approved 3-story, 24-unit apartment building on three abutting properties (PIDs: 25508698, 25005430 and 25033747 respectively).

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

PAC RECOMMENDATION: That Council enter into the Development Agreement for the subject properties that would allow a 6-story mixed use building and a 3-storey, 24-unit apartment building as drafted, and repeal the existing Development agreement associated with these properties.

BACKGROUND: Attached is the draft development agreement. An advertised Public Participation Opportunity was held on January 3, 2024. Members of the public in attendance were in support of the proposal.

Council is referred to the attached January 8, 2024 staff report to the Planning Advisory Committee that contains details about the proposed development, input received through the Public Participation Opportunity, information provided by the applicant, and a review of the relevant MPS policies.

DISCUSSION: As detailed in the attached staff report to the PAC, the proposal meets the general intent of MPS policies.

FINANCIAL IMPLICATIONS: Tax revenue, but more importantly this development has the potential to spur further investments in the downtown core area.

SOCIAL JUSTICE IMPLICATIONS: The development agreement process provides opportunities for the public provide input and the development include affordable housing units.

ENVIRONMENTAL IMPLICATIONS: This development as proposed is energy efficient, and will provide infill development located close to amenities.





AMHERST TOWN COUNCIL

RFD# 2024008

Date: January 22, 2024

COMMUNITY ENGAGEMENT: Public Participation Opportunity held on January 3, 2024, and pending First Reading, an advertised Public Hearing will be scheduled for February 8, 2024.

ALTERNATIVES: Do not approve first reading citing specific MPS policies that are not being met.

ATTACHMENTS: 1) Draft Development Agreement; 2) January 8, 2024 Staff report to PAC; 3) Proposal Briefing

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



Case No: DA-2024-01

This Agreement made this Xth Day of 2024.

Between:

CASEY REALTY LIMITED (owner of three abutting properties along Electric Street, East Victoria Street and Maple Avenue, Amherst [PIDs: 25508698, 25005430 and 25033747], 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 CP-15 of the Municipal Planning Strategy of the Town of Amherst, to construct a 3-story, 24-unit apartment building and a 6-storey mixed-use building on three abutting properties along Electric Street, East Victoria Street and Maple Avenue (PIDs: 25508698, 25005430 and 25033747 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 **XXth** Day of **[Month]** 2024, 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 Elevations

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 24-unit, 3-level apartment building and a 6-storey mixed-use 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

Jim Furlong

Schedule A PID 25508698, 25005430 and 25033747, Electric Street, Amherst

Terms and Conditions:

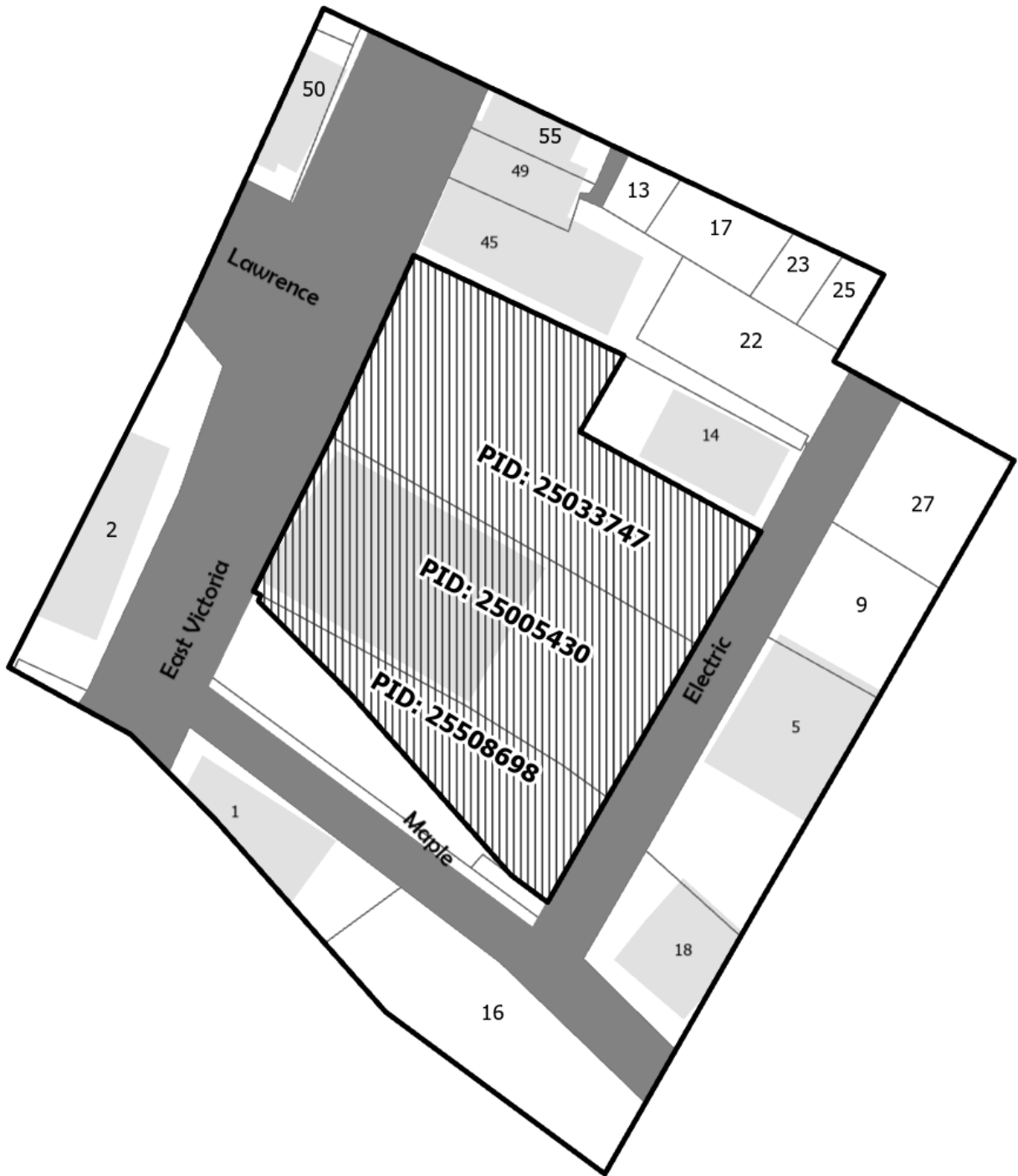
1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the properties shall be limited to residential uses within a maximum of a 24-unit, 3-level apartment building and a 6-storey mixed use building that shall contain commercial uses on the ground floor and up to 62 dwelling units on the upper floors, in the general location as shown on Schedule 'C'. Additional commercial uses may be permitted on the upper floors by reducing the number of dwelling units.
- 1.2 A minimum of 100 parking spaces shall be provided on the Land and shall be generally configured as shown on Schedule 'C' on the surface level with the balance of parking spaces provided underground.
- 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 buildings 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 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 for the first building constructed.

2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Land, 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 'C' Phase 2 Building



South Elevation

SCHEDULE 'C' Phase 2 Building



West Elevation



East Elevation

MEMO

TO: Planning Advisory Committee

FROM: Andrew Fisher, Director of Planning & Strategic Initiatives

DATE: January 8, 2024

RE: **Development Agreement – Apartment Building – East Victoria Street**

PROPOSAL

An application by Casey Realty Limited for a development agreement to allow a 6-story, mixed-use commercial and residential building, in addition to the already approved 3-story, 24-unit apartment building on this site. The subject build will contain commercial uses on the first and possibly second floors, with between 52 and 62 dwelling units on the upper floors.

BACKGROUND INFORMATION

The attached application briefing provides the site details, neighborhood context, and building proposal details.

The subject development replaces an existing parking lot and will allow for commercial and a potential healthcare use on the first-floor with the flexibility of going into the second floor. The remaining space will be occupied by up to 62 new units, which will consist of one-bedroom plus den, two-bedroom, and two-bedroom plus den units for the remaining floors. The units will be between 590 and 914 square feet and will have a balcony of about 83-52 square feet.

A total of 100 parking spaces will be provided with 75 spaces underground accessed by a common vehicle access off Maple Avenue under the Phase One building. 25 surface parking spaces will be located between the two buildings, with access from Maple Avenue and Electric Street.

Being in the downtown core, the development is within a short walk of Victoria Square and several businesses and services. The development will provide green space along Maple Ave. and within a small courtyard located just off to the side of the aboveground parking lot.

Furthermore, this development satisfies section 8.4 Core Area District with its proposed building material and parking requirements. The development also provides large windows on the first floor with awnings to protect public entry ways.

Given that there already exists an approved development agreement for these properties to allow Phase One, the draft agreement will incorporate both phases into one agreement. The Phase One agreement will be repealed and replaced by the current agreement.

PUBLIC PARTICIPATION

A Public Participation Opportunity was held January 3rd with notice provided to occupants of property located with 30 m of the subject site, owners of property within 60 m of the subject site, and meeting notices placed in the local newspaper. Those in attendance at the meeting were generally in favour of the proposal.

RELEVANT POLICIES

1. Residential Policies (RP)

RP-11 Affordable Housing

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; and, (d) cooperating with Federal and Provincial Governments to facilitate affordable housing within the town.

The proponent noted that in phase 1 of the project, 50% of the proposed units will be affordable (i.e., below market rate) with support from senior levels of government. Furthermore, these additional dwelling units will broadly address the housing shortage by increasing supply, which tends to put downward pressure on rental rates. The clinic and retail space on the first floor, with the possibility of occupying parts of the second floor, will further allow the units to be kept at a lower cost.

2. General Land Use and Development Policies (GP)

GP-7 Compatibility

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

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

The proposal does meet the minimum yard setback standards in the LUB, and fencing or other forms of visual barrier is not essential since this proposal is compatible with other land uses in the area. On top of that, the parking area (underground and surface) for the development is distributed in a manner that it does not dominate the area by limiting accessibility, utilization of vegetation, or aesthetic quality.

GP-8 Density

It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.

High density built to minimum setbacks is appropriate in the downtown core area where this development is proposed.

3. Municipal Service Policies (MS)

MS-11 (In-fill Development)

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

The proposal is an infill development, which speaks to the efficient use of land that does not require extension of existing town infrastructure. Moreover, the development is in the downtown core area, which reduces vehicle dependency.

4. Sustainability Policies (SP)

SP-1 (Residential Development)

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

This proposal fulfills the intent of this policy.

5. Commercial Policies (CP)

Land Use Bylaw Section 8.3.2 (Permitted uses by Development Agreement)

In the Downtown Zone, a development permit application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policies:

- (d) Ground floor residential uses subject to MPS Policy CP-15.*

CP-15 (Ground Floor Residential)

It shall be the intention of Council to consider applications for ground floor residential uses in the Downtown Zone by Development Agreement excluding that portion of a building that abuts Church, Victoria and Havelock Streets. Outside said streets, applications for new residential buildings or ground floor conversion of existing commercial and institutional buildings will not be considered for residential uses unless it can be shown that such a conversion will not detract from the commercial character of the surrounding streetscape.

In negotiating such a development agreement, Council shall take into account:

- (a) the location, height, bulk of the building;*
- (b) the architecture of the building;*
- (c) signage;*

- (d) parking facilities;*
- (e) landscaping;*
- (f) pedestrian access;*
- (g) the unique characteristics of the property and its relationship to the surrounding streetscape;*
- (h) that the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes*

With commercial uses occupying the ground and residential uses located on the upper floors, the proposal satisfies the intent of this policy. The overall design and layout of the development including matters such as height, parking, signage, accessibility among other issues outlined in this policy is addressed in the proposal.

6. Recreation Policies

R-21 High Density Open Space

It shall be the intention of Council to require multiple unit residential properties to provide usable open space for the use of residents on the site.

The proposed building covers about 24% of the entire lot area and with the approved phase 1 building, leaving little open space available. To mitigate this, each unit is provided their own outdoor patios. Notwithstanding that a significant amount of the remaining space is dedicated to parking, there will be green space along Maple Ave and a smaller park with gazebo behind the building and beside the parking lot. Moreover, the proposed development is within close proximity to Victoria Park, which is a public open space, hence, an additional comfort space for the potential residents to explore.

7. Implementation Policy

A-5 (Amendment Criteria)

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 meets the intent with the relevant town bylaws and regulations. In terms of subsection (b), there would be no significant burden on the Town's finances. The street network and town water, sanitary and storm sewer services can accommodate the development. With regard to subsection (c), the proposed use does not conflict with the existing uses in the neighborhood and the dimensions fit other existing developments in the area. Parking and traffic generation is split between an underground and surface parking area with access off Maple Avenue and Electric Street.

DISCUSSION & CONCLUSION

The proposal has the potential to have a significant positive impact on the downtown district. Currently there is a lack of housing in Amherst, particularly within close walking distance of the downtown core area to support downtown amenities and increase its vibrancy. This building is appropriate in the downtown core area in terms of its height, bulk and general built form. In addition, the development will result in more people living in the town center and increase activity during and after regular business hours. As a result, the possible healthcare facilities and retail space on the first floor could significantly improve access to important amenities. Staff feel that this development could create the impetus for further support for other commercial and residential investments in this area.

Other positive elements include the addition of up to 62 barrier-free, energy-efficient building units. This development would cater to those looking for a living option with a relatively low carbon footprint that supports lower dependence on a personal vehicle.

While improving the building façade to blend better into its surroundings and landscape on the site and to further break up the horizontal appearance is encouraged, staff feel that the proposed development is in keeping with the general intent of the relevant policies in the Town's Municipal Planning Strategy.

The following decision options is therefore put forward:

OPTIONS:

Option One: Recommend that Council enter into the Development Agreement for East Victoria Street as drafted, and repeal the existing Development agreement associated with these properties.

Option Two: Recommend that Council not enter into the Development Agreement for East Victoria Street.

Option Three: Defer a decision and request additional information and /or changes to the proposal.

STAFF RECOMMENDATION: Option One.

Application Briefing

Development Agreement to Permit the Construction of a 6-story, 52-62-unit Apartment Building on East Victoria

January 8, 2024



Disclaimer

These applications are not the Town's proposal. It is a property owner's right to make an application for a development agreement or a zoning map amendment. No approval or decisions have been made.

Introduction

Aim

The aim is to ensure public involvement in the planning process, particularly on development proposals that require a development agreement and/or an amendment to any of the existing planning documents.

Objectives

Specifically, the following will be addressed:

- I. Explain the concept of “development agreement” and how it is administered in the Town of Amherst.
- II. Describe the proposal and outline the relevant land use bylaws and policies.

Development Agreement

What is a Development Agreement (DA)?

A development agreement is a legally binding contract between a property owner and the Town that stipulates standards, design requirements, terms and conditions to which the property owner must adhere.

Aspects of a development that may be addressed in this agreement may include:



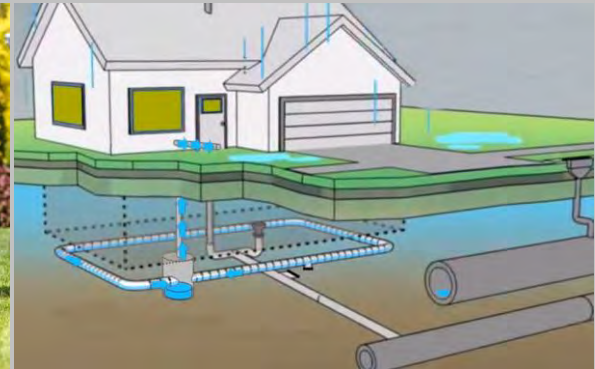
Architectural Design



Parking



Landscaping



Drainage

A development agreement may also influence the use, fencing and other similar site features to ensure the matter is addressed adequately, stipulate how the project should be phased, enforce certain special requirements, and require the developer to make contribution towards funding public infrastructure.

Development Agreement Process

1. Public Participation Opportunity is where a summary of the proposal and relevant policies to consider is provided. The proponent is invited to attend and the public is invited to provide input.
 2. The applicant is given an opportunity to make changes as a result of the public input.
 3. Council considers First Reading of the **The Planning Advisory Committee (PAC) considers a recommendation to Council based on a summary of the Public Participation Opportunity meeting and a staff report.**
 4. agreement and schedules a Public Hearing.
 5. Council considers Second Reading, and if approved, notice is placed in local media providing 14-days to appeal the decision.
 6. If no appeals are received the agreement is executed and Building Permits can be issued, subject to agreement terms.
- *All meetings of the PAC and Council are open to the public.
 - **The final decision to enter into a development agreement or amend a planning document** rests on the town Council and must be reasonable in keeping with the intent of the Municipal Planning Strategy.

Development Agreement Process



**All meetings of the Planning Advisory Committee and Council are open to the public.*

Application Details

Applicant/ Owner: Casey Realty Limited

Summary of Proposal: Development Agreement to permit the construction of a 6-level mixed-use building fronting along East Victoria Street that would contain ground-level commercial uses and up to 62 dwelling units. This is considered Phase 2 in addition to the already approved Phase 1 that includes a 3-level, 24-unit apartment building that will front along Electric Street.

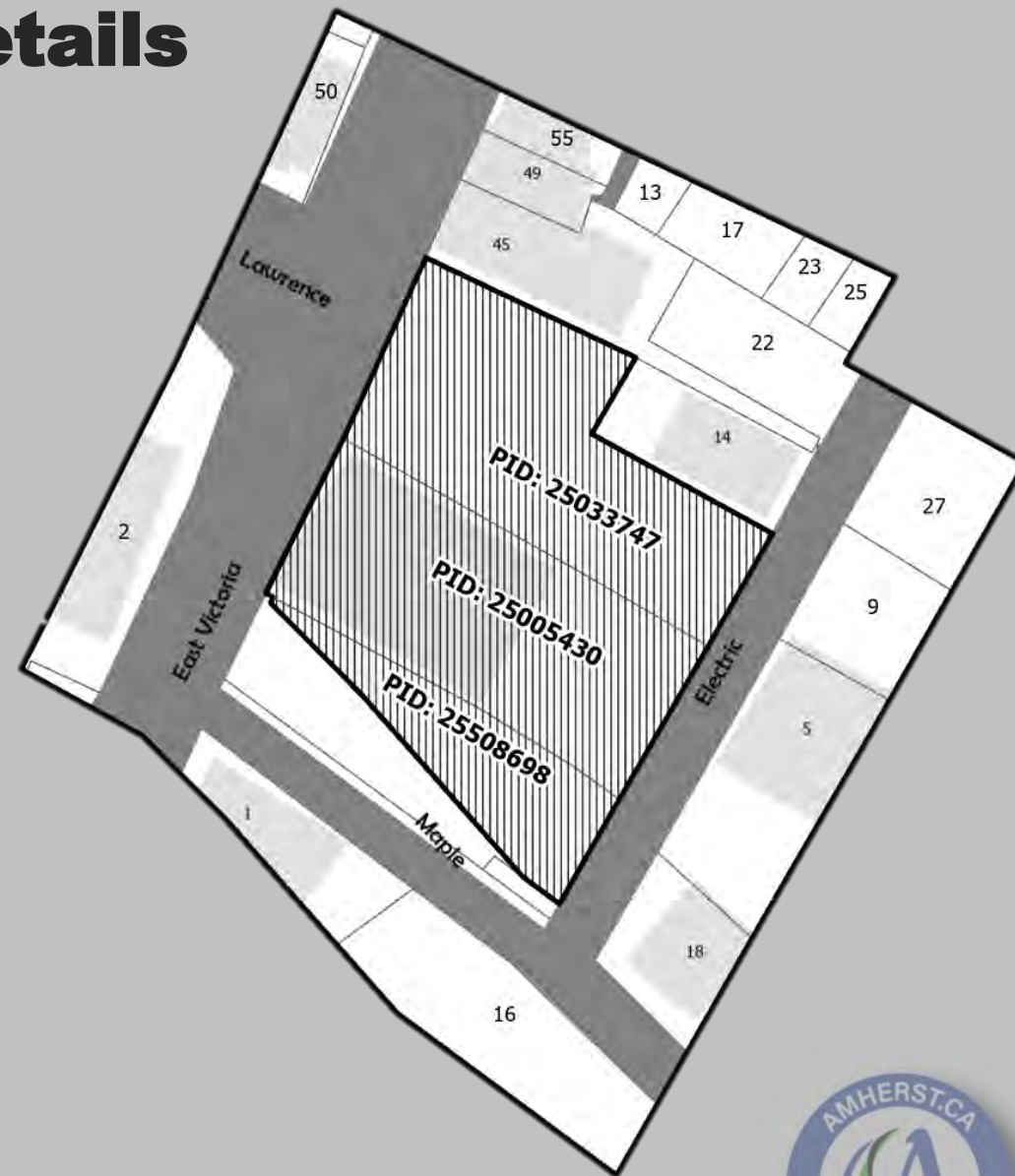
Location: Lots 21-1 Maple Avenue, 92-1 Victoria Street East, and 32 Victoria Street East (PIDs: 25508698, 25005430 and 25033747 respectively).

Property Area: approximately 4586m² (1 acre).

Existing Zoning: Downtown (Core Area District)

Existing Land Use: Parking and open space.

Street Frontage: 61m along East Victoria Street, 62m along Maple Avenue and 70m along Electric Street.



Neighbourhood Context

- The subject property exists in the Downtown Core Area and is bound by Victoria Street, Maple Avenue and Electric Street. The proposal would frame one of the main entrances to town via Lawrence Street.
- The Downtown Core Area contains a wide range of commercial uses and services within a short walking distance to the site. This includes restaurants (Britney, Duncan's Pub, Art of Eating), Commercial Offices (Arthur J. Gallagher, Creighton Shatford), recreational facilities (Victoria Park, Dooly's, Amherst Lions Club), and health facilities (Lawtons Drugs Amherst).
- Moving further north along Victoria Street, the neighborhood consists of several historically significant buildings.
- Further down in the southwest direction is the railway and predominantly residential neighborhoods.



Neighbourhood Context



#seewhyweloveit



General Description

Phase 2: A 6-story, 62-unit apartment building. One bedroom plus den, two bedroom, and two bedroom plus den units. First floor commercial and health care use and potentially 2nd floor.

Proposed building area: 6689m² (72,000 sqft).

Lot coverage: 24%.

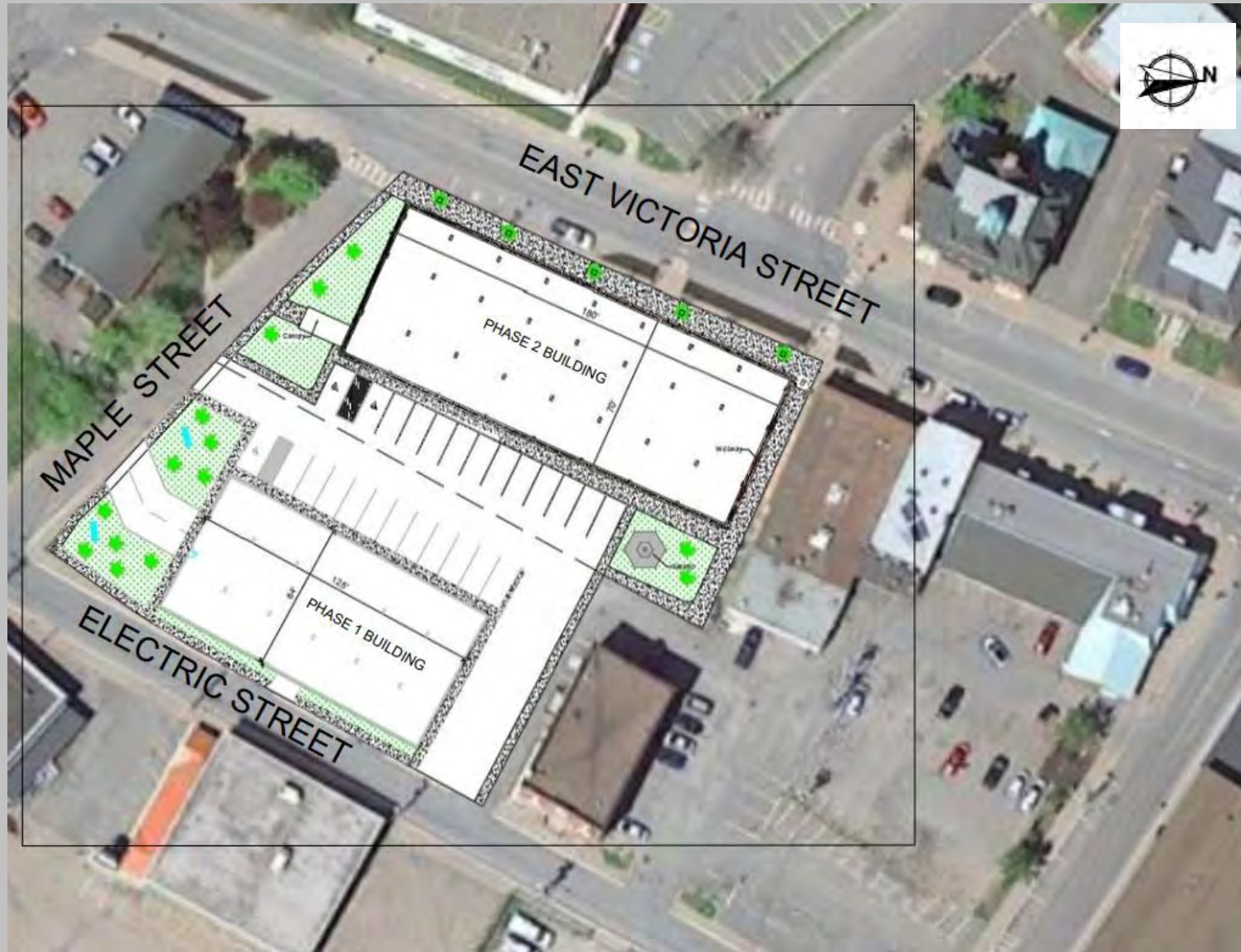
Density: 86 units/acre

Parking: 100 total spaces for both buildings, with 75 underground and 25 surface spaces.

Access: Maple Avenue (underground parking) & Electric Street (Surface parking). The existing side walk along Maple Avenue and Electric Street will be extended around the building to ease pedestrian movement.



Site Plan



Building Elevation



North Elevation

Building Elevation



North Elevation

Building Elevation



East Elevation



West Elevation

Building Elevation (3D)



#seewhyweloveit



Relevant Planning Bylaws And Policies

1. Land Use Bylaw Section 7.2.2 (Permitted Uses by Development Agreement)

In a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

(e) Apartment buildings greater than 4 units in accordance with Policy RP-9 of the MPS.

2. Residential Policies

RP-9 (Medium and High Density by Development Agreement)

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;

Relevant Planning Bylaws And Policies

2. Residential Policies

RP-9 (Medium and High Density by Development Agreement) (Con't)

- (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.

RP-11 (Affordable Housing)

It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential area of town by: (a) encouraging a mix of housing types and densities.

Relevant Planning Bylaws And Policies

3. General Land Use and Development Policies

GP-7 (Compatibility)

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

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

GP-8 (Density)

It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.

4. Municipal Service Policies

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

5. Sustainability Policies

SP-1 (Residential Development): It shall be the intention of Council to encourage high density residential development in the Downtown Zone

SP-2 (Residential Development): It shall be the intention of Council to encourage multiunit residential on the upper floors in the Downtown Zone.

Relevant Planning Bylaws And Policies

6. Land Use Bylaw Section 8.3.2 (Permitted uses by Development Agreement)

In the Downtown Zone, a development permit application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policies:

(d) Ground floor residential uses subject to MPS Policy CP-15.

7. Commercial Policies

P-15 (Ground Floor Residential)

It shall be the intention of Council to consider applications for ground floor residential uses in the Downtown Zone by Development Agreement excluding that portion of a building that abuts Church, Victoria and Havelock Streets. Outside said streets, applications for new residential buildings or ground floor conversion of existing commercial and institutional buildings will not be considered for residential uses unless it can be shown that such a conversion will not detract from the commercial character of the surrounding streetscape.

In negotiating such a development agreement, Council shall take into account:

(a) the location, height, bulk of the building;

(b) the architecture of the building;

(c) signage;

(d) parking facilities;

(e) landscaping;

(f) pedestrian access;

(g) the unique characteristics of the property and its relationship to the surrounding streetscape;

(h) that the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes.

Relevant Planning Bylaws And Policies

8. Implementation Policy

A-5 (Amendment Criteria)

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.

SYNOPSIS

Poverty Reduction Advisory Committee Council Appointments

What was the Intermunicipal Poverty Reduction Advisory Committee had one Town of Amherst Council appointment. This Committee has recently been restructured to a Town of Amherst Committee with a new Terms of Reference indicating there shall be two members of Council appointed.

Councillor Landry was a member appointed to the Intermunicipal Committee who is seeking reappointment on the Town of Amherst Committee, Deputy Mayor Fawthrop expressed his interest in being appointed as the second Council member.

MOTION:

That Council appoint Deputy Mayor Fawthrop and reappoint Councillor Landry to the Poverty Reduction Advisory Committee effective immediately until October 31, 2024.



AMHERST TOWN COUNCIL

RFD# 2024009

Date: January 22, 2024

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: January 22, 2024

SUBJECT: Poverty Reduction Advisory Committee Council Appointments

ORIGIN: Restructured Poverty Reduction Advisory Committee and new Terms of Reference

LEGISLATIVE AUTHORITY: Poverty Reduction Advisory Committee Terms of Reference.

RECOMMENDATION: That Council appoint Deputy Mayor Fawthrop and reappoint Councillor Landry to the Poverty Reduction Advisory Committee effective immediately until October 31, 2024.

BACKGROUND: What was the Intermunicipal Poverty Reduction Advisory Committee had one Town of Amherst Council appointment. This Committee has recently been restructured to a Town of Amherst Committee with a new Terms of Reference indicating there shall be two members of Council appointed.

DISCUSSION: Councillor Landry was a member appointed to the Intermunicipal Committee who is seeking reappointment on the Town of Amherst Committee, Deputy Mayor Fawthrop expressed his interest in being appointed as the second Council member.

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

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

ENVIRONMENTAL IMPLICATIONS: None relating to appointment of members.

COMMUNITY ENGAGEMENT: No community engagement.

ALTERNATIVES: Appoint other members of Council to the Committee.

ATTACHMENTS:

Report prepared by: Natalie LeBlanc, Municipal Clerk

Report and Financial approved by



SYNOPSIS

Poverty Reduction Advisory Committee Citizen Appointments

What was the Intermunicipal Poverty Reduction Advisory Committee has recently been restructured to a Town of Amherst Committee. The Terms of Reference state that up to six members of the public will be appointed as members. We currently have two citizen members on the Poverty Reduction Advisory Committee whose terms will expire the end of March, at which time staff will advertise to fill these vacancies.

Following the call for expressions of interest staff received four applications, one from Donna Farrell, one from Ashley Legere, one from Trina Clarke and one from LJ Barquilla. Staff feel that appointing all four of these applicants will give this Committee a great compliment of full voting members.

MOTION:

That Council appoint Donna Farrell, Ashley Legere, Trina Clark and LJ Barquilla to the Poverty Reduction Advisory Committee effective February 1, 2024 to March 31, 2025.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: January 22, 2024

SUBJECT: Poverty Reduction Advisory Committee Citizen Appointments

ORIGIN: Restructured Poverty Reduction Advisory Committee

LEGISLATIVE AUTHORITY: Poverty Reduction Advisory Committee Terms of Reference.

RECOMMENDATION: That Council appoint Donna Farrell, Ashley Legere, Trina Clark and LJ Barquilla to the Poverty Reduction Advisory Committee effective February 1, 2024 to March 31, 2025.

BACKGROUND: What was the Intermunicipal Poverty Reduction Advisory Committee has recently been restructured to a Town of Amherst Committee. The Terms of Reference state that up to six members of the public will be appointed as members. We currently have two citizen members on the Poverty Reduction Advisory Committee whose terms will expire the end of March, at which time staff will advertise to fill these vacancies.

DISCUSSION: Following the call for expressions of interest staff received four applications, one from Donna Farrell, one from Ashley Legere, one from Trina Clarke and one from LJ Barquilla. Staff feel that appointing all four of these applicants will give this Committee a great compliment of full voting members.

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

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

ENVIRONMENTAL IMPLICATIONS: None relating to appointment of members.

COMMUNITY ENGAGEMENT: An ad appeared in the Cumberland Wire on December 20, 2023 and in The Casket on January 3, 2024. Expressions of interest were also solicited through Town of Amherst social media, with a deadline of January 10.





AMHERST TOWN COUNCIL

RFD# 2024004

Date: January 22, 2024

ALTERNATIVES: Do not appoint at this time. This is not recommended as it will leave this Committee with only two citizen appointments.

ATTACHMENTS:

Report prepared by: Natalie LeBlanc, Municipal Clerk

Report and Financial approved by:



SYNOPSIS

Accessibility Advisory Committee Citizen Appointments

The Accessibility Advisory Committee consists of members of Council and the public who assist staff and Council in their efforts of providing accessible facilities and infrastructure for all citizens in our community.

Two of our citizen appointees recently resigned from this Committee due to personal reasons. In accordance with the Terms of Reference for this Committee, there is an ability to appoint six Town of Amherst residents to the committee, we currently have three.

MOTION:

That Council appoint Meghan Hicks, Vanessa Jones, and Clifford Pinchbeck to the Accessibility Advisory Committee effective February 1, 2024 to March 31, 2025.



AMHERST TOWN COUNCIL

RFD# 2024005

Date: January 22, 2024

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: January 22, 2024

SUBJECT: Appointments to the Town of Amherst Accessibility Advisory Committee

ORIGIN: Resignation of two of our citizen appointments on the Accessibility Advisory Committee.

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

RECOMMENDATION: That Council appoint Meghan Hicks, Vanessa Jones, and Clifford Pinchbeck to the Accessibility Advisory Committee effective February 1, 2024 to March 31, 2025.

BACKGROUND: Two of our citizen appointees resigned from this Committee due to personal reasons.

DISCUSSION: 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, we currently have three. Staff received four expressions of interest, one from Meghan Hicks, one from Vanessa Jones, as well as one from Jeff Tees who is applying on behalf of himself, as a support person, and the person he supports Clifford Pinchbeck who is visually impaired. All of these applicants meet the criteria outlined in the Terms of Reference; however, there is only an ability to appoint three of these applicants as voting members at this time.

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

COMMUNITY ENGAGEMENT: An ad appeared in the Cumberland Wire on December 20, 2023 and in The Casket on January 3, 2024. Expressions of interest were also solicited through Town of Amherst social media, with a deadline of January 10.

ENVIRONMENTAL IMPLICATIONS: This Committee makes recommendations to Council regarding accessible infrastructure in our built environment.

SOCIAL JUSTICE IMPLICATIONS: This Committee assists staff and Council in their efforts of providing accessible facilities and infrastructure for all citizens in our community.

ALTERNATIVES: There are no real alternatives if Council wants to have a full compliment of applicable voting members as stated in the Terms of Reference for this Committee.

ATTACHMENTS:

Report prepared by: Natalie LeBlanc, Municipal Clerk

Report and Financial approved by:



SYNOPSIS

By-law to Amend the Local Improvement By-law Schedule 'A' Second Reading

The provision of new housing is a strategic priority for the Town of Amherst. As such the Town has taken the bold step of developing a Housing Infrastructure Investment Policy and adopting corresponding amendments to the Local Improvement Bylaw to allow the Town to enter into a financing agreement with developers to provide local infrastructure to new developments.

Council has approved an agreement for the financing of street, water, sewer and related infrastructure for a residential development off Russell Street. This agreement will see the town financing the above infrastructure, with the developer paying back the town's investment over a 5 year time period.

In order to permit the proposed agreement amendments to the Local Improvement Bylaw Schedule 'A' are required.

MOTION:

That Council give Second Reading of a By-law to Amend the Local Improvement By-law Schedule 'A'.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Jason MacDonald, CAO

DATE: January 22, 2024

SUBJECT: By-law to Amend the Local Improvement By-law Amendment Second Reading

ORIGIN: Russell Street Development.

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 give Second Reading of a By-law to Amend the Local Improvement By-law Schedule "A".

BACKGROUND: Local Improvement By-laws 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.

DISCUSSION: This by-law allows for the financing of new streets and infrastructure that is needed to promote new residential development within the Town. Specifically, the by-law 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.

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: This will assist with bringing much needed housing to our community.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications to amending the by-law.





AMHERST TOWN COUNCIL

RFD# 2024007

Date: January 22, 2024

COMMUNITY ENGAGEMENT: Notice of Intent to give Second Reading was published in a local newspaper on January 3, 2024. Should Council give Second Reading Notice of Publication will be published in a local newspaper.

ALTERNATIVES:

Direct staff to make additional changes to the by-law.
Do approve the proposed amendments to the by-law.

ATTACHMENTS:

By-law to Amend the Local Improvement By-law
Local Improvement By-law with amendment

Report prepared by:

Report and Financial approved by:



BY-LAW TO AMEND THE LOCAL IMPROVEMENT BY-LAW D-02

The By-law to Amend the Local Improvement By-law, D-02 is hereby amended as follows:

Under Schedule 'A' add Russell Street Alders Development:

STREET CONSTRUCTION AND FINANCING AGREEMENT

Made in duplicate

BETWEEN **Town of Amherst**, a corporation under the laws of the Province of Nova Scotia, carrying out business at 98 Victoria Street East, Amherst, NS B4H 4A1, (the "**Town**")

- AND -

Tony Aalders (or Corp name), a corporation under the laws of the Province of Nova Scotia, carrying out business at, Amherst, NS B4H, (the "**Developer**")

(Collectively referred to as the "**Parties**")

WHEREAS the Parties have a common interest in the development of a new subdivision on the subject property;

AND WHEREAS the Town is willing to build the required water and sanitary sewer infrastructure to create the new subdivision;

AND WHEREAS the Town is willing to finance each phase of the cost of the development over a 5-year time period;

AND WHEREAS the Developer is willing to pay back the cost of each phase of the said infrastructure over a 5-year time period;

AND WHEREAS the parties are desirous of moving forward with this development in a cooperative manner;

AND WHEREAS the Developer, through this agreement, has petitioned the Town through Bylaw D-02 The Town of Amherst Local Improvement Bylaw, this agreement and all charges and payments will be processed through the said Bylaw;

NOW THEREFORE the Town and the Developer AGREE AS FOLLOWS:

GENERAL

1. This agreement applies to and for the benefit of Town and the Developer.
2. The agreement will outline the various responsibilities for the Town and the Developer in relation to the construction, sale, financing and marketing for the development.
3. The Town will be responsible for:
 - 3.1. Constructing, commissioning and maintenance of all water, sanitary sewer and storm sewer infrastructure for the development; and
 - 3.2. Improving the park located at Ernie Lane in the fiscal year after the first 10 houses are constructed.
4. The Developer will be responsible for:
 - 4.1. Fees for professional services, including but not limited to, legal, surveying, engineering and any other professional service that may be related to the development of the subdivision.
 - 4.2. Being in compliance with any Federal, Provincial and Town law, regulation or Bylaw.
 - 4.3. Constructing and commissioning of all street infrastructure for the development, including:
 - 4.3.1. Road bed
 - 4.3.4. Asphalt street surface
 - 4.3.5. Curbs
 - 4.3.6. Sidewalks
 - 4.3.7. Overhead Electrical Infrastructure
 - 4.3.8. Street signage;
 - 4.3.9. Trail connection to Ernie Lane Park
 - 4.4. Payment of the cost to install all infrastructure, excluding the additional cost to deal with the Town storm water currently being discharged onto the property, as well as any costs associated with Town Policy 31600-09 Paving New Residential Subdivision Streets which will be paid for by the Town;
 - 4.5. Actively marketing the lots / homes for sale both locally and outside the Town of Amherst, including payment for such services;
 - 4.6. Receiving offers to purchase lots / homes;
 - 4.7. Negotiating all lot / home sales;
 - 4.8. Processing all lot / home sales;
 - 4.9. Payment of any real-estate fees;
 - 4.10. Payment of a public land dedication fee equal to 5% of the value of each vacant lot at the time the lot / home is sold;
 - 4.11. Deed to the town all street right of ways required for each phase of the development prior to development;
 - 4.12. Provide any required easements to public utilities operating in Nova Scotia.
 - 4.13. Provide any required easements to the Town for water, sanitary sewer, storm sewer or trail infrastructure.
5. The Developer will not implement restrictive covenants on the property that limit the use of the property to single detached dwellings.

6. Phases, Scheduling and Payment

- 6.1. The development will be constructed in four phases;
- 6.2. For clarification, the Developer costs in Phase 1 represent water and sewer connection costs only. The Town is responsible for the replacement of the sanitary sewer line and street re-instatement;
- 6.3. Prior to the construction of each phase of the development, a cost estimate will be developed by the Town for the infrastructure they will construct, and by a qualified professional for the infrastructure the developer will construct. These two estimates will be agreed to by both parties prior to construction.
- 6.4. Should the Town experience construction problems in relation to bedrock, water table, 'soft ground', cultural artifacts, etc., during the installation of the water and sanitary sewer infrastructure, the Town will immediately suspend work and:
 - 6.4.1 Notify the Developer;
 - 6.4.2 Meet with the Developer to determine a course of action;
 - 6.4.3 Confirm the Developer will pay the additional costs required as per the payment schedule (which will be financed by the Town of Amherst);
- 6.5. Should any cost increase be greater than 25% of the estimated cost, a motion of Amherst Town Council to proceed will be required.
- 6.6. The Town will carry/finance the costs of the required and agreed to infrastructure;
- 6.7. The developer will pay for the infrastructure over a 5-year period. Payments will be paid quarterly. An interest rate of 3 percent will be applied to the balance owing, calculated annually;
- 6.8. The Town will place a first priority mortgage on all of the land subject to the active phase of the development. This mortgage will be partially released as each lot is sold provided the Developer is up to date on all payments to the Town;
- 6.9. If the developer fails to make payments for a period exceeding 90 days the Town may foreclose on the mortgage and acquire the said property;
- 6.10. The land will be developed in four phases as shown on Schedule A;
- 6.11. Completed 'back fill inspections' for foundations for a minimum of 5 dwellings units in each phase must be completed prior to proceeding to the next phase of the development;
- 6.12. While the Town would prefer that each phase of the development be paid off by the developer prior to moving to the next phase, the Town will move forward with each subsequent phase provided that no more than \$50,000 from the prior phases of the development are owing to the Town. For further clarity, at no point will the Town finance more than \$250,000;
- 6.13. Subject to all relevant sections of this agreement, the Town will construct the infrastructure they are responsible for according the following schedule:
 - 6.13.1 Phase 1 – within 8 weeks of notification of moving forward;
 - 6.13.2 Phase 2, 3 & 4 – within 12 weeks of notification of moving forward, or if notified after August 15, June 15 of the following year;
- 6.14. Should the second or any subsequent phase of the development not be triggered within 18 months of the previous phase the Town has the right to decide not to move forward with the next phase of the agreement;
- 6.15. Subdivision of lots may occur any time after water and sewer construction commences, and individual dwellings may be constructed provided safe access (including for emergency vehicles) can be available at the sole discretion of the Town of Amherst;
- 6.16. Prior to constructing any infrastructure, the Town will place a lien on the property in that phase;
- 6.17. Street construction is considered complete when the street is accepted as a Town Street by the Town Engineer;
- 6.18. The Developer may pay off the financial obligations to the Town early;

- 6.19. Where not specifically governed by this agreement, the number, location, layout and type of streets, lots, dwellings, buildings and uses within the development will be subject to the Town of Amherst Land Use Bylaw.
- 6.20. The current cost estimates for each phase of the development are provided in Appendix B. These are the current costs approved in the agreement. These estimates will be updated prior to each phase of the development. Should the estimated costs increase by more than 25% a motion of Amherst Town Council will be required prior to proceeding with construction of that phase.
- 6.21. Cost estimates contained in schedule B may be converted to a Frontage Charge, as per the Local Improvement Bylaw.

TERMINATION

- 7. This Agreement may be terminated by mutual consent at any time.;
- 8. Failure to proceed to the subsequent phase does not release the Developer of any financial, or other obligations outlined in this agreement for current or prior phases of the development.

SUCCESSION

- 9. This agreement shall be registered on title of the property.
- 10. This agreement will automatically be transferred to any subsequent owners of the property.

SIGNATURES

Town of Amherst:

Jason MacDonald, MCIP, LPP
Chief Administrative Officer

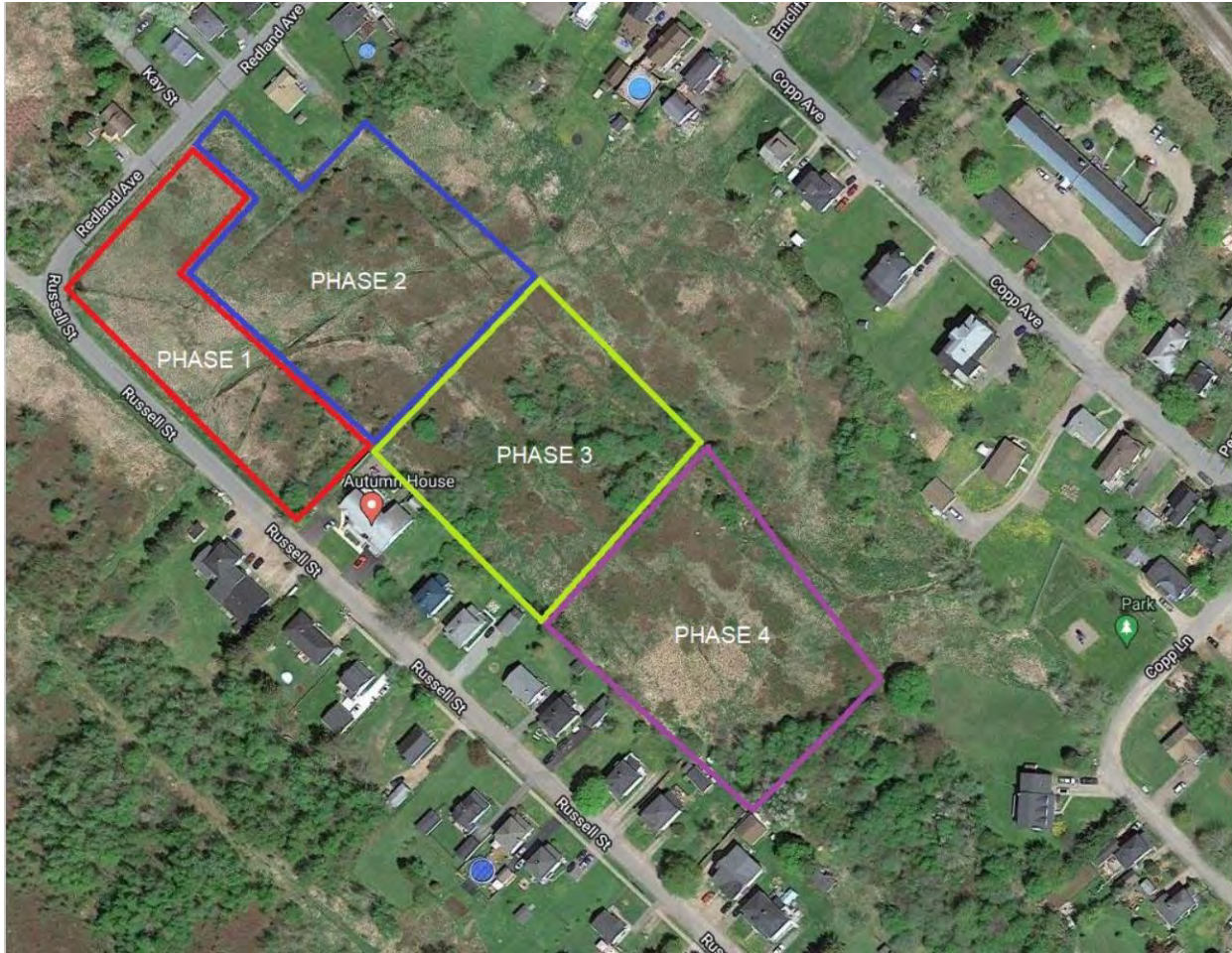
David Kogon, MD
Mayor

The Developer:

Tony Aalders

SCHEDULE "A"

Map of the Development



SCHEDULE "B"

Cost Estimates

Phase 1

Town of Amherst	\$135,000 (Sewer main and street re-instatement) Developer
	\$22,000 (usual water and sewer hookup charges per lot)

Phase 2

Town of Amherst	\$150,000
Developer	\$200,000

Phase 3

Town of Amherst	\$120,000
Developer	\$170,000

Phase 4

Town of Amherst	\$150,000
Developer	\$175,000

TITLE: LOCAL IMPROVEMENT BY-LAW
SECTION: OPERATIONAL SERVICES
BY-LAW NO: D-02

APPROVAL DATE: _____

CAO Signature: _____

1. SHORT TITLE

1.1. This by-law shall be known as by-law D-02 and may be cited as the “Local Improvement By-law”.

2. PURPOSE

2.1. The purpose of this by-law 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 by-law 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;

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- ii) expenditures incurred for the wastewater management system in a wastewater district;
 - iii) the capital cost of installing a water system;
 - iv) laying out, opening, constructing, repairing, improving, and maintaining Streets, curbs, sidewalks, gutters, bridges, culverts, and retaining walls, whether the cost is incurred by the Town directly or by, pursuant to, an agreement with His Majesty In Right of the Province, the Minister of Public Works or any person;
 - v) laying out, opening, constructing, repairing, improving and maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads where the cost is incurred i) by the Town or ii) under an agreement between the Town and a person;
 - vi) the Town portion of the cost of a major tree removal program or the cost of removing trees from a private Property;
 - vii) the Town portion of the capital cost of placing the wiring and other parts of an electrical distribution system underground; and
 - viii) depositing in a special purpose tax account to provide for future expenditures for wastewater facilities, stormwater systems, water systems, transportation facilities or other anticipated capital requirements.
- (h) “Majority Approval” means majority approval based on the signatures from Owners representing at least two-thirds of all Properties in the area that Council has determined to benefit from a Local Improvement and at least two-thirds of the methodology chosen as set out in Section 9.8;
- (i) “Town” means the Town of Amherst;
- (j) “Owner” has the same meaning as set out in the *Municipal Government Act*, except where the context requires otherwise;
- (k) “Property” means a parcel or lot of property which is in an area determined by Council to benefit from a Local Improvement;
- (l) “Schedule A” means a list of projects and properties subject to a local improvement, as amended from time to time, and shall include at a minimum; a brief description of the project, PID number of all properties subject to the local improvement, charges imposed, terms of repayment, any exceptions/adjustments to charges, and any other project relevant project information.

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- (m) “Subdividable Lot” means, for the purpose of this by-law, 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 by-law 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 by-law;
- 4.2. Municipally, provincially and federally owned land may be exempt from Charges arising from the provisions of this by-law 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 by-law and, if applicable, of the approved petition or Schedule “A” and may be calculated based on:

TITLE: LOCAL IMPROVEMENT BY-LAW
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- (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 by-law 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 by-law

IF = Total Frontage of an individual Property (as possibly adjusted by any Frontage reductions or Frontage adjustments as per the provisions of this by-law

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

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Land Surveyor, who shall certify the measurements of the Property and submit the same to the Town.

Frontage Reduction

- 7.4. Where an Owner can reasonably demonstrate, and provide evidence such as an environmental study or written confirmation from Nova Scotia Department of Environment and Climate Change, that the Property is unusable for development by reason of soil type, environmental hazard, or other natural factors that do not permit the land to be subdivided for the purpose of creating a lot, a Frontage reduction of up to 75 percent may be applied to the portion of unusable Frontage. This proof must be provided prior to the inclusion of the Local Improvement into Schedule "A", if applicable, or approval of a petition by Council.

Frontage Adjustments

- 7.5. A minimum Frontage may be established for each Local Improvement.
- 7.6. For Corner Lots and Through Lots, where both Streets adjacent to the Property are subject to a Local Improvement, the total Frontage will be adjusted as follows:
- (a) For the longest Frontage, the Frontage will not be subject to any adjustment and will be Charged 100 percent of the Frontage;
 - (b) For the shortest Frontage, the Frontage may be reduced by 50 percent.
- 7.7. For Corner Lots and Through Lots, where one of the two Streets is subject to a Local Improvement and the other Street has previously been the subject of a Local Improvement, the Property will only be Charged for the portion of the Frontage subject to the current Local Improvement.
- 7.8. For Corner Lots or Through Lots, where one of the two Streets is subject to a Local Improvement and the other Streets has not been the subject of a Local Improvement, the Property will only be Charged for the portion of the Frontage subject to the Local Improvement and there shall not be any adjustments to the total Frontage.
- 7.9. For greater clarity, a Corner Lot will be deemed to benefit from a Local Improvement on all Streets that the Property has Frontage

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8. EXEMPTIONS/ADJUSTMENTS TO CHARGES

- 8.1. A Property may be exempt from or given an adjustment to a Charge if the Property is considered to not benefit from the Local Improvement. An adjustment or exemption may be given when:
- (a) a Property is already serviced; or
 - (b) a Property does not directly benefit from a Local Improvement and it cannot be reasonably argued that the Local Improvement provides an indirect benefit to the Property, such as the ability to further subdivide and develop the Property.
- 8.2. If Frontage is the method of Charge, the Property may also be subject to any adjustment or reductions available in Section 7.
- 8.3. An additional exemption or adjustment may be given to a Lot because of the size, configuration, topography, or ground conditions of the Property.
- 8.4. Properties given an exemption or adjustment to the Charge under this Section will be identified in Schedule “A” or, if applicable, within the approved petition or agreement.

9. ADMINISTRATIVE GUIDELINES

- 9.1. Council may proceed with a Local Improvement at its own discretion or in response to a petition which receives Majority Approval.
- 9.2. Where a petition has been conducted and does not receive Majority Approval, Council will not proceed with a Local Improvement, at its own discretion, for a minimum of three years. Property Owners are not prevented from requesting subsequent petitions within the three-year timeframe.

Initiating a petition

- 9.3. The petition process may be initiated by:
- (a) a request from the sole owner of Property(s) or at least two Properties that would be subject to the petition; or
 - (b) a motion from Council directing Town staff to initiate the petition process.

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- 9.4. The petition request from Property Owners and the motion from Council must include a description of the proposed Local Improvement, the desired method of Charge, and the proposed Charge area.
- 9.5. At Council's discretion, a petition may include Properties fronting onto more than one Street, whether those Streets are contiguous or not.

Processing a Petition

- 9.6. The following steps shall be followed:
- a) The petition will be conducted by Town staff and they will be responsible for preparing the petition documents and package.
 - b) The petition documents will include: a description of the Local Improvement and the method of Charge, a map of the proposed Charge area, the estimated total cost of the Local Improvement, the estimated cost for each Property and the financing options.
 - c) The petition documents will also include a letter explaining the Local Improvement process and will give each Property Owners an opportunity to vote YES or NO for the Local Improvement.
 - d) The petition package and documents with a stamped return envelope will be sent by mail to the Owners representing each Property.
 - e) The petition shall give Owners at least 30 days to respond.

Approval of the Petition

- 9.7. Where Council considers carrying out a Local Improvement on the basis of a petition, such Charges would be considered only where there is at least Majority Approval.
- 9.8. The Properties representing at least 2/3 of the methodology used for the Charge must be in favor of the petition. For example,
- (a) if the Charge is based on the area of the Property, the Properties representing at least 2/3 of the area would have to vote in favor;
 - (b) if the Charge is based on the assessed value of the Property, the Properties representing at least 2/3 of the assessed value would have to vote in favor;
 - (c) regardless of the methodology used for the Charge, the Owners representing at least 2/3 of the total Properties must be in favor for a petition.

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- 9.9. Successful petitions are considered to be valid for a period of 5 years from the date of approval by Council. Within that time frame, the validity of the petition is not affected by the number of times any Property may have changed Owners.
- 9.10. In the event that the information relied upon by Council or staff to assess whether a petition has received Majority Approval later proves to be wrong, the decision based upon such information shall be as valid as if the information were correct.
- 9.11. If the Town does not receive a response from the Owners by the petition deadline, the Owners will be deemed to have voted NO and not being in favor of the Local Improvement.
- 9.12. In circumstances where there is more than one Owner of a Property, the Property will be considered to be in favor of the Local Improvement when the majority (50 percent) of the Owners have voted "YES" for the Local Improvement.

Local improvement without a petition

- 9.13. Where a Local Improvement is approved by Council without a petition, Council shall, by policy, determine a suitable method for advising residents affected by the decision taken under this by-law.
- 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 by-law 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 by-law constitutes a first lien on Property in the same manner and with the same effect as rates and taxes under the *Municipal Government Act* (Section 81(3)(f)).

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- 10.2. A Charge imposed pursuant to this by-law 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 by-law 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.

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13. AMENDMENT TO THE BY-LAW

13.1. Any amendment to this by-law 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 By-law, are repealed and replaced by this version.

For Administrative Use Only

Local Improvement By-law D-02] Adoption	
First reading:	
Notice of Publication:	
Second Reading:	
Notice of Publication and Effective Date of By-law:	
Notice to Service Nova Scotia & Municipal Relations:	

VERSION LOG

By-law Owner	Amendment Description	Council Approval Date
Director of Operations, Bourgeois	The Civic Improvement Charges By-law as approved by the Minister of Municipal Affairs on May 22, 1968 and all amendments thereto are repealed.	October 31, 1995
	The Local Improvement By-law as approved on October 31, 1995 and all amendments thereto are repealed.	April 24, 2023
	Add Russell Street Alders Development to Schedule ‘A’	

TITLE: LOCAL IMPROVEMENT BY-LAW
SECTION: OPERATIONAL SERVICES
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Schedule ‘A’

1.	Russell Street Development Aalders Agreement
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TITLE: LOCAL IMPROVEMENT BY-LAW
SECTION: OPERATIONAL SERVICES
BY-LAW NO: D-02

1. Details of Russell Street Alders Development

STREET CONSTRUCTION AND FINANCING AGREEMENT

Made in duplicate

BETWEEN **Town of Amherst**, a corporation under the laws of the Province of Nova Scotia, carrying out business at 98 Victoria Street East, Amherst, NS B4H 4A1, (the “**Town**”)

- AND -

Tony Aalders (or Corp name), a corporation under the laws of the Province of Nova Scotia, carrying out business at, Amherst, NS B4H, (the “**Developer**”)

(Collectively referred to as the “**Parties**”)

WHEREAS the Parties have a common interest in the development of a new subdivision on the subject property;

AND WHEREAS the Town is willing to build the required water and sanitary sewer infrastructure to create the new subdivision;

AND WHEREAS the Town is willing to finance each phase of the cost of the development over a 5-year time period;

AND WHEREAS the Developer is willing to pay back the cost of each phase of the said infrastructure over a 5-year time period;

AND WHEREAS the parties are desirous of moving forward with this development in a cooperative manner;

AND WHEREAS the Developer, through this agreement, has petitioned the Town through By-law D-02 The Town of Amherst Local Improvement By-law, this agreement and all charges and payments will be processed through the said By-law;

NOW THEREFORE the Town and the Developer AGREE AS FOLLOWS:

GENERAL

TITLE: LOCAL IMPROVEMENT BY-LAW
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1. This agreement applies to and for the benefit of Town and the Developer.
2. The agreement will outline the various responsibilities for the Town and the Developer in relation to the construction, sale, financing and marketing for the development.
3. The Town will be responsible for:
 - 3.1. Constructing, commissioning and maintenance of all water, sanitary sewer and storm sewer infrastructure for the development; and
 - 3.2. Improving the park located at Ernie Lane in the fiscal year after the first 10 houses are constructed.
4. The Developer will be responsible for:
 - 4.1. Fees for professional services, including but not limited to, legal, surveying, engineering and any other professional service that may be related to the development of the subdivision.
 - 4.2. Being in compliance with any Federal, Provincial and Town law, regulation or By-law.
 - 4.3. Constructing and commissioning of all street infrastructure for the development, including:
 - 4.3.1. Road bed
 - 4.3.4. Asphalt street surface
 - 4.3.5. Curbs
 - 4.3.6. Sidewalks
 - 4.3.7. Overhead Electrical Infrastructure
 - 4.3.8. Street signage;
 - 4.3.9. Trail connection to Ernie Lane Park
 - 4.4. Payment of the cost to install all infrastructure, excluding the additional cost to deal with the Town storm water currently being discharged onto the property, as well as any costs associated with Town Policy 31600-09 Paving New Residential Subdivision Streets which will be paid for by the Town;
 - 4.5. Actively marketing the lots / homes for sale both locally and outside the Town of Amherst, including payment for such services;
 - 4.6. Receiving offers to purchase lots / homes;
 - 4.7. Negotiating all lot / home sales;
 - 4.8. Processing all lot / home sales;
 - 4.9. Payment of any real-estate fees;

TITLE: LOCAL IMPROVEMENT BY-LAW
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- 4.10. Payment of a public land dedication fee equal to 5% of the value of each vacant lot at the time the lot / home is sold;
 - 4.11. Deed to the town all street right of ways required for each phase of the development prior to development;
 - 4.12. Provide any required easements to public utilities operating in Nova Scotia.
 - 4.13. Provide any required easements to the Town for water, sanitary sewer, storm sewer or trail infrastructure.
5. The Developer will not implement restrictive covenants on the property that limit the use of the property to single detached dwellings.
6. Phases, Scheduling and Payment
- 6.1. The development will be constructed in four phases;
 - 6.2. For clarification, the Developer costs in Phase 1 represent water and sewer connection costs only. The Town is responsible for the replacement of the sanitary sewer line and street re-instatement;
 - 6.3. Prior to the construction of each phase of the development, a cost estimate will be developed by the Town for the infrastructure they will construct, and by a qualified professional for the infrastructure the developer will construct. These two estimates will be agreed to by both parties prior to construction.
 - 6.4. Should the Town experience construction problems in relation to bedrock, water table, 'soft ground', cultural artifacts, etc., during the installation of the water and sanitary sewer infrastructure, the Town will immediately suspend work and:
 - 6.4.1 Notify the Developer;
 - 6.4.2 Meet with the Developer to determine a course of action;
 - 6.4.3 Confirm the Developer will pay the additional costs required as per the payment schedule (which will be financed by the Town of Amherst);
 - 6.5. Should any cost increase be greater than 25% of the estimated cost, a motion of Amherst Town Council to proceed will be required.
 - 6.6. The Town will carry/finance the costs of the required and agreed to infrastructure;
 - 6.7. The developer will pay for the infrastructure over a 5-year period. Payments will be paid quarterly. An interest rate of 3 percent will be applied to the balance owing, calculated annually;

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- 6.8. The Town will place a first priority mortgage on all of the land subject to the active phase of the development. This mortgage will be partially released as each lot is sold provided the Developer is up to date on all payments to the Town;
- 6.9. If the developer fails to make payments for a period exceeding 90 days the Town may foreclose on the mortgage and acquire the said property;
- 6.10. The land will be developed in four phases as shown on Schedule A;
- 6.11. Completed ‘back fill inspections’ for foundations for a minimum of 5 dwellings units in each phase must be completed prior to proceeding to the next phase of the development;
- 6.12. While the Town would prefer that each phase of the development be paid off by the developer prior to moving to the next phase, the Town will move forward with each subsequent phase provided that no more than \$50,000 from the prior phases of the development are owing to the Town. For further clarity, at no point will the Town finance more than \$250,000;
- 6.13. Subject to all relevant sections of this agreement, the Town will construct the infrastructure they are responsible for according the following schedule:
 - 6.13.1 Phase 1 – within 8 weeks of notification of moving forward;
 - 6.13.2 Phase 2, 3 & 4 – within 12 weeks of notification of moving forward, or if notified after August 15, June 15 of the following year;
- 6.14. Should the second or any subsequent phase of the development not be triggered within 18 months of the previous phase the Town has the right to decide not to move forward with the next phase of the agreement;
- 6.15. Subdivision of lots may occur any time after water and sewer construction commences, and individual dwellings may be constructed provided safe access (including for emergency vehicles) can be available at the sole discretion of the Town of Amherst;
- 6.16. Prior to constructing any infrastructure, the Town will place a lien on the property in that phase;
- 6.17. Street construction is considered complete when the street is accepted as a Town Street by the Town Engineer;
- 6.18. The Developer may pay off the financial obligations to the Town early;
- 6.19. Where not specifically governed by this agreement, the number, location, layout and type of streets, lots, dwellings, buildings and uses within the development will be subject to the Town of Amherst Land Use By-law.
- 6.20. The current cost estimates for each phase of the development are provided in Appendix B. These are the current costs approved in the agreement. These estimates will be updated prior to each phase of the development. Should the estimated costs increase by more than 25% a motion of Amherst Town Council will be required prior to proceeding with construction of that phase.

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6.21. Cost estimates contained in schedule B may be converted to a Frontage Charge, as per the Local Improvement By-law.

TERMINATION

- 7. This Agreement may be terminated by mutual consent at any time.;
- 8. Failure to proceed to the subsequent phase does not release the Developer of any financial, or other obligations outlined in this agreement for current or prior phases of the development.

SUCCESSION

- 9. This agreement shall be registered on title of the property.
- 10. This agreement will automatically be transferred to any subsequent owners of the property.

SIGNATURES

Town of Amherst:

Jason MacDonald, MCIP, LPP
Chief Administrative Officer

David Kogon, MD
Mayor

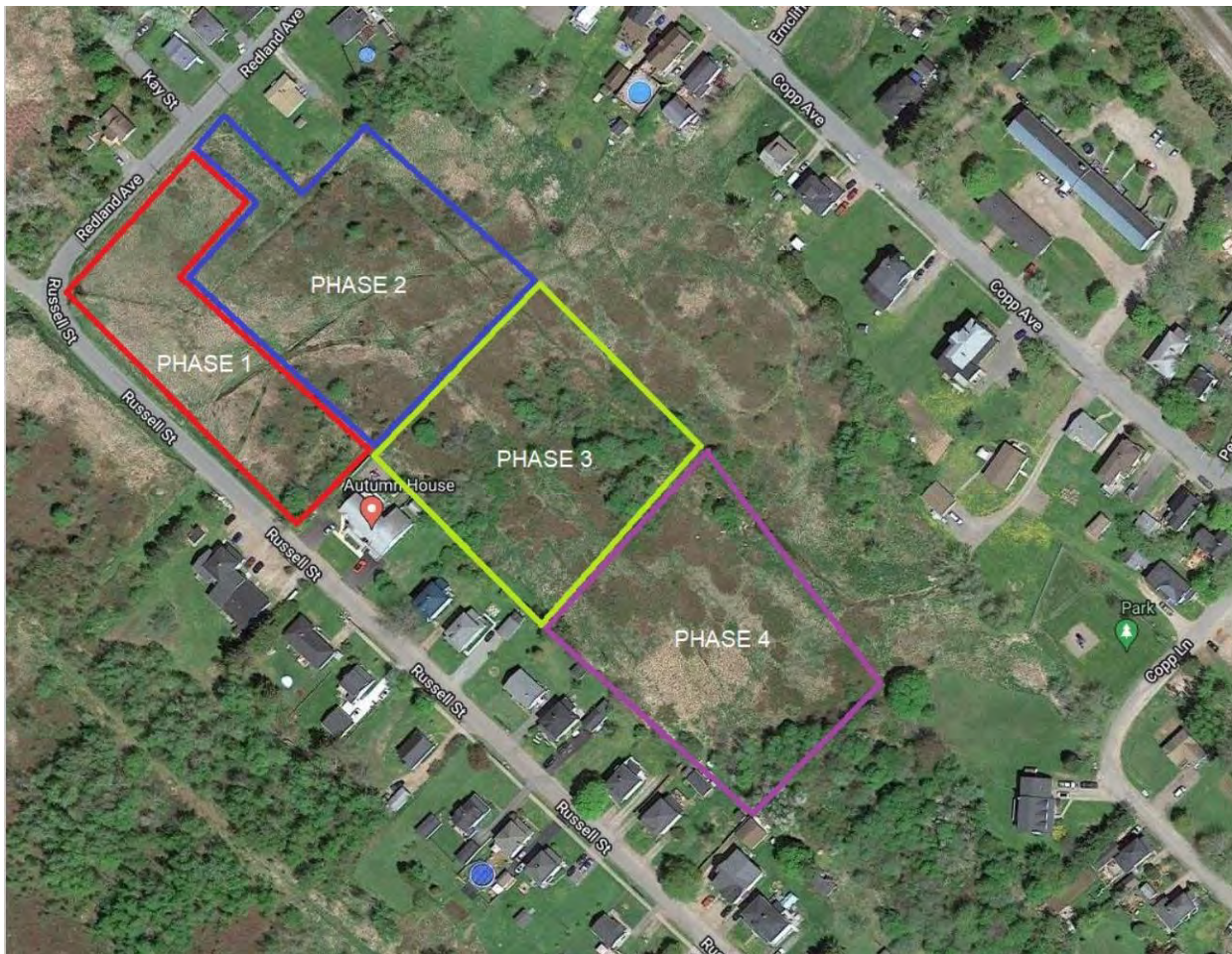
The Developer:

Tony Aalders

TITLE: LOCAL IMPROVEMENT BY-LAW
SECTION: OPERATIONAL SERVICES
BY-LAW NO: D-02

SCHEDULE 'A'

MAP OF THE DEVELOPMENT



SYNOPSIS

User Fee Policy Amendments

At the November 27, 2023 regular meeting, Council gave second reading to a By-law to Amend the Companion Animal By-law. Included in these amendments were changes to some of the fees which are also outlined in our User Fee Policy, particularly around the impoundment of dogs.

The User Fee Policy needs to be amended to reflect the amended fees in the Companion Animal Bylaw.

MOTION:

That Council approve of the amendments to the User Fee Policy.



AMHERST TOWN COUNCIL

RFD# 2024002

Date: January 22, 2024

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: January 22, 2024

SUBJECT: User Fee Policy Amendments

ORIGIN: Companion Animal By-law Amendments

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 User Fee Policy.

BACKGROUND: At the November 27, 2023 regular meeting, Council gave second reading to a By-law to Amend the Companion Animal By-law. Included in these amendments were changes to some of the fees which are also outlined in our User Fee Policy.

DISCUSSION: The User Fee Policy needs to be amended to reflect the amended fees in the Companion Animal Bylaw.

FINANCIAL IMPLICATIONS: Increase to fees relating to the impoundment of dogs.

SOCIAL JUSTICE IMPLICATIONS: None

ENVIRONMENTAL IMPLICATIONS: None

COMMUNITY ENGAGEMENT: Notice of Intent to amend the Companion Animal By-law was published in the Cumberland Wire before Council gave 2nd reading to the By-law amendments, a Notice of Publication was published in the Cumberland Wire following 2nd reading, both as legislated.

ALTERNATIVES: Do not amend the User Fee Policy however this would contradict the fees outlined in the Companion Animal By-law.

ATTACHMENTS: User Fee Policy with amendments

Report prepared by: Natalie LeBlanc

Report and Financial approved by:



TITLE: User Fee Policy
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03470-03

APPROVAL DATE: April 24, 2023

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: User Fee Policy
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 75	Plus HST
Licensed Dog-2 nd Impoundment	\$70 150	Plus HST
Licensed Dog-3 rd & Subsequent Impoundments	\$100 150	Plus HST
Unlicensed Dog-Impoundments	\$100 150	Plus HST
Maintenance fee – Impoundment period	\$15 25/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: User Fee Policy
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	\$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: User Fee Policy
SECTION: FINANCIAL MANAGEMENT
POLICY NO.: 03470-03

Estimated by Engineer and final adjustment when work is done		
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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: User Fee Policy
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: User Fee Policy
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: User Fee Policy
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: User Fee Policy
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: User Fee Policy
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	April 24, 2023
Increase the fees for Dog impoundments to reflect amendments made to the Companion Animal Bylaw	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		

SYNOPSIS

Substance Use Policy Amendments

Staff have been engaged in a review of all human resources (HR) policies and procedures as part of Council's strategic priorities.

This was a new policy introduced and implemented in the spring of 2019. Staff have reviewed the policy as part of the on-going review of all policies and bylaws and are recommending only small revisions to the policy at this time. All proposed changes are highlighted on the attached policy in yellow. The recommended updates to the policy include:

- Replacing all non-gender-neutral terminology (his/her) with gender-neutral terms (they/them/their);
- The addition of new positions to be defined as "safety sensitive" positions:
 - Public Works Foreman
 - Parks & Recreation Foreman
 - Engineering Technologist
 - Engineering Technician
 - Dangerous & Unsightly Premises Administrator
- Clarifying that the Town will support an employee who may be undertaking treatment for substance dependency when appropriate and operationally viable;
- Adding the roles and responsibilities for Human Resources staff as applicable to the policy.
- Minor grammar revisions.

MOTION:

That Council approve of the Substance Use Policy amendments.

TO: Mayor Kogon and Members of Council

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

DATE: January 22, 2024

SUBJECT: Substance Use Policy

ORIGIN: A complete policy and bylaw review as one of Council’s strategic priorities.

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

RECOMMENDATION: That Council approve of the Substance Use Policy amendments.

BACKGROUND: Staff have been engaged in a review of all human resources (HR) policies and procedures as part of Council’s strategic priorities.

DISCUSSION: This was a new policy introduced and implemented in the spring of 2019. Staff have reviewed the policy as part of the on-going review of all policies and bylaws and are recommending only small revisions to the policy at this time. All proposed changes are highlighted on the attached policy in yellow. The recommended updates to the policy include:

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- Clarifying that the Town will support an employee who may be undertaking treatment for substance dependency when appropriate and operationally viable;
- Adding the roles and responsibilities for Human Resources staff as applicable to the policy.
- Minor grammar revisions.

FINANCIAL IMPLICATIONS: There are no financial implications.

COMMUNITY ENGAGEMENT: There is no community engagement required at this time.



ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: This policy and the proposed revisions provide the basis for balancing workplace safety, individual rights and equitable treatment of all employees.

ALTERNATIVES:

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

ATTACHMENTS:

04500-06 Substance Use Policy with amendments

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

TITLE: SUBSTANCE USE POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04500-06

APPROVAL DATE: _____

CAO Signature: _____

POLICY STATEMENT

Employees under the influence of drugs or alcohol on the job can pose serious health and safety risks to both themselves and their fellow employees. To help ensure a safe and healthy workplace, the Town of Amherst reserves the right to prohibit certain items and substances from being brought on to or present on Town of Amherst premises.

PURPOSE

The Town of Amherst is committed to the health and safety of its employees and has adopted this Policy to communicate its expectations and guidelines surrounding substance use, misuse, and abuse.

DEFINITIONS AND TERMS

Alcohol: means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Use: means the use of any beverage, mixture, or preparation, including any medication, containing alcohol.

Contractor: Independent entity that agrees to furnish certain number or quantity of goods, material, equipment, personnel, and/or services to the Employer and Employees.

Drug: pure substance, chemical or agent used to alter the way the body or mind functions.

Drug Identification Number (DIN): number assigned by Health Canada to a drug product prior to being marketed in Canada. Identifies all drug products sold in the dosage form and is located on the label of OTC and prescription drug products authorized for sale in Canada.

Drug Paraphernalia: equipment, product or material intended or designed to be used in manufacturing, compounding, converting, concealing, processing, preparing or introducing a substance into the human body.

Employee: a person employed by the Town of Amherst to do work. For the purpose of this policy this includes contractors, volunteers, vendors and any person authorized by the Town of Amherst to be on the workplace/worksite.

Employer: means the organization of the Town of Amherst. This term includes the agents, officers and representatives of the Town of Amherst.

Employee Assistance Program/Family Assistance Program: means a confidential corporate sponsored program offering support and counselling services to employees (and identified family members) that are experiencing personal and/or work/personal related **matters**.

TITLE: SUBSTANCE USE POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04500-06

Fit for Duty: reporting to work and being able to perform assigned duties and tasks, whether on a Town of Amherst job site or another site assigned by a supervisor, and not being under the influence of any substance that causes Impairment or that adversely affects the employee’s ability to perform their assigned duties and tasks in a safe and responsible manner throughout **their** entire work shift.

Group Health Plan: Health insurance program comprised of a group of members.

Impairment: state of being diminished, weakened or damaged, especially cognitively or physically.

Incident: any occurrence that caused or had the potential to cause damage to persons, property, reputation, security or the environment.

Off Duty Conduct: actions of the Employee, including verbal, non-verbal, and written acts, outside of the hours the **employer employee** is scheduled to work.

Reasonable Suspicion, also called Reasonable Grounds: The direct observations of the employee’s conduct or other indicators such as physical appearance of the employee, odors associated with the use of substances and includes the presence of drug paraphernalia on the employee, **their** work area, or **their** vehicle, or observed changes in the employee’s behavior such as erratic behavior, slurred speech, confusion, staggering and unsteadiness.

Safety Sensitive Position: Safety Sensitive Position is a job or position where the employee holding this position has the responsibility for **their own safety or other people's safety.** Workplace performance affected by substance use could result in a significant incident, near miss or failure to adequately respond to a significant incident and detrimentally affects the health, safety or security of the employee, others, property, the environmental or employer’s reputation.

For the purposes of this policy the following positions are designated Safety Sensitive:

- Police Officers
- Firefighters and Fire Inspectors
- Dispatcher
- Building Officials
- ~~Operations Manager~~ **Public Works Foreman**
- ~~Horticulturalist~~ **Parks & Recreation Foreman**
- Facilities Manager
- **Engineering Technologist**
- **Engineering Technician**
- **Dangerous and Unightly Premises Administrator**
- Operator with Refrigeration Class II
- Parks and Stadium Supervisor
- Parks, Maintenance and Stadium Operator
- Stadium Attendant
- Parks Attendant
- Recreation Maintenance
- Sub Foreman

TITLE: SUBSTANCE USE POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04500-06

- Carpenter
- Mechanic
- Welder
- Lead Hand
- Operator
- Water and/or Sewer Maintenance
- Utility
- Laborer

Substance: includes any drug, alcohol, substance, chemical or agent regardless of whether the use or possession is lawful or unlawful or requires a personal prescription or medical certificate from a licensed treating physician, Nurse Practitioner (NP), or those permitted by law, and includes any non-prescription and over the counter substances.

Supervisor: A supervisor is a person who has charge of a workplace and/or authority over a worker.

Volunteer: includes anyone attending at any workplace or worksite of the employer and for the purposes of this policy a volunteer will be considered like an employee.

Workplace/Worksite: any place that physical and or mental labor occurs, whether paid or unpaid. This includes whether on a Town of Amherst job site or another site assigned by a supervisor and where an employee attends while working for the employer, during scheduled work hours, and/or is acting on behalf of the employer.

OBJECTIVES

The following expectations apply to employees and management alike while conducting work on behalf of the company, whether on or off Town property:

- Employees are expected to arrive to work fit for duty and able to perform their duties safely and to standard;
- Employees must remain fit for duty for the duration of their shift;
- Distribution or sale of drugs, alcohol or any substance that causes impairment during work hours, including during paid and unpaid breaks, is strictly prohibited;
- Possession of non-prescribed drugs or substances that cause impairment during working hours is strictly prohibited;
- Use and possession of medically prescribed drugs is permitted during working hours, subject to the terms and conditions of Town of Amherst policies and all applicable legislation;
- Employees are prohibited from reporting to work while under the influence of non-prescribed drugs or alcohol; and
- Employees on prescription medication or medically approved substances **must** communicate to management any potential risk, limitation, or restriction requiring modification of duties or temporary reassignment.

TITLE: SUBSTANCE USE POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04500-06

SUSPICION OF IMPAIRMENT

The following procedure may be enacted if there is reasonable belief that an employee is impaired at work:

- If possible, the employee's manager or supervisor will first seek another manager's or supervisor's opinion to confirm the employee's status.
- Next, the manager or supervisor will consult privately with the employee to determine the cause of the observation, including whether substance ~~abuse~~ use has occurred. Suspicions of an employee's ability to function safely may be based on specific personal observations. If the employee exhibits unusual behavior including, but not limited to, slurred speech, difficulty with balance, watery or red eyes, or dilated pupils, or if there is an odor of alcohol or other impairing substances, the employee should not be permitted to return to their assigned duties in order to ensure their safety and the safety of other employees or visitors to the workplace.
- If an employee is considered impaired and deemed "unfit for work," this decision is made based on the best judgement of two members of management (when possible) and DOES NOT require a breathalyzer or blood test. The employee may be advised that the Town of Amherst has arranged a taxi or shuttle service to safely transport them to their home address or to a medical facility, depending on the determination of the observed impairment. The employee may be accompanied by a manager or supervisor or another employee if deemed necessary.
- When it is suspected that an employee is impaired, the employee will not be allowed to drive. The employee should be advised if they choose to refuse Town of Amherst organized transportation and make the decision to drive their personal vehicle, the Town is obligated to, and will contact, the police to make them aware of the situation.
- A meeting may be scheduled for the following work day to review the incident and determine a course of action which may include discipline or a monitored referral program as part of a treatment plan.

SUBSTANCE DEPENDENCY

Town of Amherst understands that certain individuals may develop a chemical dependency to certain substances, which may be defined as a disease or disability. Employees are not excused from their duties as a result of their dependencies. Town of Amherst promotes early diagnosis. Any employee who suspects that they might have an emerging drug/substance or alcohol problem is expected to seek appropriate treatment promptly. **The Town of Amherst will support this process where appropriate and when operationally viable.**

VOLUNTARY IDENTIFICATION

Employees are encouraged to communicate if they have a dependency or have had a dependency so that their rights are protected and they can be accommodated appropriately. Employees will not be disciplined for requesting help or due to current or past involvement in a rehabilitation effort.

All medical information shall be kept confidential by Town of Amherst, unless otherwise authorized by law.

TITLE: SUBSTANCE USE POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04500-06

AGREEMENT FOR THE CONTINUATION OF EMPLOYMENT

Town of Amherst reserves the right to invoke an agreement for the continuation of employment in accordance with an employee’s commitment to become and remain alcohol- and drug-free. The agreement will outline the conditions governing the employee’s return to the job and the consequences for failing to meet the conditions.

An agreement for the continuation of employment may include a requirement for drug or alcohol testing.

DISCIPLINARY ACTION

Employees may be subject to disciplinary action up to and including termination of employment for failure to adhere to the provisions of this policy, including but not limited to:

- a) Failure to meet prescribed safety standards as a result of impairment from alcohol, drugs or substances that cause impairment; and
- b) Engaging in illegal activities (for example, selling drugs, alcohol or substances that cause impairment while on Town of Amherst premises).

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Directors	Directors will: <ol style="list-style-type: none"> a. Clearly communicate expectations surrounding alcohol and drug/substance use, misuse, and abuse; b. Maintain a program of employee health and awareness; c. Provide a safe work environment; and d. Review and update this policy regularly. e. Ensure, when appropriate, that accommodation as provided if warranted.
Human Resources	Human Resources will: <ol style="list-style-type: none"> a. Ensure a confidential and supportive environment for an affected employee to address the situation discreetly and compassionately to protect the employee’s privacy; b. Provide relevant resources and referrals which may include, but are not limited to, support networks, treatment options, community resources, employee assistance programs, workplace referrals, counseling and/or rehabilitation services; c. Collaborate with Directors and Managers to implement reasonable accommodations when appropriate; d. Assist in the reintegration into the workplace following accommodation and/or rehabilitation measures and; e. Maintain accurate documentation regarding the events, interventions, and/or agreements made regarding the employee.
Managers and Supervisors	Managers and Supervisors will: <ol style="list-style-type: none"> a. Identify any situations that may cause concern regarding an employee’s ability to safely perform their job functions;

TITLE: SUBSTANCE USE POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04500-06

	<ul style="list-style-type: none"> b. Ensure that any employee who asks for help due to a drug/substance or alcohol dependency is provided with the appropriate support (including accommodation); and c. Maintain confidentiality and employee privacy.
<p>Employees</p>	<p>Employees will:</p> <ul style="list-style-type: none"> a. Abide by the provisions of this policy and be aware of their responsibilities under it; b. Arrive to work fit for duty, and remain as such for the duration of shift; c. Communicate dependency or emerging dependency to management or human resources; and d. Follow an after-care program, where established. e. Seek advice and appropriate treatment, where required; f. Perform work safely in accordance with established safe work practices; g. Avoid the consumption, possession, sale, or distribution of drugs, substances that cause impairment or alcohol on Town property and during working hours (even if off Town property); h. When off duty, refuse a request to come into work if unfit for duty; i. Report limitations and required modification as a result of prescription medication; j. Report co-workers to management who they have reason to believe are not fit for duty according to this policy; k. Any employee working in a Safety Sensitive position who has a limitation or restriction on their ability to perform their job, or if prescribed medical treatment which has or will adversely affect those abilities, must report such limitations or restrictions to their immediate supervisor, who in turn will notify Human Resources.

ACKNOWLEDGEMENT AND AGREEMENT

I, (Employee Name), acknowledge that I have read and understand the Substance Use Policy of Town of Amherst. I agree to adhere to this policy and will ensure that any employees working under my direction adhere to this policy. I understand that if I violate the rules set forth in this policy, I may face disciplinary action up to and including termination of employment.

Name: _____

Signature: _____

Date: _____

TITLE: SUBSTANCE USE POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04500-06

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Replace all non-gender-neutral terminology (his/her) with gender-neutral terms (they/them/their); addition of new positions to be defined as "safety sensitive" positions; provide clarity that the Town will support an employee who may be undertaking treatment for substance dependency when appropriate and operationally viable; add roles and responsibilities for Human Resources staff; minor grammar revisions	Director, HR and Customer Services, Crossman	Council	

Minutes reference date: April 29, 2019

SYNOPSIS

Industrial Park Land Purchases

Currently there are five undeveloped properties in the Industrial Park that are owned by Invest Nova Scotia. Subject to ministerial approval, Invest Nova Scotia staff have expressed a willingness to convey the subject lands to the town at Net Book Value, plus any associated legal fees and closing costs.

Taking ownership of these remaining undeveloped properties will give the town more direct control over their eventual sale and development, which will support Council's strategic priority to expand business in the park.

MOTION:

That Council approve the purchase of Lots W, 8B, 21, 46, and 55, at Net Book Value, plus closing costs for future industrial park development.

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Andrew Fisher, Director of Planning and Strategic Initiatives

DATE: January 22, 2024

SUBJECT: Transfer of Ownership of Invest NS Properties to the Town of Amherst

ORIGIN: Industrial Park Expansion is a 2023 Strategic Priority.

LEGISLATIVE AUTHORITY: MGA 50(1) *In addition to matters specified in this Act or another Act of the Legislature, the council may acquire and own property granted or conveyed to the municipality either absolutely or in trust for a public or charitable purpose and MGA(5a) A municipality may acquire property, including property outside the municipality, that the municipality requires for its purposes or for the use of the public.*

RECOMMENDATION: That Council approve of accepting ownership of PID# Lot 46 (PID 25033499), Lot 21 (25004797), Lot 8B (PID 25004763), Lot W (PID 25004938), and Lot 55 (PID25003211) from InvestNS for future industrial park development.

BACKGROUND: Under the umbrella of Council's strategic priority of the industrial park expansion, a review of vacant properties in both the current industrial park and the Race Track Road area has been undertaken to evaluate the market demand for industrial properties in order to determine the feasibility of an expansion. There currently are two large and three smaller properties still undeveloped in the existing park owned by InvestNS who does not actively market or promote them. It is considered a priority by staff to actively market these properties as their development weighs into the feasibility of a future industrial park expansion. Staff have discussed with InvestNS, the opportunity to convey at net book value, five NSBI lots to the Town of Amherst.

DISCUSSION: As property owners, InvestNS, originally NSBI, was responsible for the promotion of the property and negotiating with potential investors for business development. This effort has been waning in recent years. Taking ownership will allow the Town to promote and advertise these properties and actively pursue development opportunities. If the Town expresses interest to take ownership of the properties, a formal letter of request will be sent to InvestNS staff who will issue a memorandum to the Minister of Economic Development for approval.





AMHERST TOWN COUNCIL

RFD# 2024001

Date: January 22, 2024

FINANCIAL IMPLICATIONS: InvestNS will sell the properties to the Town of Amherst at Net Book Value. Legal fees for migration and closing costs will be the responsibility of the Town. The Town will realize a financial gain from the eventual sale of these properties at market value, and future property tax assessment.

COMMUNITY ENGAGEMENT: No community engagement is necessary.

ENVIRONMENTAL IMPLICATIONS: The subject properties are located adjacent to existing infrastructure and therefore ready for development.

SOCIAL JUSTICE IMPLICATIONS: Future development of the Industrial Park will grow employment opportunities and attract a larger workforce stimulating economic growth and further development in other sectors.

ALTERNATIVES:

1. Council does not approve the acquisition of the subject properties.

ATTACHMENTS: Property maps of the subject properties.

Report prepared by: Jeff Bacon, Business Development Officer
Report and Financial approved by: N/A



TUPPER BLVD., Lot 46 (5.75 Acres)



PID 25033499

TANTRAMAR CRESCENT, LOT 21 (5.78 Acres)



PID 25004797

Tupper Boulevard Lot 8B (1 Acres)



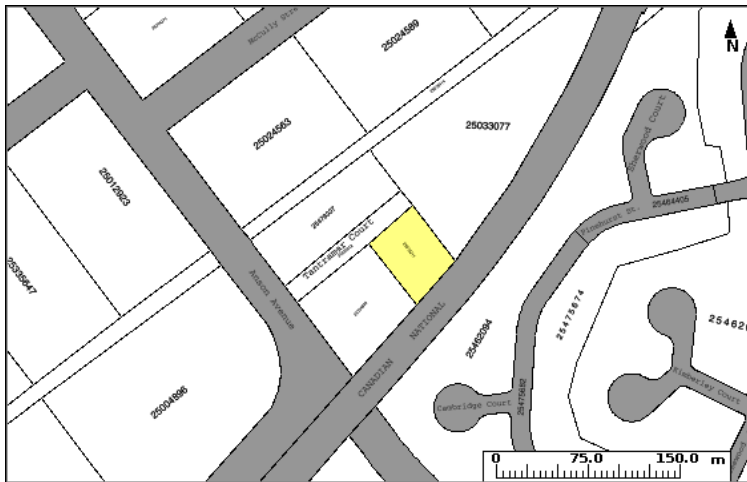
PID 25004763

Tupper Boulevard Lot W (5.48 Acres)



PID 25004938

Tantrammar Court Lot 55 (0.65 Acres)



PID 25003211

SYNOPSIS

Library Funding

The Cumberland Public Library is headquartered in Amherst but serves 5 locations around Cumberland County. They offer books, movies, TV shows, E-books, magazines, audiobooks, & more, downloadable audiobooks and e-books, Two digital services: Libby & Hoopla. They had over 24,000 items checked out last year! They also offer Accessible Products Braille, CD Audiobooks, and Large Print.

While a new funding formula is being negotiated with the Province, the Library is at risk of decreasing hours if the bridge funding is not received.

The cost to ensure the Amherst Branch of the library does not have to reduce hours between January and March 31, 2024 is \$6,000.

MOTION:

That Council approve of the request from the Cumberland Public Library for bridge funding in the amount of \$6,000.



AMHERST TOWN COUNCIL

RFD# 2024006

Date: January 22, 2024

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Sharon Bristol, Director, Community Living

DATE: January 22, 2024

SUBJECT: Library Funding

ORIGIN: The Cumberland Public Library presentation to Council at the November COW gave a state of their operation and further requested bridge funding for the 2024 operation of the library from January to March 2024.

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

RECOMMENDATION: That Council approve of the request from the Cumberland Public Library for bridge funding in the amount of \$6,000.

BACKGROUND: As per the motion of council “Moved By Deputy Mayor Fawthrop Seconded By Councillor Davidson That the CAO be directed to inform the Chief Librarian that a one time bridge financing of \$6,000 be provided to the Cumberland Public Library to be used exclusively to maintain the current operating hours at the Amherst Branch until March 31, 2024, to be formally approved by Council at the January Council meeting.

MOTION CARRIED

DISCUSSION: The Cumberland Public Library is headquartered in Amherst but serves 5 locations around Cumberland County. They offer books, movies, TV shows, E-books, magazines, audiobooks, & more, downloadable audiobooks and e-books, Two digital services: Libby & Hoopla. They had over 24,000 items checked out last year! They also offer Accessible Products Braille, CD Audiobooks, and Large Print. The Library is at risk of decreasing hours if the bridge funding is not received.

FINANCIAL IMPLICATIONS: Financial contribution of \$6,000.

SOCIAL JUSTICE IMPLICATIONS: Not approving this funding could result in reduced hours at the Cumberland Regional Library.

ENVIRONMENTAL IMPLICATIONS: None

COMMUNITY ENGAGEMENT: None





AMHERST TOWN COUNCIL

RFD# 2024006

Date: January 22, 2024

ALTERNATIVES: 1 Deny the funding request
 2 Defer to next month

ATTACHMENTS:

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



Internal Committee Report

Planning Advisory Committee

January 2024

The Planning Advisory Committee met on Monday, January 8, 2024 at 4:30p.m. in Town Hall Council Chambers, at which time a motion was passed that the PAC recommend that Council approve a development agreement for 15 & 31 East Victoria Street to allow construction of a 6-storey mixed-use building in addition to the already approved 3-storey apartment building on the same land.

Internal Committee Report

Amherst Board of Police Commissioners

January 2024

The Amherst Board of Police Commissioners is scheduled to meet tomorrow, Tuesday, January 23, 2024 at 3:00p.m. in Town Hall Council Chambers. A full report will be provided at the next Council meeting.

Internal Committee Report

Inclusion, Diversity, and Equity Committee

January 2024

The Inclusion, Diversity and Equity Committee met on Wednesday, January 17, 2024 at 6:00p.m. in Town Hall Council Chambers.

An election of Chair and Vice Chair took place, with Councillor Davidson being elected as Chair, and Councillor Landry being elected as Vice Chair.

The Committee reviewed Goal 1 of the Strategic Plan, with a motion being passed that the Chair write to the Chairs of the Accessibility Advisory Committee and the Poverty Reduction Committee inviting them to a workshop to collaborate on goals and the potential of hosting a summit with local businesses, organizations and other community groups to address what can be done to make our community more inclusive.

The Committee reviewed both the draft Employment Equity Policy and the Territorial Acknowledgement Policy, and was asked to email staff with recommended amendments for staff to consider by Friday, January 26.

The Committee was advised that the Chignecto Isthmus Exhibit “Revealing Chignecto: The Stories Within” will be on display at Town Hall from May to July 2024.

The Committee also discussed African Heritage Month for which a proclamation and reception has been scheduled for February 1st at 11:45 in the Town Hall Lobby. Discussion ensued around a flag raising for this event, staff will investigate this further.

A motion was passed that the Committee recommend to the CAO that any internal inclusion, diversity and equity training be offered to staff and Council, as well as all citizen appointments of all Committees of Council, including the Amherst Board of Police Commissioners.

This most recent meeting was extremely productive and a great reflection of the quality of the citizen appointees’ wealth of lived experiences. It is also important to point out that having a Council representative who is also a member of the Poverty Reduction Advisory Committee and the Accessibility Advisory Committees brings considerable added value to the process.

The next meeting was scheduled for Wednesday, February 28, 2024 at 6:00 p.m.

External Committee Report

Cumberland Public Libraries

January 2024

Rapid Test Still Available

Cumberland Public libraries continues to distribute Covid-19 test at all our locations.

Silent Auction

CPL will be holding an online silent auction in February. Pictures and descriptions of the items will be posted on our website (www.cumberlandpubliclibraries.ca). Bidding will start on February 1st and close on February 12th.

Statistics

In the month of November, Cumberland Public Libraries signed out over 12,769 items, 5,625 items in Amherst alone. This includes books, movies, TV shows, magazines and more.

Also, in November the Four Fathers Library offered 26 in-person programs with 383 people in attendance. The Four Fathers Library had 2,109 in person visits.

Cumberland Public Libraries financial update

Revenue as of November 30, 2023

	Budgeted	As of Date
Province of Nova Scotia	775,400	581,550
County of Cumberland	186,267	139,601
Amherst	87,299	65,475
Oxford	10,334	7,751
<i>Sub Total Requisitions</i>	<i>1,059,300</i>	<i>794,377</i>
Board Generated Funding (includes grants, fundraising, cost recovery, donations, etc)	119,300	118,642
Total Revenue	1,178,600	913,019

Expenditures as of November 30, 2023

	Budgeted	As of Date
Salaries and benefits	1,014,450	715,943
Library Materials	105,930	58,866
Vehicle Operation	9,050	3,448
Operating Expenses	116,600	68,574
Program Expenses	13,000	10,185
Board & staff - training and travel	9,300	5,107
Accessibility	4,000	50
Automation	27,000	15,855
Grant disbursement	1,000	68,243
Total Expenses	1,300,330	946,271

Next Board meeting is February 20, 2024.

External Committee Report

Cumberland YMCA

January 2024

Membership

We currently have 1611 Members with 181 of those being Assisted Members. Current promo is two weeks free when signing up for a continuous membership.

Fitness/Aquatics

The new Winter Group Fitness schedule launched on January 7. Our Live Well program leader implemented a Dance for Health: Seniors' program which started on Friday, January 12.

Four Town of Amherst swims were held during Christmas break with an average attendance of 42 participants.

Group and private lesson registrations have started. We currently have 138 participants enrolled for group lessons with registration ongoing. We have 39 participants currently registered for private lessons.

Plans are underway for a Bronze Cross course in February.

Community Development

The Santas for Seniors program completed on December 22 and there were over 500 gifts given out this year to Seniors all over Cumberland County. This year the RCMP supported the program by delivering all the individual gifts in the County. Walmart also contributed 30 food boxes and \$1000 donation towards the Santas for Seniors program. The support from community members and RCMP made a big difference for the community development team to have all the gifts delivered on time. This program is purely donation based and has such an amazing impact at a critical time of year for people. Ellen Gaudet, diversion support worker, organizes the entire program and deserves every thanks we've received.

Donations/Fundraising

The Coldest Night of the Year will be held on February 24, 2024 with registration open. We currently have ten teams registered and one food sponsor.

On December 19 we had the honor of presenting Peace Medallions to River Hebert/Joggins and Area Development Association and Corey Chiasson.

External Committee Report

L.A. Animal Shelter

January 2024

In 2023 we adopted out more animals than ever before! Just over 650 cats, kittens, dogs and puppies! This only further illustrates the need for our new building.

On December 9th we hosted our Paws 'n Claus Gala. It was a sold-out event that raised over \$16,000. That night we were able to announce that we are over 80% funded - with donations already made and the future commitments of organizations like the Town. We are confident we will be able to begin construction later this spring and will be in our amazing new facility by 2025! We operate in such a wonderful community; at times the support has been overwhelming. Everyone at the shelter is so very excited and grateful to start this next chapter and be able to provide the best care to all the animals that find their way to us.

We are currently planning a Valentine's play. This should be a wonderful fundraiser for our new building - getting us even closer to our goal.

Thank you so much to the Town for your continued support.

External Committee Report

Municipal Alcohol Project

January 2024

The committee met on January 2nd at 1:30 via a Teams meeting.

During the Holidays the Community Health Boards sent out recipes for alcohol free drinks with our group attached through Facebook. This was done on December 21st and from then until January 2nd there were 2772 people reached with various interactions on the post. Again, this seems to be a successful way to reach people with a positive message about celebrations and alcohol free drinks.

In December MADD Canada did several road side check points. There was one in Amherst and both Councillor Davidson and I attended. There were also checkpoints in Springhill, Oxford, and Pugwash.

In December we received many recipes for non-alcoholic beverages and will be showcasing a few of these during our town's Winter Carnival.

Next meeting will be Tuesday, February 6th at 1:30 via Teams.